

# **SOUTH AFRICA**

## **Country Profile on Drugs and Crime**

**2002**



**Regional Office  
for Southern Africa**

**United Nations  
Office on Drugs and Crime**

As of 1 October 2002, the United Nations Office for Drug Control and Crime Prevention (ODCCP) was renamed the United Nations Office on Drugs and Crime (ODC). It is comprised of the United Nations International Drug Control Programme (UNDCP) and the Centre of International Crime Prevention (CICP).

*Second printing*

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## **ACKNOWLEDGEMENTS**

This Country Profile reflects the work of many dedicated individuals and organizations whose work we acknowledge throughout the text, and we are grateful for their contributions. In this sense, it is indeed a collaborative undertaking. I would like to offer a personal word of thanks both to all my colleagues in the United Nations Office on Drugs and Crime at our headquarters in Vienna, Austria and to the current and former staff members of our Regional Office for Southern Africa, especially Ugi Zvekic, Gary Lewis and Brigitte Strobel-Shaw, for without all their efforts this work would not have been possible.

## FOREWORD

At the dawn of the new millennium, the unfortunate reality is that drug abuse, drug trafficking, crime, terrorism and corruption are global problems that touch every corner of the world. Moreover, they are inseparably linked to each other. Thus, not only do these phenomena cause havoc domestically, particularly for vulnerable nations striving to meet the basic development needs of their people, but they also threaten international prosperity and stability in the ever-increasing interconnected world in which we live. Fortunately, policy makers are beginning to recognize that combating these evils is not simply a matter of law enforcement, but also one of prevention. In this global market place that trades in human misery, there must be a reduction in demand as well as supply if the international community is to prevail over these evils.

South Africa is an important link in this international network. Today, the country is fully engaged in the activities of the region and the African continent, indeed, in the activities of the world. As a result, eight years after its new democracy burst onto the global stage, South Africa finds itself with a significant drug and crime challenge, as do many other nations. In South Africa's case, however, it finds itself having to confront the additional burden of serving as the regional hub for these illicit and dangerous activities. As with any nation, this in turn makes it more difficult for South Africa to pursue its goals of empowering its citizens and improving their lives. It also inhibits the attainment of broader goals, such as those of the New Economic Partnership for Africa's Development (NEPAD), as the effort of countering drugs and crime must compete for limited resources and energy that also are needed for such challenges as creating employment opportunities and stopping the devastating spread of HIV/AIDS. The good news is that although South Africa is facing this increasingly difficult challenge, it has recognized the need to meet it, and positive steps have been taken to meet it.

This Country Profile is intended to present a picture of South Africa's current drug and crime situation, as well as the related problems of terrorism and corruption, and the countermeasures being undertaken to oppose them. In some sense, it is meant to be a snapshot of today's reality, but in fact, wherever possible, we have endeavored to indicate both how that reality came about and how it is likely to evolve. In a similar vein, we also have tried to show a panorama of the wide range of social, economic and other demographic influences that bear on both the nature of these complex problems as well as their potential solutions.

Our hope is that this Country Profile will assist the people and Government of South Africa in their quest to reduce the problems of drugs and crime, both at home and abroad. We also hope that it will provide the international community with insights into the challenge facing South Africa so that informed international cooperation and assistance will be enhanced. The United Nations Office on Drugs and Crime will continue to support these efforts.



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# EXECUTIVE SUMMARY

## DRUGS

**South Africa in the Regional Context.** South Africa is by far the largest market for illicit drugs entering Southern Africa. Drug trafficking and abuse have escalated in recent years, with the point of escalation traceable to the liberalization of most aspects of society in the years immediately surrounding the country's first democratic elections in 1994. This recent period also witnessed a concomitant relaxation of strict controls of land, air and sea borders, the enhancement of international trade and commerce, and the influx of new cultural trends among the more affluent segments of the population.

**Consumption Trends.** Cannabis is the most prevalent illicit drug used in South Africa. "Mandrax" (methaqualone) is the second most commonly-used illicit drug. Although the use of heroin, cocaine and ecstasy is less prevalent, this has increased notably since the mid-1990s. Since 2000, heroin use has also increased significantly in major urban areas, particularly in Gauteng (which includes Johannesburg and Pretoria) and Cape Town. In 2001, among treatment patients reporting heroin as their primary drug of abuse, evidence points to 51% of such patients in Cape Town reporting some injecting (or 'intravenous') use and 36% doing so in Gauteng. One risk associated with injecting heroin is the spread of HIV/AIDS. The second half of 2001 also witnessed the appearance of heroin users among the impoverished Black/African communities in South Africa's urban and peri-urban areas.

**Ethnic Segmentation.** Although increasing social ethnic integration is evident, the drug consumption markets of South Africa remain ethnically differentiated. The extreme income inequalities between the different broad ethnic segments affect drug affordability and thus consumer choice.

**Drug Use and HIV/AIDS.** Ongoing research in South Africa is demonstrating a link (other than that related to injecting drug use) between substance abuse and the spread of HIV/AIDS. It indicates that adolescents who use alcohol and other drugs are more likely to engage in sex and in unsafe sex than are adolescents who abstain from using them.

**Prevention and Treatment.** Official funding for both prevention and treatment is very limited. The health and education sectors have been only minimally involved in prevention activities. The non-governmental community plays an active role in both sectors. There is currently no national programme for primary prevention or awareness campaign.

**Trafficking Trends.** The drug trafficking activities of organized crime groups are linked to numerous other criminal acts, ranging from car hijackings and robberies, to the smuggling of firearms, stolen cars, endangered species and precious metals. South Africa now features prominently in international drug trafficking networks.

**Law Enforcement.** South Africa has the necessary legislative infrastructure to effect drug countermeasures and is aware of current production and trafficking trends. The specialized investigation units are being phased out of the police force. The impact of this on the country's medium- to long-term capacity to deal effectively with the threat posed by organized criminal groups dealing in drugs is unclear.

## CRIME

**General Trends.** Overall levels of crime began to increase in the mid-1980s and continued throughout the 1990s. There are some indications, however, that the steep increase in crime has been abated in the last year or two; nevertheless, South Africa remains among the most crime-ridden and crime-concerned societies in the world. Also, organized crime, with clear international and regional links, has increased. Recently, the government has increased its criminal justice budget considerably.

**Geographic Variations.** The two most developed provinces, Gauteng and Western Cape, with high concentrations of business, public administration and urban centres (Johannesburg, Pretoria and Cape Town), are the two most crime-ridden, with the highest rates for violent, property and commercial crime. Among rural crimes, stock (livestock) theft is high in the remaining seven provinces.

**Socio-economic Variations.** Crime does not affect all people uniformly, and the risk of being a crime victim is strongly influenced by gender, ethnicity, age, income and place of residence. Ethnicity is still one important factor patterns in South Africa due to the legacy of the apartheid regime's policy of using race to determine much of one's socio-economic status. Thus, for example, while Blacks/Africans are at a higher risk for individual violent crimes, non-Blacks/Africans are at higher risk for property-related household crimes. Property and violent crimes pose the greatest risk for urban residents.

**Violent Crime.** Violent crimes, such as attempted murder, aggravated robbery, serious and common assault, and in particular violence against women and children (including rape of children), has shown a general increase since 1994 with a slight down turn in 2001-2002. Reported rates of rape are at the most serious levels in the world, and there is much concern about the increase in violence against women and in particular against children. Murder rates, by contrast, have been declining since 1994, by almost 30%. Much of the violence is attributed to the proliferation of firearms, both as a cross-border organized crime trafficking problem and as they are illegally appropriated for domestic criminal purposes.

**Organized Crime.** Organized crime in its many manifestations is highly present in South Africa and comprises a range of criminal activities from trafficking in drugs, firearms, persons and stolen vehicles, to smuggling of precious materials and endangered species, involving local, transnational and foreign organized crime groups. Recently instituted organized crime countermeasures, including a new strategy, laws, asset forfeiture operations, and investigative and prosecutorial structures, have made considerable achievements in dismantling certain organized crime groups and monitoring trends in syndicate activities and targets.

**Corruption.** Facing an ever-increasing public concern about corruption, the government has adopted a comprehensive anti-corruption strategy for the public sector, new anti-corruption legislation is under consideration, and considerable efforts to unveil corruption's roots and to promote "good governance and transparency" are being undertaken. There remain considerable problems in the coordination of the various agencies with anti-corruption mandates.



**Crime Prevention.** Fear of crime has resulted in an enormous growth in the private security industry and in reforms within the police force. The police are introducing new approaches to policing (“crackdown police areas” and “sector” policing), as well as the creation of metropolitan police services and the promotion of more police involvement with the local communities. There are some indications of increasing citizen confidence in the police, which over the past few years has been reflected in the increased reporting of crimes to the police.

**Criminal Justice Reform.** The entire criminal justice system has undergone substantial and substantive transformation and reorganization in the post-apartheid era. While much improvement has been achieved, there are still considerable problems in processing crimes and offenders through the criminal justice system, with particularly acute blockages at the judicial and correctional levels.

**International Cooperation and Anti-Terrorism.** South Africa has signed the United Nations Convention against Transnational Organized Crime as well as two of its protocols: trafficking in persons, especially women and children, and smuggling of migrants. It also is a signatory to new two SADC (Southern African Development Community) protocols on corruption and firearms. South Africa has ratified most of the international anti-terrorism conventions.



