

A SYMBIOTIC RELATIONSHIP? ORGANISED CRIME AND CORRUPTION IN SOUTH AFRICA

*Anthony Minnaar*¹
**Institute for Human Rights &
Criminal Justice Studies, TechnikonSA**

Introduction²

Organised crime and corruption are often treated as separate entities but in fact they feed off each other in what I call a symbiotic relationship. While not being unique in its experience of organised crime and corruption, South Africa is a relatively new entrant to this field of experience. The main reason for this was the political and economic isolation under which South Africa suffered as a result of the many years of apartheid rule. This is not to say that South Africa did not experience forms of home-grown organised crime but rather that the levels of organisational sophistication, international networking with other criminal syndicates and transnational crime tendencies were not all that prevalent. However, in the post-1994 era the South African experience has shown a number of interesting developments in terms of the growth of organised crime activities in South Africa and the incidence of corruption.

The South African dynamics at play

The first point that needs to be mentioned here is the fact that prior to the first-ever democratic elections in South Africa held in April 1994 the authorities had never taken the issue of corruption seriously or faced it in a systematic and coherent manner.

In the post-1994 period with the democratic changes that occurred the media tended to report to a greater extent than previously the incidence of corruption, especially within the higher echelons of the new government. This, in my opinion, erroneously created the impression that the new government had ushered in a period of unprecedented growth in corruption, bribery, malfeasance, graft, nepotism and patronage within its ranks and within the public service. However, this perceived “increase” in corruption should rather be seen in the context of the actions of a number of independent policy institutions concentrating on aspects of good governance, a vociferous independent press, and the establishment of a number of anti-corruption bodies, inter alia the Public Protector, the National Director of Public Prosecutions, the Heath Investigative Commission, an Independent Complaints Directorate (ICD) and departmental anti-corruption units inclusive of the special National Anti-corruption Unit of the South African Police Service (SAPS) and other special multi-disciplinary investigative units like the Office for Serious Economic Offences (OSEO) and the Investigative Directorate for Organised Crime (IDOC) and the recently established Scorpions Unit.³ These measures, coupled with the implementation of a whole series of new legislation⁴ aimed at combating crime lead to an emphasis on catching corrupt officials. Finally, the encouragement given to such campaigns as toll-free hotlines for

reporting corrupt acts by public servants, a public awareness campaign for whistleblowing, the emphasis on transparency in service delivery, witness protection programmes, and the institution of a Code of Conduct for all Public Servants have all immeasurably contributed to the increased exposure of acts of corruption, hence the increased perception in the exponential “growth” of corruption in South Africa.

However, in this context it must be said that currently the focus in South Africa seems rather to be on recovering public funds lost to corruption. Bringing the corrupt to justice is a secondary priority. The state of the criminal justice system - underfunded, under-resourced, lack of skills, loss of skills to private sector, blockages and delays in the courts - means prosecution is often not successful. The establishment, inter alia, of the new Scorpion Unit is intended to precisely address this. Moreover, the high levels of, the public profile and media coverage given to violent crimes have made them a priority over and above corruption matters.

Contextualising organised crime growth in South Africa

The incidence of organised crime in South Africa can be attributed to factors such as:

- renewed international investor interest in South Africa;
- South Africa's favourable geographical position on the major trafficking routes between the Far and Middle East, the Americas and Europe;
- South Africa's accessibility via land, sea and air routes, especially since its re-entry into the international arena;
- a criminogenic market structure. Unsaturated demand for and ready availability of illegal goods (drugs, arms, vehicles, counterfeit money, endangered species products, etc);
- criminal alliances, i.e. although different groups share a common purpose, criminal alliances are held together primarily by their common involvement in an illegal activity (e.g. excessive rivalry within the taxi industry and strained relations between opposing political groups) which frequently result in outbursts of violence;
- the large scale presence of illegal aliens/undocumented migrants which has, apart from their role in crime (including organised crime), led to an increase in the already intense competition for scarce resources, services and job opportunities;

A number of social and technological developments have also combined to create opportunities for organised crime. Advanced computer and communications technology facilitates the electronic funds-transfer system through which vast amounts of money can be transferred around the globe within seconds, and faxes and cellular phones can be encrypted, making it all but impossible to trace calls made from them.

