



# BORDERLAND POLICY BRIEFING SERIES

## INFORMAL CROSS-BORDER TRADE ALONG THE UGANDA-DRC BORDER



UNDP Africa Borderlands Centre, Nairobi, December 2020

### ACKNOWLEDGMENT

The *Informal Cross-Border Trade along the Uganda-DRC border* analysis and research brief was commissioned and produced by the UNDP African Borderlands Centre. The author of this publication was Kristof Titeca, University of Antwerp, assisted by the field researchers Innocent Anguyo, Wilson Bwambale, and Hervé Apiyama Ndele. The work has been overseen and supported by the Africa Borderlands Centre team comprised of Lily Murei, Hugh Lamarque, Antony Mutungi, Kristoffer Tangri, Kehinde Bolaji and Kareen Shawa under the leadership of Zeynu Ummer. We would like to offer our sincere gratitude to Oana Mihai, Sheila Ngatia, Francesca Akello, Lino Ogora, and Innocent Ejolu, for their valuable insight and direction. We thank Karen Kelleher Carneiro for design and layout.

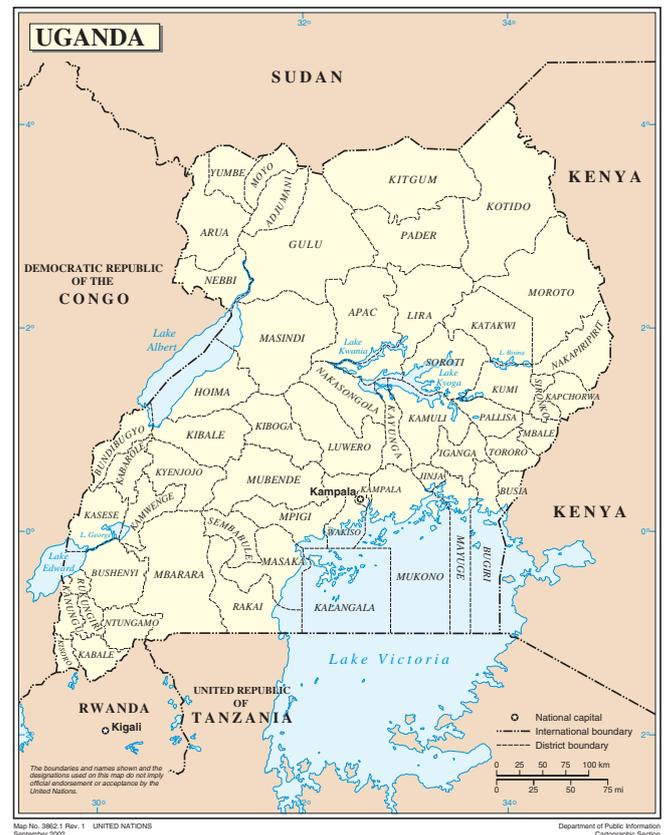
### 1. EXECUTIVE SUMMARY

Informal Cross-Border Trade (ICBT) plays a critical role for Uganda and the DRC. It acts as (i) an essential source of livelihoods for traders and their families on both sides of the border; (ii) a crucial source of foreign exchange, with knock-on effects on employment creation and income; and (iii) an important source of food security and the supply of other products in the border region, by linking up various markets across the border.

These effects play out on a number of levels: (i) locally, ICBT supplies goods for the towns and areas along the Uganda–DRC border; (ii) nationally and regionally, ICBT provides goods to the wider region, on both sides of the border; (iii) globally, more resourceful traders operate on a global scale, importing goods to the borderland from Dubai, Hong Kong, Singapore, Indonesia, and Malaysia. Over the last 10 years, ICBT between Uganda and the DRC has intensified. Informal exports from Uganda have almost doubled, from USD 143.2 million in 2010 to USD 269.8 million in 2018. This intensification is also reflected on a political level: in recent years, there have been a range of bilateral initiatives to improve relations and enhance cross-border trade, such as the removal of non-tariff trade barriers.

While women constitute the majority of ICBT traders, they make less profit than men. This has to do with more limited access to credit, less time (due to household tasks), and the fact that more profitable goods – such as fuel or cigarettes – carry with them risks of harassment or violence from men. Youth also play a central role in ICBT and are explicitly mentioned as a target audience in political initiatives on cross-border trade. The COVID-19 lockdown measures implemented in March 2020, and particularly the closure of borders, had a profound impact on ICBT in the Uganda–DRC borderlands. As ICBT mainly operates between small-scale traders with fragile supply chains, these measures led to an almost complete standstill of trade. The measures further enhanced pre-existing fragilities and inequalities of the trade, notably:

- Women were disproportionately affected by the pandemic and containment measures: they are mostly engaged in small-scale trade with low profit margins and have a less diversified income base.
- There were many complaints about the behavior of Ugandan security officials in the enactment of the lockdown policies.



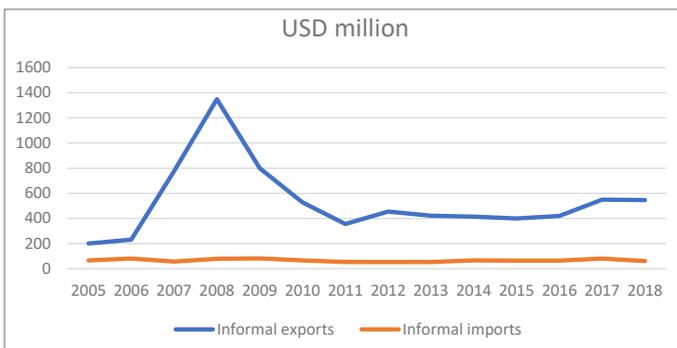
- Uncertain supplies and speculation led to increasing and fluctuating prices throughout the region, and a shortage of commodities.

This research and analytical work undertaken by the UNDP Africa Borderland Centre, aims to analyze the role of – and recent developments in – informal cross-border trade (ICBT) on the Uganda–DRC border in 2020. The policy brief presents key characteristics ,findings and key policy considerations relating to ICBT.

