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The Impact of Informal Cross-Border Trade on Kenya-Uganda Foreign Relations

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Abstract
This paper generally discusses the intricate dynamics of Informal Cross-Border Trade (ICBT) and its profound impact on Kenya-Uganda foreign relations. It is observed in this study that, Kenya and Uganda share a similar history, geography and a distinct cultural background, key to their social and economic relations. It is further noted that Kenya plays a significant role in Uganda's history and vice versa, sometimes influencing each other. Both countries are significant trading partners, but mostly informally, which has expanded in the post-independence period. This is attributed to their shared history, culture, and geography. Since the pre-colonial period, communities in the geographical area that came to be defined as the border between the two countries engaged in informal trade. The paper holds that, Informal Cross Border Trade along the Kenya-Uganda border has shaped the foreign relations between the two countries. The study applied territoriality theory to interpret the impact of ICBT on Kenya-Uganda foreign relations. The theory holds that, each sovereign state has authority to manage resources within its borders. The study used both primary and secondary sources. This study demonstrates that ICBT, positively influences Kenya-Uganda foreign relations. It also expands knowledge on the impact of ICBT on foreign relations.

Introduction

The phenomenon of unrecorded trade, also called Informal Cross Border Trade (ICBT), is not only widespread but significant in the functioning of most African economies. Conventional economic analysis has often ignored this ever-expanding sector of the total economy because it does not appear in official reports and statistics. Even though it is unrecorded and not reflected in the national accounts, much economic activity happens. Cross-border trade is more or less "illegal" and inadmissible, and "little" is known about the causes and consequences, organisation, profits, motivation and linkages with the official economy. It is a complex system of formalities rooted in the history of economic development. Over time, survival and growth, ICBT has depended on cross-border trade networks' capacity to adapt to changes in political organisation, transport, and communication (Ackello-Ogutu & Echessah, 2010).

Many African countries had positive foreign relations at independence in the 1960s, including Kenya, in its relations with Uganda, the leading trading partner. The ICBT occurs in all countries, regardless of income level and economic size and encompasses a range of activities, from women selling produce illegally to registered businesses (Hassan, Ndalilah & Manswab, 2023). From pre-colonial times, western Kenya and Eastern Uganda provided lanes for ICBT by developing border markets and twin towns. These markets and towns are intermediaries or receivers but sometimes are a haven for criminals, human traffickers and smugglers. They are inhibited by nationals of both states, transacting businesses without inhibition. Dholuo, Luhya, Kalenjin, Iteso, Karamoja and Turkana languages are spoken, making it difficult to distinguish a Kenyan from a Ugandan and vice versa.

Despite initiatives to encourage trade integration in the EAC, particularly between Kenya and Uganda, there are still obstacles (Abdulai, 2007). Some traders choose illegal trade as a result of these constraints. According to Wilson et al. (2005), ICBT is a source of livelihood and jobs and generally defines a people's well-being. As opposed to formal trade, economic players participate in informal trade due to formal, restrictive rules (Ndalilah, 2012b).

Studies show that ICBT significantly affects ties between Kenya and Uganda due to proximity, shared history, interchange of cultures, and similar agricultural products. It is against this background that an examination of the impact of ICBT on Kenya-Uganda foreign relations, therefore, proceeds.

The Need to Understand the Impact of Informal Cross-Border Trade on Foreign Relations

Much literature is available on the impact of cross-border trade on foreign relations. Previous research on ICBT in the East African region has examined various aspects, including the socio-economic characteristics of informal traders, the role of informal trade in poverty alleviation, and the impact of regulatory frameworks on informal trade dynamics. Similar studies done elsewhere ignored this particular area, and therefore, it exposes a study on the impact of Cross-Border trade on generalised works.

Similarly, research on ICBT is limited, specifically on its impact on Kenya-Uganda relations. While existing literature provides valuable insights, there is still a need for more nuanced analyses that consider the specific context of Kenya-Uganda trade relations and its impact on the foreign relations of the two countries. Therefore, this paper focuses on how cross-border trade between Kenya and Uganda (mainly informal) has shaped foreign relations between the two countries. By addressing this question, the study expands knowledge on the impact of cross-border trade on foreign relations in general and Kenya-Uganda foreign relations in particular.

