

# An Assessment of the Role of Customs Institutions in Facilitating Women's Informal Cross-Border Trade Activities in Southern Africa: The case of Zimbabwe

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**Abstract** – *The paper scrutinizes the role played by customs administrative systems in facilitating women's cross-border trading activities. Customs and revenue collection authorities are mandated to extract taxes by implementing just and fair duty regimes. Developments in recent decades have emphasized a need to safeguard women's rights and inclusion in economic systems. Despite all efforts in ensuring gender equality research has proven that women have remained marginalized. With World Customs organization (WCO) conventions which include the Trade Facilitation Agreement (TFA) and Revised Kyoto Convention (RKC) in place, it is the responsibility of the customs administration to align their laws, policies and procedures to ensure that women in Informal Cross Border Trade (ICBT) are also covered and their operations protected. Gender equality and diversity play an important role in the achievement of economic and social transformation and this has been reinforced by the inclusion of gender equality in the Sustainable Development Goals (SDGs). The article seeks to explore how customs administration can enhance intra-regional trade by managing and regulating informal cross-border trade activities in a gender-sensitive and responsive manner.*

**Keywords:** *customs administration, trade facilitation, women, cross border trading, WCO, regional integration*

## 1.0 Introduction

This article contributes to the discourse on regional integration theory and gender equality and how the concept of trade facilitation can be integrated to ensue better socio-economic outcomes for women. There is a gap in analyzing informal trade through regional integration lenses as it undervalues and overlooks the immense contributions informal trade makes to intra-regional trade in Southern Africa. It is imperative to explore how women (and the cross-border trade) can benefit from the global trade facilitation drive whose emphasis on reducing trade associated costs. The paper recognizes the crucial role of customs institutions role in facilitate trade and assesses how these institutions can aid the development of initiatives to assist women embarking in cross border business activities. In this paper, trade facilitation is defined as the easing of requirements at points of entry to allow legal trade to move in an efficient and effective manner to the businesses. The easing of requirements should be extended to both formal and informal traders that operate through these borders.

## 2.0 Background

According to Polner (2011), globalization has caused interconnectedness and integration of different economies eventually influencing economic growth and social development. Globalization has put pressure on to roll-out fast-tracked trans-border governing systems to remove trade barriers. Regional integration is regarded as the solution to the challenges being experienced in the continent due to its small and disintegrated

economies (Hartzenberg, 2011). According to Oloruntoba (2018), regional integration is urgent in Africa because the majority of African states are landlocked, smaller in size, and limited in their capacity to drive structural transformation. However, the failure to formally acknowledge and recognize the contributions of women-in-cross-border-trade (WICBT) to the growth and development of individual and regional economies has doomed African integration efforts.

By sidelining non-state actors, such as informal cross-border traders, such regional integration fails dismally to achieve inclusive integration and sustainable economic growth. The continued marginalization and often criminalization of WICBT activities has resulted in integration that fails to address topical regional issues. These topical issues, reflected in the envisioned benefits of regional integration, include employment creation; poverty eradication; enlarged markets for African products (goods and services) and achieving sustainable economic development. According to Wild et al (2010:246) regional economic integration is a process by which countries in a geographical location cooperate to reduce barriers to the flow of people, products, and services. This is achieved through harmonized policies upheld by legislative and regulatory alignment. After formulation, policies are implemented by member states (through customs institutions and points of entry) under the guidance of Regional Economic Communities (RECs). As trade in Southern Africa is dominated by informal trade it follows that regional integration efforts should include WICBT from the outset. The study illustrates the merits of regional integration that recognizes and embraces informal trade and WICBT as opposed to the current strategy of constraining informal trade with formal trade requirements. Customs institutions play a crucial role in the manifestation of regional trade policies and it is this role that is yet to be fully explored through research. Customs institution face many challenges that include intricate governance regulations, the globalization of business and trade, poverty reduction, and environmental protection.