## 2. INTRODUCTION

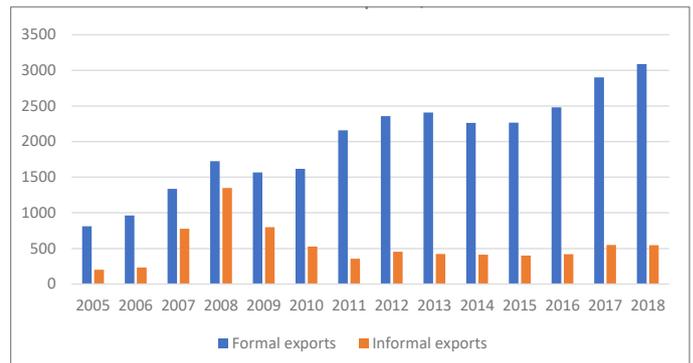
ICBT plays an important role in poverty reduction: Goods are usually “smallholder agriculture commodities that end up being sold in open markets to generally poorer segments of the population.”<sup>1</sup> ICBT is therefore not only a source of livelihood for the traders involved, but also for the population along the borders and the wider region. In doing so, ICBT plays a significant role in the two countries’ national economies – as demonstrated in Graph 1 below, which shows the informal trading flows over the years. In 2018, data collected by the Bank of Uganda (BoU) and the Uganda Bureau of Statistics (UBOS) estimated that the totality of Ugandan informal exports - to all of its neighboring countries - were worth USD 546.6 million, and the totality of its informal imports USD 60 million.<sup>2</sup>

**Graph 1: Informal exports and imports from Uganda, in USD million<sup>3</sup>**



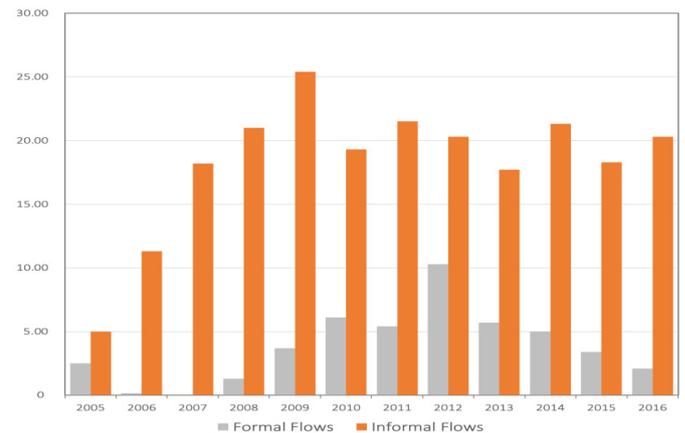
Formal and informal trade volumes have at times been strikingly close: for example, and as shown in Graph 2, in 2008 Uganda’s formal exports were worth 1724 million USD, and its informal exports 1349 million USD (or, 78% of the formal export volume.). It should be noted that even these very high figures in fact underestimate the scale of ICBT: they are based on statistics from official border points,<sup>4</sup> neglecting the many informal border crossings along Uganda’s borders.

**Graph 2: Informal exports and imports from Uganda, in USD million<sup>5</sup>**



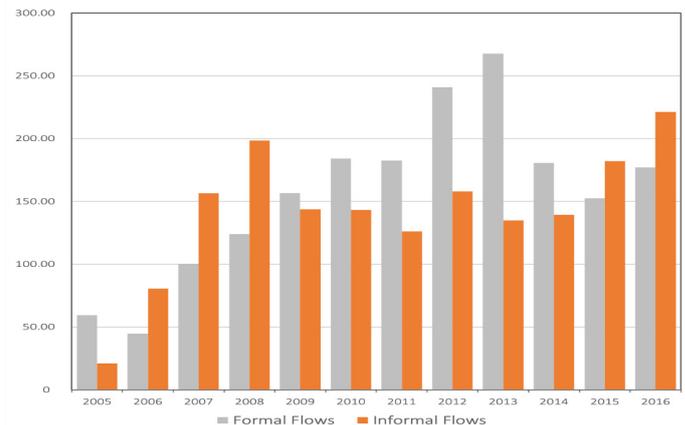
The DRC is a particularly important destination for Uganda’s ICBT, and an even more important source of ICBT ,as can be seen in Graph 3, the informal imports from DRC into Uganda are consistently and significantly higher than the formal imports.

**Graph 3: Uganda-DRC aggregate imports (in USD million)<sup>6</sup>**



Exports from Uganda vary, but in the last years have also been higher than formal imports (as can be seen in Graph 4 below).

**Graph 4: Uganda-DRC aggregate exports (in USD million)<sup>7</sup>**



Informal exports from Uganda have almost doubled in the last 10 years from USD 143.2 million in 2010 to USD 269.8 million in 2018. Compared to other destinations of Uganda’s informal exports, the DRC’s importance has been growing rapidly, accounting for 27.1% of Uganda’s total informal exports in 2010 to 49.4% in 2018 (see Table 1). Informal imports are overall less important for Uganda, and those from the DRC are from a lesser (but still significant) magnitude: of USD 23.3 million in 2018 (see Table 2).

**Table 1: Informal exports from Uganda to DRC, 2010–2018<sup>8</sup>**

Year	2010	2011	2012	2013	2014	2015	2016	2017	2018
Value (USD millions)	143.2	126.1	157.9	135.0	139.5	182.1	221.3	270.0	269.8
% share of total informal exports (vis-à-vis other countries)	27.1	35.5	34.8	32.0	33.6	45.6	52.8	49.2	49.4

**Table 2: Informal imports from the DRC to Uganda, 2010–2018<sup>9</sup>**

Year	2010	2011	2012	2013	2014	2015	2016	2017	2018
Value (USD millions)	19.3	21.5	20.3	17.7	21.3	18.3	20.3	28.7	23.3
% share of total informal imports (vis-à-vis other importing countries)	29	39.9	38.3	32.9	32.4	28.4	31.2	35.5	38.8

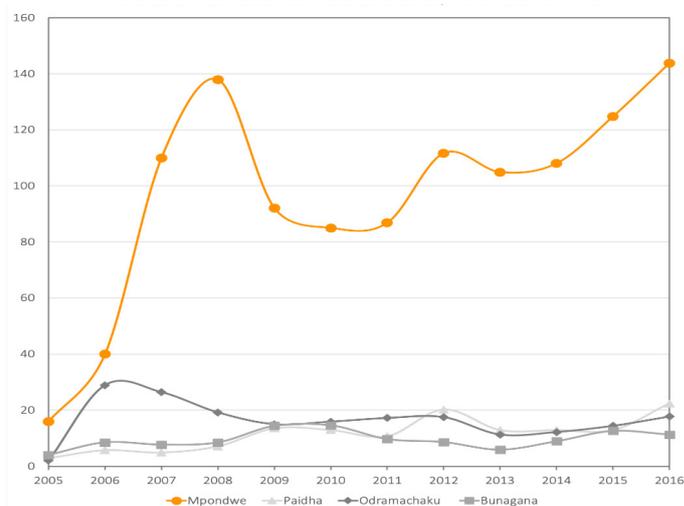
In recent years, there have been a range of initiatives to improve trade relations between DRC and Uganda. This includes those centered on trade. In April 2018, Uganda and the DRC (respectively the Ministry of Trade, Industry and Cooperatives and the Ministry of External Trade) signed a Memorandum of Understanding (MoU) establishing a bilateral framework for enhancing cross-border trade.<sup>10</sup> They agreed to remove non-tariff trade barriers, combined with a range of other measure to boost the trade flow.<sup>11</sup> During a state visit to Kampala in 2019, Congolese President Felix Tshisekedi signed an agreement with President Museveni to construct key road networks connecting the two countries to ease business.<sup>12</sup> In October 2020, the Ugandan government passed a supplementary budget of USD 54 million (UGX 200 billion) for the construction of 223 km of road in the DRC – about 20% of the total cost of the project.<sup>13</sup>

