"I carry people and goods across the border for a living":

The role and regulation of Informal cross-border couriers (bomalayisha) in the Zimbabwe-South Africa corridor

Informal cross-border couriers (bomalayisha) have transported people and goods between Zimbabwe and South Africa for several decades. This brief considers cross-border traders and cross-border couriers from Zimbabwe, who operate between Zimbabwe and South Africa. It considers the origins of their occupation, their modus operandi and their socio-economic contribution. It also considers the regulatory challenges associated with their operations (isilayisha).

History and role of bomalayisha

Isilayisha developed in the context of increasing migration from Zimbabwe to South Africa over time. It is a response to migrants’ need to send remittances to families back home and to travel between the countries. Isilayisha began in the 1950s, when Zimbabwean migrant workers in Johannesburg used informal networks to send money and parcels back home. Migrant workers who were visiting Zimbabwe delivered money or parcels to their colleagues’ families. While pioneering bomalayisha used public transport, bomalayisha now rent or buy vehicles to transport goods and people on a full-time basis. Bomalayisha began transporting passengers between the two countries in the 1980s. Most present-day bomalayisha carry passengers, money and goods. Bomalayisha also carry sick migrants, and some repatriate the remains of deceased migrants to Zimbabwe.

Significantly, bomalayisha have expanded their operations, which now span across different provinces both countries. In addition to transporting passengers for purposes of migration and transporting migrants’ remittances, bomalayisha also provide services to formal and informal businesses in both countries. Some bomalayisha transport cross-border traders and their goods between the border towns. In addition, bomalayisha transport inputs and trading stock for Zimbabwean firms, including retailers, mining concerns, manufacturers, restaurants and fast-food outlets.

The average malayisha interviewed was a man aged between 25 and 35 years and had been involved in the trade for six to eight years. The longest-serving malayisha interviewed had been involved in isilayisha for 20 years. Many bomalayisha were previously engaged

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1 The word malayisha means ‘one who transports’, and is derived from the Ndebele or Zulu word ukulayisha, which means ‘to transport’.

2 The discussion draws from literature on cross-border trade, migration and bomalayisha. In addition, it draws extensively from the researcher’s observations as a passenger in a cross-border bus traveling between Harare, Zimbabwe and Johannesburg, South Africa on eight occasions between May 2012 and May 2013. In addition, it draws from face-to-face interviews with 29 informal cross-border traders conducted between March and May 2013 in Harare, Mutare and Bulawayo in Zimbabwe and face-to-face interviews with 19 bomalayisha in Bulawayo, Zimbabwe and Johannesburg, South Africa in April and May 2013. In addition, officials from four government Ministries, an official of the Common Market for Eastern and Southern Africa, the leaders of three associations representing cross-border traders, the director

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in formal or informal occupations and joined isilayisha after retrenchment or to seek a viable livelihood during Zimbabwe’s economic crisis.

Fees for carrying goods depend on the weight, size and value of the items and the distance to be travelled to the designated delivery address. The time of the year is also a key factor, with charges increasing sharply during Christmas and Easter. A flat rate of 20 per cent of the cash sent is charged for the delivery of money to Zimbabwe.

Isilayisha benefits Zimbabwean society and its economy in several ways. First, it enables migrants in South Africa to send remittances and thereby provide for their families living in Zimbabwe. Bomalayisha provide the convenience of a door-to-door service to any location in Zimbabwe, including remote villages. They also enable unbanked migrants to send money to their families.

Bomalayisha have also facilitated (documented and undocumented) migration from Zimbabwe to South Africa, repatriated sick migrants and the remains of deceased migrants back to their families in Zimbabwe. Bomalayisha have further facilitated the movement of much-needed goods including food, clothing, furniture, and building supplies to migrants’ families. Moreover, they contributed towards food security during Zimbabwe’s economic crisis. They also enable firms to obtain necessary stock and inputs to conduct their business.

Regulatory challenges associated with isilayisha

Bomalayisha reported that they comply with registration requirements for cross-border transport operators. Because the majority of minivans and trailers that they use are purchased in South Africa, the transportation permits are largely obtained there. In addition, they reported that they pay all the necessary fees levied against cross-border operators each time their vehicles cross the Beitbridge border. Those that repatriate human remains also emphasized their strict compliance with the requirements for repatriation, including death certificates, embalming certificates, and proof of citizenships.

One of the main regulatory issues arising in the context of isilayisha is compliance with customs duty requirements when importing goods into Zimbabwe. Bomalayisha reported that they declare their clients’ goods as ordinary travelers and do not complete the formalities for commercial imports or exports. None of the bomalayisha interviewed are registered for income tax or customs purposes. Interviewees reported that Zimbabwe Revenue Authority (ZIMRA) officials charges them the customs duty applicable to ordinary passengers carrying personal goods, namely 55 per cent for audio-visual equipment and 40 per cent for all other items.