This article predominantly focuses on the nexus of WICBT and customs institutions and challenges associated with efforts by customs institutions as they make efforts on the redefining their role on facilitating trade but also on ensuring acquiescence with guidelines and rules pertinent to the movement of goods across the border. The paper seeks to find ways to ensure that the implementation of regional trade policies is gender-responsive and gender-sensitive. The scrutiny and evaluation of the customs institutions' capacity to translate regional trade policies to actual rules and regulations is crucial to ensure policies also benefit marginalized groups in informal traders and WICBT.

Mwakisale and Magali (2015), Masango and Haraldsson (2010) and Yussuf (2014) have proved that WICBT constitute the majority of ICBT in sub-Saharan Africa. Research posits that ICBT can be turned into a vibrant micro- entrepreneurial reality with significant potential to alleviate poverty and empower women if gender-related concerns are addressed. There is, therefore, an urgent need to assess the role those national customs institutions can play to ensure gender equality (and inclusion of WICBT in policy formulation implementation and beneficiation) in line with the international standards and conventions. Adopted measures must acknowledge women as the dominant demographic in ICBT, incentivize ICBT as well as ease regulatory processes associated with ICBT.

### 3.0 Objectives of the paper

- To understand the role of customs institutions in trade facilitation in line with Trade Facilitation Agreement and Revised Kyoto Convention on simplification and standardization of policies and procedures.
- To identify measures to be adopted by customs institutions in facilitating ICBT in Southern and Eastern Africa.
- To identify customs institutions' challenges hindering women from contributing to intra-regional and domestic trade through ICBT.
- To identify measures to be adopted by customs institutions to enhance gender equality and inclusivity (especially of ICBT concerns) in FTA policies and beneficiation.

#### 4.0 Conceptual framework

There are various concepts surrounding the trading across the borders by women. The paper expounds on trade facilitation as a major concept under debate globally and pivotal to this study. Trade facilitation is a generally accepted concept that has been aligned to easing of businesses across the borders. Regional integration, which is regarded as a mechanism to allow for expansion of markets for cross-border traders, is under scrutiny here. It is vital to assess the impact that regional integration has had on gender issues as people and companies trade across borders, as well as how trade facilitation can assist WICBT trade regionally and globally. Regional integration refers to surrendering of state sovereignty as agreed by a group of countries as they approve to collaborate in certain areas common to them. Kiratu & Roy 2010, Ackelo-Ogutu (1996) posit that regional integration actually started with WICBT as the trade is premised on traders (mostly women) bringing goods from easily accessible neighboring countries for reselling in their home countries. With this pseudo-feasibility study a success formal regional integration was born, conjoining countries through regional trade agreements on the basis of geographical location, proximity of states and common interests. This paper explores how customs institutions can aid the attainment of common (and WICBT) interests (gender equality and inclusive and sustainable economic development) through trade facilitation.

Trade facilitation is an all-inclusive and integrated approach that seeks to simplify trade transaction processes. According to Otsuki, Honda, and Wilson (2013), trade facilitation is synonymous with modifications in the cross-border trade with emphasis on customs reforms and the modernization and simplification of procedures and policies. Rippel (2011) identifies competitiveness, physical infrastructure, logistics, and transport services as an extension to the traditional customs-border-transit management. Trade facilitation is best understood customarily as measures designed to smoothen the cross-border transactions between countries and comprises diverse efforts that aim to reduce transaction costs connected to the enforcement, regulation, and administration of trade policies across borders (Iwanow & Kirkpatrick, 2009). This entails an expanded approach that acknowledges the importance of making trade transactions easier for better business results.

Transparency, simplification, harmonization, and standardization are the four key principles in trade facilitation. ICBT, mostly women, cross borders at a more frequent rate than formal traders and therefore stand to benefit more from the adoption of trade facilitation principles at border points of entry. Trade facilitation is defined as popularization and harmonization of international trade procedures where trade procedures are referred to as the activities, practices, and formalities involved in collecting, presenting, communicating, and processing data required for the movement of goods in international trade (WTO 1998). According to Estevadeordal (2017) trade facilitation provisions are directed to target the challenges of the trade such as duplication of the required documentation, transparency issues, and the absence of automatic data submission procedures.