According to Peter Gastrow South Africa's organised criminal organisations are generally characterised by "the absence of rigid structures and by their reliance on networks of criminals to assist in achieving their objectives. South African crime syndicates appear to opt for loose and shifting alliances and associations with other criminal groups or individuals, rather than for tightly knit organisations which rely solely on their own resources, to achieve their objectives."⁵

In terms of the growth of organised crime activities in South Africa a number of points also need to be made:

- After the first democratic elections in South Africa held in April 1994 the country opened up internationally and was exposed to global trends, both economically, politically and socially including crime influences, to a far greater extent than was the case prior to April 1994. This had an effect not only on the policing of the borders but also in the activities of crime syndicates for the smuggling in of drugs, illegal immigrants, firearms and other goods but also on the illegal export of stolen cars and endangered species.⁶
- The spin-offs of weak or poor controls at the borders/ports of entry are there for all to see, namely the proliferation of firearms, drugs, criminal activity by organised crime/international syndicates, the smuggling in of goods/contraband, fraud by way of not paying customs & excise duties, roundtripping of vehicles and other manufactured goods etc. This is not to say that lax controls and border porosity were the primary cause of these criminal activities but that they created the space which was exploited by all to pursue these criminal activities with greater ease and a degree of impunity.
- Obviously such illegal movement represents an enormous loss to the South African Fiscus in terms of revenue, customs & excise dues through the fraud, corruption, smuggling of goods, non-declaration or false values, forged manifests etc. Such a state of affairs has also impacted negatively on international investor confidence, not to mention other results such as firearm deaths in violent crime, health hazards of drug dependency and other social effects.
- Many of the crimes mentioned above are inter-related or linked in a symbiotic relationship. For example hijacked and stolen motor vehicles are increasingly smuggled out of the country and taken to points in neighbouring states for 'resale'. Funds thus generated are then used to purchase drugs, firearms and other contraband, which are then brought into South Africa and sold at enormous profits. Moreover, large numbers of firearms have over the years entered South Africa illegally. While in the 1980s and early 1990s these fuelled the political violence in South Africa and formed part of the struggle, post-April 1994 large quantities of these arms have found their way into use in various violent crimes such as bank robberies, vehicle hijacking, cash-in-transit robberies, minibus taxi-related violence and attacks on farmers. Although it is difficult to prioritise specific crimes the present flow of drugs, weapons and illegal movement of motor vehicles can be cited as possibly the most serious crime problems facing the country. All three somewhere along the chain are

linked to crossborder movement⁷ and the exploitation of current levels of border porosity (the so-called 'soft and leaky-border syndrome).

The extent of all these crossborder criminal activities would not have been at such a level if there were no corrupt officials at grassroots level. In this instance it extends to border control officials (border police and immigration officers to the customs and excise officers at the ports of entry) all over the country who are susceptible to bribery or assisting criminals and organised crime syndicates in obtaining false or fraudulent documents or of accepting forged documentation for a wide variety of goods or activities. A case in point here would be the activities of the Aliens Investigation Unit (AIU)⁸ of the SAPS. In September 1998 more than half of the 24-member National Aliens Investigation Unit were suspended on charges of corruption *inter alia* having sex with foreign prostitutes⁹ as payment for protecting them from deportation as illegal visitors.

Corruption and the public service

Corruption is a very emotive issue. International views often revolve around such perspectives as '*corruption being the blight of Africa*' or even '*that the only way to get anything in Africa is to bribe an official*'. Be that as it may in essence corruption can be compared to a cancer as it is truly an 'enemy from within'. I would like to start with a generic definition of the act of corruption, namely

An act of wrongdoing which typically involves unethical behaviour and illegality and benefits usually accrue to either of the parties involved

Under such a definition we could very easily list such corrupt practices as bribery, fraud, embezzlement, wrongfully influencing decisions in one's own favour or benefit, nepotism and other similar acts of wrongdoing, dishonesty or the breaking of laws. All of these acts involve the breakdown of ethical behaviour and moral standards where the rule of law is disregarded and not respected. More simply put in the context of the public service corruption occurs when an employee forsakes his or her duty for benefit. In other words corruption occurs when any form of unearned compensation or benefit is given to a person for any act or omission related to his or her duty for which they receive a salary.

Unfortunately, more often than not the compensation is concealed in many clever and innovative ways. These can include:

- All-expenses-paid holidays
- Free liquor and meals
- Free hunting/fishing trips
- Free invitations to sporting events
- Sexual favours
- Excessive discounts or free services
- Unearned benefits for friends, family or colleagues

Organised criminal syndicates exist in order to make a profit. Profits are usually made out of serving the market for illegal goods and services. These goods and services are often legislated into illegality, or restricted access, for example, drugs, prostitution, abalone or identity documents. It is thought car-hijacking syndicates were originally established in order to raise drug money.