# 1. CONTEXT

## 1.1 General Background Statistics

| <b>SUMMARY STATISTICS</b>                                    |  |                                 |                                  |
|--|--|---------------------------------|----------------------------------|
| <b>INDICATOR</b>   | <b>South Africa</b>                      | <b>Developed Countries Avg.</b> | <b>Developing Countries Avg.</b> |
| <b>Human Development Index / Rank (2002)</b>                 | <b>107<sup>th</sup> of 173 countries</b> |                                 |                                  |
| <b>Land</b>  |  |                                 |                                  |
| Size of country (square km)                                  | <b>1,221,037</b>                         |                                 |                                  |
| Arable land (square km)                                      | <b>147,530</b>                           |                                 |                                  |
| <b>Population</b>  |  |                                 |                                  |
| Population (million) (2001)                                  | <b>44.3</b>                              |                                 |                                  |
| Population growth (%) (2000)                                 | <b>1.6</b>                               | 0.3 (1998)                      | 1.4 (1998)                       |
| Life-expectancy at birth (2000)                              | <b>52.1</b>                              | 76.8                            | 64.7                             |
| Population age 0-14 (%) (2000)                               | <b>34.0</b>                              |                                 |                                  |
| Population age 15-64 (%) (2000)                              | <b>62.4</b>                              |                                 |                                  |
| Population age 65+ (%) (2000)                                | <b>3.6</b>                               |                                 |                                  |
| Share of urban population (%) (2001)                         | <b>57.6</b>                              | 78.1 (1998)                     | 39.0 (1998)                      |
| <b>Economic Development</b>                                  |  |                                 |                                  |
| GDP Growth (%) (2001)  | <b>2.2</b>                               | 1.0 (1999)                      | 2.5 (1999)                       |
| GDP per capita, US\$ (2000)                                  | <b>2,988</b>                             | 21,770 (1998)                   | 3,260 (1998)                     |
| GDP per capita, PPP US\$ (2000)                              | <b>9,401</b>                             | 23,410                          | 3,530                            |
| GNP per capita, US\$ (2000)                                  | <b>3,020</b>                             |                                 |                                  |
| GNP per capita, PPP US\$ (2000)                              | <b>9,160</b>                             |                                 |                                  |
| Trade: Imports as share of GDP (%) (2001)                    | <b>25.3</b>                              | 21.7 (1998)                     | 30.2 (1998)                      |
| Trade: Exports as share of GDP (%) (2001)                    | <b>27.8</b>                              | 22.7 (1998)                     | 31.7 (1998)                      |
| Share of agriculture in GDP (%) (2000)                       | <b>3.2</b>                               | 2.5 (1998)                      | 13.5 (1998)                      |
| Total external debt, % of GNP (1998)                         | <b>18.9</b>                              |                                 | 42.80                            |
| <b>Poverty and Unemployment</b>                              |  |                                 |                                  |
| Population living on less than US\$1/day (1993-1999)         | <b>11.5</b>                              |                                 |                                  |
| Income distribution ratio (20% richest / 20% poorest) (2002) | <b>22.6</b>                              |                                 |                                  |
| Income distribution ratio (Gini Index) (1993/94)             | <b>59.3</b>                              |                                 |                                  |
| Unemployment rate (2002)                                     | <b>24.9</b>                              |                                 |                                  |
| Unemployment rate, extended definition (see page 4) (2000)   | <b>40.9</b>                              |                                 |                                  |
| Youth unemployment rate (men, 15-24 years) (%) (2000)        | <b>57.9</b>                              |                                 |                                  |
| Youth unemployment rate (women, 15-24 years) (%) (2000)      | <b>53.3</b>                              |                                 |                                  |
| <b>Health</b>  |  |                                 |                                  |
| Public expenditure on health (% of GDP) (1990-1998)          | <b>3.3</b>                               | 6.2                             | 2.2                              |
| Population with access to health services (%) (1999)         | <b>80</b>                                |                                 |                                  |
| Doctors per 100,000 people (1999)                            | <b>56</b>                                | 246.0                           | 78.0                             |
| Number of people living with HIV/AIDS (2001) (million)       | <b>5</b>                                 |                                 |                                  |
| HIV prevalence rates: Women at antenatal clinics (%) (2001)  | <b>24.8</b>                              |                                 |                                  |
| Deaths due to AIDS (%) (2000)                                | <b>25</b>                                |                                 |                                  |
| Deaths due to AIDS (15-49 years) (%) (2000)                  | <b>40</b>                                |                                 |                                  |
| Deaths due to AIDS per annum (thousand) (2001)               | <b>360</b>                               |                                 |                                  |
| HIV prevalence (%) (2000)                                    | <b>12</b>                                |                                 |                                  |
| <b>Education</b>   |  |                                 |                                  |
| Adult literacy rate (% age 15 and above) (2000)              | <b>85.3</b>                              | 98.5 (1998)                     | 72.3 (1998)                      |
| Combined enrollment ratio (%) (1999)                         | <b>93</b>                                | 91.0                            | 61.0                             |
| Radios per 1,000 people (2000)                               | <b>335</b>                               | 1,005 (1995)                    | 185 (1995)                       |
| Televisions per 1,000 people (2000)                          | <b>127</b>                               | 621 (1998)                      | 162 (1998)                       |
| Telephone lines per 1,000 people (2000)                      | <b>114</b>                               | 524 (1998)                      | 58 (1998)                        |
| Mobile phones per 1,000 people (2000)                        | <b>190</b>                               |                                 |                                  |

**Sources:** World Bank, UNDP, UN Department for Economic and Social Affairs (DESA), FAO, Statistics South Africa, USAID, UNAIDS, South African Institute for Race Relations, Medical Research Council (SA).

**Note:** for the period October 2001 - October 2002, the value of the South African rand to the US dollar hovered between 10 and 11 rand per dollar.

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## 1.2 Major Characteristics of the Country

In its eighth year of democratic government, South Africa is a major power in Africa, carrying with it an enormous burden of regional leadership on most political and economic issues. Difficulties of social transformation in South African society are exemplified by the somewhat slower than expected pace of the redistribution of economic power throughout the society. Huge gaps remain in the distribution of wealth. Social transformation is also hampered by the harsh reality of an HIV/AIDS pandemic whose impact is falling principally upon the Black/African community. The medium to long-term effects on social capital of a generation of "AIDS orphans" are only now being calculated. South Africa combines, in many respects, the characteristics of a highly industrialized country with those of a developing country in sub-Saharan Africa. The following description highlights some of those characteristics and explains the special vulnerability of the country to drug abuse, drug trafficking and crime in general.

### Geography

From the 1960s onwards, South Africa's geographical distance from the world's main drug production and consumption zones, coupled with its political and economic isolation, prevented the country from emerging as a major drug transit point. However, the country's re-integration into the international community in the 1990s has permitted its developed transportation and communications systems and advanced banking structure to be used for the purpose of illicit trafficking of many commodities, including drugs.



Map 1: South Africa

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## Population<sup>1</sup>

According to Statistics South Africa (Stats SA 2001), South Africa's population was estimated at 44 million in 2001. This makes South Africa the fifth most populous country in Africa after Nigeria (127 million), Ethiopia (64 million), Egypt (64 million) and the Democratic Republic of the Congo (51 million) (UNDP 2002). The Statistics South Africa survey showed that 77.8% of the population were Black/African, 10.2% were White, 8.7% were Coloured, and 2.5% were Indian/Asian with the remainder unclassified.

Blacks/Africans are the majority throughout the country except for the provinces of Western Cape (which includes Cape Town) where they comprise 21% of the population, and Northern Cape (33%). There is a concentration of White South Africans in Gauteng (the province containing Johannesburg and Pretoria) where they comprise 23% of population, and in the Western Cape (21%). Coloured South Africans are concentrated in Western Cape (54%) and in Northern Cape (52%). Indians/Asians are concentrated in KwaZulu-Natal (9%), especially in and around the city of Durban.

Approximately 58% of the population lives in urban conglomerations compared with 34% in sub-Saharan Africa and 40% in developing countries on average (World Bank 2002). This proportion is forecast to grow to 67% by the year 2015 (UNDP 2002). Population growth during 2000 was estimated at 1.6% per annum (Stats SA 2001), but population growth rates are showing a downward trend. This is largely a result of declining fertility rates and the negative impact of HIV/AIDS on the demographics of the country. HIV prevalence rates for women attending ante-natal clinics for the public health services is 24.5% (Department of Health 2001). It is estimated that the number of HIV-positive babies born annually in South Africa is approximately 100,000 (Department of Health 2001). According to UNAIDS and the World Health Organization, South Africa has the highest number of people living with HIV/AIDS in the world at 5 million (UNAIDS 2002).

UNDP estimates that population growth will fall to 0.2% during the period 2000-2015. This is far below the projection for developing countries in general (1.4%) (UNDP 2002). In July 2001, South Africa's Medical Research Council estimated that the deaths of 40% of all South Africans aged between 15 and 49 in 2000 were due to HIV/AIDS (MRC 2001).<sup>2</sup> AIDS is expected to have a significant impact on South Africa's population in the future. UNDP reports that life expectancy in South Africa for the year 2000 was 52.1 years. This compares with its indication of an overall increase in life-expectancy in both the developing countries (65 years) generally, and the industrialized countries (77 years). (The World Bank reports that life-expectancy has dropped to 47.8 years in South Africa (World Bank 2002)). UNAIDS reported that during 2001 approximately 360,000 South Africans had

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1 The demographic characteristics of substance users have proven an important element to include in drug-related research as they help to identify vulnerable groups within the population as a whole, and consequently to improve the prospects for effective preventive and other interventions (i.e., targeted awareness programmes). Statistics South Africa continues to classify people into population groups. Such classification is no longer based on a legal definition, but rather on self-classification. The categories currently used by Statistics South Africa are as follows: "Black/African", "Coloured", "Indian/Asian", "White" and "Other/Unspecified". See: <http://www.statssa.gov.za/default3.asp>. This report has adopted the categories used by Statistics South Africa.

2 The report is based upon data from the Department of Health's annual ante-natal survey and the Actuarial Society of South Africa's AIDS model. The report documents rapid changes in South Africa's mortality data with an increasing trend in the deaths of young adults since 1997, interpreted to be mostly caused by AIDS. The report projects that by 2010, if there has been no effective intervention: (a) there will be a threefold increase in deaths among children aged one to five; (b) the number of AIDS deaths will rise to double the number of deaths attributable to all other causes; and (c) population growth will be halted by the epidemic.

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died of AIDS (UNAIDS 2002). Previously, the Government had predicted that by 2008 the annual number of fatalities attributable to HIV/AIDS would be more than half a million (Department of Health 1999).

