

## **The Impact of Zimbabwe's Statutory Instrument 64 of 2016 Import Regulation on Informal Cross-Borders Trading in South Africa**

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**Abstract:** There has been an expansion of the informal economy globally, in both developed and developing countries. Among those joining the informal economy are Zimbabwean cross-border traders coming to South Africa. However, despite the economic benefits which are offered to the informal cross-borders, governments are typically concerned about the negative aspects of informal cross-border trade. The Zimbabwean government in June 2016 imposed the Statutory Instrument 64 (SI 64/2016) import regulation on a list of goods mainly from South Africa because it perceived informal imports as presenting unfair competition to domestic industries. This study thus explored the impact of the SI 64/2016 on informal cross-borders trading in South Africa. The study also provides an overview of the informal cross-border trader's demographics, the informal trader's work history and the policy responses to be adopted to support these cross-border traders. This study used a positivist paradigm that ensures that there is a gap between the researcher's subjective bias and the objective reality being studied. The study is descriptive in nature with a purposive sampling survey method being used to select the respondents. A quantitative research method was used. A self-administered questionnaire targeted at 42 Zimbabwean informal cross-borders trading in South Africa was utilized to gather data. Findings from this study revealed the respondent's general negative perceptions towards the introduction of the Statutory Instrument 64 of 2016. This study does not only fill a gap in the literature on informal cross-border trading activities but also conclude by making key policy recommendations. The most notable being of the Zimbabwean government bringing informal traders into the formal economy which can be done through simplifying legislation and regulations governing trade as well as educating the informal cross border-traders on proper formal procedures.

**Key words:** Impact, Zimbabwe, import regulation, informal cross-border traders, South Africa, economy globally

### **INTRODUCTION**

Cross-border trading amongst Zimbabweans has in recent years escalated due to the prevailing economic catastrophe in Zimbabwe. This can highly be attributed to a number of associated factors which include high unemployment, unstable political environment, foreign currency shortages, reduction of domestic industry's output, increase in poverty and food insecurity (Chilliya *et al.*, 2012). Other factors enhancing informal cross-border trade are stringent and bureaucratic formal cross-border controls, liberalization of exchange controls, democratic changes in South Africa, economic prosperity, social and political stability in neighboring countries in contrast with the worsening economic hardships in Zimbabwe (Crush *et al.*, 2016). In view of the deteriorating macro-economic environment in Zimbabwe, informal

cross-border trade is viewed as a viable activity that generates employment, supplement income, to improve food security by households and a means of improving living standards. The informal cross-border trading has been in the past years a source of economic empowerment to a large number of Zimbabweans, especially, the rural population which is worst affected by the country's economic hardships. However, despite the economic benefits which are offered to the informal cross-borders, governments are typically concerned about the negative aspects of informal cross-border trade. The Zimbabwean government in June 2016 imposed the SI 64/2016 import regulation because it perceived informal imports to present unfair competition to domestic industries. The Zimbabwean Ministry of Industry and Commerce argued that the products traded informally are often counterfeit goods sold at lower prices, not subject to import taxes and

simply cheaper than locally manufactured equivalents (Abraham, 2016). While these measures were meant to support the development of domestic industries they have the potential to do severe harm on the socio and economic welfare of the Zimbabweans who are already faced with a fragile state of economy, characterized by significant unemployment and shortages of basic commodities and cash. In the light of the above, it was necessary to find out the impact of the recent Zimbabwean government's SI 64/2016 on informal cross-borders trading in South Africa.

### **Literature review**

**Relations between Zimbabwe and South Africa:** There is a long history of migration between Zimbabwe and South Africa. In the 1950's, for example, Zimbabweans came to South Africa to work in mines (Mazengwa, 2011). Furthermore, Zimbabwe with the help of other Southern African countries like Mozambique played an important role in fighting apartheid in South Africa.