These organised crime syndicates can usually succeed only with the assistance of functionaries of the state in the criminal justice system and of officials responsible for policing or regulating the particular object of “legislated morality”. Such officials are often easily “bought” by organised crime syndicates, who are able to garner huge profits as the demand for their goods is high in a restricted market created by the illegality or restricted availability of their goods. The enlistment of such corrupt officials is an essential ingredient in the survival and success of the organised crime syndicates.

So, for example, corrupt policemen supply drug lords with police radios and keep them informed of police investigations so that they may evade arrest, elude the capture of evidence against them or even “buy” or pay for dockets against them to be lost. Corrupt traffic officials supply roadworthy certificates and registrations papers for hijacked vehicles to be taken out of the country. Corrupt prosecutors lose vital evidence. Corrupt home affairs officials may assist in the supply of the relevant residency or other documents to illegal immigrants who may be connected to organised crime syndicates with international links, such as certain Nigerian drug groups, and Chinese triads involved in abalone poaching and smuggling.

According to Mark Shaw organised crime syndicates flourish best in the context of a strong, but partially corrupted state and organised business sector, rather than one which has broken down completely. The existence of a relatively strong, but corruption-penetrated state, as in South Africa, allows organised crime the luxury of using state institutions for profit, remaining relatively free from prosecution while continuing to operate in a comparatively stable environment. Failed states mean higher costs for organised crime: without state “assistance”, and infrastructure, there may be greater costs involved in securing crime fiefdoms.¹⁰

In South Africa it seems the lower echelons have been penetrated with corruption-related organised crime activities, but the higher echelons remain relatively free of corruption. The weaker and more corrupt the state becomes over time, the more likely that criminal organisations will form parallel and competing points of power which will be difficult to displace.¹¹

Corruption, bribery and false documentation – a closer look at immigration services in South Africa¹²

In terms of immigration services, because of their inherent nature, these services invite attempts to circumvent established procedures and obtain counterfeit rights. The desire to migrate to seek work being perhaps the best example whereby significant monetary value accrues to documents such as temporary and permanent residence certificates, work

permits, birth certificates and identity documents which in turn attract the attention of all kinds of operators trying to obtain them, falsify them and sell them to would-be migrants seeking work. This situation is aggravated because organised crime syndicates and other unscrupulous elements, even with international underground connections, have involved themselves in this field. This trend has become apparent over almost the full spectrum of immigration services line functions in the process of obtaining identity documents.¹³

However, without the connivance, internal assistance and co-operation of government officials such corrupt practices would not take place. Therefore a materially incorruptible corps of officials would render crime syndicates and document fraud ineffective. Hence the prevention and eradication of corruption (and the attendant document fraud and bribery) would go a long way in slowing down the flow specifically of the more organised illegal migrants who can afford to pay for expensive falsely acquired documents.

A problem encountered by police in trying to track down those officials who might be providing documents to illegal migrants, has been the fact that these officials, when issuing such a document sign with a different handwriting and use a false name. In other words the culprit cannot be traced even if the fraudulently obtained document is confiscated from the illegal migrant.

In one particular incident of fraud and corruption, it was discovered that one official within the Department of Home Affairs who had been providing false documents to illegal migrants was himself an illegal who had been working in the department for seven years under a false name. It was only by means of fingerprints that this was discovered. In this particular scam, information concerning South African citizens was taken from the Population Register whereby applications for South African ID documents were made. In this way illegal aliens were supplied with South African ID documents made out to legal South African citizens. These documents were being sold for amounts ranging from R200 to R5 000.

In one case in Pretoria in 1995, the police arrested members of a large criminal syndicate providing illegal migrants with false documentation. Hundreds of falsified identification documents, matric certificates, blank birth certificates and fingerprint forms, as well as stolen or forged official stamps were seized. The syndicate was suspected of issuing false identity documents to as many as 4 180 illegal Republic of China nationals. The syndicate charged R900 each for a false South African identity document. In another raid in July 1995 in the suburb of Berea in Johannesburg the Aliens Investigation Unit (AIU) of the SAPS arrested two Nigerians and a Ghanaian for possession of South African identity documentation collectively worth almost R1 million. This turned out to be the single largest haul to date of South African passports (119) seized by police in a single raid. The passports seized in this raid turned out to be genuine but stolen. Other documentation in this raid included false Swazi, Nigerian, Ghanaian and Malawian passports, as well as 38 fake South African birth certificates and 34 copies of foreign application forms.