### **Economic wealth and income distribution**

South Africa's gross national product was US\$129 billion in 2001, equivalent to 41% of the total sub-Saharan GNP for the year. This alone underlines the country's economic importance in Africa. In addition, GNP per capita was US\$2,900 in 2001, surpassed in Africa only by Botswana, Mauritius and the Seychelles. However, South Africa – more than most countries – is characterized by a strong inequality of income distribution. The richest fifth of the population earns 22 times more than the poorest fifth. By comparison, in the United States, the richest fifth earn 9 times more than the poorest fifth. Even if compared with developing countries in sub-Saharan Africa, the existing income gaps in South Africa are large. The multiplier is 12 in Zimbabwe and 13 in Nigeria (UNDP 2002). All of this has a number of implications:

- (i) relatively higher levels of income in South Africa – even for the underprivileged – make the country attractive as a location for immigration which, as experience has shown, tends to create a favourable climate for drug trafficking activities;
- (ii) at the same time, strong income inequalities raise the readiness of underprivileged groups to participate in illegal activities, including drug trafficking;
- (iii) the high levels of income among the wealthy make the country attractive for drug imports from abroad.

### **Economic growth and unemployment**

The political and economic isolation of the country under the apartheid regime in combination with a strong population growth resulted in an actual 0.6% decline in GDP per capita during the period 1975-97. By 2001, GDP growth was at 2.2%. This has occurred despite the high level of crime (drug-driven) and violence, perceived, among broad sections of the population, as being out of control. The lack of internal security has not contributed to an environment conducive to long-term investment. Investors have routinely cited crime as the biggest deterrent to conducting business in South Africa (EIU 1999-2000). In 1998, it was estimated that each day 1,000 people entered the labour market while the formal sector of the economy shed 200 jobs per day.<sup>3</sup> The picture has not improved markedly since then. Using an extended definition of unemployment,<sup>4</sup> the unemployment rate in 2000 stood at 40.9%. Among the young males, the figure in 2000 was 53.3%. By any comparative international standard, the unemployment rate in South Africa continues to be extremely high.

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3 *The Economist*, 31 October 1998, p.51.

4 The expanded definition of unemployment includes not only people who are unemployed and looking for work, but also those who are too discouraged to try to find a job or too poor to travel to look for one. (SAIRR, 2000).

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## **Foreign trade and financial markets**

South Africa's foreign trade has expanded strongly since the end of the apartheid regime. The increases may not seem very large in dollar terms, but they are large in terms of the local currency. Exports grew – in rand (local currency) terms – by 62% during the 1994-1998 period, and imports rose by 88% over the same period. It comes as no surprise that such increases in legitimate trade are also exploited by drug trafficking and contraband smuggling organizations. Imports and exports of goods and services in South Africa were, respectively, 25% and 28% of GDP in 2001 (World Bank 2002). With the emergence of a democratically-elected government, the attractiveness of South Africa for commercial and financial transactions increased. Data on financial flows show a strong increase in both capital inflows and outflows over the last few years. Notably, portfolio investment increased, exceeding direct foreign investment flows. Capital inflows for portfolio investment grew – according to IMF data – from US\$1.1 billion in 1993 to US\$13 billion in 1998 (IMF 1999). These are large sums compared with flows to developing countries generally.<sup>5</sup> There is therefore concern that parallel to the increased attractiveness of South Africa for legitimate investors, its appeal as a base for money laundering operations may have risen.

## **Education and Religion**

South Africa has a comprehensive educational system. The overall literacy rate of 85% among adults is high for a developing country (comparable figures: Kenya 82%, Zambia 78%, Nigeria 64%, Malawi 60%, Cote d' Ivoire 47%, Mozambique 44%, Senegal 37%, Niger 16%), and authorities in South Africa have over the past few years strengthened efforts to further improve the situation and overcome the legacy of the apartheid regime (UNDP 2002). South Africa spent 7.6% of GNP on education (1995-97), more than most developing countries (3.6% on average) and more than some industrialized countries (5.1% on average). Almost all children enroll in primary education and 95% in secondary education. These are very high ratios, clearly exceeding the global average (88% in primary and 65% in secondary education) (UNDP 1999). Drug and crime prevention campaigns in schools should thus reach a majority of youths in the country. Religion plays an important role in the life of South Africans – a fact which can be taken into account in designing drug abuse and crime prevention campaigns. Churches are a potential partner in such campaigns. According to Statistics South Africa, almost 80% of the people are Christians, of which the vast majority are Protestants.

## **Health**

Overall, South Africa has a well established health care system. Nonetheless, quality and availability of health services across the country is very uneven – again a legacy of the apartheid regime. There were 56 doctors per 100,000 inhabitants in 1999, almost four times more than in sub-Saharan Africa (13.4 per 100,000 people) in 1998, but less than the developing countries average (76 per 100,000). Cigarette consumption rose in South Africa by 28% over the last two decades (period 1970-1972 to 1990-1992). This was basically in line with a 21% increase in sub-Saharan Africa, but in sharp contrast to the 12% decline in the industrialized countries. Smoking of tobacco, notably the onset of smoking at an early age, has been found to increase the risks for cannabis smoking and subsequently the risk for

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<sup>5</sup> The net capital inflow for portfolio investment in 1997 was US\$1.5 billion in Thailand, US\$0.6 billion in Pakistan, US\$0.3 billion in Nigeria, US\$0.1 billion in Egypt and Morocco and less than US\$0.1 billion in all other African countries (UNDP 1999).

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switching over to other drugs. Even more serious has been the rapid spread of HIV (estimated at approximately 20% of the adult population), even though this is not – as yet – reflected in reported AIDS cases.



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## 2. OVERVIEW OF THE DRUG SITUATION

South Africa is by far the largest market for illicit drugs entering Southern Africa. Its relative affluence within the region makes it a tempting ‘emerging market’ in its own right. The country’s geography, porous borders and international trade links with Asia, Latin America, Western Europe and North America have made it an attractive drug transit country. Drug trafficking and abuse have escalated in recent years, with the point of escalation traceable to the liberalization of most aspects of society in the years immediately surrounding the country’s first democratic elections in 1994. The relaxation of strict controls of land, air and sea borders, along with the enhancement of international trade and commerce, plus the influx of new cultural trends among the more affluent segments of the population, are all associated with the increase in drug trafficking and abuse as well as violent and organized crime. To a greater degree than in many other countries, the drug trafficking activities of organized crime groups are linked to a multitude of other criminal acts, ranging from car hijackings and robberies to the smuggling of firearms, stolen cars, endangered species and precious metals.

South Africa is a society in transition. Drug use correlates strongly with the pressures placed upon social capital by rapid modernization and the decline in traditional social relationships and forms of family structure. This is particularly the case with respect to children (Frank and Fisher 1998). Another factor contributing to the increased prominence of illicit drug use in South African society is high unemployment. Among the non-White population, social injustice and the weakened family bonds which resulted from decades of apartheid policies have created an environment in which temporary escape from the harsh reality of everyday life is often sought through the consumption of psychoactive substances. Among the White population, anecdotal evidence also supports a connection between increased substance abuse and both increased availability of drugs and the psychological consequences of adjusting to life in the “new” South Africa.

Despite the fact that there are no official prevalence figures, common knowledge, coupled with the results of repeated localized surveys, points to cannabis as the most prevalent illicit drug used in South Africa. “Mandrax” (methaqualone) is the second most commonly used illicit drug.<sup>6</sup> Mandrax is frequently smoked with cannabis, a combination referred to as “white pipe”. Although the use of heroin, cocaine and ecstasy is less common than that of cannabis and mandrax, sentinel surveillance has charted significant increases in their use, notably since the mid-1990s. Treatment data suggests that cocaine use is substantially more prevalent than heroin or ecstasy use. The number of people seeking treatment for cocaine use since mid-2000 has been broadly similar to that for mandrax. Worryingly, the increase in cocaine use has been particularly associated with crack cocaine in some urban areas over the last two to three years. Heroin use has also increased significantly in major urban areas – particularly in Gauteng province and Cape Town – albeit from a low base. Compounding this problem, there is evidence of an emerging trend toward injecting heroin use (SACENDU 2002). Glue and solvent sniffing is a common problem

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<sup>6</sup> Mandrax is a blend of the pharmaceutical drugs methaqualone and antihistamine. It was originally used legally as a sleeping tablet. The term "mandrax" refers to the common street name for a drug containing significant quantities of methaqualone. It derives from Mandrax®, the original Roussel trade name.

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among children and youth, especially street children<sup>7</sup>, but there is limited available documentation on prevalence.

Although increasing ethnic integration is evident, the drug markets of South Africa remain ethnically differentiated. The extreme income inequalities between the different broad ethnic segments naturally affects drug affordability and, with it, consumer choice. These differences in disposable income and consumer choice also determine the differentiated marketing practices in various residential suburbs which are still to a large extent ethnically segregated. As a result, distinct dynamics emerge in the market chain of each major substance group (Leggett 2001; ISS 2002).

**Cannabis** cultivation remains in the hands of poor rural Blacks/Africans, although cannabis is also imported from Swaziland, Malawi, and Lesotho. Retail and consumption patterns defy easy generalization, with all ethnic groups being involved. Overall profitability is small due to the abundance of supply.

Law enforcement sources estimate that the bulk of **mandrax** consumed in South Africa is imported from overseas – principally China and India. Wholesaling remains in the control of the Coloured (particularly organized gangs) and Indian/Asian communities. Retail selling and consumption are still to be found disproportionately high among the Coloured and Indian/Asian populations, although all ethnic groups participate at this level (ISS 2002).

South Africa's **cocaine** market originally catered to upper-income consumer groups, with trafficking originally controlled by White networks. Following the influx of Nigerian criminal organizations in the early to mid-1990s, the cocaine import and distribution markets have come under the control of these groups. These criminal organizations tend to operate out of residential hotels in the large urban centres (Johannesburg, Cape Town, Durban and Port Elizabeth), but have been concentrated – until very recently – in the Hillbrow area of Johannesburg (SAPS 1996; SAPS 2001). Crack use has also become prominent among vulnerable groups in society, for example commercial sex workers.