In the post-apartheid era the relationship between the two countries strengthened (Mazengwa, 2011). Formal trade links have grown from strength to strength. The two governments have implemented increasingly favorable bi-lateral trade agreements through negotiation. According to the Southern African Liaison Office (SALO) Zimbabwe and South Africa 'need each other' and have a "special relationship" underpinned by a shared history of colonialism as well as shared kinship ties and values. The Southern African Liaison Office also noted that, the two countries "share cordial diplomatic relations" which can form the basis for the formulation and implementation of "appropriate policy interventions" in future by key stakeholders from both countries (Anonymous, 2015).

**Zimbabwe's informal sector:** According to Chen (2012), the informal economy refers to "all economic activities by workers or economic units that are in law or practice not covered or sufficiently covered by formal arrangements". This includes legitimately produced goods and services that do not necessarily follow formal processes such as standards regulations, business registration or operational licenses. It is estimated that the informal economy provides up to 70% of employment in sub-Saharan Africa (Ncube, 2016), providing access to domestic goods and services that are not available through the formal economy and bringing significant socio-economic benefits for those engaged in such activity.

The informal sector in Zimbabwe is arguably one of the most sophisticated in the region as people are involved in multiple activities as a result of increasing

economic crisis in the country (Mazengwa, 2011). Informal cross-border trade constitutes the majority of informal activity in Zimbabwe as well as most other African countries. Such trade is primarily characterized by smuggling goods and avoiding formal border processes. It is mainly practiced by the unemployed, Small Medium and Micro Enterprises (SMMEs), some large firms and even employees desiring to supplement their salaries (Debrah and Mmih, 2009). Typically, women represent up to 70% of traders, trading a variety of commodities from basic to luxury goods produced in other countries.

Informal cross-border trade presents unique benefits to those engaging in such activities but equally presents unique challenges. One of the key benefits is the employment creation potential. In Zimbabwe where unemployment is estimated at up to 90% when considering only the formal economy, it has created significant employment opportunities with an estimated 5.7 million people currently employed in the informal economy (Ncube, 2016). This in turn has significantly alleviated poverty for both the employed as well as the unemployed. In Zimbabwe where the average monthly income is between \$100-\$300 which is below the ZIMstat poverty line of \$500 a month (Anonymous, 2016a) this has significant implications for livelihoods. In addition, profits generated from such informal trade are often employed to sustain families, providing for their healthcare and education. More generally, informal cross-border trade provides access to goods that are unavailable domestically. For example, in Zimbabwe, Antiretrovirals (ARVs) are imported into the country illegally to meet domestic demand (Matunhu and Matunhu, 2016).

**Operations of the statutory instrument 64 of 2016:** In June, 2016, Zimbabwe's Minister of Industry and Commerce Mr Mike Bimha gazetted the Statutory Instrument 64 of 2016 which restricted the importation of certain products in an ambitious drive to promote local industries (Anonymous, 2016b). Statutory Instrument 64 of 2016 (SI 64/ 2016) is an amendment notice which legally adds a list of imported goods to the already existing schedule of restricted imports as contained in notice SI 08 of 1996 which seeks to control the importation of certain goods in Zimbabwe. This is legally permissible in the domestic setting under the control of goods (Import and Export Regulations of 1974) (Anonymous, 2016c).

The goods that are on the list of the restricted categories under this statutory instrument include such items as wheelbarrows, lock gates, lattice masts, roofs, roofing frames, doors, windows and window frames, shutters, corrugated roofing sheets, baked beans, potato crisps, cereals, bottled water, mayonnaise, salad cream,

peanut butter, jams, canned fruits and vegetables, pizza base, cheeses, ice-cream, yoghurts flavored milks and furniture (Bwoni, 2016). These are products that can be made locally and this creates opportunities for the local businesses. According to Anonymous (2016d), the government indicated that those who wanted to import the products had to secure a permit which costs \$30 and is valid for three months but only after convincing authorities with reasons why the products should be brought into the country.