The main aim of the trade facilitation initiatives is for the betterment of proficiencies of existing regulatory trade architecture and maintaining of the already building momentum of globalization through trade liberalization. There have been questions as to how trade facilitation can be directed to the benefit of informal cross border traders who are unrecognized by policymakers at both national and regional level. The study explores how customs administration can make use of the concept of trade facilitation in assisting women in ICBT. Key to the trade facilitation is the recognition by customs authorities for the need to assist businesses, formal or informal, in cutting costs on cross border transaction.

#### 5.0 Methodology

The paper seeks to contribute to the debate of how customs institutions can influence the business activities of WICBT by adopting trade facilitation initiatives. The study adopted a qualitative approach in the collection of data for the research. Key Informant Interviews (KIIs) and desktop research were chosen. Forty Women involved in cross-border trading were interviewed at the Beitbridge border post and Chirundu One-Stop Border post. The KIIs asked WICBT respondents how trade facilitation can be used to expedite cross border transactions. Data was analyzed by establishing cross-cutting themes in KII responses and these were then collated to formulate summarized conclusions in the preceding subsections.

## 6.0 History of women in informal cross border trading

There is a global increase in the volume of trade (both goods and services) across the borders as well as human traffic, the same is true for Southern Africa. This increase in human and trade volume puts pressure on the region's dilapidated and outdated infrastructure while political instability and gender inequality have exacerbated the situation. There have been efforts at the international level to incorporate gender-related issues in the policies and rules and regulations of customs institutions. As revenue collectors and custodians of border points of entry it is the duty of customs institutions to ensure trade facilitation is not only inclusive but also protects the rights of all citizens across gender lines.

The customs institutions exist to ensure the fair implementation and manifestation of regional trade policies in a manner that is inclusive for the benefit of their individual countries and the region as a whole. This is a major goal of the Free Trade Areas born out of regional integration efforts. This paper highlights the marginalization and exclusion of women in regional trade policies and proposes ways in which customs institutions can ensure inclusive integration policies that benefits all country member and regional citizens equally across the gender divide. Olutayo and Aderin (2005:64), assert that ICBT contributes significantly to African trade. Efforts to have it grafted into the formal sector have faced resistance and yet research has shown it to contribute about sixty percent of trade in Africa (Olutayo 2005). These sentiments are echoed by Matsuyama (2011), who opines that ICBT contributes tremendously to the intra-African trade by elevating women's socio-economic status and guaranteeing food security and peace.

According to Masango and Haraldsson (2010), ICBT is dominated by women who, without any support, are leading the fight against poverty and unemployment. Regional integration calls for trade and economic liberalization in the belief that benefits will trickle down to all traders including women. Futile efforts to have ICBT (and WICBT) recognized at both the national and regional level has undermined the social contract between the traders and responsible authorities resulting in mistrust and accusations and counter-accusations. It is historically the responsibility of the customs institutions to ensure that the legal movement of goods across borders is not hindered as they collect revenue on behalf of nations and enforce policies and rules that safeguard society. Customs institutions can achieve this by investing in the simplification, standardization, and harmonization of their policies, legislation, and procedures (trade facilitation) based on international standards.

Deakins and Freel (2009: 55) observed that throughout the world, female business start-ups are substantially lower than that of men as women face challenges peculiar to their gender. Customs institution needs to create an environment that encourages WICBT and other female led enterprises to venture into trade only then can the goals of integration be achieved, including gender equality and diversity as well as inclusive sustainable economic development. The world has been urged to embrace international trade as one of the tools for sustainable development and this was noted in the mentioning of trade nine times in the seventeen goals of the Sustainable Development Goals (SDGs). According to Bellman (2016) the treatment of trade issues across the 2030 Agenda shows that if the trade is regulated correctly it contributes to growth and sustainable development. In support, the World Customs Organization through its modern customs administration strategic pillars seeks to contribute to the achievement of the SDGs.

