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# INFORMAL CROSS-BORDER TRADE IN AFRICAN ECONOMIC COMMUNITIES – THE CASE OF THE ECOWAS AND THE WAEMU<sup>1</sup>

# Abstract

- Goal the paper aims to present research findings relating to the complexity of the phenomenon of cross-border trade in the functioning of the ECOWAS and the WAEMU with a particular focus on elements of informal cross-border trade within the communities concerned.
- Research methodology empirical (indirect observation and description) and general methods, including deduction and induction, were used to achieve the aim of the study. Research techniques such as cause-and-effect, comparative, documentary, historical, and synthesis were of great importance.
- Score/results the investigation primarily leads to the conclusion that it is necessary to perceive ICBT differently from the perspective of economic communities of less developed countries (ECOWAS, WAEMU) and from that of advanced economies, such as the European Union, placing significant emphasis on the formalisation of trade and penalising entities pursuing informal activities. From the point of view of maximising the benefits of trade within particular African economic communities and – in the near future – within Africa's continental community (AfCFTA, AEC), it seems vital to develop a specific, African way of appropriately using the potential of ICBT, specifically with the aim of promoting social inclusion and reducing poverty in Africa.
- Originality/value the subject of ICBT in African REC is not a new problem, but it is still a niche subject, particularly in the Polish literature. The work is done by the

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author independently without any help and assistance of others. The study relies on the examination of source documents, statistical data and the critical analysis of the literature.

Keywords: Informal cross-border trade (ICBT), regional economic communities (RECs), Economic Community of West African States (ECOWAS), West African Economic and Monetary Union (WAEMU).

#### 1. Introduction

The phenomenon of informal economic activity – understood as activities not reflected in official national income statistics – is both timeless and universal in nature. In particular, it concerns economies at low levels of development, usually being directly related to weaknesses of their state institutions. However, it is not their distinguishing and exclusive feature; in the 21st century, studies have shown an increased role of informal economic activities pursued in post-industrial economies, including, in particular, the world's metropolises [Sassen, 2004: 27–59].

Furthermore, universality is not tantamount to uniformity as the reasons for the occurrence as well as the forms of the phenomenon in specific regions (including countries and economic communities) may vary fundamentally.

Official statistics on intra-African trade present very low values, also within the multiple economic communities in Africa, *de facto* established for the purpose of creating that trade (an average of approx. 7.2 percent)<sup>2</sup>. Nevertheless, observations and studies conducted on African borders suggest the opposite conclusions. Practice shows that part of the informal economy – informal cross-border trade – has been truly flourishing in Africa; consequently, official statistics are an estimated 40 percent lower than the actual trade value [Medina, Jonelis, Cangul, 2017: 1–31; Gallien, 2018: 1–9]. Despite not being a new problem, it is still a niche subject, particularly in the Polish literature<sup>3</sup>. Since the conclusion (2018) of the African Continental Free Trade Area (AfCFTA) Agreement, with

<sup>&</sup>lt;sup>2</sup> Calculated by the author for 14 African regional economic communities (RECs) for the period 2005–2017; for more see: Garlińska-Bielawska, 2019.

<sup>&</sup>lt;sup>3</sup> One of the few studies wholly concerned with the role of the informal economy in the process of regional economic integration in Africa continues to be the publication by Plonowski, 2010.

the AfCFTA intended as the basis for the African Economic Community (AEC), currently in progress, the issue has become topical due to the large number of publications containing estimations of trade benefits to be potentially derived by both the participating countries and the continent as a whole. For example, as estimated by the UNECA, the entry into force of the AfCFTA may push up intra-African trade by more than a half (on condition of the elimination of import tariffs) or double its levels (if non-tariff barriers should be abolished as well) [*African Continental...*, 2022].

Without seeking to belittle the importance of lifting tariffs in Africa, still a fundamental source of budget revenues for many countries, and common difficulties in eliminating classically understood non-tariff barriers, one must also note that informal practices are deeply embedded in African trade relations and play a significant role in (affect) the functioning of economic communities in Africa as such estimates tend to solely cover formal trade. However, data on informal trade in Africa reveal a wide variety of goods, whereas the formal and informal trade structures hardly overlap. It suggests not only the underestimation in official statistics of the size of intraregional trade, but also the diversity of the goods traded; further, it is equally frequent for statistical data to indicate trade in products different from those actually sold<sup>4</sup>.