Very few interviewees reported that they actually pay the customs duty assessed by the ZIMRA officials. The overwhelming majority of interviewees reported that most of their clients cannot afford to pay both transport fees and duty for their goods. Bomalayisha therefore seek to minimize or avoid paying customs duty. Some stated that they under-declared the values and quantities of goods. Most of them reported that they

of the Zimbabwean National Chamber of Commerce, and the Trade Law Manager of Oxfam Southern Africa were interviewed between April and May 2013.


4 See Solidarity Peace Trust “Gone to Egoli: A preliminary study of economic survival strategies in Matebeleland” p 7.

5 Thebe “From South Africa with love: The malayisha system and Ndebele households’ quest for livelihood reconstruction in South Western Zimbabwe” 653.

6 Ibid.
bribe ZIMRA and other border officials to allow them to pass through without paying:

“To speak of malayisha is to speak of someone who has connections at the border. He is someone who knows the ZIMRA officials and the police who work at the border. No one at the border is honourable.”

Most interviewees complained that their work is no longer profitable because of the bribes and fines they were forced to pay the police and ZIMRA officials on the Zimbabwean side of the border. Several claimed they were stopped at several roadblocks between the border and their destination in Zimbabwe. The increase in roadblocks was in part attributable to the Finance Ministry’s introduction of Post-Clearance Audits to address corruption at the border. These roadblocks – some of which were reportedly unauthorized – had proliferated in recent years as police officers had realised that cross-border minivans were an easy source of extra income.

Bomalayisha feel that some of these roadblocks are established to target their vehicles as police assumed they always had large amounts of money. They are forced to pay bribes and fines for offences, including carrying undocumented migrants, failing to declare and under-declaring goods at the border. In some cases, the charges against them are reportedly fabricated to extort money from them. Several bomalayisha reported that police openly declare that they never allow a South African registered minivan through a road block without extorting some money from them. One malayisha explained the challenges that have come to characterize isilayisha thus:

*Isilayisha* used to take care of our families. Now, it’s like gambling. Sometimes you are lucky, but most days you go home with nothing. You have an agreement to take the client’s goods to her mother and children in the rural areas. You can’t risk having them confiscated because you must honour the agreement and deliver the goods. If you don’t, the clients will never call or recommend you. So all the time you are paying bribe after bribe on the Zim-side. Sometimes we borrow money from our passengers to pay the bribes. The worst part is when you get home to your wife and you have no money for her and the children.

Another challenge arising with isilayisha relates to the loss of goods and money due to theft and damage while in transit. Some clients have complained that in some cases, packages are not delivered, or that fewer goods or less money has been delivered to the recipients in Zimbabwe. Currently, there are no clear measures to ensure that the client is compensated for such loss, and their fate depends on whether the malayisha involved is willing to take responsibility and compensate the client partially or fully. There are no insurance measures to protect both the client and malayisha from possible loss of goods and money sent. Bomalayisha also report that the strict designation of travel routes by the authorities mitigates against their provision of a door-to-door service in the region within which they operate. Most vehicles would be registered to operate between a specific town or city in South Africa and a town or city in Zimbabwe. Thus, a driver authorized to operate between Johannesburg and Bulawayo would be penalized for transporting people and goods to centres surrounding Bulawayo, such as Gwanda, Esigodini and Luphane.

**Conclusion**

Despite their significant socio-economic contribution, there has been limited official recognition of the role they play and of limited regulatory efforts to enable them to operate in accordance with all aspects of the law. The situation is exacerbated by the absence of associations representing the interests of bomalayisha. The discussion demonstrates that far from being clearly ‘black’ or ‘white’ (in-
formal or formal), traders and bomalayisha represent different shades of grey along the spectrum between informality and formality, legality and illegality.

The situation of bomalayisha was complicated by their use of tactics involving dishonesty, collusion and corruption to minimize or evade their customs liabilities. Bomalayisha found these tactics necessary not only to make their services affordable and maximize their profit margins, but to enable them to honour their undertaking to execute their clients’ mandates to secure future business. One must consider the challenges and risks posed by the present situation: the entrenchment of corruption within state agencies, the loss of fiscal revenue due to leakages at the border, and failure to control the nature and quantities of goods exported and imported.

In light of these challenges, it would be worth considering how to fashion the law to recognize the socio-economic roles that bomalayisha play and bring their operations within the ambit of the law. This would prevent loss to the fiscus, for example through preferential tariff structures on imports of certain goods into Zimbabwe. In addition, there should be facilities such as micro-insurance schemes to safeguard clients against loss of goods and money while in transit. It is also worth considering the introduction of greater flexibility in the allocation of routes, for example, by designating bomalayisha to operate within specific provinces rather than to confine them to specific towns.

It is recommended that the establishment of a comprehensive regime to regulate islayisha be informed by a full understanding of the nature of their operations and the constraints they experience. It would be critical to ensure the representation and participation bomalayisha and in such endeavours. Finally, the education of bomalayisha about their legal rights and obligations would be indispensable.