**Heroin** is sourced by criminal organizations from markets in Southeast and Southwest Asia. As a low-volume/high-value item, it is couriered into South Africa principally via Johannesburg International Airport. Other sources of supply do exist, but these primarily involve seaport entry principally via Mombasa, Kenya and Dar es Salaam, Tanzania. The drugs are then transported down East Africa's main arterial road networks toward South Africa. Heroin use was uncommon until very recently, possibly because most South Africans are not familiar with injecting drugs, a trend which remains unchanged. However, the availability of high-purity smokable heroin has increased the drug's appeal. This, coupled with reported "loss-leader" supply-driven marketing strategies by trafficking groups which deliberately target upper- and middle-income consumers, has resulted in dramatic increases in heroin use since 1999. The year 2001 witnessed significant escalations in the number of people presenting for treatment who indicated heroin as their primary substance of abuse (SACENDU 2002). The second half of 2001 also witnessed a new

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<sup>7</sup> Statistics from a recent UNICEF discussion paper shows that South Africa already has 300,000 AIDS orphans, and in KwaZulu-Natal there are an estimated 100,000 AIDS orphans, many of them living on the streets. The paper claims that 11% of children under the age of 15 years in South Africa are orphans, and this figure is expected to rise to almost 17% by 2010 (UNICEF 2002).

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feature in the local drug scene, the appearance of heroin addicts among the impoverished Black/African communities in South Africa's urban and peri-urban areas.

The use of “**club drugs**” (principally ecstasy and LSD, but including a wide range of substances) has grown dramatically in the White community since the early 1990s, in part due to active interaction with the youth cultures of industrialized nations. While amphetamine-type stimulants, notably ecstasy, are mainly imported from Europe to satisfy domestic demand in the club scene, there is also evidence of local manufacturing of these substances. Supply is dominated by highly structured White syndicates that control the security at both rave clubs and related mass events, where significant distribution occurs. These “bouncer mafias” allow syndicate dealers to operate in rave venues and muscle out any independent operators. There is evidence of recent involvement by Nigerian criminal organizations into these highly profitable markets often through cooperation with the bouncer mafias who contract out much of the import end of the business.

Following a decade of opening up to the outside world, South Africa has now unfortunately become part of major international **drug trafficking networks**. These are often organized by West African – principally Nigerian – criminal groups which since the late 1990s have established permanent operational bases in Southern Africa in general and South Africa in particular. Over the past few years, these groups have integrated South Africa into their pre-existing networks linking the drug producing countries of Latin America (cocaine) and Asia (heroin) with the “traditional” cocaine and heroin consuming markets of Western Europe and North America. Cannabis trafficking networks from South Africa to Western Europe tend to involve White South Africans and Dutch and British expatriates living in South Africa. There have been recent inroads into this market chain, however, by other organized criminal groups in the context of reported bartering arrangements (or at least two-way sales) of cannabis for other drugs which are then consumed within South Africa. As is noted below, this bartering is one factor which has served to buffer the price of imported drugs against the effect of the declining value of the South Africa rand.

**Demand reduction:** Prevention programmes are the responsibility of the Department of Social Development (formerly the Department of Welfare), while treatment falls under the auspices of the Department of Health. However, the respective roles are, in practice, blurred. Both Departments have developed programmes for prevention and treatment programmes, but constraints exist with regard to funding. Funding for treatment is very limited, and facilities are unevenly distributed throughout the country. The health and education sectors are only minimally involved in prevention activities. The latter gap is filled in part by a highly dedicated group of NGOs and concerned citizens, but their capabilities and mandates are limited. There is currently no national programme for primary prevention in place.

**Law enforcement** appears to be attuned to current production and trafficking trends, although there has been no clear or official re-prioritization away from cannabis and mandrax toward crack, heroin and the club drugs. Under the rubric of countermeasures against organized crime, action against drugs features alongside firearms and stolen vehicles. Specialized investigation units are being phased out, and staff are being integrated into the police organized crime component. It is as yet unclear whether this restructuring will continue or indeed whether it will have a positive impact on the country's medium- to long-term capacity to deal with the threat posed by organized criminal groups dealing in drugs.

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**Legislation:** A variety of laws govern and adequately cover the country's law enforcement countermeasures, criminal procedures and prevention and treatment measures. Recently, the Financial Intelligence Centre Act was passed in October 2001 which will henceforth play a significant role in South Africa's response to the threat of money laundering. The National Drug Master Plan, approved in 1999, creates a quasi-governmental Central Drug Authority to monitor its implementation, but its role to date has been extremely limited due to insufficiency of resource support.

**Conventions:** South Africa is party to the 1961 Single Convention on Narcotic Drugs, the 1972 Protocol amending it, the 1971 Convention on Psychotropic Substances and the 1988 Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

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### 3. DRUG SITUATION

#### 3.1. Cultivation and Production

**Opium and coca:** There is no cultivation of either opium poppy or coca bush in South Africa.

**Cannabis:** There is large-scale cultivation of cannabis. Most of the cannabis cultivation takes place in small, remote plots in the following provinces (by order of importance): Eastern Cape, KwaZulu-Natal, Limpopo (formerly Northern Province) and Mpumalanga. Cannabis is usually cultivated in mountainous or otherwise inaccessible areas, and – on a smaller scale – on the fringes of large, historically White-owned farms. In both the Eastern Cape (essentially the former "independent" Republic of Transkei) and in KwaZulu-Natal, a large number of rural families supplement their cash income with cannabis production. Almost all are Black/African small farmers who are poor. They supplement their subsistence agriculture with cannabis as a cash crop. Unlike other countries in the subregion, there is no evidence of plantation style cultivation in South Africa (Aziz 2001).

A considerable amount of cannabis is also imported into South Africa from Lesotho (ARQ 1998, Strydom 2000, OGD 1998a). Smaller quantities are also brought in to satisfy domestic demand from Swaziland and Malawi. Major domestic consumer markets are the metropolitan areas of Durban, Johannesburg and Cape Town.

Most of the cannabis consumed in the country is of South African origin. Authorities estimate that excess production enabled exports to grow from 15% of total production in 1991 to 70% of total production by 1996. Although the cultivation and wholesaling at domestic level is in the hands of rural Black/African communities and middlemen, much of the international

#### **Brief history of cannabis in South Africa**

The use of cannabis, known as *dagga* in South Africa, dates back to the 15th century AD. Arab as well as Persian and Indian merchants are reported to have been responsible for its spread along the eastern coast of the African continent in the 13th century. By the 15th century, Swahili merchants in East Africa and some Bantu tribes in Central and Southern Africa co-operated in bringing the plant to Southern Africa where it was later also cultivated. Cannabis gained in popularity in the 18th and 19th century (OGD 1996a). In 1928, authorities in South Africa introduced the first drug legislation concerning cannabis (Wright 1991). Historically, the controlled use and consumption of cannabis among the African population was ubiquitous throughout Southern Africa (MacDonald 1996). Cannabis was an integral part of the culture of traditional communities. Strict rules and values governed the circumstances under which it could be used. Availability was usually controlled by tribal elders. However, in the context of a modernizing, increasingly urbanized society, where traditional community controls are breaking down, the use of cannabis has now become the domain of the younger user and the poly-drug user. In South Africa, cannabis use is now often associated with alcohol and mandrax use. Over the past few decades cannabis use has also gained in popularity among all ethnic groups.

cannabis trafficking to Europe is reportedly in the hands of British and Dutch expatriates living in South Africa, working in conjunction with South Africans. Western Europe in general, and the United Kingdom and the Netherlands in particular, are the main final destinations. For example, within the past two years, based on seizure and arrest data as well as other sources of information, the UK has reclassified South Africa upward as the most significant source of herbal cannabis smuggled into that country, far outranking any other.<sup>8</sup>

Several neighbouring countries also report South Africa as a source country for the cannabis they seize. Authorities in Namibia, for instance, claim that 80% of the cannabis consumed within that country is from South Africa (ARQ<sup>9</sup> 1996).

Estimates on the extent of cannabis cultivation in South Africa are made regularly. They are based largely on aerial surveys. These have been undertaken either by the South African Police Service's Aerial Application Unit or subcontractors. Both are related to crop eradication efforts. The resulting estimates have fluctuated significantly over the years, and there have been some apparent inconsistencies in reporting (see Table 1 below).

| <b>Table 1. Estimates on area under cultivation of cannabis in the Republic of South Africa, 1992-2000, in hectares (Ha)</b>   |                    |                 |       |                       |        |       |       |                      |
|--|--------------------|-----------------|-------|-----------------------|--------|-------|-------|----------------------|
|  | 1992               | 1993            | 1994  | 1995                  | 1996   | 1997  | 1998  | 2000                 |
| Reported change of area under cultivation versus previous year (ARQ)   | stable             | stable          | down  | up                    | stable | down  | down  | stable               |
| Estimates of areas under cultivation (ARQ)   | 6,000              | 5,000           | 2,140 | 82,000 <sup>(1)</sup> | 1,200  | 2,000 | 1,300 | 1,247 <sup>(3)</sup> |
| Other sources (see below)  | n.a.               | 20,000 - 30,000 |       | 83,000                |        | n.a.  | n.a.  |                      |
| Exported (in % of total domestic production) (ARQ)   | 15% <sup>(2)</sup> | 25%             |       | 70%                   |        | n.a.  | n.a.  | n.a.                 |
| (1) – later reported to UNDCP to have been a gross over-estimate.<br>(2) – 1991.<br>(3) – SANAB directly (not yet reported via ARQ).<br>Other sources: US Drug Enforcement Agency, the French Observatoire Geopolitique des Drogues, German Bundeskriminalamt, UK Home Office. |                    |                 |       |                       |        |       |       |                      |

In 1992, cannabis cultivation was estimated at 6,000 Ha by the South African authorities (ARQ 1992). For the next two years, South African authorities reported to UNDCP

<sup>8</sup> In May 2001 alone, 16 persons (11 South Africans and 5 European citizens) were arrested at London's Heathrow airport inbound from Johannesburg International Airport. Each was carrying an average of 28 kg of compressed herbal cannabis. The gender breakdown among the South Africans was 9 males and 2 females. The racial breakdown among the same group was 7 White, 3 Black/African and 1 Coloured.