**Field research.** Due to COVID-19 travel restrictions, field research by the author was not possible. This was

instead conducted by three onsite field researchers on a number of key locations along the Uganda–DRC border. Research was carried out in the following key border points: Mpondwe (Uganda)/Kasindi (DRC), Arua (Uganda)/Ariwara (DRC), and Odramachaku (Uganda/DRC). These border points were chosen in terms of their relative importance including such considerations;

- Mpondwe is the Ugandan border point with the most informal exports in Uganda, estimated at USD 149.3 million in 2018 and USD 171.7 million in 2017 (respectively 27.3 and 31.1 percent share of Ugandan informal exports).<sup>14</sup> It is also the second most important border point in terms of imports; importing goods worth USD 10.2 million (or 16.9% of the informal import bill).<sup>15</sup>
- Odramachaku is an equally important border point with the DRC, and is the second biggest informal export point and third most important import point with the DRC.<sup>16</sup> Graph 5 below illustrates these dynamics.
- While no comparative quantitative data are available on Ariwara, extensive qualitative research has shown the strong regional importance of this border market.<sup>17</sup>

**Graph 5: Total Import and export flows, per border posts<sup>18</sup>**



### 3. ICBT ON THE UGANDA–DRC BORDER: KEY CHARACTERISTICS

The majority of goods that are informally exported from Uganda into the DRC are industrial goods. DRC lacks manufacturing infrastructure in many sectors, and where this infrastructure exists inside the country, it is in regions that are often cut off from the eastern border provinces.

As shown in Table 3 below, in 2018, Uganda’s informal exports of industrial goods to the DRC were worth USD 208 million.<sup>19</sup> Manufactured goods such as shoes and clothes (new and used) are popular exports from Uganda.<sup>20</sup>

Besides manufactured goods, ICBT plays an important role in food security for both Uganda and the DRC.<sup>21</sup> Ugandan agricultural goods to the DRC were worth approximately USD 61 million in 2018.<sup>22</sup>

**Table 3: Informal trade between Uganda and DR Congo by commodity category 2016–2018, in USD million<sup>23</sup>**

	2016			2017			2018		
	Agri-cultural	Indus-trial	Other	Agri-cultural	Indus-trial	Other	Agri-cultural	Indus-trial	Other
Export from Uganda	47.9	171.9	1.5	53.8	214.9	1.4	60.8	207.9	1.2
Import into Uganda	15.8	4.1	0.3	22.1	6	0.6	16.7	6.3	0.3

At the same time, the DRC is also the main supplier for imported informal agricultural commodities to Uganda, amounting to USD 17 million in 2018.<sup>24</sup> A list of the most commonly exchanged goods can be found in Table 4 below.

**Table 4: Commonly traded goods in the informal sector between DRC and Uganda<sup>25</sup>**

DRC to Uganda	Uganda to DRC
Minerals, timber, coffee, cacao, petrol, batteries, honey, rice, palm oil, motorbikes, spare parts, batteries, generators, cigarettes, fabric ( <i>kitenge</i> ), groundnuts, millet, perfume, creams, cosmetics	All of the industrial goods listed in “DRC to Uganda”, fish, livestock (goats, chicken, etc), certain agricultural products (tomatoes, onions, beans, etc), cement, beers and soft drinks, salt, cooking oil, soap, clothes, plastic goods, shoes

**Specific trading dynamics in the DRC/Uganda border stem from three key drivers:**

- **A shortage or lack of commodities on either side of the border**, which is caused by, for example, a lack of industrial production capacity, or for cultural reasons. This is particularly noticeable in the major trade flow in livestock (pigs, goats, chicken, cattle, guinea fowls) from Uganda to northeastern DRC where there is less of a culture to rear these animals. Minerals are another important example. Recent research by the

UN Group of experts shows how in 2019, over 95% of gold exports from Uganda had a non-Ugandan origin. DRC gold is particularly important here: the report estimates a minimum of 1,100 kg of gold had been purchased and smuggled out of Ituri alone, which could have generated up to USD 1.88 million in taxes.<sup>26</sup>

- **Different taxation levels.** Cigarettes, motorbikes, rice, and petrol are, for example, cheaper in the DRC, and are therefore popular smuggled commodities (Table D in Annex gives a more detailed list).
- **Cumbersome border procedures, corruption, and harassment,**<sup>27</sup> which leads to the avoidance of official border points.
- **Historically, these trade dynamics have led to entrenched smuggling dynamics in the region,**<sup>28</sup> with certain Congolese border towns serving as entrepôts: storage points not only to trade goods in the wider region, but also (or particularly) to smuggle goods back to Uganda, where they originally came from. For example, goods such as plastic furniture, motorbikes, cigarettes, or fuel destined for Arjwara in the DRC first arrive on the Kenya–Uganda border from Mombasa (where they arrive from further afield, e.g. India, China).<sup>29</sup> As they are in transit to the DRC, they are not required to pay import taxes to enter Uganda. However, upon arrival in the DRC, they are smuggled back into Uganda – and are hence cheaper than if they were imported directly.<sup>30</sup> Minerals play a key role in this: traders (mostly from Ariwara) export minerals such as gold (to for example Dubai, Hong Kong, Indonesia) and use them to buy manufactured goods.<sup>31</sup>

## 3.1 BORDER MARKETS AND BORDER POINTS

Border markets are situated along – and on both sides of – the border. Market days tend to alternate and are coordinated across the border. These border markets are situated in the no-man’s land between two borders and specialize in particular goods. For example, at the Mpondwe border, the Kasindi/Ubiriha border market (on the Congolese side) supplies Congolese charcoal and timber into Uganda,<sup>32</sup> while Mpondwe (on the Ugandan side) is a major supplier for Ugandan livestock into the DRC. This border point registers over<sup>33</sup> twenty thousand (20,000) people passing by on its market days (Tuesdays and Fridays), and six to nine hundred (600–900) people

on other days.<sup>34</sup> Most transactions in the border markets are in Uganda shillings, less so in US dollars.