The government of Zimbabwe through the ministry of Industry and Commerce insists that unlike reports from the media the SI 64/2016 was not a complete “ban” but a temporary move targeted at products coming from anywhere in the world (Mtomba, 2016). Industry and Commerce Permanent Secretary Abigail Shonhiwa said the country was aware of its regional obligations and the SI 64/2016 was targeted at commercial entities not individuals as they wanted to curb flooding of imports. The Common Market for Eastern and Southern Africa (COMESA) also weighed in to support the SI 64/2016, speaking at the third sensitization workshop for business reporters in Livingstone in July, 2016, COMESA Competition Commission Director and Chief Executive Officer George Lipimile said Zimbabwe was a peculiar country and SI 64/2016 was a remedy to the recovery of the economy (Mtomba, 2016).

However, there are concerns that SI 64/2016 has adversely affected cross-border traders. The Zimbabwe Cross-Border Traders Association (ZCBTA) has argued that while discussion and debate pertaining to the SI 64/2016 has virtually been inward-looking and centered on the promotion of the domestic industry there has generally been no consideration on the impact of the Statutory Instrument on cross-border traders. The move by the Zimbabwean government has also demoralized the South African government and its Department of Trade and Industry has warned that such restrictions would not only have negative implications on cross-border trading but on intra-regional trade as well (Sandu, 2016).

**Problem statement:** The unemployment rate in Zimbabwe which is currently standing at close to 90% (Zeilig, 2016) has led to many people shifting to the informal sector of the economy where they hope to improve their lives. Among such groups are the informal cross-border traders who repeatedly travel to neighboring countries to sell their products and return home with additional goods intended for re-sale in addition to some foreign currency (Chilliya *et al.*, 2012).

However, due to the restrictive import measures which were introduced by the Zimbabwean government

under the SI 64/2016, the move is likely to pose negative impacts on the informal cross-border traders. The move has also unnerved the Zimbabwean informal cross-borders and has seen the Beitbridge border between Zimbabwe and South Africa, the busiest border post in Southern Africa, been rocked by unprecedented violent protests since, June, 2016. According to Abraham (2016), the General Secretary of the Zimbabwe Cross-border Traders Association indicated that the recent mayhem in Zimbabwe was due to the fact that the economy being of ordinary cross-border traders was in serious jeopardy as a result of the SI 64/2016.

Not a lot has been reported yet in relation to the effects of the SI 64/2016 on the livelihood of Zimbabwean citizens, especially, the informal cross-border traders who earn a living from importing basic goods for resale which has been restricted under the SI 64/2016. Therefore, it is imperative to explore the impact of the import regulation on informal cross-borders. While several studies analyze the effects of import regulation policies on the country’s economy mostly prioritizing the formal sector (Gruere, 2006; Bohi and Montgomery, 2015), few studies analyze the impacts of import regulation measures using the informal sector. Therefore this study aimed to add on the narrow body of literature by closing the gap on the bias against the informal sector. This was achieved by making an investigation on the impact of Zimbabwe’s SI 64/ 2016 import regulation on informal cross-borders trading in South Africa.

**Research aim:** The study aimed at investigating the impact of Zimbabwe’s SI 64/2016 import regulation on informal cross-borders trading in South Africa as well as determining measures that can be developed to successfully support the Zimbabwean informal cross-borders trading in South Africa.

**Research objectives:** The aim of the study was fulfilled with the support of the following research objectives:

- To investigate the impact of the SI 64/2016 on Zimbabwean informal cross-borders trading in South Africa
- To establish the policy responses which can be adopted in order to support the cross-border traders based on the study findings

## **MATERIALS AND METHODS**

In order to determine the impact of Zimbabwe’s SI 64/2016 import regulation on informal cross-borders trading in South Africa, an empirical survey by means of

a self-administered semi structured questionnaire was carried out among the Zimbabwean informal cross-border traders. The study was conducted in the border town of Beitbridge at Dulibadzimu cross-border bus terminus. Dulibadzimu bus terminus is very busy and operates 24 h. It is used by the majority of cross-border traders from all over Zimbabwe and hence, the researchers found it most appropriate to carry out the survey.