The WCO's Economic Competitiveness Package (ECP), which relates to SDG 5, seeks to eliminate any form of gender inequality through Trade Facilitation Agreements (TFAs), Revised Kyoto Convention (RKC) and other conventions and agreements. This is augmented by Article 2 of the Convention on the Elimination of Discrimination Against Women (CEDAW) which demands for concrete consciousness of gender equality. CEDAW was essential to the progress of a jurisdictive principle that sought to join equality between men and women and non-discrimination against women. As state authorities, many customs institutions need to align their requirements with international standards. This, however, poses a threat to their conventional revenue collecting function.

The call for regional integration (through free trade areas and customs unions) has tasked customs institutions with the removal of non-tariff barriers inland and at borders are removed to ensure the smooth flow of trade in goods and services. Non-tariff barriers push up costs for the traders and increase the price of consumer goods, thereby hindering intra-regional trade. The World Trade Organization (WTO) has encouraged its members to adopt trade facilitation measures through the Revised Kyoto Convention (RKC) and the enactment

of the Free Trade Agreement (FTA). These measures are meant to enhance the flow of goods and services across borders with fewer impediments. Sub-Saharan Africa has experienced a surge in informal cross-border trading and the masses are women. These traders, despite their contributions, have not been formally recognized and this has resulted in the continued relegation of their activities to the periphery of trade policymaking. In Sub-Saharan Africa, 70% of informal traders are women and studies show that the proceeds made from the cross-border trade have granted women greater negotiating power in their families (Kiratu and Roy 2010; Laub et al 2016; EAC 2006).

The nineties saw the establishment of two Free Trade areas in Southern Africa and a revived discourse on women's rights and gender, culminating in the Beijing Platform for Action (BPFA) after the Fourth Conference in Beijing in 1995 (Choudbury, 2008). BPFA paragraph 165K states that policies at the national level relating to global and regional trade agreements should address any challenges relating to the marginalization of women in both emerging and previous roles in the mainstream economy. SADC drafted the Gender protocol in 2008 to ensure that member states address the issues of gender inequality as articulated in Article 4 of the Southern Africa Development Committee (SADC) Gender and development protocol. The assumption was that member states through their organs especially customs institutions will do more than just paper commitment and reduce all forms of gender inequality in regional trade, according to Article 154 and 155 of the Common Market for Eastern and Southern Africa (COMESA). Treaty recognizes the critical and important contribution of women to the economic and social transformation of the region (COMESA 2009).

Despite the ratification of all these international gender instruments, gender inequality still persists and the question to be addressed is how customs institutions can drive the attainment of gender equality and promote of gender diversification in cross-border trading to enable it to contribute to regional economic and social development. Gender inequality is said to be costing Sub Saharan Africa on average US\$95- 105 billion a year or 6 % of the region Gross Domestic Product (GDP) jeopardizing region efforts of inclusive development and economic growth (UNDP 2016).

Studies on the factors affecting WICBT singled out customs procedures and processes as a major stumbling block. The paper seeks to identify ways in which the customs institutions can augment other government efforts in ensuring guaranteed gender equality and diversity in ICBT. The promotion of regional intra-trade in Sub-Saharan Africa has failed largely due to the failure of regional integration and trade policymakers effectively address gender inequality and diversity as shown in the study by Masango and Haraldsson (2010). The implementation of regional trade policies is overseen by the customs institutions that have to respond, record and report accurate information on WICBT activities. The failure by customs institutions to identify the correlation between gender inequality and the failure of integration initiatives and policies has perpetuated and, in some cases, exacerbated the plight of women. Literature has shown that despite the ratification and adoption of instruments, policies, and programs at both national and international level gender gaps and disparities pervade all (economic, social, political, and cultural) spheres of life in Sub-Saharan countries.