<sup>9</sup> ARQ means "Annual Reports Questionnaire". This is an official report which the UN Commission on Narcotic Drugs requests each UN Member State to complete on an annual basis and return to ODC HQ in Vienna. It is divided into three sections: (a) legislative and administrative measures, (b) drug abuse, and (c) illicit supply of drugs.

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that there was a decline in cultivation. By contrast, the US Drug Enforcement Administration, based on information received from South Africa, estimated an expansion of cannabis cultivation to between 20,000-30,000 Ha in 1993-94 (DEA 1996). If correct, this would have been more than all cannabis cultivation in Latin America (16,000-17,000 hectares) in the period 1993-94 according to US estimates (INCSR 1999). This high level of cultivation was subsequently also reported by the South African Police Service (SAPS). In the mid-1990s, an official SAPS report identified 56,000 acres under cannabis cultivation (equivalent to 22,700 Ha or 0.1% of the arable land) in 1994 (SAPS 1995).

Thereafter, estimates went even beyond levels that could be considered realistic. For 1995, South African authorities estimated the area under cannabis cultivation to have increased to more than 82,000 Ha, which would amount to 0.5% of arable land (SAPS 1996). These high figures did not go uncontested within the police force. The South African Narcotics Bureau (SANAB) continued to estimate that only about 2,200 Ha were being dedicated to cannabis cultivation,<sup>10</sup> in contrast to the higher figure (see also Oosthuysen 1998) which pegged cultivation at 82,734 Ha. SANAB claimed that the higher figure had been the result of a calculation error. This claim was subsequently proved correct, but only following publication of the figures. Nonetheless, based on the higher figure, the authorities – applying a yield of 2,120 kg/Ha – estimated total cannabis production to amount 175,000 tonnes. This figure was subsequently also quoted for several years by other international organizations, including Interpol, INCB and various national organizations such as the UK Home Office and the German Bundeskriminalamt (BKA). Such a level of production would have meant that South Africa would have been – by far – the world’s largest producer of herbal cannabis. However, the estimate has not withstood the process of verification and critical validation.<sup>11</sup>

In 1997, SAPS officially informed ODC that the 1995 estimate had been too high. Estimates were subsequently lowered from more than 80,000 Ha to levels of around 2,000 Ha, while the extent of cultivation was considered to have remained stable. The figure for 1998 estimates cultivation at 1,300 Ha reflecting some decline over the previous year. Based on South Africa’s standard yield of 2,120 kg/Ha, cannabis output was thus estimated at 2,760 tonnes in 1998 (roughly equivalent to some 830 tonnes of marijuana). The cultivation figure reported by SAPS for 2000 is 1,247 Ha.<sup>12</sup> A recent unpublished ODC study of the cannabis

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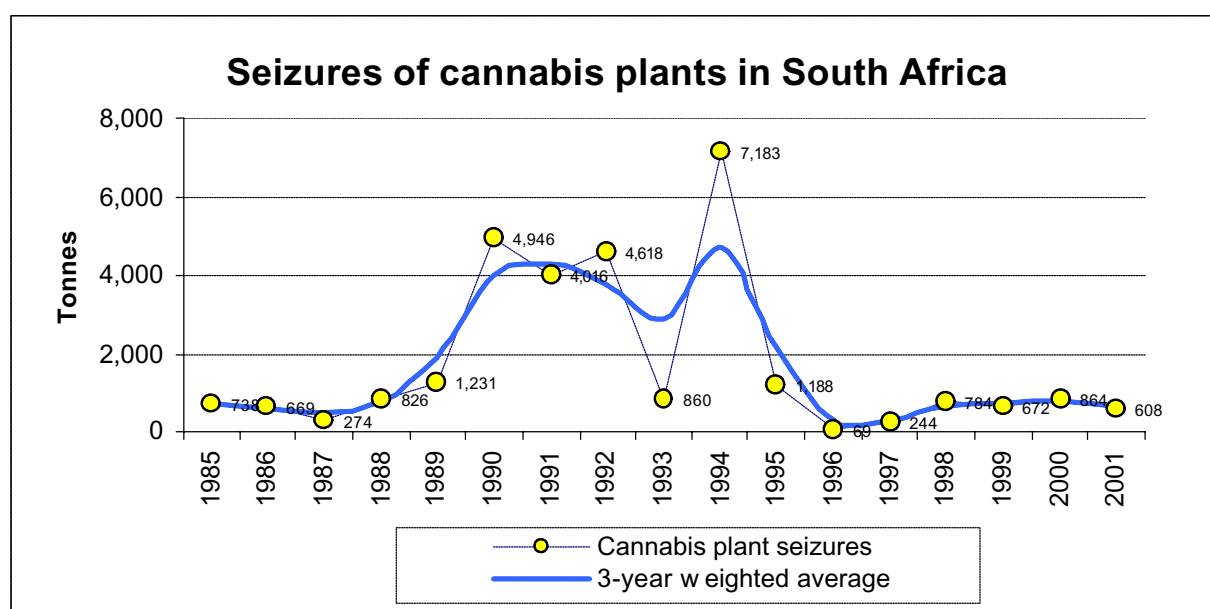
<sup>10</sup> SANAB (1998) Arrest and seizure data. Pretoria, (Unpublished statistics).

<sup>11</sup> First, the yield figures used in South Africa do not appear to reflect cannabis herb (marijuana) production but the overall weight of dry cannabis plant material, and are thus not directly comparable with cannabis herb production figures, as used in many other countries. In official South African publications it is mentioned that only 30% of cannabis production is “for smoking”, suggesting that cannabis herb accounts for about 30% of cannabis production (SAPS 1995). The actual marijuana yield would thus fall from 2,120 kg/ha to 636 kg marijuana per hectare -- a figure in line with yields reported from Latin America (some 660 kg/ha on average). Even taking this into account, South Africa would have still produced some 53,000 tonnes of cannabis herb in 1995. Considering the reported export rate of 70%, the actual amount for consumption in South Africa would have amounted to 16,000 tonnes of cannabis herb. The question therefore arises whether such levels of consumption are possible, as consumption in South Africa would have been six to ten times higher than overall marijuana consumption in the USA (1,600-2,400 tonnes p.a.) even though South Africa’s population is considerably smaller.

<sup>12</sup> South African Police Service, “Today’s Situation: Globalization and the Risk of Transnational Organizations” paper presented by S. Superintendent George Mason, at SACENDU report back session October 2000.

situation in South Africa indicated that the current SAPS estimate of 1,000-1,200 Ha appears to be accurate (Aziz 2001). This study found, *inter alia*, the following:

- The average size of a cannabis field in South Africa is 300 square meters. A good quality field of this size will yield approximately 10 kg of flowering tops and leaves and approximately 25-30 kg of poor quality marijuana (Majat). If the farmer sells the marijuana immediately after the harvest, the revenue will be approximately R700 for the top quality and approximately R500 for the remaining poor quality marijuana.
- Extrapolating to a hectare size field, the returns will be R40,000 from a total mass of between 1,155-1,320 kg of “usable” plant comprising 330 kg (flowering tops) plus 825-990 kg (dried leaves).
- In the cannabis growing areas of Eastern Cape and KwaZulu-Natal, the cannabis farmers are almost exclusively subsistence farmers, farming small plots of poor quality land. Cannabis is usually the only cash crop that they grow. The average annual household cash income from cannabis ranges between R1,200-2,000.



**Figure 1:** Seizures of cannabis plants in South Africa (1985-2001).

Sources: ARQs; SAPS. Note: While the remainder of the seizure statistics used in this report have been sourced from the records of the SAPS Forensic Science Laboratory, this is not the case for cannabis. Unlike other illicit drugs, cannabis seizures represent a low-value, high-bulk product. As a result, only a small percentage of cannabis cases are actually forwarded to the National Forensic Science Laboratory for analysis. For this reason, the cannabis statistics used in the above graph have been supplemented with information available from the South African Narcotics Bureau (SANAB).

The precise amount of land dedicated to cultivation remains a matter of dispute, as is the total quantity of cannabis produced, in view of the varying estimates of the number of crops harvested per year (typically between two and four). While intermittent eradication operations conducted by the SAPS do provide accurate details on the scope of these operations themselves<sup>13</sup>, they do not actually go further to indicate the totality of what is occurring with regard to cannabis cultivation in South Africa. Nonetheless, even at currently reported levels,

<sup>13</sup> See for example, SAPS 1999 for details on Operation Motokwane (October - December 1999). More recently, cannabis eradication operations were conducted in the Umtata and Lusikisiki areas of Eastern Cape (October 2001).



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South Africa is still one of the world's largest producers (UNODCCP 2001 and UNODCCP 2002). Though production estimates for other countries also have to be interpreted with considerable caution, South Africa's importance in the cultivation and production of cannabis internationally can be extrapolated from the huge quantity of seizures the country makes each year (see section 3.4). According to Interpol, South Africa is among the world's top four source countries for herbal cannabis (Interpol 2001).

### 3.2 Manufacture

After the Second World War, mandrax emerged as another important psychoactive substance. Following the identification of its abuse potential, mandrax was removed from the legal market and classified as a prohibited dependence-producing drug in part I of the schedule of the South African narcotics law (Act 41 of 1971). However, following its official withdrawal from the local market, mandrax tablets were diverted from international distribution channels – mostly originating in India and China. In recent times, they have also been illicitly manufactured in neighbouring African countries as well as in South Africa itself. Abuse was originally primarily concentrated in South Africa's ethnic Indian/Asian population. However, it is has since spread to other ethnic groups, notably the Coloured community, but also the country's Black/African population. There is hardly any use of this substance reported among Whites. In geographical terms, its use is heavily concentrated in the Western Cape province where there is a large Coloured population base.