The study was carried out in two stages, firstly by means of a pre-test which was conducted amongst 10 participants, to test the feasibility of the research questionnaire. The pre-test was also used to detect possible practical glitches in following the study procedure as well as developing the preventative procedures. The research questionnaire was administered to the pre-test respondents in an identical manner as it was conducted in the main field work. The reliability of the final questionnaire was carried out to test the internal consistence of the items. A Cronbach alpha coefficient of (0.792) was found. This reliability coefficient can be regarded as satisfactory as acceptable values for the Cronbach's alpha should be above 0.70 (Nunnally and Bernstein, 1994; Pallant, 2010).

The study made use of the purposive sampling technique. According to Bless *et al.* (2006), purposive sampling is a non-probability sampling method in which the researcher purposefully chooses respondents on the basis of some specific criteria that are judged to be essential. Therefore, the criteria which was employed in this particular study was that the respondents have to be from Zimbabwe and participating in the informal cross-border trade. A subtype of purposive sampling which is snow-ball sampling was used in selecting the respondents. This is a technique whereby a small number of samples are initially selected by the researcher and they are asked to nominate a group or other individuals who will be prepared to be survey participants (Plooy-Cillers *et al.*, 2014). These will in turn nominate others and so on until saturation is reached.

About 42 informal cross-border traders participated in this study (Males = 14(33.3%); Females = 28(66.7%) and their age ranges from 18-55 years old). Most of the respondents 15(35.7%) were married and also the majority of respondents 23(54.8%) operated for a period of between 1-5 years (Table 1). Participants individually consented. They were assured of anonymity and confidentiality of the information to be obtained through a cover letter.

**Data analysis:** The descriptive quantitative method of analysis was applied in the study. Content coding was firstly done to change the open responses of the

Table 1: Demographic characteristics of the respondents

Variables/Categories	F-values	Percentage
<b>Gender</b>		
Female	14	33.0
Male	28	67.0
<b>Age</b>		
25	8	19.0
26-35	21	50.0
36-45	5	11.9
46-55	5	11.9
56	3	7.1
<b>Marital status</b>		
Single	14	33.3
Married	15	35.7
Divorced	5	11.9
Widowed	4	9.5
Cohabiting	4	9.5
<b>Period of trading (years)</b>		
<1	2	4.7
1-5	23	54.8
6	17	40.5

participants to descriptive data. The main reason of the coding was to categorize responses into meaningful categories and then allocate frequencies to the responses. Ultimately, all the enumerated data was analyzed using Statistical Package for Social Sciences (SPSS) Version 24.

## RESULTS AND DISCUSSION

In determining the suitable measurement scales for the purpose of this study, the researchers established a list of the crucial factors emanating from the literature and through personal consultations with other researchers who had researched on informal cross-border trade. The researchers obtained their view as to which variables they felt were significant in establishing the impact of the Zimbabwe's SI 64/2016 on informal cross-border traders. The main goal was to lessen the large number of variables to a stringent list of factors as well as establishing if other important factors were not listed. Based on the feedback received, several factors were eliminated in this study and the researchers adapted some relevant questions (Table 2). Table 2 also shows the results from the respondents.

In ascending order, the results in Table 2 shows that, after the introduction of the SI 64/2016 by the Zimbabwean government it is now difficult to pass with South African goods at the border and even those which are not listed under the restriction. The respondents 34(81%) were of the same opinion that passing with the restricted South African goods at the Zimbabwean side of the border is now proving to be difficult when compared to the previous years. This result implies a negative impact on the informal cross-border traders as their profit margin has been reduced. In ascertaining the informal cross-border trader's profit earnings the respondents

Table 2: Impact of the SI 64/2016

Description	Agree		Neutral		Disagree	
	F-values	%	F-values	%	F-values	%
After the introduction of the SI 64/2016 it is now difficult to pass with South African goods at the border even those which are not listed under the restriction	34	81.0	0	0.0	8	19.0
The profit I am making has reduced after implementation of the SI 64/2016 due to low sales volume	36	85.7	5	11.9	1	2.4
As a result of the SI 64/2016 I have reduced the frequency at which I cross the border to South Africa for business	24	57.1	7	16.7	4	9.5
The SI 64/2016 has resulted in superior competition from licensed traders	25	59.5	12	28.6	5	11.9
Corruption by revenue authorities has increased after the introduction of the SI 64/2016 as we are still smuggling goods into the country through the official entry point	23	54.7	2	4.8	17	40.5
The introduction of the SI 64/2016 led to some political instability in Zimbabwe	27	64.3	8	19.0	7	16.7
With the introduction of the SI 64/2016 I am now considering quitting informal cross-border trading	19	45.2	5	11.9	18	42.9
Generally the SI 64/2016 has negatively affected informal cross-border trading	39	92.9	1	2.4	2	4.7