In January 1994 another Chinese syndicate dealing with stolen and false documents was also cracked by the AIU in Pretoria. In this particular case, the method used by the syndicate to entrap officials of the Department of Home Affairs was simple indeed – an official would be approached with a legal application. As soon as this was granted the applicant would thank the specific official by inviting him for lunch where a small gift would be presented to the official thanking him for his help. The gifts would get bigger and eventually large cash amounts would be given for each transaction. Generally the following prices would be paid: visas – R250 to R1 000; temporary residence permits – R400 to R1 000; work permits – R3 000 to R7 000; passports and identity documents – R4 500 to R12 000; permanent residence – approximately R27 000; falsified bank certificates (to certify that a person was financially independent) – R15 000 to R20 000. This syndicate had also recruited potential immigrants overseas with the promise of work and a permanent residence permit. They arranged to bring them to South Africa with a visa for a cost of R8 000. Between 1961 and 1987 a total of only 159 permanent residence permits were granted to Chinese people in South Africa. In 1990 alone 1 382 were granted permits and for the period January to October 1991 a total of 1 959 were granted. However, in October 1994 the SAPS reported that more than 30 000 forged work permits were currently in circulation.

In 1993 a travel agency in Taiwan stole 400 passports from Chinese travellers planning overseas holidays. These passports were then sold for R10 000 each to criminals in mainland China and then used to legally enter South Africa. In other incidents during 1994, 2 000 blank South African passports en route to the Mpumalanga province were stolen from the Department of Home Affairs, while other consignments of 1 500 and 25 ID books en route by train to Port Elizabeth and Durban respectively were also stolen. A number of these passports and ID documents subsequently surfaced in Johannesburg and elsewhere, having been sold to illegal migrants for sums up to R20 000 (although by July 1995 police pressure on supplies had pushed up the black market price for a complete set of South African documentation – permanent residence permit, ID book and passport – to an average of R36 400 with a high of R72 800 being paid in some cases) or were traded on the black market overseas.

Large sums of money (R5 000 for a work permit and up to R20 000 for a permanent residence permit) have also been paid by so-called undesirable immigrants from both the Republic of China (Taiwan), mainland China and Hong Kong (the latter particularly identified as members of Chinese Triad gangs) to private South African immigration agencies, the latter's contacts inside the Department of Home Affairs approving (for a bribe) the applications for permanent residence. More recently, the implementation of the allegedly tamper proof new South African passport and ID document in 1997, a measure that was looked to clamping down on the forging of false passports and ID documents, has also not been as effective as hoped for. Like most control measures counter-measures were soon in place and used by criminals. One can now obtain blank genuine passports at a price of almost R25 000 (presumably stolen directly from the Government Printers). There is even a Singapore-based agency, which offers “an official Southern African Government Immigration Program”, which gives permanent residence to applicants. It claims that this is being run as a

poverty relief programme whereby the money received in return for citizenship is being used to fund various poverty relief programmes in Southern Africa. The cost of the passport and identity documentation is US\$4 500.

Wealthy illegal migrants also bribe or corrupt an official in the Department of Home Affairs to 'create a background' by entering fictitious names of parents, dates of birth and other details into the computer database for Population Registration. The illegal migrant then uses this same information on their application form for a late birth registration. In this way such an application would be rejected by the computer and would go through without any hitches. Once their births had been registered they could legitimately apply for South African identity documents and eventually for a passport.

A further angle to corruption is the exploitation of illegal migrants by means of extortion and bribery where officials and police members extort bribes from illegal migrants who have been apprehended in return for their release. Illegals also pay the guards on the removal trains and trucks to let them jump off during their journeys back to their country of origin. Sexual favours have also been extracted from women in return for not removing them.

The perceived high levels of corruption within official migration/immigration structures are currently also a worrying factor. A number of DHA officials were also arrested for granting permits to foreigners seeking permanent residence. To combat in-house corruption the DHA established an Anti-corruption Unit on 1 April 1998 and by November 1998 a total of 57 cases had been successfully concluded. Of those, 22 concerned fraud or theft and 17 dealt with aiding and abetting, while 72 DHA officials had been arrested and 150 cases were still under investigation.

Combating corruption

Corruption can be combated by governments taking the following steps:

- Anti-corruption legislation (criminalisation of the acts, setting sanctions and punishments)
- Drafting Code of Conduct/Ethics which has to be subscribed to by all employees
- Staff selection (thorough investigation of background – check for a criminal record, qualifications and testing of abilities). Staff selection also involves a clear job description with required responsibilities and accountabilities
- Institute early warning systems i.e. identifying areas or conditions that may be conducive to corruption and when signs show 'red-light' them to warn against the situation developing further. Typical areas of concern can be staff who never take sick or holiday leave (usually cannot afford to be on leave so that a replacement cannot

come in and find out about their system); high incidence of complaints from clients or customers; misuse of company/department assets.