Studies conducted point that ICBT in Africa is dominated by women and they have managed to manoeuvre for an extended period without much policy support, Mitaritonna et al (2016), Ackello Ogutu (1996), Kiratu and Roy (2010). According to Laub et al (2016) ICBT grants women an opportunity to engage in international trade as an entry point as they fail to enter the formal sector directly. Earnings accruable from ICBT by women contributes to the GDP through tax on importation of goods, custom excise duties and other charges that are sources of revenue to the government George et al (2017). Koroma et al (2017), Afrika and Ajumbo (2012) have demonstrated that if women in ICBT are supported, they can generate significant non-agriculture income and become a catalyst for the creation of value chain in both national and regional trade. In Zimbabwe, 86% ICBT are women. Despite these figures there have been no clear policies from the national and customs institutions to support these women.

ICBT is a major contributor to regional integration by facilitating an increase in intra-regional and global trade, inadvertently increasing Africa's market share of the global market (Njikam and Tchouassi, 2011). It is important to understand that ICBT is here to stay and customs institutions need to acknowledge it to ensure that they plug revenue leakages rather than recommending policies which seek to minimize it. According to Ogalo (2010), the continued official relegation of ICBT has created a haven for powerful, corrupt officials at the borders to benefit from it. The solutions to this situation lie in the direct involvement of women in the formulation and implementation of trade policies and procedure to ensure that their voices and concerns are

addressed. Morris et al (2006), posits that there is a need to understand the socialization process through which women live as a pushing factor to ICBT and assess the impact on their ability to crafting business to ensure that they are not discriminated against.

This article advocates for the inclusion of WICBT in policy formulation design implementation and beneficitation as a means to ensure that WICBT challenges are resolved and to guarantee the attainment of regional integration goals. The trade facilitation concept has influenced customs decisions on how to treat cross border transactions. The customs institutions' efforts have been tilted in favor of the formal businesses at the expense of women in ICBT. The failure to have inclusive procedures and policies on customs institutions has resulted in distortions in trade statistics and weak trade policies which affects the implementation policies. It should be understood that gender equality and diversity are fundamental rights in the United Nations Universal for Declaration of Human Rights 1948. The paper explores on how WICBT may derive benefits from the trade facilitation initiatives which are being implemented at both national and global level mainly targeting formal cross-border transactions. The customs administration has been tasked by different trade agencies for the need to consider the importance of collection of gender-differentiated data. According to Yusuff (2014) there is evidence pointing to the indication that including gender equality and diversity in capacity building and development programs contributes and guarantees sustainable development.

The evidence further shows that trade policies have failed due to the failure by customs institutions to collect records and disseminate gender-disaggregated data. The women need to be understood in the context of their economic and social challenges due to the historical challenges faced by them. This is due to the reason that women have been historically denied access and control over resources. It makes economic sense to acknowledge and pay attention to these gender differences in order to maximize the effectiveness of trade policies in addressing the challenges faced by women in ICBT. There has been continued disregard by customs authorities of the need to refer to the Beijing Platform for Action BPFA paragraph 165P which buttresses the use of gender impact analysis on the development of macro and microeconomic and social policies.

## **7.0 Significance of customs institutions in trade facilitation**

The historical roles of customs administration have been for effecting the collection of revenue, consumer protection, environment and health, safety and security as well as trade policy (Grainger, 2007). These customs functions have been viewed as conflicting with the trade facilitation concept which has dominated the contemporary trade policies.

Responsibilities in relation to the international movement of goods have broadened and will continue to do so, from the traditional role of collection of duties and taxes, to include executing controls and other activities that serve a wider set of government objectives Lobdell (2009). Customs institutions are tasked by the World Customs Organization (WCO) to gather and report trade data differentiated on basis of gender and forward to WCO timeously. According to Lobdell (2009), the WCO views the accepted mission of Customs in the 21st century to be to “develop and implement an integrated set of policies and procedures that ensure increased safety and security, as well as effective trade facilitation and revenue collection.”