were asked to state whether there was a reduction in their profits after the introduction of the SI 64/2016. The majority of the respondents 36(87.5%) agreed that after the implementation of SI 64/2016 their profits declined significantly. This result can be attributed to the reduction in the volume of sales caused by the import regulation. Results in Table 2, reveal a reduction in the frequency of travel across the border for the purpose of trading. More than half of the respondents 24(57.1%) indicated that after the introduction of the SI 64/2016 which restricted the importation of most of the products they were buying in South Africa for the purpose of reselling in Zimbabwe they considered cutting down the number of trips to and from South Africa as the business was no longer viable. The result confirms the report made by the Zimbabwe Cross-border Traders Association which indicated a reduction in the number of informal cross-borders operating between Zimbabwe and South Africa by more than a third between the period of June and December 2016.

The results also show that the informal cross-border traders as a result of the SI 64/2016 are no longer copying with the intense competition from licensed cross-border traders. The respondents 49(65%) indicated that they are faced with stiffer competition from licensed traders in the market environment and in turn acquiring a lesser market share. Only a smaller proportion of the respondents 5(11.9%) disapproved facing superior competition from licensed cross-border traders. Licensed cross-border traders have the capacity to pay for the import licenses in order to import some of the restricted goods under the SI 64/2016. The licensed traders have also the capacity to acquire funding from financial institutions as well as the government while most informal cross-border traders use their own sources of income (Mwaba, 2010) which is

Table 3: Source of capital

Sources	F-values	%
Personal saving	30	71.4
Loans	1	2.4
Relatives and friends	11	26.2
Total	42	100.0

frequently inadequate, to raise the required finance for their business (Table 3). This may be supplemented through borrowing from their neighbors and families as well as their own savings. The requirements for bank credit tend to be cumbersome and informal cross-border traders are consequently side-lined.

Results in Table 3 indicate that, most of the respondents 30(71.4%) used their personal saving as their main source of capital and 11(26.2%) acquire capital from relatives and friends whilst only 1(2.4%) acquires capital from loans through financial institutions.

It is clear in the study that corruption by the Zimbabwean responsible revenue authorities has increased after the introduction of the SI 64/2016 as the larger proportion of the respondents 23(54.7%) were still smuggling goods into the country through the official entry point. The increase in corruption means an extra burden for the informal cross-border traders as they need to bribe the revenue authorities with some extra amount of cash. This result is reinforced by a study commissioned by the Confederation of Zimbabwe Retailers (CZR) which revealed that several goods recently removed from the general import license have found their way into the informal market (Makoshori, 2016). Confederation of Zimbabwe Retailers President, Denford Mutashu, said the lobby group had carried out extensive investigations in Harare, where it found that all banned products had flooded tuck shops (Makoshori, 2016). Towards making an assessment of the political impact of the government

import regulation, the respondents were asked to describe the political situation in the country after the introduction of the SI 64/2016. The majority of the respondents 27(64.3%) revealed that the introduction of the import regulation led to some political instability in the country, whilst only 7(16%) disagreed. The result also corroborate with a report published by Anonymous (2016) where protesters (mainly informal cross-border traders) torched a section of the Zimbabwean border warehouse in Beitbridge as they demonstrated against the Zimbabwean government’s decision to “ban” most imports to promote locally manufactured products. What started as a mere demonstration turned ugly for close to a month as opposition political parties also joined in, following which Beitbridge border post had to be shut down for the first time in over a century (Anonymous, 2016). However, on the contrary as published by the Financial Gazette the Zimbabwe Revenue Authority (ZIMRA) reported that the furore that engulfed the economy after government introduced measures to limit the import of hundreds of products had subsided with several people involved in protests against the measures now working with government.