**Unofficial border crossings play a central role in informal trade dynamics.** These are roads that are not authorized or established by the state, and which are used to evade official taxes. Uganda shares a 765 km border with the DRC,<sup>35</sup> and the border is considered “difficult to control”<sup>36</sup> given the difficult terrain and its geographical challenges. One notable unofficial border crossing is Lake Albert, which is 161 km long and where the patrolling capacity of both countries is considered limited.<sup>37</sup> As a result, the border is highly porous; there are numerous unofficial routes along the Uganda–DRC border.

**Commodity specialization of border points.** Along the Uganda–DRC border, particular border points have specialized commodities. For example, the Odramachaku border point specialized in soft drinks, beer, and livestock; and the Vurra border point (in Uganda) has become the leading source of millet in Uganda (the grains themselves coming from the DRC),<sup>38</sup> attracting buyers from all over Uganda during the harvest season, and transporting goods to regional markets (Kampala, Kenya, or South Sudan).

**Border points are key sites of government intervention.** On the Ugandan side of the border, the following agencies can be found: Uganda Revenue Authority; Directorate for Immigration and Citizenship Control; Ugandan Police Force; Internal Security Organization; External Security Organization; Uganda People’s Defence Forces; Chieftaincy of Military Intelligence; and local government representatives (such as the LCI and LCIII offices). On the Congolese side, five state institutions are legally allowed to operate on the border:<sup>39</sup> The migration department (*Direction Générale de Migration, DGM*); the Customs and Excise Authority (*Direction Générale des Douanes et Accises, DGDA*); the Export Control Agency (*Office Congolais de Contrôle*); the Hygiene Department (*Direction de la Quarantaine Internationale*); and the border police (*Police des frontières*). As has been demonstrated in literature,<sup>40</sup> a wide number of state officials engage in illegal extractive practices. By the end of 2018, “one stop border posts” and “border export zones” were intended to be established in all of Uganda’s key entry ports, with support from the World Bank.<sup>41</sup> There are different levels of infrastructure and capacity on either side of the border. Officially, Uganda charges USD 50 for a visa for Congolese citizens, and the DRC USD 100 for Ugandan citizens. This is not always enforced: on market days, or for people living in/around the border (when visiting less than 15 km away), these fees do not have to be paid.<sup>42</sup>

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## 3.2 INFRASTRUCTURE AND CROSS-BORDER COORDINATION

**Trade volume and border point infrastructure has been expanding over the last 10 years.** Some of the border points, such as Odramachaku (both on DRC and Uganda territory), consisted until recently of temporary wooden structures, though have since come to be replaced by metal structures. Infrastructure investments have not targeted small-scale traders, instead focusing on “facilitating commercial, truck-based imports and exports.”<sup>43</sup> There is no specific border infrastructure catering for the needs of small-scale traders, which at best use dilapidated infrastructure<sup>44</sup> “forcing them to share the clearance area with trucks and other vehicles, which increases insecurity and slows down procedures.”<sup>45</sup>

**There are a number of difficulties in coordination among agencies on either side of the border:**

- **Language problems.** Government officials of both sides complained about this difficulty, as Congolese authorities speak French, Swahili, and Lingala, and the Ugandans English.
- **Misunderstandings about the respective regulatory frameworks.** This includes, for example, what is legal and illegal in both countries. According to Ugandan officials, there have been cases in which Congolese authorities asked them to refund confiscated goods to Congolese traders: the Ugandan authorities had confiscated immature fish bought in Uganda, which is illegal under Ugandan law. The Congolese authorities asked the Ugandan authorities to refund these.
- **Borders are governed in a fragmented manner, with a multitude of actors present.** Border crossings are characterized by a “plethora of agencies with overlapping interests.”<sup>46</sup> An International Organization of Migration (IOM) report on Ugandan border posts argued how this was “particularly evident at the smaller border crossing points where the number of travelers per week only slightly exceeded the number of border officers posted there.”<sup>47</sup> This does not always improve the functioning of the border points. For example, in one border point (Odramachaku) the (Congolese) customary chief wanted to move the border market away from the actual border into the interior, against the wishes of the Congolese and Ugandan traders and customs officials.<sup>48</sup> The result was the de facto end of the Congolese market for several years. Another

example of this fragmentation is how, at the same border point but on the Ugandan side, there is a physical fragmentation of responsibilities, as the migration and clearing office are situated a few kilometers apart, resulting in great inconvenience for the traders. This is an incentive to avoid border posts altogether, particularly for small-scale traders.

- **Coordination problems also occur between agencies within one country.** An over-arching and comprehensive inter-agency coordinating mechanism on border management does not exist; and neither do comprehensive policies governing border management.<sup>49</sup> Given the distance with regional and national headquarters, and the lack of official transport and communication systems, there are limited forms of coordination and monitoring.<sup>50</sup> In Uganda, local customs officials and other state officials have a history of “concealing information from their central coordinators and revenue authorities.”<sup>51</sup> This happens by, for example, underreporting their income and through the non-reporting of informal taxation.<sup>52</sup>

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### 3.3 TAXATION

**Both Uganda and the DRC are signatory to various agreements<sup>53</sup> that regulate regional trade.** The treaty with the most implications for small cross-border trade to which both are signatory is the Common Market for Eastern and Southern Africa (COMESA). It calls for the free movement of goods, services, persons, and labor.