It will serve as a reference for government officials, academics, civil society organisations, public institutions, and others interested in cross-border trade between Kenya and Uganda. The findings will also provide valuable information to policymakers in Kenya, Uganda, and other East African Community partner states and contribute to developing Kenya-Uganda foreign policy. The study will specifically shed light on the impact of cross-border trade on foreign relations between Kenya and Uganda. Although this paper focuses on how ICBT shapes Kenya-Uganda foreign relations, the findings may be generalised to other African and Third-Western regions.

Materials and Method

The study was conducted in towns along the Kenya-Uganda Kenya border, namely, Lwakhakha, Busia, Malaba and Swam, as well as minor ones, which are the hub for ICBT between Kenya and Uganda. ICBT in these towns is characterised by exchanging goods and services through unofficial channels without government regulation or oversight. It is driven by proximity to the border, weak governance and lack of formal employment opportunities.

The study was conducted in these towns because they are both transit posts and administrative towns along the Kenya-Uganda border. It also recorded both the types of commodities in ICBT and the types of ICBT. Decision makers of both countries, namely immigration officials, other government officials in charge of state-state relations and political actors involved in strategic and foreign policy, either reside there or have at least a foothold in these towns. The study used primary and secondary sources to gather quantitative and qualitative data on ICBT between Kenya and Uganda. This approach allows a comprehensive understanding of trade dynamics and associated factors. Sampling, questionnaire and direct observation were equally employed. In-depth interviews and focus group discussions were conducted with stakeholders, including informal traders, local authorities, customs officials, and community leaders. These qualitative data sources provide insights into informal cross-border trade's socio-economic context and institutional dynamics.

Results and Discussion

An Overview of Informal Cross-Border Trade

There is scholarly debate on the definition and place of an informal economy in international relations. The concept encompasses unstructured activities outside official controls that are often insecure and unstable. Although informal trade has many names and forms, it is excluded from national and regional accounts. Hummels (2006) describes it as the trade not included in a country's or region's domestic and international trade statistics. The policies of national governments heavily influence it, and its success hinges on the ease of crossing borders without incurring tariffs or border charges (Ogutu & Echessah, 2012).

Cross-border trade between continents has gone on for centuries. In the 16th century, Europeans got involved in a global trade network, with the Portuguese pioneering the sea route to the East, followed by the British and Dutch. This way, they could not pay high import duties on commodities through the Middle East.

In Africa, Structural Adjustment Programs have led to an increase in ICBT among unemployed youths, women, and those who lost jobs in the formal sector because of budget reforms (Bonchuk, 2010). Although cross-border trade (CBT) is considered "illegal", the goods are not illegal. The distinction between formal and informal in CBT is typically unclear, as informal trade goods are eventually sold through formal channels (Ndalilah, 2012 a., Bonchuk, 2004). After independence, African states erected borders and enacted tariffs that impeded informal economic activities via barter trade, fueling interest in ICBT between neighbouring countries such as Kenya and Uganda.

Theoretical Framework

Territoriality theory has been used to describe the impact of ICBT on international relations between and among states. The idea of sovereignty, which permits a state to exercise control over territory and possessions within its borders, is the fundamental component of territorialism. Territoriality explains and justifies rights over territory, a geographical area whose stability has considerable influence on the political climate of a country. The theory of territorialism was pioneered by John Locke, who states that territory is an amalgam of individual property rights that influence relations between territories and states. It was first used in 1848 at the Treaty of Westphalia, Europe, to share the spoils of war and recognise European boundaries and entities. The goal is to protect the state's local interests, representing distinct countries' societal norms, values, and policies. Territoriality theory is used to study communities living along a common border and how this has overly contributed to shaping foreign relations between countries sharing the same ethnic groupings through ICBT, as is the case for Kenya-Uganda.

Background to Informal Cross Border Trade and its Impact on Kenya-Uganda Foreign Relations

Several researchers have studied the origins of foreign relations, primarily attributing it to cultural, religious, and historical ties and proximity, among others. Berkovitch et al. (2007) argue that kinship networks have a significant net impact on foreign relations. ICBT in Africa facilitated through kinship ties, both replaces and undermines formal institutions, as loyalty to traditional authority is stronger than to modern statehood. Kinship groups predate European colonisation of Africa, and the modern states modelled along Western traditions. At the same time, Clift (2004) holds that social and religious ties enhance trade in a sophisticated and flexible way. Beliefs and religious ties help people keep their end of contracts and share information without official paperwork in ICBT, lowering transaction costs during business (Fletcher, 2010).