When asked if they were considering quitting the informal cross-border trading after the introduction of the SI 64/2016, a slightly higher proportion of respondents 19(45.2%) agreed considering quitting cross-border trading whilst 18(42.9%) of the respondents disagreed and only 5(11.9%) were still undecided. This close to a balance result in the views of the respondents can be attributed to the fact that with the current economic conditions prevailing in Zimbabwe it is so hard to consider quitting a trade which offers the main source of income. To support this when asked the major reasons why they were involved in informal cross-border trading (Table 4) the respondents showed some significant dependence on informal cross-border trading.

Result in Table 4 shows that the, majority of the respondents 16(38%) consider cross-border trading as their major source of income whilst an equal proportion of respondents 13(31%) suggested unemployment and harsh economic conditions as their major reasons for engaging in the informal cross-border trading.

With regard to the general effect of the SI 64/2016 it is interesting to note that an overwhelming proportion of respondents 39(92.9%) indicated being negatively affected by the SI 64/2016. This greatly supports the findings from all the analyzed effects of the SI 64/2016 (Table 2) which showed the respondent’s negative perceptions towards the introduction of the Statutory Instrument 64 of 2016.

Table 4: Reasons for informal cross-border trading

Description	F-values	%
Unemployment	13	31
Harsh economic conditions	13	31
Source of income	16	38
Total	42	100

## CONCLUSION

Ultimately, regardless of whether the import “bans” imposed by the Zimbabwean government continue or are rescinded, informal trade will continue. Governments in Southern Africa should look to counterparts on the continent who face similar conditions and challenges and have made significant strides in regularizing trade across-borders. Doing so would allow both governments and traders to reap the benefits.

## LIMITATIONS

This research was done at the time when there was political polarization and uncertainty in Zimbabwe. Some interviewees were suspicious of the thinking that the researchers were seeking information totally unrelated to informal cross-border trade although the researchers assured the respondents that the study was only for academic purposes. Lastly not all the factors that may affect the informal cross-border traders were examined and there might be other crucial factors. Therefore, more future comprehensive research is still required to clarify other underlying dimensions that affect informal cross border traders after the introduction of a restrictive import regulation by the government.

## RECOMMENDATIONS

As a result of the findings from the study, the following recommendations are made: by addressing challenges related to informal cross-border trade, both traders and governments stand to benefit. For traders, a more secure operating environment will likely lead to greater trade while for the Zimbabwean government, increased revenue will benefit the country as a whole. One way to achieve this is by bringing informal traders into the formal economy which can be done through simplifying legislation and regulations governing trade as well as educating traders on formal procedures.

The major grievance that led to some political turmoil after the implementation of the SI 64/2016 seemed to have been on lack of consultation and adequate notice from the government. To avoid protesting situations after the introduction a policy, wider consultations by the authorities before implementation of a particular policy is

very important. In the case of the SI 64/2016 the ministry would have set up such a committee before implementation, hence weighing the pros and cons of such an Instrument being putting it in place.

The Zimbabwean government can also cater expressly for the needs of small-scale traders at their borders, by providing information officers to assist with the correct procedures. Equally, these information officers promote engagement with informal cross-border trade representatives, to ensure their needs are considered when policies and legislation are developed.

The government of Zimbabwe can as well learn from other regional economic communities such as the Common Market of the East African Community where significant attention has been given to formalizing cross-border trade. One measure has been the establishment of simplified trade regimes which simplify the rules and procedures for small traders and provide tax incentives for trading within the formal sector.

Finally, import restrictions alone cannot revive a country's industry as it has been seen that it poses negative impact on the informal sector. The study recommends that the Zimbabwean government should engage with the private-sector to steer industrialization which is really lacking in the country. This can also be achieved by, among other things, improving the ease of doing business; developing and expanding enabling infrastructure such as reliable and affordable energy, efficient transportation networks and sound irrigation systems; and bringing missing skills, technologies and capital through foreign direct investment.

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