COMESA established a Simplified Trade Regime (STR) facilitating cross-border trade in order to provide instruments and mechanisms tailored to their needs. It allows small cross-border traders to import or export without paying custom taxes on goods that are under a certain value (USD 2,000 for Uganda<sup>54</sup> and USD 500 for the DRC<sup>55</sup>), that appear on the joint list of eligible merchandise, and that complete a simplified certificate of origin. COMESA also set up offices to provide information on trade. In order to enforce these regulations, and protect small-scale traders from mistreatment, the COMESA Ministers of Trade endorsed new regulations on Minimum Standards for Treatment of Small-Scale Cross-Border Traders in December 2014. This in turn builds on the Charter for Cross-Border Traders developed by the World Bank, which will be implemented through the its Great Lakes Trade Facilitation Project.<sup>56</sup>

The Uganda–DRC Memorandum of Understanding of April 2018 further builds on these agreements by

explicitly calling upon “implementing the Simplified Trade Regime at all the common borders on the basis of the agreed common list and the COMESA charter on the minimum treatment of Cross border traders.”<sup>57</sup> More broadly, it calls upon the elimination of Non-Tariff Barriers, amongst others, by “Encouraging the adoption of Trade Facilitation measures as provided for in the Common Market for Eastern and Southern Africa (COMESA) and in World Trade Organization (WTO) initiatives,”<sup>58</sup> and by “Eliminating multiple taxes, charges and fees, on bilateral trade, that are not justifiable.”<sup>59</sup>

**Small-scale ICBT is still prone to extractive practices known as informal taxation,** which can be defined as taxes that are collected outside of the state’s regulatory framework and are unrecorded.<sup>60</sup> This is because many of the aforementioned rules and regulations are not followed. **Informal taxation occurs on both sides of the border but is particularly prevalent in the DRC.** For example, previous research has shown how 66% percent of goods in Ariwara are subject to informal taxation.<sup>61</sup> At the unofficial crossings, Congolese government officials make use of “agents” – civilians who are not on the payroll of a government agency, but who perform governmental functions.<sup>62</sup>

**Informal taxes have a certain degree of legitimacy.<sup>63</sup>** Some traders argue that informal taxes offer more security than formal ones because those pocketing the money are closer to traders’ area of operation than the “inefficient and distant tax officials in Kinshasa and Kisangani.” In the words of one trader: “We understand that we are under the jurisdiction of Kinshasa but Kinshasa is far from us and they don’t give us anything. If you pay unofficial tax, it goes to the people who directly ensure your safety and has a big say in the success of your business. These same people also have to feed their children but they are either paid peanuts or irregularly or nothing at all by the government. You are trading to feed your children and help your family, why don’t you help a brother do the same?” Many traders are also unaware or lack sufficient knowledge of formal taxation regulations.<sup>64</sup>

**Lack of proof of payment makes traders vulnerable to further harassment.** A significant number of traders have to pay additional fees later on or face repercussions. In the words of one Congolese trader: “If you don’t want to have your goods confiscated just pay the money. You may get away with not paying today, but tomorrow you will not. So don’t act too smart, always leave something for the soldiers.” Many traders reported how Congolese soldiers give their mobile numbers to traders who have paid informal taxes in order to protect them: in theory, showing the number to another soldier should be enough to protect the trader. As a result, traders feel the

safest is to “give something to all one might need them in the future.” This also means that when new national-level measures are announced, these are not necessarily applied locally. Kinshasa is both geographically and administratively distant.

**The rate of informal taxation is based on a “moral economy.”** This determines which goods are most needed, and which categories of traders should be taxed less or more.<sup>65</sup> For example, it is common that “regulars” at border stations pay much less in informal tax than others: in one unofficial crossing, this is USD 0.5 (UGX 2,000) as opposed to a higher fee, which can be up to USD 16. Other border crossings use the origin of the trader as a variable. For example, on a border crossing near Kasese, traders from Kampala pay the most, at USD 2.7 (UGX 10,000), while those from western Uganda pay USD 1.6 (UGX 5,000), and those from Kasese USD 0.3 (UGX 1,000). The nature of the goods also plays a role: there is, for example, a consensus that foodstuffs should not be taxed heavily<sup>66</sup> when in small quantities. Some categories of traders do not need to pay tax: women passing with babies and women passing with only small quantities (e.g. a basin of groundnuts or sorghum). Women carrying goods on their heads, or riding bicycles, can pass without paying tax, or pay much less than men. None of these criteria are formal and written down, but they are to a large extent institutionalized – they are practical norms implemented and accepted by officials and traders alike.

**Each border constitutes an ecosystem as a result of local rules and enactments,** with particular understandings of the relevant regulatory framework(s). A good example is the African Union Free Movement Protocol (AUFMP), which includes provisions for the free movement of border residents (article 12). And indeed, Ugandan border residency arrangements do reduce the cost of ICBT by facilitating border crossings.<sup>67</sup> Yet these arrangements are very much localized, not standardized, and informal. In the words of a Ugandan official, “you just know if someone is a local; you just know the person. We don’t have any written rules on this, but you just hear the language, and you know when you meet the person.”<sup>68</sup> In other words, the definition of a border resident differs from border post to border post, and between countries.

**The quantity of consignments generally determines the formality of tax.** In both Uganda and the DRC, large quantities of consignments – such as trucks – usually pay official taxes,<sup>69</sup> whereas smaller quantities pay informal taxes, depending on the amount and the links with the official. As large consignments pay more in this situation, bigger traders can be employed to split up their

large consignments into smaller ones: in this way, they can be smuggled across the border on bicycle or motorcycle and avoid formal taxation.<sup>70</sup> As a result, many trading centers around the border become entrepôts.

Political and security connections play an important role in the payment of taxes, particularly for medium- and large-scale traders. The better connected, the less tax needs to be paid.<sup>71</sup>

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## 3.4 THE SOCIAL CONTEXT OF ICBT AND THE BORDER

**People cross the border frequently and for a number of reasons.**<sup>72</sup> The Uganda–DRC border has historically been a place of intense interaction<sup>73</sup> and exchange ties pre-date the establishment of colonial borders.<sup>74</sup> After the introduction of the colonial border, the Uganda–DRC border has been used and manipulated by a number of categories of people, including cross-border traders dodging tax, or poachers and hunters, who moved freely throughout the region. Of particular importance is the division of similar ethnic groups on different sides of the border. This includes, for example, the Lugbara in northwestern Uganda and northeastern DRC, and the (Ba) nande in western Uganda and eastern DRC.<sup>75</sup> Adding to this are refugee movements going in both directions, which increased contact between the different areas.<sup>76</sup> Notably, the contact between groups on different sides of the border remains close. One consequence of this is that groups of people in the (northwestern) Uganda and (northeastern) DRC borderland to have two National Identity Cards and has reported by those interviewed – a practice that is de facto authorized in the border region. In this way, Congolese traders are able to access loans in Uganda (where there are more commercial banks), or access health care. For Ugandan traders, a Congolese ID allows them to better protect themselves against harassment from Congolese security officials.