Accordingly, ethnic groups play a major role in CBT. This is the case for the Mourides in Senegal and Gambia, the Hausa in Eastern Nigeria and Benin, the Igbo in Cameroon and southern Nigeria, the Luhya, Kalenjin, Luo, and Turkana in Kenya and Uganda, the Kuria, Maasai in Kenya and Tanzania, the Somali in northern Kenya and greater Somalia among others. This has overly contributed to shaping foreign relations between and among countries. Ndalilah (2012, a.) examines how family ties connect markets and shape foreign relations between countries, noting that the price of goods doesn't change when traded across borders in the same communities.

Informal Cross-Border Trade Commodities on the Kenya-Uganda Border

In 1972, the International Labour Organisation (ILO) created the term "informal economy" and established a definition that has been widely adopted. This ''marginal sector'' can be profitable and efficient and considerably impact neighbouring countries' foreign policy. The ILO created a list of characteristics of the informal economy, including how simple it is to enter, how tiny the enterprises are, who controls them, and how labour-intensive the technology is, to determine the rules and norms. Other characteristics include activities and businesses not regulated by the official wage labour system, activities with low productivity not meeting formal licensing and taxation requirements, and activities not included in a country's Gross Domestic Product. According to Ndalilah (2012a; 2022), rules that govern informal deals are based on a larger social context, such as connections, family ties, local roots, and ethnicity. ICBT is driven by border proximity, weak governance, lack of formal employment opportunities and unfavourable agricultural and macroeconomic policies.

In Africa, there are three types of ICBT: businesses that aren't registered and don't follow any rules, businesses that are registered but don't pay any trade-related taxes and businesses that are registered but partially break the law by using illegal methods (Wilson, 2007). Generally, in East Africa, ICBT goods are delivered in small or big quantities on foot, motorcycles, bicycles, or by land or air (Inegbedion & Ndalilah, 2023).

According to Bonchuk (2010), agricultural and industrial goods are major items of ICBT. Because it is informal, there is no specialisation among traders, which leads to high transaction costs (Amani, 2007). Specifically, commodities in ICBT from Uganda to Kenya include forest products such as timber, cereals, cabbages, cassava, groundnuts, fish, ripe bananas, second-hand shoes and clothes, radios, watches and padlocks(Ndalilah, 2012, a.).Items from Kenya to Uganda are Building materials, Irish potatoes, carrots and manufactured goods; crafts, cooking oil, salt, paraffin, wheat flour, plastic wares, electronic goods, soap, mattresses, polythene, bicycle parts, drinks and general merchandise (Ackello-Ogutu & Echessah, 2010). The importation of these commodities was linked to low prices in manufacturing countries and high profit margins when sold in Uganda.

Modes of Movement Used in Informal Trade on the Kenya-Uganda Border

Several studies have explored modes of transportation used for ICBT. Road transportation is the most popular mode for ICBT between Kenya and Uganda, and it is often preferred due to its accessibility and affordability. Water transport is more expensive but more efficient for large-scale trade. The utilisation of alternative transportation methods varies according to the type of commodity and location of the border (Bonchuk, 2010).

Ngiba, Dickinson, and Whittaker (2009) examine how business works between formal sector and informal traders. About South Africa, they analyse trade networks in the informal market and relationships with suppliers and customers. Khan et al. (2005) note that informal trade is mostly conducted through land routes, with goods transported by vehicle trucks and buses, and through sea routes, with goods transported by ships. These studies provide insights into the functioning of informal trade networks and factors influencing their operations that are relevant to the situation between Kenya and Uganda.

Bouet& Glauber (2018) point out that informal trade is often carried out through unofficial border crossings, which may be unguarded or staffed by residents. In addition, traders use informal means of transportation, bicycles, motorcycles, and trucks for movement across borders and, the high cost of official transportation often encourages traders to adopt these means (Andersson, 2006). However, it is important to note that personal relationships and networks are important when choosing a transportation mode. In the EAC, road and rail transport are the most common modes of transport in ICBT, particularly through informal border posts (Ogalo, 2010). This is driven by the high cost of using formal border posts and the need for speed and flexibility.