- The institution of an internal departmental anti-corruption unit with special adjudicative and investigative skills, equipped with the best technology and having open access to all databases and processes, ideally reporting directly to the departmental head
- The implementation of an anti-corruption hotline where information can be submitted anonymously if necessary

The above represent some of the main pointers for managers to deal with corrupt practices in their departments. Typically a professional code of ethics would involve the following goals:

- Ethics in the workplace should be reinforced so that a culture of honesty can be inculcated and embedded in public officials as a matter of course
- There should be a commitment from the politicians and the political will to support any anti-corruption initiatives (including support for sanctions, summary suspension and dismissal if proven guilty of corrupt acts and severe punishments)
- Transparency and accountability need to be installed and accepted by each responsible official at their individual point of execution in the line function
- Rules and procedures need to be clearly stated and articulated by informing all officials of them
- The practice of whistleblowing should be institutionalised and destigmatised
- Adequate protection for whistleblowers (anonymity or witness protection)
- Institution of suitable rewards for information
- Exemplary behaviour and conduct should also be rewarded
- Managers should provide moral leadership at all times
- Misconduct should always be subject to disciplinary sanctions
- Integrity training and ethics education should receive a priority

Some additional measures to specifically combat organised crime in South Africa

- Institution of a more effective, regulated and comprehensive informer system which should ideally be closely linked to
- Undercover operations (deep cover agents) to infiltrate and collect information on organised crime syndicates
- Use of entrapment operations. For this method to be successful the authorities must be willing to make sufficient funds (seed money) available to be used in such entrapment operations so that the undercover agents can convince the organised crime syndicate being targeted that the undercover agents are genuine buyers having sufficient funds to make a deal
- Better use of sophisticated crime intelligence analysis combined with sophisticated computer technology
- Use of legal covert technologies in particular such as telephone intercepts and video surveillance. These to be implemented within new enabling legislation
- Improved protection for witnesses by providing an effective and secure witness protection programme that extends all the way to lifelong protection centred around relocation and the provision of new identities if so required. This is crucial in the context of organised crime's predilection for violent intimidation and even permanent elimination (i.e. assassination) of any who dare to provide evidence or stand witness against their illegal acts
- Establishment of a centralised database and better sharing of such information by different agencies combating organised crime and corruption around the world. This is also premised on the setting up of inter-agency networks for improved co-operation and co-ordination of crime prevention by law enforcement agencies worldwide
- Following the money trail, i.e. legislating for a clampdown on money laundering to cut off organised crime's access to cleaning "dirty" money and in that way disrupting their operations and profitability
- Finally, specialised training, resources and equipment for better border controls where a large proportion of organised crime's corrupt activities occur

Endnotes

¹ Dr Anthony Minnaar
Senior Researcher
Institute for Human Rights & Criminal Justice Studies
TechnikonSA
P/Bag X6

Florida 1710, South Africa

Tel: 27-(0)11-4713654 Fax: 27-(0)11-4713752 E-Mail: aminnaar@tsamail.trsa.ac.za

² I would like to acknowledge the assistance of Jean Redpath, Contract researcher for the project on organised crime at the Institute for Human Rights & Criminal Justice Studies for her assistance in providing information on some of the aspects of organised crime and corruption.

³ The Directorate of Special Investigations (DSI), the so-called Scorpion Unit under Dir. Frank Dutton, investigates organised crime, violent crimes, political violence, terrorism, serious economic crime, corruption in the police, criminal justice system and security forces. It operates on a team basis with teams of special investigators headed by prosecutors which work together to ensure investigation yields enough evidence for conviction. The unit is loosely modelled on the FBI.