**Historical socioeconomic developments facilitated local support of ICBT.** As has been shown in the literature on ICBT more generally,<sup>77</sup> and on the Uganda–DRC border specifically,<sup>78</sup> ICBT is considered a widely legitimate practice by much of the population around the border. One way in which this manifests itself is how the broader borderland community tends to side with the traders, warning them when the authorities arrive. As one intelligence officer outlined: “We would mobilize the security forces and head in a convoy to the unofficial border

crossing, but before we even leave the trading center [Vurra Customs], the members of community are already calling [by phone] their relatives. These are the same people of the same ethnicity and culture who have been separated by the colonialists. They are not going to allow governments divide them. They have each other's mobile numbers. As soon as we leave for operations, they start making calls to their relatives." Sometimes, however, this leads to protests by the local population. For example in the Ugandan border town of Koboko, "a mob attempted to lynch the Uganda Revenue Authority (URA) enforcement officers who were carrying out an operation against smuggled fuel" The mob later burnt the URA car and vandalized the URA offices." Two people died, two sustained injuries, and three soldiers were arrested following these riots.

**Many traders complain about the excessive use of force by government officials.** This is the case on both sides of the border, where officials have been accused of burning merchandise, mistreating and shooting traders, and illegally confiscating goods and traders' modes of transport. In Uganda, traders complain in particular about the Uganda Revenue Officers (URA) enforcement officers and government soldiers (which are seconded for enforcement tasks), who are seen as ruthless. Most complaints are, however, directed towards the behavior of Congolese security officials, who often are accused of erecting illegal roadblocks in order to extract revenue from traders. As one trader commented: "Make sure you are never arrested in DRC, whatever happens try to reach a quick deal with the soldiers and authorities before being put behind the bar."

**Armed groups have used the Uganda–DRC border as a resource in a number of ways.**<sup>79</sup> The mere presence of the border has allowed armed groups to strategically retreat and attack. This includes: NALU and the ADF in western Uganda – rebel groups which operated in a cross-border fashion and which ultimately established itself in the DRC; and the UNRF I and II, and the West Nile Bank Front – all from the West Nile region and who similarly made use of the border as an economic resource. None of these armed groups, however, incorporated ICBT as a central part of their modus operandi. ICBT can be used by armed groups in different ways. On the one hand, trading networks can be tapped into and ultimately militarized by armed groups.<sup>80</sup> On the other hand, conflict itself can create new trading possibilities, such as the ability to tax. An example of this were the '*Forces Armées du Peuple Congolais*' (FAPC) operating in the Cong-Ugandan borderlands (particularly in Ariwara, DRC), whose primary source of income was cross-border trade and taxes.<sup>81</sup>

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## 3.5 WOMEN AND YOUTH IN ICBT

**Women constitute the majority of ICBT traders but earn less than men.** They are considered the "face" of ICBT in Africa<sup>82</sup> and figures from various studies on the Great Lakes region indicate either 74%,<sup>83</sup> 80%,<sup>84</sup> or 85%<sup>85</sup> of ICBT traders are women. They often are the main breadwinner in their families, with ICBT-generated income the main source.<sup>86</sup> However, despite their prominence it has been observed that women are in a "structurally peripheral position" and are less well connected; they also make consistently less profit than men.<sup>87</sup> ICBT for women is mainly a means of survival, rather than growth and development.<sup>88</sup>

**Similar dynamics are at play at the Uganda–DRC border, where there is a marked gendered division in ICBT.** Small-scale trade – mostly in food produce with low market value – is dominated by women, whereas men are more present in the medium- and large-scale trade, selling products with higher value.

### **The differential treatment of women in ICBT ultimately relates to the patriarchal nature of the societies in question:**

- **Access to credit.** Women traders generally have less access to credit such as bank loans, as they cannot inherit land and so lack the necessary collateral. As one woman summarized: "Men want to do business in millions, which I cannot raise. Every time I want to take out a loan from a bank agent, they ask her for land title deed or any other valuable collateral, which I do not have. In our culture, land is inherited by our brothers. The land I live on belongs to my husband; I cannot use it to get a loan." As a result, women usually get smaller loans from community associations (such as saving groups), or from loan sharks, which are active in the trading centers around the border (and which often charge an interest of 20%).
- **Time.** As women are responsible for the household, they lack the time to engage in time-intensive trades. This explains to some degree their role in trading food produce, which is easily accessible in the community and nearby markets. Higher-value goods such as consumer items are deemed more expensive, both in terms of time (they have to be sourced in more distant areas), and in terms of capital (for the product itself, for transport, to stock them). As one woman argued "I cannot commit all the time the business requires like my husband does: I have to make meals for the family, find food for the family, provide care to her elderly

mother in law, do farm work, babysit my son and ensure my children's daily welfare. All my husband has to do is manage his business.”

- **Risk.** The most profitable goods – such as cigarettes and fuel – are considered particularly dangerous to trade in. The use of smuggling routes, travelling at night, and the risk of confiscation are all generally considered too high risk for women. As a trader summarized “You may not know the day the suda [soldier] will confiscate your goods. You may not know when you may get arrested and put into a safe house by the suda. You may never know when you will encounter URA [enforcement officers]. Sometimes we spend days on the road, often sleeping in the bush. This kind of work is dangerous for my wife and sisters. Let them stay home and take care of the children.”
- **Harassment.** It has been shown that woman traders face serious obstacles in ICBT, such as harassment, physical assault, and gender-based violence. Women traders are particularly vulnerable and “suffer disproportionately from the various constraints, challenges and risks related to CBT”<sup>89</sup> – something that is enhanced by the fact that most border officials are men.

**Youth play an important role in ICBT in part due to national demographics and unemployment.** Uganda has a very large young population, with 77% of the population under 30 years old.<sup>90</sup> Unemployment is thus a major problem for this demographic. National youth unemployment rates are estimated between 62%<sup>91</sup> to 70%.<sup>92</sup> These figures only deal with formal employment and highlight the importance of the informal sector. ICBT therefore plays an important role in providing employment for youth – something the Ugandan government is very aware of.<sup>93</sup>

**Youth (particularly young men) play an important role as transporters.** Youth smuggle goods along the Uganda–DRC border on motorbikes and bicycles, and many others are active as traders. It is considered an easy way to make good money, particularly so with small-scale trade, as it allows them to earn a basic income for clothes, food, and so on.<sup>94</sup> A number of those interviewed mentioned they are doing so to pay for their school fees. It is seen as a relatively easy trade to start in: many peers are active in it; it is easily available across the border; and easy to organize. Moreover, little capital is needed, especially for small-scale trade.

**Peers or family members often introduce youth to ICBT.** Many travelled with their parents, uncles, or elder siblings to the DRC, and were in this way introduced to the trade. Some started as children, when they were seen as less suspicious; they would often be asked to make several trips for their parents.