Peberdy and Crush (2001) provide a detailed discussion of the means of transportation used in ICBT along the Maputo Corridor. According to the authors, informal cross-border traders use multiple modes of transportation to move goods from one country to another. The most prevalent mode of transportation is road transport, which is commonly employed for smaller quantities of goods. Road transport is preferred because it is relatively cheap, convenient, and can reach remote areas.

Diverse ICBT activities were reported to be conducted by border communities between Kenya and Uganda. Trading in agricultural and manufactured goods across the border was reported to be the major ICBT activity. This is mainly carried out between 5.00 am and 9.00 am and from 3.00 pm to 9.00 pm. However, the peak times differed among border posts and individual traders (Field respondents).

Traders used informal routes due to restrictions at border points regarding certain commodities. Seasonality was reported to be the key determinant for the types and quantities of commodities in ICBT. This explains demand and supply forces on either side of the border as one of the informants said: "*Seasonality is a key determinant of the types and quantities of commodities traded… during food scarcity maize trucks are taken to Kenya while beans are brought in to Uganda''* (Customs Official).

The study emphasises the significance of unofficial trade, its effect on the national economy, and the multiple difficulties it faces, such as inadequate infrastructure, protracted border delays, and high transaction costs (Field Respondent). The study found that *informal trade is conducted through informal and unregistered cross-border trade routes, typically by small traders unable to afford the formal customs procedures* (Field Respondent).

The respondents also hold that *informal trade is a low-cost option for traders and is preferred over formal trade due to its bureaucratic procedures and regulations. It is often done through unofficial and unguarded*

border crossings (Field Respondent). *Regarding transportation, a respondent highlighted the use of informal means of transportation, such as bicycles, motorcycles, and trucks…. The high cost of official transportation often encourages traders to adopt informal transportation* (Field Respondent).

The study notes that personal relationships and networks are important in choosing transportation modes in the ICBT between Kenya and Uganda. Traders rely on trusted people for transport. Using informal means of transportation is a way to avoid costs and restrictions associated with formal border crossings. The most common means of transportation are personal vehicles, cars, vans, and motorcycles. This mode of transportation is preferred as it provides traders with the flexibility, convenience and affordability to transport their goods at their own pace (Chirisa, 2013). Additionally, the respondents note that *some traders use public transport, such as buses, to transport their goods across the border. This mode of transportation is preferred as it is relatively cheaper and more affordable* (Field Respondent).

The study also holds that, despite challenges posed by the use of public transport, such as security risks and delays, it remains a popular means of transportation among informal traders between Kenya and Uganda, particularly those who trade in smaller volumes of goods (Yusuf, Abuga & Ndalilah, 2022). On ICBT routes and commodities traded, it should be noted that the means of transportation in this trade are diverse, including personal vehicles, taxis, minibuses, motorcycles, and bicycles (Nkendah, 2013). One respondent about ICBT along the Kenya-Uganda border further observes that *it is often facilitated by intermediaries, such as traders and transporters, who specialise in cross-border trade and have established relationships with counterparts on both sides. These intermediaries are essential to the functioning of ICBT, providing a critical link between various actors involved, including producers, traders, and consumers* (Field Respondent).

Another respondent observes that; *the choice of transportation used in informal cross-border trade is often influenced by the volume and value of commodities traded* (Field Respondent). The study further holds that the cost of transportation, including fuel, tolls, and bribes, has a significant impact on the competitiveness of ICBT and can have a major impact on the volume and frequency of trade.

Regarding opinion on the impact of informal trade on Kenya-Uganda foreign relations, all respondents agreed that ICBT has a strong impact. They stated that ICBT provides livelihoods and income for individual traders and poses challenges (Ndalilah, 2012c.). It also enhances regional economic integration and cooperation in the East African Community (EAC). All official respondents confirmed this view, noting that ICBT has been passed down from generation to generation and is on the rise.

Beneficiaries of Informal Cross-Border Trade on the Kenya-Uganda Border

The major beneficiaries of ICBT were reported to be women and the physically challenged. Women were reported to have benefited by supporting their children's education and providing for their households. One female trader noted that, as for me, *I feed my children and dress them* (Female Field participant). Other women testified to having acquired plots of land and constructed commercial houses from proceeds of ICBT, as noted by one female participant: *...I serviced the loan I got adequately. I have also bought a plot of land where I intend to settle with my children during my old age* (Female Participant).