There are a variety of measures which have put in place at global level to assist women in ICBT. These include Revised Kyoto Convention and Trade Facilitation Agreement and these should benefit women as they trade. Customs institutions are required to facilitate trade and ensure non-tariff barriers are eliminated which have been seen as a major stumbling block to WICBT As the world embraces the concepts of gender equality and diversity, customs institutions are not left out as they don't operate in a vacuum. With the demand for nations to strive towards achieving SDGs by 2030, there is need contribute to debate on how customs institutions can contribute to intra-regional trade in the ESA region. The paper is contributing to the debate on how customs administration can come up with propositions in enhancing sustainable development, seeking to buttress the importance of having gender-responsive and gender sensitive trade policies if gender equality and diversity are to be achieved. Studies carried out have pinpointed customs policies and procedures as a major barrier to the expansion of Informal Cross-Border Trading which has been viewed as a critical factor in the fight against poverty in the ESA region.

According to research done by Kiratu and Roy (2010), Manjokoto (2017), Njikam, and Tchouassi (2011) women occupy a bigger proportion in ICBT approximately seventy percent. Its attempts to signal how customs

policies and procedures may be adjusted to ensure they areas means of achieving industrialization and modernization through encouraging engendered trade and access of markets.

The Sustainable Development Goals has pressed emphasis international trade and goal number five stresses the need for gender equality. This brings the need to investigate how customs institutions can synergy with Women in ICBT to promote gender equality and diversity. This is essential to capitalize on the already existing informal cross-border trade patterns regionally to improve intra-regional trade which has remained a challenge in Africa as a continent.

## **8.0 Women's experiences at borders.**

The study scrutinizes the role of customs and ministrations in facilitating WICBT. The drive was to find out what customs institutions were doing to women who are already participating in ICBT. The major highlights from the study pointed out that WICBT were not getting adequate help from customs administration in the course of their cross-border trading activities. WICBT accentuated that they were not receiving full recognition from both the government and the border officials as key stakeholders to international trade. The study revealed that WICBT were exposed to harsh conditions in their quandary to ensure that they provide for their families, whilst contributing to the economic development of the country. It was also noted that despite the negative publicity and criminalization of their activities WICBT have followed their dreams. Some of the major issues are as follows:

### **8.1 Documentation and procedures**

Documentation and customs procedures have remained on top of the the list of non-tariff barriers. Major complaints arose from the WICBT pertaining the rigid demands for documentation from WICBT by border officials with custom officials being the most difficult to deal with. The importation and exportation of goods requires a lot of documentation which includes declaration forms, permits, licenses, and other supporting documents. These were all required before authority to export and import was granted. WICBT accentuated that they were not able to obtain all the documentation required and they relied on circumventing the authorities. The requirements for documentation were regarded as a major impediment to the cross-border operations by WICBT. This was against the demand by the WTO FTA to have documentation simplified to ensure trade is facilitated at the minimal cost.

Despite efforts by RECs such as COMESA for simplification of exportation and importation by informal traders through the adoption of the Simplified Trade Regime, WICBT highlighted that they still faced challenges when they get in contact with customs officials and are failing to benefit from duty-free regimes. Challenges pertaining to the requirements for permits and or licenses on some of their merchandise were raised. It was stressed that the issues of permits and licenses in Zimbabwe were centralized and despite where one lives, he /she was supposed to visit Harare, the capital city to get them. This was contributing to increased costs to those who decide to acquire these permits. Without these permits, WICBT were prone to harassment by border officials resulting in them paying bribes to be granted permission to import the restricted goods. The amounts paid ranged between USD 150-500 depending on nature and quantity of goods.

WICBT bewailed the continued failure by authorities to have flexible arrangements on permits when it comes to their importations which are sometimes extemporaneous. On procedures for clearance of goods, WICBT raised the issue of delays in customs for processing of duties and taxes where applicable. The process was viewed as strenuous and time-consuming leading to some being left behind by their transportation as the lodging of documentation into customs was said to be taking between 3-5 working days for commercial cargo and with the costs of accommodation and food juxtaposed with the profit margin, it was seen as impossible for WICBT to follow the official route. Delays due to procedures were said to be contributing to the continued increase in ICBT by women. Women declared that the border processes were not friendly to them as they would be rushing to be with their families whom they would have left for a time. Some women also pointed out that they were facing challenges when they were passing through another country to reach their destination. This was affecting those going to and coming from Angola, Tanzania, and Namibia among others. They showed that they were being made to pay heavy deposits in anticipation of getting refunded at the point of exit. Most of those who had paid deposits were never given back their monies and it affects their profitability as their margins are slim.