Mandrax is today the second most widely abused illicit substance in South Africa after cannabis (SACENDU: all reports). Its use started to become a general problem for South African society in the late 1980s. There is evidence that the apartheid state promoted drug use as a form of chemical control (“pacification”) against the democratic resistance (Leggett 2001, especially Chapter 4). During the late 1980s and early 1990s, apartheid agents reportedly produced one thousand kilograms of both mandrax and MDMA (henceforth ecstasy)<sup>14</sup>, and diverted massive amounts of the former drug from law enforcement seizures, allegedly for use in “crowd control”. The Truth and Reconciliation Commission has expressed the view that these drugs were ultimately sold on the streets.<sup>15</sup> There have been indications from the Truth and Reconciliation hearings that a “cosy relationship” existed between the apartheid government and certain criminal groups and that the apartheid government may have acquiesced in, if not encouraged, the trafficking in narcotics to some ethnic groups as a means of social and political control (INCSR 1999). Finally, allegations have also been made that, among the groups opposing the apartheid regime, some may have been involved in the trafficking of mandrax in the late 1980s and early 1990s to finance weapons purchases.<sup>16</sup>

Although South Africa does not currently appear to be a major manufacturing site for illicit drugs, there is firm evidence that clandestine manufacturing of illicit drugs has been taking place in the country for more than a decade. The trend is increasing.

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14 MDMA is 3,4-methylenedioxymethamphetamine, commonly known as ecstasy.

15 TRC 1999, Volume 2, Chapter Six.

16 These allegations concern some groups linked to the Pan African Congress which are reported to have imported mandrax via Mozambique into South Africa (OGD 1996).

Manufacture of illicit drugs was originally limited to mandrax. The first clandestine mandrax laboratory was shut down by police in 1987. However, domestic production of mandrax has reportedly increased since then and continues to gain in importance. Laboratories were originally identified primarily within Gauteng. By 2000, laboratory seizures were taking place in all major metropolitan areas.

In recent years, the range of detected laboratories has also broadened to include facilities manufacturing amphetamine-type stimulants (ATS) including ecstasy and methamphetamine, as well as kitchen-type laboratories for the manufacture of crack cocaine. A laboratory manufacturing GHB (gamma hydroxy butyrate) was detected in 1998 (ARQ, 1998). GHB has, since November 2000, come under strict control in South Africa.<sup>17</sup>

| <b>Table 2. Laboratories detected and dismantled in South Africa</b> |          |          |          |          |          |          |          |           |           |
|--|----------|----------|----------|----------|----------|----------|----------|-----------|-----------|
|  | 1987     | 1990     | 1996     | 1997     | 1998     | 1999     | 2000     | 2001      | 2002(*)   |
| Mandrax  | 1        | 4        | 2        | 1        | 3        | 2        | 4        | 4         | 8         |
| Ecstasy group  |          |          | 1        | 1        |          | 3        | 2        | 6         | 1         |
| Crack cocaine  |          |          |          |          | 3        |          | 2        |           | 2         |
| Methamphetamine  |          |          |          |          | 1        | 2        |          |           |           |
| GHB  |          |          |          |          | 1        |          |          |           |           |
| MDP2P / MDA  |          |          |          |          |          | 1        |          |           | 2         |
| Cannabis processing  |          |          |          |          |          |          |          | 2         | 1         |
| Methcathinone  |          |          |          |          |          |          |          | 1         | 9         |
| <b>Total</b>   | <b>1</b> | <b>4</b> | <b>3</b> | <b>2</b> | <b>8</b> | <b>8</b> | <b>8</b> | <b>13</b> | <b>23</b> |

Sources: SAPS Forensic Science Laboratory (Pretoria), South African Police Service – “Dwelmmiddelanalise Seksie Pretoria: Klandestine Laboratorium Ondersoek (2000), SAPS Sanab, ARQ Data.

(\*) First 9 months.

About three laboratories per year were dismantled over the 1987-97 period (see Table 2 above). During the period 1998-2000, the average number increased to eight per year, reflecting an underlying trend of increased domestic drug manufacture. Of the eight labs dismantled in 1999 two of these were dual- or poly-capacity laboratories.<sup>18</sup> The upward trend continued with 13 labs being dismantled in 2001. For the year 2002, at the end of September, a total of 23 labs had been closed down in a similar fashion by the SAPS. Of interest is the recording, in 2001, of the first methcathinone lab used to synthesize what is known as ‘Cat’ in South Africa.<sup>19</sup> By September 2002, a total of 9 methcathinone labs had been closed down for the year. The United Nations Office on Drugs and Crime is not aware of any significant emerging trends concerning methcathinone elsewhere, and the sudden upsurge of clandestine laboratories in South Africa would seem particular to this country.<sup>20</sup>

17 GHB was scheduled as a Class I substance (highest restriction) in the US as of 1 April 2000. Since 11 November 2000 it has been included in Schedule 8 (“undesirably dependence-producing substances”) under South Africa’s Medicines and Related Substances Act (Act 101/65).

18 South African Police Service – Forensic Science Laboratory report 1999.

19 The chemical term for the drug known as ‘cat’ is methcathinone. It is an amphetamine which is synthesized from the *khat* (or *catha edulis*) plant, typically grown in East Africa and the Arabian peninsula.

20 There is continuing illicit manufacture of the substance in United States, but at very low level, certainly compared to methamphetamine. Similarly, there is ongoing clandestine manufacture in Russia and Central Asia.

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### 3.3. Diversion of Precursors

Clandestine manufacture of drugs in South Africa is also reflected in seizures of precursor chemicals. Important seizures of **anthranilic acid** and of **N-acetylanthranilic acid**, the two main precursors for mandrax manufacture, were reported in 1995 and have continued in and around South Africa ever since. Approximately 70% of all seizures of **mandrax precursors** worldwide took place in South Africa in that year. During 2001, at the request of South Africa, the authorities in France stopped a shipment of 25 tons of anthranilic acid to Mozambique when it was determined that the consignment was to have been transshipped through Mozambique to South Africa, where it would be used in the illicit manufacture of mandrax.<sup>21</sup> During December 2001, South Africa conducted a controlled delivery of 5 kg of **sassafras oil** from France to South Africa which led to the detection and dismantling of an illicit laboratory which manufactured methamphetamine and MDMA (UNDCP 2002; SAPS 2002b).

Trafficking groups capable of handling such large consignments are well-established and possess well-organized networks in order to transport, store and utilize such a large quantity of precursors (INCB 2001). In December 2001, another ten tonnes of anthranilic acid was seized in Maputo harbour in Mozambique en route to South Africa from Mumbai, India. In July 2002, in two linked enforcement actions, South African police and forensic experts raided warehouses in Gauteng and seized, inter alia, more than 100 metric tons of chemicals (principally anthranilic acid and acetic anhydride) which could be used to produce 90 million mandrax tablets. Precursor chemicals for the production of ecstasy were also recovered in these busts.

In addition to these typical mandrax precursors, a number of other chemicals have also been seized in South Africa, including acetic anhydride, hydrochloric acid, toluene, acetone, ethyl ether and sulphuric acid. Each of these chemicals can be used in the manufacture of mandrax. They also, however, may be used for licit industrial purposes as well as the manufacture of other drugs – thereby posing a problem for effective functioning of chemical monitoring programmes. It is becoming evident that foreign trafficking groups have started to target South Africa's chemical industry as a supplier of precursors. The magnitude of such attempts, as examples from the late 1990s have shown, has been considerably higher than domestic seizures of precursor chemicals in South Africa itself. The INCB highlighted in its 1999 annual report on precursors that large quantities (approximately 25 tonnes) of **methyl ethyl ketone (MEK)**<sup>22</sup> originating in South Africa were shipped via Europe to Colombia. This may have resulted in the subsequent tightening of chemical controls in the United States and in Europe. Around this time, and following the revelation of the real reason for the strong MEK demand in Colombia, South African industry began working with the national authorities to prevent future diversion.

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21 In the Mozambican operation referred to above, Mozambican and South African police also recovered 30 tonnes of chemicals and precursors – sufficient to make 7.5 tonnes of mandrax tablets.

22 MEK is one of the key substances in the manufacture of cocaine hydrochloride. It is used to extract and purify the cocaine.

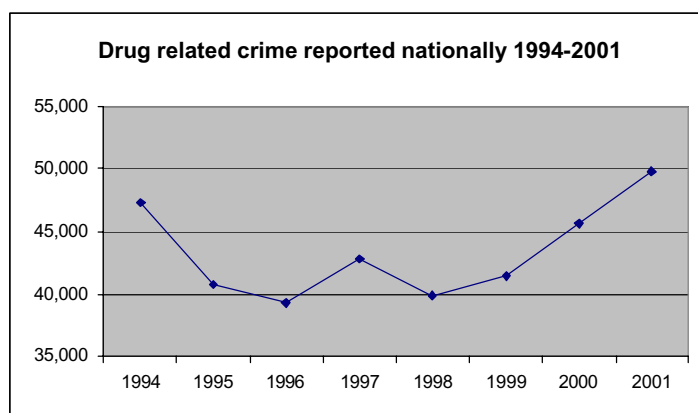
There have also been some important attempts to import precursor chemicals into South Africa for illicit uses. In March 1998, for instance, China stopped a suspicious shipment of the enormous amount of 20 tonnes of **ephedrine**, the main precursor for the manufacture of methamphetamine, to a South African company. Global seizures of ephedrine in 1997 amounted to a mere 8 tonnes. A quantity of 20 tonnes of ephedrine would have been sufficient to produce 13 tonnes of methamphetamine, equivalent to more than 430 million doses of methamphetamine. While **phenylacetic acid** is not currently being seized on a large scale at illicit laboratories, the authorities in South Africa and the United Kingdom successfully carried out a controlled delivery of the substance during 2001, resulting in the dismantling of an illicit laboratory for the manufacture of methamphetamine and the arrest of those responsible for the import and diversion of the substance (INCB 2001).

In 1999, the SANAB established its Chemical Monitoring Programme. Since then there have been no seizures of the listed chemicals in terms of Section 3 of the Drugs and Drug Trafficking Act and Article 12 of the 1988 UN Convention. Thus, in the relatively short period since its inception, this unit has established an effective relationship with the chemical industry and receives regular reports from the latter regarding irregularities and possible diversion. During 2001, the Chemical Monitoring Programme dealt with 174 import notifications of precursor chemicals into South Africa as well as 89 export notifications. A total of 80 chemical and pharmaceutical companies were visited during 2001 (UNDCP 2002, SAPS 2002b).