The second group of beneficiaries are the physically challenged. They transact their trade without interference from customs officials and government agencies (Inegbedion & Ndalilah, 2023). Besides they have also organised themselves into groups to access financial support and other resources. The youth ranked third in benefiting from ICBT but with limited achievement because they spend their

earnings on social enjoyments such as discos, playing cards, drinking, and promiscuity. One elderly male noted, " *Our youths love quick and soft life*"(Male participant). Men were reported to benefit less since they spend much on polygamous unions and drinking and are weak-hearted in accessing and utilising loans. As for the children, they had minimal involvement in ICBT. The few children in ICBT were errant ones who had escaped from their parents just to earn money. It was reported that these children keep waiting at the gate for the physically challenged with wheelchairs to provide support services by pushing them while transporting their goods across the border points. One elderly woman noted that *children save every coin they get and accumulate big chunks of money they carry back to their homes.* "EIderly woman). Besides, children who are schooling and staying with their parents were reported to be periodically involved in ICBT with the consent of parents during holidays.

Implications of Informal Cross-Border Trade between Kenya and Uganda

ICBT is an integral part of humankind's survival and basic economic arrangement. The informal sector has been described as the unregulated and mostly unregistered sector of the economy (Inegbedion & Ndalilah, 2023). ICBT is operated by artisans, peasants and other micro-entrepreneurs, and regardless of the level of state involvement in the economy, it employs the unemployed and underemployed (Borai, 2013). It also ensures food security by moving agricultural produce and other foodstuffs across borders in both Kenya and Uganda. As the findings in the study indicate, many people are engaged in it in response to unemployment (Inegbedion & Ndalilah, 2023). Although this study did not set out to assess the number of people employed in ICBT, it was evident that many individuals of both sexes were engaged. Equally important is the fact that ICBT activities are, in general, labour-intensive. For example, transporting small quantities of merchandise (mainly as a strategy to avoid confiscation) requires a large labour force before the goods are reassembled on the other side of the border for onward transportation. According to the study findings, ICBT alleviates poverty, binds communities along the border and influences foreign policy formulation (Ndalilah & Niyongabo, 2022). This role is important, particularly as ICBT significantly fosters relations between communities across borders, countries and foreign policy. This powerfully underscored that ethnic identities along the border and, in this case, the Kenya and Uganda border influence foreign relations (Akech, 2012).

Conclusion

The study revealed that ICBT is a major source of livelihood for people living at the border, although it is illegal and a source of unfair competition. Several reasons were advanced for engaging in ICBT: employment, generation of income for people's survival, political stability, and good relations between Kenyans and Ugandans. It was also observed that ICBT is mainly dominated by women and the youth.

The study reported several ICBT activities. However, trading in agricultural and manufactured goods across the border was the major activity, with informal routes constituting the major modes of transport. Equally, seasonality determined the types and quantities of commodities in ICBT. The study reported that goods were transported mainly by carts, bicycles, vehicles, and heads and by hand and that ICBT transactions are cash-based. The main beneficiaries of ICBT were reported to be women. However, it was noted that the more men earn from ICBT, the greater their involvement in polygamous unions because of expected daily earnings. The youths have not benefited much from ICBT because of their uncontrollable behaviour of extravagancy, overdrinking, promiscuity and sometimes were robbed at night.

The survey holds that informal cross-border trade contributes immensely to household welfare and the country's economic growth. Designing appropriate policies with adequate mobilisation of

informal traders could enhance government revenue and tap the benefits of the informal trade sector. Similarly, Kenya and Uganda governments should guide, monitor and organise the informal trade sector. In that case, informal traders need market information, financial services, and an understanding of their role.

Generally, the role of trade in international relations is a crucial component, exerting significant influence on economic, security, and political relations between countries (Ndalilah & Niyongabo, 2022). The findings of this research provide valuable information to policymakers in Kenya, Uganda and EAC states and contribute to fostering Kenya-Uganda foreign policy. The study will also shed light on the impact of ICBT and increase an understanding of its impact on Kenya-Uganda foreign relations. Further, the study will provide recommendations on formalising cross-border trade and supporting its success through technical assistance and resources. It will also provide valuable information for academic research and a source for further research on the impact of ICBT on foreign policy.

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