## 8.2 Challenges in accessing of information and networks

WICBT highlighted that it was not easy to get information on custom duties and trade from the authorities both at the borders and in the country offices. The customs officials when asked by travelers professed ignorance on anything which seemed to benefit the traders. The WICBT raised that information accessible to them was being passed on by grapevine on changes of policies which sometimes indirectly benefit them but when you approach customs offices, they always tell a different story. To WICBT this was being done deliberately by customs officials to exploit them and they end up paying bribes to import and export goods where duties and taxes do not apply. They also made reference to the nature of their business which made it difficult to follow in any initiatives being done by customs on educating the public on laws and regulations pertaining to customs and trade as they are always traveling. Further investigations revealed that they end up relying on the bus crews who sometimes are not sure and end up instilling fear compelling them to accept paying bribes. To the surprise of WICBT the same officials who would have professed ignorance on the time they would be leaving the country are very knowledgeable when they are importing the goods.

This is seen by their rush to confiscate the goods without explaining in detail how they would have contravened the laws and regulations in relation to any missing information or documents. This has resulted in most traders losing their goods after being confiscated by the customs authorities resulting in bankruptcy or unbearable losses on their businesses. The interaction with WICBT revealed that there were no trade information centers at the crossing points and if any information is given at the inland offices will be different from actual operating procedures at the borders. Concerns were raised against the inconsistencies at the borders manned by the same authorities. WICBT who travel to different countries rose that the customs officials' procedures differ from the border one would have used to enter. WICBT also bemoaned the lack of networks at both the national and regional levels. It was highlighted that the marginalization has been a result of cultural biases and social norms which have made it impossible for women to access formal business networks. This has resulted in them relying on the informal networks comprising of friends and relatives on accessing information related to trade.

## 8.3 Appeal process and procedure

The debate around transgression of laws and regulations by WICBT has continued without a universally agreed position pertaining to penalties and fines which should be levied whilst the trade is facilitation and future repetitive behavior is discouraged. The Revised Kyoto Convention and WTO TFA have all inscribed for the need for sensible fines and penalties with just a deterrent motive and not choking businesses. In instances where they have would have contravened any policies and procedures pertaining to the importation and exportation of goods WICBT are supposed to appeal against fines and forfeiture of their goods by border officials. WICBT expressed dissatisfaction on the appeal process and procedures. They pointed out that when they are harassed or get unfair treatment from the junior officers, they do not get any useful help from the superiors. The superiors' action looks like they are working in cohort with their juniors. It was also noted that there were no clear procedures on how to lodge a grievance with the customs officials as sometimes you are told to write a letter that will be responded to.

This magnitude of intolerance to appeals and queries raised breeds a conducive environment for rent-seeking behavior which adversely affects the WICBT. Some of the issues raised were overvaluation and unlawful detention of goods, harassment by officials, and unnecessary delays at the border. The respondents showed that their issues are not given the urgency they require as they will be traveling by buses which cannot wait for a long time for the issues to be resolved. There are challenges with the laws and regulations pertaining to handling of perishables if regulations are flouted. It was highlighted that WICBT were not given enough time to make any representations and appeals to the authorities before their goods were auctioned by regulatory bodies. In instances where they win their cases against the detention of their goods, they realized that they would have been sold already, only being refunded the amount to which goods have been sold at a lesser cost incurred during the sale.