The article aims to present research findings relating to the complex role of informal trade (in particular, of informal cross-border trade) in the functioning of African economic communities.

The case analysed is that of the Economic Community of West African States (ECOWAS) and its sub-community, the West African Economic and Monetary Union (WAEMU). The ECOWAS is treated as a representative case study, covering almost one-third of African countries and a pillar of the AEC, currently in progress, but with the reservation of the non-generalisation of the ensuing conclusions due to the enormous differentiation of both states and economic communities in Africa.

<sup>&</sup>lt;sup>4</sup> For example, official data inaccurately point to a completely different structure by product of trade by the Democratic Republic of the Congo (DRC), a member of as many as four economic communities. According to the World Bank, the key articles imported from the DRC by countries of the region, particularly by Rwanda, include wood, vegetable oils, medicines and perfumes [World Bank, 2011], whereas other sources, interviews, observations, surveys indicate that the goods from the DRC most sought-after in Rwanda are tomato paste, milk powder, soap and loincloths. [*The Political Economy...*, 7]

### 2. Theoretical aspects of informal trade

The study of informal trade involves certain research constraints. Firstly, there are significant discrepancies in method and scope between perceptions of the informality of various manifestations of economic activity worldwide. Secondly, there are essential problems and dilemmas concerning quantification methods for the informal economy, particularly in situations where such activities are obviously not registered in official statistics. Therefore, B. Mróz distinguishes between two basic types of definitions relating to unofficial economic activities. The narrower approach classifies as a part of the unofficial economy those spheres of economic activities which should be covered by the registration and economic and financial control of the state but are not (e.g. moonlighting, or undeclared work); in the broader treatment, the unofficial economy encompasses all areas of economic activities excluded from the system of the registration and measurement of national product. In the latter approach, it is irrelevant whether such activities are legal (e.g. housework), semi-legal (e.g. operating beyond the scope of the business licence or authorisation obtained) or illegal (such as drug production and distribution) [Mróz, 2002: 14].

Similarly, there are two main groups of ways of measuring the unofficial economy: direct and indirect methods. Direct methods base on gathering information from entities engaged in the unofficial economy with the use of representative surveys, sample analysis of tax returns, interviews, participant observation, etc. Indirect methods rely on aggregates and use traces left by unofficial economic activities in various economic measures and indicators<sup>5</sup>.

Although informal trade – including informal cross-border trade (ICBT) addressed in the title of this article – is a mere section of informal economic activities, the same difficulties affect both defining and measuring it. Therefore, it is impossible to disagree with the opinion expressed by one of the authors of a recent report on African cross-border trade that "[t]here are probably as many definitions for ICBT as the authors and institutions researching it" [*African Trade Report*, 2020: 22]<sup>6</sup>.

<sup>&</sup>lt;sup>5</sup> For more see: Mróz, 2001: 93–110; Frey, Schneider, 2004: 17–21; Ćwikowski, 2016: 81–87.

<sup>&</sup>lt;sup>6</sup> A broad overview of approaches to the problem is presented in: Cantens, Ireland, Raballand, 2015.

In the light of the above considerations, this study adopts the definition of informal trade as proposed by C. Lesser and E. Moisé-Leeman [2009: 9–10]. In this article, informal cross-border trade refers to 'trade in *legitimately* produced goods and services, which escapes the regulatory framework set by the government, as such avoiding certain tax and regulatory burdens'. As part of such informal trade, goods can be traded by formal and informal firms excluded from official government records and fully or partly evading the payment of duties and charges. Such goods may also pass through official routes with border crossing points and customs offices but involve illegal practices. Examples of such practices include under-invoicing, misclassification, misdeclaration of the country of origin or bribery of customs officials.