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## 3.6 THE ROLE OF ASSOCIATIONS

**Associations play an important role in the daily lives of traders.** Most of these associations are small-scale and are organized around a particular commodity, geographical location, gender, or nationality. Many of them only have a limited degree of organization and are mostly informal; they are often unregistered or do not have a constitution.<sup>95</sup> They primarily act as an insurance or safety net. They assist the trader in case of losses through accidents, theft, or destruction of merchandise; give out loans; or mobilize resources for funerals and weddings.

**More organized associations defend the interests of their members.** They lobby the relevant authorities in case of arrest or difficulty. On the Congolese side of the border, the Federation of Enterprises in Congo (*Federation des Entreprises du Congo, FEC*) is a key organization, with divisions in all towns, but mainly focusing on larger traders.

**Associations helped traders mitigate the effects of COVID-19.** As the closure of the Ugandan border had a detrimental effect on traders' livelihoods, small-scale traders' associations assisted their members in the form of loans or other (limited) financial assistance. A number of women's groups managed to convince the Ugandan authorities to allow the traders to cross the border with their foodstuffs.

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## 3.7 THE IMPACT OF COVID-19

**Uganda has implemented one of the strictest lockdowns in the world, with notable effects on cross-border trade.** A stay-at-home lockdown was enacted on March 22, 2020, initially planned for 31 days, and then extended for 21 further days. On March 23, 2020 Uganda closed all of its borders, except for cargo truck drivers (with no more than 3 crew members). Soon after, public transport and non-food markets were suspended, and a nation-wide curfew was installed, from 7pm to 6.30am. The lockdown was eased between May 5–8, with shops allowed to open.<sup>96</sup>

**There was a strong disruption in supply and distribution channels.** Internationally and domestically, these were disrupted by the lockdown measures and the closure of transportation and distribution lines. As a result, exports and imports were “slowed down or completely halted by the COVID-19 restrictions.”<sup>97</sup> This had a range

of impacts, such as the loss of perishable and short-life items due to the restrictions on demand and supply.

**Informal businesses were particularly badly affected by the crisis.** One report claimed 46% of Ugandan workers active in the informal business sector were forced into closure or below the poverty line.<sup>98</sup> Reduced demand for products and services, primarily due to reduced incomes and remittances, has further exacerbated the situation.<sup>99</sup>

**The closure of borders had a severe impact on all aspects of life in and around the Uganda–DRC borderlands.** Ugandan state officials and community members were urged to report all cases of people crossing borders; and high-profile Ugandan officials visited the border, such as ministers, police chiefs, and army commanders. There were in particular complaints about harassment by Ugandan security officials (army and police) during this period: as Uganda had closed its border during the crisis, traders claimed that individual Ugandan security officers were acting harshly against those who tried to cross the border. The same dynamic also played out for the unofficial border points: notwithstanding their unofficial status, the security officers also made sure no one passed through them.

**Economically, borders were particularly badly hit.** Uncertain supplies and speculative behavior led to increasing and fluctuating prices throughout the borderlands region.<sup>100</sup> In immediate terms, the cost of trading had increased, as truck drivers had to undergo screenings and long waiting times. This led to unpredictable supply chains of commodities, with shortages of commodities and consequent volatile pricing on both sides of the border (but particularly in northeastern DRC, given its reliance on supplies from Uganda).<sup>101</sup>

**Within the already vulnerable border areas,** ICBT is even more vulnerable, as it mostly operates through small-scale traders with fragile supply chains.<sup>102</sup> Traders mostly physically move with their goods, which makes the trade vulnerable to insecurity and upheaval. The COVID-19 control measures in Uganda therefore brought informal cross-border trade practically to a standstill.<sup>103</sup> Figures from the Ugandan Central Bank show how cross-border informal exports fell by a staggering 99.8% between March and May 2020.<sup>104</sup> Many traders lost merchandise that they were unable to sell,<sup>105</sup> for example agricultural produce or livestock, which they could no longer export. This led to increased financial stress among informal traders, who then often relied on informal loans, resulting in spiraling debt.<sup>106</sup>

**Although the Ugandan border and markets closed, Congolese markets remained open.** Border markets thus “merged” on the Congolese side of the border, and many small-scale Ugandan traders crossed to the DRC to reside there (unable to return due to the closed border). Some traders stayed with family, friends, or acquaintances, while others stayed in makeshift tents near or on the market. Particularly for the latter category, conditions were very difficult and precarious. The tented camps lacked sanitation and infrastructure and so created health hazards; there were also concerns about an increase in criminality (such as theft). Traders complained about increased taxes, as they now had to pay import taxes for goods they normally sold on the Ugandan side of the border.<sup>107</sup> Other traders complained about “foreigner taxes” – taxes that were introduced specifically for Ugandans.<sup>108</sup> These experiences were not uniform along the border; they were, for example, more pronounced in the Rwenzori region rather than in West Nile.

**Restrictions resulted in a diversification of traded commodities.** A major characteristic of ICBT is that most traders deal in a variety of items, in order to reduce risk. As the initial ban in Uganda excluded food markets, traders would shift from non-food to food items as a coping mechanism. Yet, particularly in the initial phase of the lockdown, this was not easy, as it remained difficult to transfer goods across the border. Small-scale traders didn’t cross the border, but instead ferried (part of) their goods by buying space on large-scale trucks going to the DRC: they struck a deal with the truck drivers, who still were able to cross the border. Overall, these were fairly small quantities, but still allowed traders to survive. However, many traders complained about the theft of their goods that were tied to the trucks and of being duped by the truck driver.<sup>109</sup> Other traders complained about being deceived by their Congolese counterpart, as they could no longer negotiate in person; this often resulted in deals to their counterpart’s advantage (e.g. buying Congolese coffee of inferior quality, or the buyer willing to offer less money, claiming the Ugandan livestock is of inferior quality).