## 8.4 Harassment by border officials

Harassment by border officials has remained an issue that has been going on for a long time without amicable resolutions. Physical and sexual harassment were singled out as major issues affecting WICBT at borders and inland. The officials harassing them included customs, immigration and security officers to mention a few. In most cases, the WICBT highlighted that these border officials were taking advantage of their ignorance of

rules and regulations. The respondents also highlighted that there were instances of sexual harassment that needed to be dealt with in a manner which restores the dignity of the complainant. However, the existing procedures at the border were not sensitive to these as the issues are resolved under the shed where everyone will be there. Due to fear of victimization, it was difficult to find witnesses even the crew members who witness this time and again. It was seen that due to the discretionary powers bestowed on the customs officials they were now law to themselves. The lack of clear information used by the customs officials when carrying out their work resulted in the abuse and WICBT cried foul for no clear complaints procedure when faced with such harassments. The respondents highlighted that some buses spent less than two hours at the border whilst others can be on the border even up to five hours. This was attributed to the relationship between the crew members and the officials on duty. This was putting pressure on the traders to release the money to the crew which was referred to as facilitation money.

### **8.5 Duplication of functions**

The respondents highlighted that after spending time at the customs borders, in most cases they are stopped at roadblocks just after the border for searches. To their surprise the customs officials will be part of the team in the name of anti-smuggling. Already delayed and rushing to come back, WICBT see this as an unnecessary evil that should be dealt with. The roadblocks will be dotted along the highway conducting stops and searches to already exhausted traders and exposing them to further harassment. This was becoming the norm and WICBT noted that they had registered their complaint but nothing was being done. It was also revealed that even at the border the traders were supposed to visit various regulatory authorities in their offices such as port health, agriculture and Environmental Management Agency and this was taking much of their limited time. This was viewed as unnecessary by traders who expected to be serviced from one position. The study also revealed that even the customs administration had further checks done inside the border before you even exited the gate and this was causing unnecessary delays for WICBT.

### **9.0 Conclusion**

The proliferation of regional trade agreements has created opportunities as large markets are established. The literature however shows that those benefiting from these created markets are differentiated by gender. The population of cross-border traders is skewed in favor of women although they bemoan lack of policy support in their activities. The introduction of trade facilitation at a global level has raised hope for cross-border transactions especially in Africa where thick borders have remained in place resulting in high trade costs. Studies have shown that initiatives have been done to simplify trade on commercial imports recognized by customs officials, neglecting the informal sector which makes a large proportion of cross-border transactions. The paper contributes to the need for customs administration to consider WICBT as they implement the trade facilitation agreement and ensure they benefit as much as the formal sector of the economy. By addressing the needs of the WICBT customs administration will be contributing to fighting gender inequalities in trade and alleviation of poverty.

WICBT has the potential to grow the inter-regional trade in southern Africa. It only requires supportive policies which decriminalize its operations and promotes its establishment within the region. There is need for authorities and institutions to formally recognize WICBT and their activities to ensure that trade policies include their needs. As customs institutions review and implement new policies and procedures there is need to consult WICBT in the design and formulation of any policies, to ensure that the outcome manages to improve their activities across borders. There is need for national and regional authorities to ensure that trade facilitation initiatives are aligned to the needs and demands of WICBT resulting in WICBT contributing to economic development and growth.

There is need for customs institutions to treat these women as critical stakeholders in the businesses across the borders as their interaction is frequent and involves human contact. The customs administration needs capacity building initiatives in dealing with WICBT to enable them to be conversant of regional policies and programs which support gender equality. It is imperative for customs institutions in liaison with RECs to establish information centers around the country, to enable WICBT to access information and make well informed decisions before embarking on their trade activities. It is the role of customs institutions to ensure that appeal procedures and policies are well understood by the beneficiaries and work on modalities that restore the dignity of the traders. The policymakers should work to have inclusive policies that promote rather

than seek to eliminate WICBT. With inclusive policies the intra- regional trade is poised for growth and efforts to have an integrated region will be a reality. There is need for constant engagement between customs institutions and WICBT through their existing structures to ensure there is no information gap which may be utilized by third parties to their advantage. With WICBT supported there is the possibility of growth in intra-regional trade in the region and enhance deeper integration.

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