⁴ Among the current legislation being used to inter alia combat organised crime and corruption in its various forms are the following acts:

- Auditor-general Act (Establishes and empowers the office of the auditor-general who audits the accounts of the national government and together with provincial auditor-generals those of provincial governments)
- Interception and Monitoring Prohibition Act (Provides for the circumstances under which electronic and other monitoring may occur)
- Investigation of Serious Economic Offences Act
- Money Laundering Bill (currently in front of Parliament, places onus on banks for reporting 'suspicious' or unusual movement of funds. Will create new offences in terms of which money laundering may be prosecuted)
- National Prosecuting Authority Act (Created the office of the National Director of Public Prosecutions, and gives him ultimate power over provincial directors of public prosecutions)
- Prevention of Organised Crime Act (amended as the Proceeds of Crime Act) (Creates new offences such as racketeering and provides for the forfeiture of assets used in and earned through criminal activity)
- Public Protector Act (Established and empowered the office of the public protector)
- Special Investigating Units and Special Tribunals Act (Units such as the Heath Unit may be established in terms of the act. Other units are still to be established)
- Witness Protection Act (Provides for the protection of informants and witnesses. Protected persons are paid and moved to a safe place and provided with police protection)

⁵ P. Gastrow. 1998. *Organised crime in South Africa: An assessment of its nature and origins*. ISS Monograph Series No. 28. Institute for Security Studies. Halfway House

⁶ For more detail on the exploitation of South Africa's borders see A. Minnaar. *Policing South Africa's borders: Post-April 1994 – The exploitation of border porosity by organized crime and syndicates*. Paper presented to the Kobe Pre-Congress Conference: Organized crime and organisational crime: Frontiers in research, theory and policy. Kobe, Japan. 19-21 August 1998).

⁷ **Crossborder crime in South Africa**

- Smuggling of 'grey' goods

The extent of the abuse of the system (non-declaration, fraudulent goods manifests (false values), bribery, corruption, roundtripping, hoola-hoop schemes etc.) would appear to indicate extensive

organised activities and control by specific syndicates. Goods involved include cigarettes, tyres, second-hand vehicles, clothing and electronic goods. A further problem here is the under-inspection of containers by Customs officials (only about 2% of containers coming into South Africa are inspected, with inspectors accepting at face value the goods manifests as declared).

- Illegal firearms

The smuggling into and export of arms (to countries like Angola and Democratic Republic of Congo using old Dakota cargo planes by syndicate and organised gun runners flying below radar level and landing at ground airstrips) is one of the biggest problems facing border control. Firearms currently play a significant role in the shaping of South Africa. The lack of success in controlling firearms possession and in flows of illegal weapons has resulted in both the creation and exacerbation of instability. The level of proliferation in South Africa and its consequences reflects the extraordinary influence which firearms have in South Africa, namely the high incidence of violent criminality. There are two major contributory factors to the proliferation of firearms in South Africa: first, the continued growth in legal licensed firearms, and second, the proliferation of illegal weapons which are smuggled across the country's border or stolen from licensed-gun owners. Proliferation of firearms in South Africa is also fuelled by weapons flowing in from Mozambique and Angola and the continuing demand for licensed weapons, which increasingly become illegal through theft and robbery. As a result, neither legal nor illegal weapons can be portrayed as being more responsible than the other for firearms proliferation in South Africa. But, given that proliferation of firearms in the region is fuelled by the illegal cross-border movement of arms over the region's borders, attention has been given to tightening up border security, *inter alia* to try to stem the flow of illegal firearms into the country. The upward trend in weapon smuggling into South Africa, with its accompanying levels of crime, violence and instability, is likely to continue, particularly since the peace process in Angola has and will continue to 'free' vast quantities of arms. The institutions of states within the region – particularly military, police and customs – are far weaker than those within South Africa. Widespread corruption, lack of accountability on the part of officials, limited manpower, training and operational resources are just some of the factors which mitigate against effective state, policing or border controls implementation by South Africa.

- Drug smuggling

Since 1994 there has been a dramatic increase in the smuggling in of drugs (especially mandrax (methaqualone) tablets, the drug ecstasy, as well as stronger drugs like cocaine and heroin. The Nigerian drug cartels in particular have targeted South Africa as a transit country. Young South Africans, especially white women are used as couriers, particularly into Great Britain and Europe. The former especially since South Africa's entry into the Commonwealth South Africans have much easier entry. Since Nigerians themselves are specifically targeted by customs & excise in the UK the use of South Africans as drug 'mules' has increased considerably. South Africa has become an integral cog in the international drug smuggling network with cocaine from South America and heroin from Southeast Asia flowing through the country. In addition, the high quality of South African marijuana ("dagga") has led to the increased export – most often in compressed packages sealed in plastic and hidden in containers – organised by a number of domestic syndicates who control much of the dagga growing, from plantations, picking, drying and transporting, in the KwaZulu-Natal and Eastern Cape regions. (Turnover of this dagga trade has been estimated as greater than the major agricultural crop in KZN, namely sugar, which industry has an annual turnover of R10 billion). The drug syndicates in South Africa make use of a closeknit web of corrupted South African officials that protect international drug smugglers and