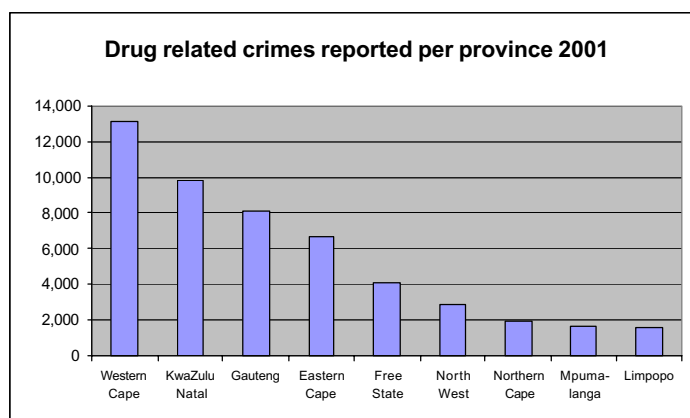
### 3.4 Trafficking

Over the better part of the past decade, two distinct trends can be identified. First, a gradual decline in drug-related cases was followed, since 1998, by a recent upsurge. Second, there has been an overall and sustained shift by law enforcement away from a heavy concentration in cannabis and mandrax-related arrests and seizures toward other drugs.

Regarding the first trend, police statistics for the country as a whole show that there were 47,323 drug-related cases reported in 1994. Figure 2 demonstrates how this figure declined to a low between the years 1996-98. Following 1998, the number of drug-related cases started to rise



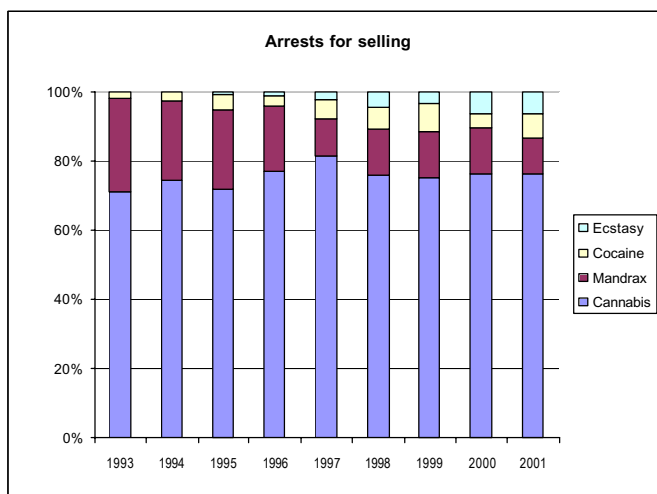
**Figure 2:** Drug-related crime in South Africa for all provinces. Source: Sanab.



**Figure 3:** Drug crimes by province. Source: Sanab.

again. In 2001, the number stood at 49,839 (SAPS 2002). This constitutes an average of 4,153 cases per month or 135 cases per day. On a geographical basis, statistics prepared by the Crime Information Analysis System concerning drug-related occurrences during the year 2001 indicate that the highest number of drug-related crimes occurred in Western Cape, the province which contains Cape Town. Incidences of drug-related crime in that province in 2001 accounted for about one-quarter (26.4%) of all such crime in the country (SAPS 2002 see Figure 3). The next highest province in terms of drug-related crime is KwaZulu-Natal which contains Durban (19.8%). Gauteng (encompassing Johannesburg and Pretoria) has the third highest incidences of drug-related cases in 2001 (16%).

Regarding the second trend, while arrests and seizures in South Africa still remain overwhelmingly linked to **cannabis**, there has been a noticeable increase in the number of other drugs featuring in the arrest records (Figure 4) aside from mandrax. Approximately three-quarters of all people arrested for drug trafficking and abuse and 99% of all seizures in volume terms (if transformed into dosage units) are annually linked to cannabis herb (marijuana). Trafficking in cannabis resin (hashish) within South Africa is still limited due to the small consumer base for this substance.<sup>23</sup> The next two most widely trafficked illicit drugs are **mandrax** and **cocaine**. Just under 20% of all people arrested for drug possession and dealing in 2000 were arrested for mandrax and 5% for cocaine-related offences. Since 1999, a larger percentage of all reported drug-related arrests have been related to **ecstasy** as compared with cocaine. Arrests for ecstasy have gained in magnitude over the last few years rising from nil in 1993 to almost 350 in 2000. The importance of **amphetamine type stimulants** in the South African drug market is still limited. Arrests for possession/dealing in **heroin** have increased eight-fold since the product emerged in a very low-key manner onto the South African drug scene in the mid-1990s. However, the absolute number of arrests for this substance is still relatively low.



**Figure 4:** Percentage of total arrests for dealing by drug type in 2000. Source: SANAB. Note: this chart features only those drugs for which there have been significant numbers of arrests, hence the absence of heroin arrests.

The shift away from a predominant focus on cannabis and mandrax in arrests for dealing and possession may, in part, be explained by the re-prioritization of resources towards targeting new drug threats and more formidable criminal networks which do not yield immediate arrest results that would come from a strong emphasis on traditional street-level

23 South Africa and Mozambique nonetheless witness much transshipment traffic in hashish. In October 2000, Durban's joint port drugs unit seized 11 metric tons of containerized hashish en route from South West Asia to Canada. It was being transshipped via South Africa. This proved to be the country's largest drug seizure worth over 1 billion rand (equivalent, at the time, to US\$150 million). Significant hashish hauls have occurred over the past decade in Mozambique, most recently involving 15 tonnes near the coastal city of Inhambane in August 2000. None of this appears intended for domestic markets in either country.

buy/bust operations. Reports from the SACENDU network<sup>24</sup> over the past four years (Table 3) are also able to look at the police data from a different perspective and on a provincial level. Across all the sentinel sites surveyed, there has been a decline in the number of persons arrested for cannabis-related offences as well as a corresponding increase in arrests for cocaine, heroin and ecstasy.

| <b>Table 3. Arrests for dealing (January 1997 - December 2001)</b> |        |          |         |         |         |        |     |       |       |           |
|--|--------|----------|---------|---------|---------|--------|-----|-------|-------|-----------|
| Area   | Period | Cannabis | Mandrax | Cocaine | Ecstasy | Heroin | LSD | Meth. | Other | Total (N) |
| Cape Town  | 1997a  | 54%      | 27%     | 10%     | 4%      | <1%    | 3%  | 1%    | 0%    | 236       |
|  | 2001b  | 29%      | 26%     | 26%     | 15%     | 1%     | 2%  | 1%    | 0%    | 255       |
| Durban   | 1997a  | 66%      | 9%      | 11%     | 9%      | 0%     | 0%  | 5%    | <1%   | 227       |
|  | 2001b  | 27%      | 40%     | 23%     | 4%      | 0%     | 0%  | 0%    | 5%    | 162       |
| Gauteng  | 1997b  | 70%      | 12%     | 14%     | 2%      | <1%    | 1%  | <1%   | 0%    | 417       |
|  | 2001a  | 29%      | 16%     | 33%     | 11%     | 2%     | 8%  | 1%    | 0%    | 567       |

Source: SACENDU 2002b. Note: Gauteng is the province containing Johannesburg and Pretoria. 1997a indicates first half of 1997; 2001a indicates first half of 2001; 2001b indicates second half of 2001.

### **A drugs / crime nexus**

Within the past three years, ground-breaking research work by the South African Medical Research Council and the Pretoria-based Institute for Security Studies has confirmed a high positive correlation between drug use and crime even though the chain of causality remains unclear in many respects. Results of the 3-Metros Arrestee Study (in Gauteng, Cape Town, Durban) conducted between August 1999 and September 2000 among a representative sample of arrestees (n=2,859) have revealed much about the drugs / crime link in South Africa.<sup>25</sup> The study found that the percentage of arrestees testing positive from urinalysis for at least one drug was 46%. Positive tests for cannabis, mandrax and cocaine occurred in 40%, 21% and 4% of the cases, respectively (Parry, Louw and Pluddemann 2001). Arrestees under the age of 20 were most likely to test positive for some substance (66%). Those testing positive for a substance (51%) were more likely than those who tested negative (29%) to have been arrested before (ISS 2002). The research suggests a very strong link between drug use and various crimes. For example, the percentage of arrestees testing positive for any drug (excluding alcohol) in connection with housebreaking, motor vehicle theft and rape was, respectively, 66%, 59% and 49%. Up to one-third of arrestees who indicated that they were under the influence of substances at the time of the crime took place stated that they had used

24 The SACENDU (South African Community Epidemiology Network on Drug Abuse) system monitors trends in alcohol and drug abuse, using multi-source information from 46 specialist treatment centres, psychiatric hospitals, mortuaries, trauma units, the SAPS, and from research conducted in schools, with sex workers, street children, patients attending primary health care clinics, arrestees and persons attending rave parties. The main benefit of this network is the facilitation of an evidence-based approach to local and national policy formation. Since 1997, the SACENDU network has compared arrest and seizure trends across the major population sites in South Africa on a semi-annual basis.

25 The study followed closely the methodology used by the Arrestee Drug Abuse Monitoring (ADAM) project in the United States and related projects worldwide.

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substances to assist them committing the offense. The research also highlighted major differences between ethnic groups in terms of levels of drug use and different kinds of substances of abuse. For example, a much higher proportion of Coloured arrestees (64%) tested positive for drugs as compared with Black/African arrestees (38%) with Indians/Asians and Whites other two groups falling somewhere in between. The drug/ethnic segmentation nexus was found to be linked to income. White arrestees (most likely to be in the highest income group), for example, were most likely to test positive for cocaine (43% as compared to 3% for Blacks/Africans) (Parry, Louw and Pluddemann 2001).