**Women are disproportionately affected by the pandemic and containment measures.** Women are mostly engaged in small-scale trade with low profit margins and have a less diversified income base due to domestic unpaid labor. Moreover, the restrictions and regulations were particularly strict in sectors in which women-owned businesses operate (such as trading and services and hospitality).<sup>110</sup> As a result, COVID-19 has affected women traders’ livelihoods and their ability to pay for school fees

or other commitments.<sup>111</sup> It has also further reduced their empowerment, as their independent source of income has been diminished.<sup>112</sup>

**COVID-19 border restrictions for small-scale traders are still formally in place in Uganda.** President Museveni has not lifted these, meaning only truck and cargo transport is supposed to cross the border. The only change is that since September 2020 tourists can again enter Uganda. However, on the ground, many security personnel have been withdrawn from unofficial border crossings, through which cross-border mobility has improved again. This has been implemented unevenly among different borders. It is therefore to be expected that ICBT will take a long time to recover, “in line with the time required for full resumption of cross-border movement and international trade flows.”<sup>113</sup>

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## 4. POLICY RECOMMENDATIONS

An important premise is that **ICBT will continue to be present.** It has been an important historical reality and will continue to constitute an important source of livelihood, and supplier of goods, for many. This should be reflected in policy measures at different levels:

- **ICBT is important far beyond borderlands in terms of poverty reduction and in supplying goods.** Governments and regional organizations should take this into account in the development, revision, and implementation of policies.
- **The formalization of ICBT should therefore not be seen as the solution.** Doing so might “threaten the livelihood of small-scale cross-border trade operators and endanger the economic viability of border communities, as they might be subject to increased fiscal pressure.”<sup>114</sup> Instead, what is key here is improving the trade environment: tackling various other financial and non-financial obstacles, which will help to “deepen regional integration and foster development and income growth in border communities.”<sup>115</sup>
- **The harassment and corruption by government officials (and security officials in particular), constitute persistent problems for traders.** Effective reporting measures should be in place for traders to report on these issues: given that they operate outside of the official regulatory framework (i.e. in informality), many are hesitant to report on abusive practices. This does

not mean that all trade should remain informal: traders should still be encouraged to engage in formal trade. On the one hand, traders should be made aware of their relevant rights and the relevant border protocols. On the other hand, this cannot be done through legal measures alone, as taxation levels remain excessively high for many small-scale traders.<sup>116</sup> Poverty-reduction measures, such as access to micro-credit schemes, are therefore crucial. These should reduce traders’ dependency on loan sharks and improve access to credit.

- **The April 2018 Memorandum of Understanding between Uganda and the DRC<sup>117</sup> contains a series of points of action** that would greatly help to implement these recommendations. For example, by improving infrastructure and security at the borders on both sides, expediting Integrated Border Management systems, or implementing the applicable COMESA Simplified Trade Regime.

Many policies see the world in purely “statist terms” and suffer from “borderland blindness.”<sup>118</sup> Policies should be tailored to borderlands, rather than take a purely state-centric vision. This means that realities on both sides of the border need to be considered. The following issues are key in this respect:

- **Coordination among governmental actors on both sides of the border,** in order to address the following issues:
  - Knowledge of the various regulatory frameworks, in order to avoid misunderstandings of the (il)legality of certain practices.
  - Accountability mechanisms for security officials. Abuses by security officials, on both sides of the border, remains a key concern for informal traders.
  - The implementation of cross-border COVID-19 guidelines.
  - The indirect costs for traders, such as waiting times and harassment.
  - The implementation of COMESA guidelines in improving coordination. COMESA has indicated its intention of developing coordinated border management guidelines. These primarily focus “on measures to facilitate trade and goods rather than corresponding immigration and human mobility requirements,”<sup>119</sup> and it is foreseen that COMESA will provide additional regional guidance in this respect.<sup>120</sup>

- **Border markets should be viewed from a cross-border perspective.** They are in close interaction with each other, with developments on one side of the border (such as closure) affecting the market on the other. As key hubs in ICBT and the daily lives of many at various scales, investment in infrastructure is key.
- **Collective action is a key resource for informal traders.** Further assistance to traders' associations should be given, both in terms of economic capacity building (for example trainings on entrepreneurship and business skills), but also in their ability to interact with governmental actors. This should increase knowledge about regulatory frameworks (such as levels of taxation) or allow concerns to be raised about the (mis)behavior of security officials. Cross-border committees with involvement of traders and government officials could be a key resource in addressing these issues: improvement of not only accountability, but also relations between traders and the community on the one hand, and government officials on the other.
- **Informal traders should be specifically targeted to mitigate the harms from COVID-19 on ICBT.**<sup>121</sup> Unofficial border crossings should be targeted and reopened if possible, and social relief should be provided to informal traders through their trade associations.

In addressing the above issues, specific attention should be given to women. It has been shown how they face more severe obstacles in ICBT, in the form of higher trade costs, more pervasive corruption, harassment, and abuse, as well as time and mobility constraints due to family obligations.<sup>122</sup> It therefore is important to **mainstream gender in border and trade policies.**

## ANNEX

Table 5: Pricing of commodities in Uganda and DRC, September 2020

Commodities Cheaper in Uganda		
Commodity	Price in DRC (UGX)	Price in Uganda (UGX)
Sugar (25kgs)	70,000–80,000	64,000
Plastic bottled soda (a carton)	20,000–25,000	10,000
Cement (a bag)	40,000–45,000	30,000–34,000
Beer (a crate)	60,000–75,000	50,000–65,000
Wine (a bottle)	20,000–100,000	10,000–50,000
Salt (a sachet)	1,500–3,000	900–1,000
Commodities Cheaper in DRC		
Commodity	Price in DRC (UGX)	Price in Uganda (UGX)
Rice (25kgs)	70,000	85,000
Cooking oil (20ltrs)	90,000	95,000
Petrol (a litre)	2,000–3,000	3,200–3,800
Cigarettes (a box)	750,000–1,000,000	1,200,000–1,500,000
Kitenge and wax (a roll)	60,000–120,000	70,000–150,000
Senke motorbikes	2,700,000–2,800,000	2,900,000–3,500,000

Source: estimates by traders

Table 6: List of border crossings in Uganda

Official Border Crossing	District
Bunagana	Kisoro
Busunga	Bundibugyo
Butogota	Kanungu
Goli	Nebbi
Ishasha	Kanungu
Kaiso landing site, Lake Albert	Hoima
Kayanja	Kasese
Kizinga	Rubirizi
Lia	Arua
Mpondwe	Kasese
Ntoroko	Ntoroko
Odrumachaku	Arua
Oraba	Koboko
Paidha/Padea	Zombo
Runga landing site, Lake Albert	Hoima
Tonya landing site, Lake Albert	Buliisa
Vurra	Arua
Wanseko landing site, Lake Albert	Buliisa

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Document citation: Titeca, Kristof (2020). Informal cross-border trade along the Uganda-DRC Border. UNDP United Nations Development Programme, Policy Brief Series, No 2.

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## Contact Information

 [hello.africaborderlands@undp.org](mailto:hello.africaborderlands@undp.org)

 [www.africa.undp.org/borderlands](http://www.africa.undp.org/borderlands)

 [@undpafrica](https://twitter.com/undpafrica) [#africaborderlands](https://twitter.com/undpafrica)

UNDP Africa Borderlands Centre  
Nairobi Thematic Hub  
United Nations Development Programme  
UNON Complex Gigiri  
Nairobi, Kenya