### 3. Informal trade in Africa

Informal cross-border trade is deeply embedded in Africa's history, also due to the manner of demarcating state borders in the post-colonial period, often artificially separating territories inhabited by individuals from the same ethnic groups. Another factor, invariably of great relevance, is the difficult economic and political situation of countries in the region. In the context of limited employment opportunities in the formal sector, ICBT is essential to job and income creation in Africa, employing approximately 20–75 percent of the total economically active population in most African countries and providing livelihoods to around 43 percent of Africa's population [*African Trade Report*, 2020: 18]<sup>7</sup>.

Apart from historical, economic and political factors, the unusual popularity of informal cross-border trade in Africa is also fuelled by the high costs and lengthy procedures involved in formal trade (crossing the border can take several days, whereas the expenses to be incurred in connection with customs clearance and other procedures can exceed the value of goods traded informally) and very poor transport and banking infrastructure. Another condition influencing the choice of informality on the continent is the inland location of 16 African countries (landlocked countries) and the climate, of particular relevance to perishable goods.

<sup>&</sup>lt;sup>7</sup> An overview of research on ICBT in Africa is presented in: Bouet, Pace, Glauber, 2018: 7–9.

Other drivers of informal cross-border trade include corruption, of a universal and systemic nature in Africa, and border insecurity<sup>8</sup>. The absence of effective policing at border crossing points and commercial ports increases the frequency of the occurrence of crimes against traders (including psychological violence, sexual harassment and coercion), forcing them to travel in groups for protection or to use informal routes.

Border observation reveals at least several types of such trade. Those include the following:

- 1. Official transshipment of exported and imported goods. African coastal countries frequently act as hubs for landlocked states as well as for those countries with maritime borders where seaports are less accessible. That type of trade is official and, as a rule, recorded by customs authorities. But it tends to be excluded from the country's trade statistics and from international data sources;
- 2. Parallel trade exports of primary products and imports of consumer goods aimed at evading export and import taxes or regulatory compliance requirements;
- 3. Unofficial re-exports of legally imported products. The practice involves 'exports', whereby goods are formally imported into a low-cost country with the intent of subsequently transshipping them clandestinely into neighbouring countries with higher taxes, restrictive import quotas or stricter regulatory standards. Such re-exports comprise a complex mix of formal and informal practices, legal and illegal trade, reflecting the complexity of the informal sector in Africa;
- 4. Cross-border trade in traditional agri-food products, including live animals. That type of trade is historically established in Africa and usually involves little or no fraudulent intent. Ignoring borders artificial to them, peasants and herders traverse areas as their ancestors did for centuries. That practice *de facto* balances the demand for and supply of staple foods between countries<sup>9</sup>.

In the light of the above, informal trade encompasses both small quantities of goods transported by individual traders and much larger container shipments. Goods traded informally can also originate in both global markets and

<sup>&</sup>lt;sup>8</sup> For more see: Brol, 2015: 20–21.

<sup>&</sup>lt;sup>9</sup> For more see: Golub, 2015.

neighbouring countries. Therefore, it is possible to analyse both the scale and substance of the phenomenon from at least several perspectives: from the point of view of a trader, a public institution or a customs official, combining into an economically and socially complicated system of African informality<sup>10</sup>.

#### 4. Informal trade in the ECOWAS and WAEMU activities

The Treaty establishing the ECOWAS was signed in Lagos (Nigeria) by the leaders of 15 West African states, gathering both Anglophone and Francophone countries of the region within a single community (those were as follows: Dahomey (Benin), Gambia, Ghana, the Republic of Upper Volta (Burkina Faso), Guinea, Guinea-Bissau, Liberia, Mali, Mauritania, Niger, Senegal, Sierra Leone, Togo and Côte d'Ivoire; in 1976, the group was joined by the Republic of Cape Verde, whereas Mauritania left the Community in 2002). At first, efforts by the key initiator of such an integration structure in the region – Nigeria – were aimed at persuading its Francophone partners to dissolve the West African Economic Community (WAEC; in French: Communauté Économique de l'Afrique de l'Ouest, CEAO), active from 1974, but it finally survived for quite a long time. As late as in the wave of new regionalism (in 1994), the WAEC and the UMOA combined to form the West African Economic and Monetary Union (WAEMU, in French: Union Economique et Monétaire Ouest-Africaine, UEMOA), functioning to date. That situation created typically 'African' conditions of overlapping memberships.