foreigners operating in South Africa. An example of the extent of the drug smuggling into South Africa can be gauged from the following case: On 27 June 1998 the police made their biggest ever drug bust at Johannesburg International Airport seizing 44 kg of compressed cocaine with a street value of R13,2 million (US\$2 million) which came in on a flight from Sao Paulo in Brazil and destined for another African country. A total of 117 Nigerians were arrested in Hillbrow (inner city of Johannesburg) for drug dealing between January and June 1998. Furthermore, a study by the UN Drug Control Programme (UNDCP) found that South Africa, Kenya and several West African countries had emerged as key destinations and transit points for cocaine and heroin traffickers. In addition, Johannesburg and Lagos (Nigeria) were now the main African processing points for crack cocaine for further distribution into sub-Saharan Africa. According to a US DEA report of 1997 more than 60 000 Nigerian citizens have moved into the country – concentrated largely in the Hillbrow suburb and inner city areas of Johannesburg - since 1993, many of them illegally. They enter South Africa as tourists, overstay their visa period and then illegally obtain South African identity documents and then apply for South African passports. Some have claimed South African citizenship through political asylum. According to the South African Narcotics Bureau (SANAB) many of these individuals appear to have no visible means of support, yet are living very affluent lifestyles.

- Vehicle theft

The following have been among the most important contributing factors to organised vehicle-related crimes:

- organised crime syndicates pay gangs to hijack vehicles;
- the lucrative income obtained from selling hijacked vehicles;
- seemingly ineffective justice system which often creates the impression that perpetrators are free to do as they wish without reprisal;
- the difficult task of policing crimes of this nature as when policing one area/precinct the perpetrator simply shifts his operation to another area;
- the occurrence of this crime tendency can, inter alia, be ascribed to the availability of illegal and stolen funds (seed money) available to be used in such entrapment operations so that the undercover agents can convince the organised crime syndicate being targeted that the undercover agents are genuine buyers having sufficient funds to make a deal. Better use of inter-relatedness of criminal activities. Vehicle theft/robbery is linked to the illegal arms trade, drug trafficking and vehicle smuggling, as well as money laundering. The extent of vehicle theft in South Africa is accentuated by the fact that various vehicle theft syndicates are currently operating in, or from within South Africa. South Africa is undoubtedly the major source of stolen vehicles in Africa. The SAPS has recovered vehicles, which had been stolen in South Africa from as far afield as Cyprus, Greece, Portugal and Australia. Vehicles have also been recovered from various states in Africa, south of the Sahara, and vehicles stolen in South Africa are increasingly being bartered for illegal drugs, especially Mandrax, in countries such as Lesotho, Tanzania, Zimbabwe, Mozambique and Zambia;
- the fact that practically every province in South Africa and each neighbouring country have a different registration system, minimises the chances of apprehension, thus making the task of the vehicle syndicates that much easier;

- lucrative markets for hijacking vehicles exist. As a result robbed and stolen vehicles and freight of hijacked trucks are easily sold on the black market. Chop shops are selling stolen vehicle parts on a large scale. This can be attributed to the lack of identification on the parts. It can be assumed that a decline in the incidence of vehicle hijacking will occur once the market for stolen parts has been eradicated or severely restricted. This can be achieved by the introduction of a parts marking systems and supporting legislation, facilitating the identification of major removable parts of a vehicle by means of the vehicle identification number;
- precautionary measures applied by some people and/or companies are poor or non-existent;
- one of the biggest problems being experienced in curbing vehicles hijacking and theft and the export of such vehicles, is the system of container shipment. Due to a lack of manpower, the physical checking of every container being shipped out of the country is impossible. While several stolen cars have been recovered during spot-checks carried out on such cargo, the possibility exists that many more have slipped through undetected. In some cases the risks taken to smuggle vehicles out in this manner are worth taking.

- Smuggling of endangered species and other exotics

The syndicates involved with the smuggling of endangered species often target markets outside South Africa for their goods. They therefore do not depend on a distribution network within the country but rather are dependent on local criminals to poach the “goods”, transport them illegally to a central point where they are processed, packed and smuggled (usually in consignments of legitimate export goods or dependent for movement out of the country on false export permits or false declarations on goods manifests, i.e. dependent upon a network of corrupt Customs & Export officials. In recent years a lucrative illegal trade in endangered coastal species, such as abalone (“perlemoen”) and crayfish, as well as such products as sharkfin and dried seal genitalia, has been conducted by organised groups consisting of South African and Chinese criminals (currently there are three known Chinese Triads operating in South Africa, namely the 14K, Wo and Howards gangs. For more detail see Rika Snyman & Bouts Wagener. *An organised crime preventative approach to Chinese Triad activities in South Africa*. Paper presented to the Kobe Pre-Congress Conference: Organized crime and organisational crime: Frontiers in research, theory and policy. Kobe, Japan. 19-21 August 1998). These syndicates operate largely from the Western Cape and export their goods mainly to Hong Kong, Taiwan, Singapore and China (For more detail on a Chinese syndicate’s operations see P. Gastrow. 1998. *Organised crime in South Africa: An assessment of its nature and origins*. ISS Monograph Series No. 28. Institute for Security Studies. Halfway House, pp. 53-54.)

⁸ The national Aliens Investigation Unit (AIU) (established on 13 December 1993 in response to the alarming increase in undocumented migrants/illegal aliens being smuggled into the country) mission is to expose the people aiding aliens to enter the country illegally and to ensure that South African citizens are not deprived of their rights concerning job opportunities, housing and medical privileges. The functions of the AIU are twofold: firstly, dealing with South African citizenship affairs and secondly, with the issuing of permits. In both these areas corruption plays a major role. The first function concerns the organised inclusion of aliens in the population register by means of fraudulent late registration of births; the unlawful issuing of South African passports to non-South African citizens; the unlawful granting of citizenship to aliens; the forging and unlawful issuing of South African identity documents and South African passports; the theft of South African passports during shipment to Department of Home Affairs offices and South African embassies overseas; and the forging and issuing of marriage,

birth and death certificates to aliens. Concerning permits, the AIU deals with the unlawful acquisition of permits by fraud, bribery and corruption in the granting of visas, work permits, temporary residence, the settlement of squatters and permanent residence to aliens; the employment of aliens as cheap labour; the housing of aliens; the bypassing of border procedures to gain entrance into South Africa; and the unlawful issuing of forged permits, stamps and bank certificates to aliens. The AIU concentrates more on the organised inflow of illegal aliens - those involved with syndicates bringing in illegals with either false documentation or documents fraudulently obtained, (official passports obtained through bribery). These illegal aliens are more often the ones who can afford to buy South African ID books or passports. The organised inflow of illegal aliens also relies on the bribery of government officials to obtain official South African passports and other documents. However, the supply and acquisition of work permits, temporary residence permits and permanent residence permits are an even bigger trade in South Africa than passports, but are more easily detected and withdrawn from circulation than cases involving naturalisation or late registration of births.

⁹ Trafficking in women for prostitution

Since 1994 the SAPS has noticed, and this has been revealed in a number of raids on such establishments, an increase in the trafficking in foreign women for the purposes of prostitution. Foreign women from as far afield as the Far East, Russia, Bulgaria, Brazil and other African countries are brought in (often lured by false promises of work as exotic dancers in nightclubs) on an organised basis using tourist visas. Brothel owners/pimps set them up in accommodation but confiscate their passports and the women have to work under threat of exposure as illegal immigrants, i.e. tourists who have overstayed their visa period.

¹⁰ M.Shaw. State responses to Organized Crime in South Africa. *Transnational Organized Crime*, 3(2) Summer 1997, p.2-3.

¹¹ *Ibid.*

¹² For more detail on this aspect of corruption see A. Minnaar & M. Hough. 1996. *Who goes there? Perspectives on clandestine migration and illegal aliens in southern Africa*. Pretoria: HSRC, pp. 153-158

¹³ The problem of false documentation is one of the biggest headaches surrounding the question of illegal migrants in South Africa. Once illegals are in the country they try everything to conceal the illegality – from changing their name, learning the local language, having a South African girlfriend or wife, and obtaining a false ID book. The latter is very easy to obtain if certain steps are taken. Many illegals have used the lack of birth registration in the rural areas to obtain an ID document. Usually the method entails going to a rural town where there is no Department of Home Affairs office so that the application can go through the magistrate's office. Magisterial clerks merely fill in the form and send it on through to the regional Home Affairs office. A late birth registration certificate usually accompanies such an application. To get this, the applicant merely has to 'hire' himself some parents who will attest (swear to under oath) that he/she is their son/daughter and born in the area but whose birth was never registered. In addition such a certificate is either supported by an attestation by the local chief/traditional leader that the applicant is definitely a local or alternatively by a false baptismal certificate or school leaver's certificate. It becomes extremely difficult for Home Affairs officials to check up on the validity of any of these, although in some recent cases it was found that the signee of the baptismal certificate and the church cited in the certificate did not even exist.