The beginning of the functioning of the ECOWAS was already marked by problems in the area of trade liberalisation, both within the ECOWAS and between the ECOWAS and the CEAO. The rules of origin were intended to ensure preferential treatment of goods produced by the local population. It was supposed to be a measure for promoting West African production and against businesses of French owners in Francophone countries as Nigeria and Ghana had managed to push through a number of exceptions. Consequently, the rules of origin effectively excluded from competition in the ECOWAS market the CEAO market leaders – Côte d'Ivoire and Senegal. Seeking not to lose their advantages, the two states as well as the other members of the CEAO were reluctant to reduce

<sup>&</sup>lt;sup>10</sup> For more see: Karkare, Byiers, Apiko, Kane, 2021.

their tariffs in trade with other partners from the ECOWAS until such reductions would be effected by the latter. The ECOWAS countries adopted the very same line of action, which led directly to a deadlock in trade liberalisation within the community.

However, the problem proved to have more far-reaching consequences. Staple goods were produced by foreign-owned (French) companies, mostly located in Francophone countries. Their exclusion from liberalisation caused artificial shortages of staple goods in the market. It encouraged unofficial cross-border trade in 'Francophone' goods and re-became widespread, being preferred by various small and medium-sized distributors and producers, competing with traditional small-scale traders and enjoying significant support from corrupt public officials, many of whom had their own informal trade businesses.

As a consequence, the ECOWAS region is characterised by extensive, complex and multi-directional informal cross-border trade, primarily in food products, cattle, gold and fuels. Partly owing to informal fuel trade, Nigeria has become the main economic power of the region, catering for (particularly rural) areas avoided not only by transnational corporations (BP, Total, Shell), but also by domestic distribution companies, due to the risks involved. The Nigerian hub is one of the most active ones in Africa, supplying neighbouring countries such as Benin, Chad, Cameroon and (particularly with cereals) Niger. The region is famous for informal trade exports. Simultaneously, the CFA franc was overvalued for a long time (until its devaluation in January 1994), whereas a major devaluation in Nigeria and Ghana resulted in the reversal of unofficial trade flows. Traded goods mostly included textiles, footwear, cosmetics, detergents, plastics and petroleum products. Unofficial cross-border trade transactions in cattle, between Burkina Faso, Mali, Benin, Ghana, Côte d'Ivoire and Senegal. In Ghana, the informal market is dominated by informal exports of cocoa, gold and diamonds to Togo and Côte d'Ivoire; another flourishing activity in the region is informal trade in used cars and parts thereof.

Informal cross-border trade, particularly but not only on a small scale, is mostly conducted by women. In West and Central Africa, the share of female traders is nearly 60 percent [Africa Portal 2021]. The region of West Africa is particularly known for traders from Togo, selling regional loincloths and regional fabrics (pagnes, cire). Such a situation favours the social inclusion of women in the region, but it also involves particular risks for female traders, due to prowling gangs of robbers and activities of frequently corrupt law enforcement agencies. In 2006, with support from the USAID, the WAEMU began to observe and document the number of checkpoints on West Africa's main transport corridors and the bribes paid and delays incurred by lorry drivers at those checkpoints. According to the observations, a lorry carrying imported goods from Lomé (Togo) to Ouagadougou (Burkina Faso) would have to stop an average of 23 times along the road: 14 times in Togo (746 km) and 9 times in Burkina Faso (276 km). The average amounts of bribes paid at roadblocks would be USD 36 and USD 24 in imports and exports respectively. As estimated in the study, the delays resulting from checkpoints amounted to approx. 2 hours per trip. Being a significant nuisance to traders and carriers, the number of checkpoints in West Africa considerably increases the costs of doing business. As transactional values in ICBT amount to an average of USD 50 to USD 1,000, unnecessary checkpoints and bribes push traders into the informal economy [Afrika, Ajumbo, 2012: 9].

The above-mentioned practices seem to be very difficult, if not impossible, to eradicate due to their permanent and prevalent embeddedness on the continent, combined with very weak state institutions. According to the Fragile States Index scores, as many as nine West African countries are classified under the category labelled *high alert, alert* (Guinea-Bissau, Guinea, Liberia, Mali, Mauritania, Niger, Côte d'Ivoire, Sierra Leone), whereas four have a *high warning* status (Burkina Faso, Gambia, Togo, Senegal)<sup>11</sup>. At the same time, the region is so unstable that the ECOWAS, with its own armed forces included in the continental security system, is sometimes assessed as an institution more effective in ensuring regional security than economic freedom in the community<sup>12</sup>. Undoubtedly, every armed conflict within the community causes changes in informal cross-border trade routes, just as epidemics, hitting Africa much more often than other regions of the world. The importance of the problem in this context has been accentuated to the international community by the recent COVID-19 pandemic [Schwettmann, 2020: 1–20].

The ECOWAS is a community characterised by medium institutionalisation, with several departments concerned with the facilitation of internal trade and regional integration. Obviously, the main focus is on formal trade through regional trade agreements, but the role of ICBT is recognised in official documents and regional cooperation programmes. Both the ECOWAS Regional Trade Facilitation

<sup>&</sup>lt;sup>11</sup> For more see: Kłosowicz, 2017: 195–213.

<sup>&</sup>lt;sup>12</sup> For more see: Garlińska-Bielawska, 2019: 199–221.

Committee and the Regional Aid for Trade Strategy (2016–2020) refer to informal trade as characteristic of the region. Furthermore, 2018 saw the development of an Informal Trade Regulation Support Programme, with an emphasis on data collection, institutional capacity building, policy and procedural reforms and gradual formalisation of informal traders. The ECOWAS Treaty also refers to promoting small and medium-sized businesses, not failing to address constraints faced by female traders (Article 63) [ECOWAS Revised Treaty].

In terms of treaty provisions, the duty-free circulation of goods within the region of the WAEMU was ensured prior to the equivalent regulations in the ECOWAS (the ECOWAS Trade Liberalisation Scheme – ETLS)[ETLS] by the introduction in 1999 of *Taxe Préférentielle Communautaire* (TPC)[Décision N°01/99/COM/UEMOA], or the ECOWAS CET (Common External Tariff). It is difficult for the two communities to co-exist in the region, with one of them aimed at sub-integration and using a common currency (the Franc of the Financial Community of Africa, the CFA franc)<sup>13</sup>, but in order to facilitate free trade within the regional bloc, several shared regulations were adopted, e.g. the harmonisation of the rules of origin, internal taxation, sanitary and phytosanitary measures, customs procedures, which basically also benefited cross-border traders. One result of the Regional Trade Facilitation Programme (PRFE) is increasing the transparency and predictability of trade transactions and cross-border transport.

#### 5. Conclusions

In both theoretical and practical terms, within the meaning of practices of regional economic communities in Africa, informal cross-border trade is a very complex issue. The factual situation, estimated to provide livelihoods to more than 40 percent of the African population in the 2020s, has been shaped by a variety of historical, geographic, climatic, political, economic and social factors.

The investigation primarily leads to the conclusion that it is necessary to perceive ICBT differently from the perspective of economic communities of less developed countries (ECOWAS, WAEMU) and from that of advanced economies, such as the European Union, placing significant emphasis on the formalisation of trade and penalising entities pursuing informal activities.

<sup>&</sup>lt;sup>13</sup> For more see: Byiers, Dièye, 2022.

From the point of view of maximising the benefits of trade within particular African economic communities and – in the near future – within Africa's continental community (AfCFTA, AEC), it seems vital to develop a specific, African way of appropriately using the potential of ICBT, specifically with the aim of promoting social inclusion and reducing poverty. The enhancement of knowledge about ICBT, including the improvement of the data collection and analysis system, aimed to effectively measure the contribution of ICBT to the development and growth of individual economies and to design appropriate political and economic policy measures within particular RECs and across Africa, should lead to the maximisation of benefits of ICBT accompanied by the minimisation of ICBT-related social losses and risks.

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