### **Linkages to organized crime**

Trafficking of illicit drugs has increased dramatically in South Africa over the last decade. Aside from the fact that drugs are highly associated with dependency or addiction and thus the frequently desperate search for instant cash – often through prostitution or acquisitive crime – there are other obvious links to criminal activity. Drug trafficking is an extremely profitable enterprise for organized crime syndicates which are often otherwise heavily engaged in the trafficking of stolen vehicles, illegal firearms, precious metals, endangered species and human beings. For example, organized crime syndicates have also become involved in stealing vehicles and trading them across South Africa's land borders in exchange for drugs (INSCR 2001, Shaw 2001).

Drug trafficking and organized crime have unquestionably grown in a symbiotic relationship in South Africa since the mid-1990s. In 1997, the SAPS conducted a survey which demonstrated the existence of 192 organized crime groups operating in South Africa of which 92 were focused primarily on the international smuggling of drugs. This survey formed the basis of the SAPS Organized Crime Threat Analysis (OCTA) system. The current SAPS OCTA (early 2002) shows 238 listed threats. Criminal violence associated with drug trafficking is particularly visible in Cape Town (especially in the Cape Flats and Mitchells Plain areas<sup>26</sup>) where drug trafficking groups fight over market share.<sup>27</sup> The level of violence is reduced in Durban where the drug market is more strongly structured and controlled (Leggett 2000). In broad anecdotal terms, the level of drug-related violence in Johannesburg would sit somewhere between these two extremes.

### **Money laundering**

South Africa's position as the major financial center in Southern Africa and its relatively sophisticated and unprotected banking and financial sector make it vulnerable to organized crime activities, including money laundering.<sup>28</sup> At this stage, there are no statistics

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26 Arrest reports and other information available on the situation in the gang-dominated Cape Flats and Mitchells Plain areas support almost exclusive Coloured gang control of the distribution of crack and mandrax in these areas and beyond. The "Americans", "Hard Livings" and other gangs dominate. Some efforts at Nigerian encroachment have been met by market sharing deals.

27 Responding to such in-fighting, an Islamic vigilante group, called People Against Gangsterism and Drugs (PAGAD) has declared war on gangs and drug dealers but has itself been allegedly involved in violence against the state, leading the Minister for Safety and Security to denounce its activities in 2000. See Garson 1997 and Galant & Gamiieldien 1996. See also Section 8.3 of this Country Profile.

28 See also *International Narcotics Control Strategy Report*, U.S. Department of State, March 2002.

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available on money laundering in South Africa. Furthermore, there have to date been no prosecutions for money laundering. This does not, however, mean that money laundering does not occur in South Africa. From the statistics available on organized crime and its growth, it can be deduced that money laundering is taking place and is likely to increase in the coming years.<sup>29</sup> In addition, the work of the Asset Forfeiture Unit of the National Directorate for Public Prosecution (NDPP), particularly the high number of proceedings initiated for the confiscation or forfeiture of the proceeds and instruments of criminal activity and the large value of the assets involved, gives an indication as to the high volume of proceeds from criminal activity finding their way into the South African economy. In December 2001, the Financial Intelligence Center Bill became law. This law should substantially increase the Government's capacity to combat these crimes. Money laundering is dealt with, in particular, under chapters 2, 3 and 4 of the Act. The law provides for the establishment of a Financial Intelligence Center to coordinate policy and efforts to counter money laundering activities and to serve as a centralized repository of information. In August 2002, South Africa signed the Memorandum of Understanding of the Eastern and Southern African Anti-Money Laundering Group which is open to 14 countries in Eastern and Southern Africa.

### **Foreign criminal networks**

Just as the South African drug abuse market is highly culturally and economically segmented, so too is the drug trafficking related to it (Leggett 2000; ISS 2002). Of particular prominence in the drug trafficking market is the presence of West African criminal networks. Most of these have become established since the early 1990s. The operations of these groups – centering principally, but not exclusively, on Nigerian criminal networks – are central to the illicit drug economy of South Africa.<sup>30</sup> Their role in this industry and its links to other criminal activities – primarily but not exclusively advance fee fraud (the so-called 419 scams<sup>31</sup>), kidnapping, cheque and credit card fraud, dealing in stolen vehicles, and trafficking in and smuggling of human beings – have been analyzed in detail elsewhere (Allen 1999, Gastrow 1999, Leggett 1999c, Leggett 2000, SAPS 2001, Shaw 2001). During 2001, South African police conducted 39 **controlled deliveries** with foreign anti-narcotics agencies (UNDCP 2002). As an indicator of South Africa's profile in the context of international trafficking, the majority of South African citizens in **foreign prisons** have been incarcerated for drug smuggling (SAPS 2001).

### **Johannesburg International Airport**

The vulnerability of Johannesburg International Airport to trafficking opportunities is central to developing countermeasures for the trafficking in high-value, low-volume drugs into

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29 Pieter Smit, Clean Money- Suspect Source: *Turning Organized Crime against Itself*, ISS Monograph Series, No. 51, Institute for Security Studies, January 2001.

30 The extent of penetration of the heroin trafficking networks by Tanzanian organized criminal syndicates since 2001 has become a law enforcement concern in South Africa. The operations of Chinese Triads in South Africa have also, at times, involved the smuggling of mandrax into the country within the last three years.

31 The "419 Scam" is named after Section 419 of the Nigerian Penal Code which deals with advance fee fraud. The scheme is operated by a fraudster who is usually a member of a criminal syndicate. Such individuals lure victims into false money schemes with the promise of huge returns – instead they are typically robbed of their money and sometimes kidnapped and murdered.



South Africa. A review of cocaine and heroin seizures by Johannesburg International Airport SANAB during 2000 versus drug quantities seized by all other SAPS components nationally is striking, as shown in Table 4.

| <b>Table 4. Prominence of Johannesburg International Airport in Drug Trafficking in South Africa (2000)</b> |                       |                              |                       |
|---|-----------------------|------------------------------|-----------------------|
| Drug  | Total Quantity Seized | Quantity Seized by JIA SANAB | % seized by JIA SANAB |
| Cocaine   | 91.2 kg               | 59.4 kg                      | 65 %                  |
| Heroin  | 15.4 kg               | 13.7 kg                      | 89 %                  |
| ATS (incl. ecstasy)   | 297,021 tablets       | 195,679 tablets              | 66 %                  |

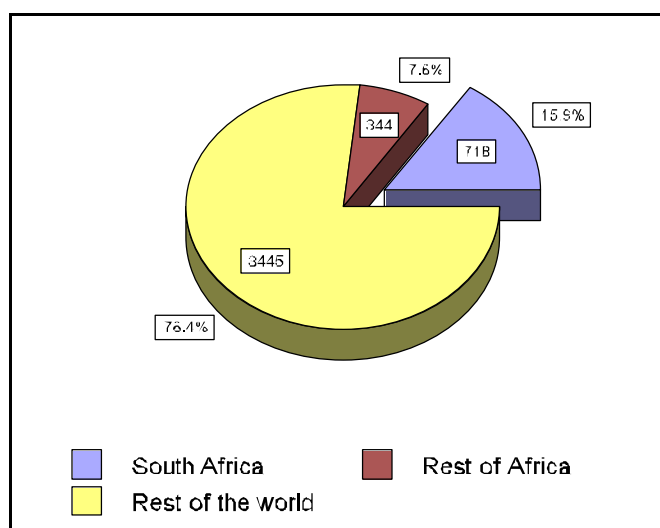
Source: South African Police Service.

### Trafficking in cannabis

Seizures of cannabis herb in South Africa in volume terms, as reported to ODC have been subject to major annual fluctuations over the last decade (see also Figure 1 in Section 3.1). Once the data are smoothed, the overall seizure trend from the mid-1990s is steeply downwards, stabilizing at a lower level with minor fluctuations in that lower range. The magnitude of South Africa’s cannabis production and its related enforcement measures nonetheless testify to the country’s importance in international trafficking terms. As Figure 5 demonstrates, in 2000 – the latest year for which comparative figures exist – South Africa’s cannabis herb seizures accounted for almost 68% of all cannabis herb seizures in Africa. At the global level, South Africa’s cannabis herb seizures were almost 16% of the world total. In the year 2000, South Africa (718 metric tons) ranked second behind Mexico (2,050 mt) in terms of cannabis tonnage seized (UNODCCP 2002). In Africa, only Malawi (312 mt) and Nigeria (212 mt) came close.

Cultivation and domestic transport of cannabis herb from the farm gate to the distribution centres within South Africa are generally controlled by rural Blacks/Africans with links to both the farm gate and the urban market. Domestic trafficking in cannabis is also mainly in the hands of Blacks/Africans (Leggett 2000; ISS 2002). The large Black/African former “townships” (sometimes referred to as “disadvantaged communities” and especially the hostels located there) tend to serve as cannabis storage and redistribution centres (e.g., Soweto and Alexandra in Johannesburg, Bambayi in Kwa-Zulu-Natal, Inanda and

KwaMashu in Durban, and Gugulethu in Cape Town) (see also OGD 1997, OGD 1998).



**Figure 5:** World cannabis herb seizures in 2000 (figures in metric tons). Source: UNODCCP 2002.

While South Africa is an important exporter of cannabis, the country is also a significant importer. Cannabis is transported to South Africa from countries such as Malawi, Zambia, Lesotho and Swaziland (MRC 1998, OGD 1997, Aziz 2001) often with overseas exporting as the express purpose. In particular, Swaziland and Malawi have specialized in the production of cannabis varieties with a reportedly high THC<sup>32</sup> content, known as “Swazi” and “Malawi Gold”.<sup>33</sup>

Given the need for large-scale exporters of cannabis to have business connections with the shipping community and courier contacts in the UK and Netherlands, the controllers of this traffic are unlikely to have a profile similar to those who run domestic production and trafficking operations. For example, the majority of couriers currently trafficking herbal cannabis into the UK are White South Africans. The significant penetration of the South African organized criminal world by Nigerian criminal organizations has also meant that such groups have managed to forge an effective, but not dominant, link to the trade in cannabis (SAPS 2000; Shaw 2001). During the period 1999-2000, the UK reported the seizure of multi-tonne consignments smuggled from South Africa by way of containers, indicating a preference for this manner of maritime trafficking. Available evidence is inconclusive regarding whether South Africa is a net importer or exporter of cannabis.

In the recent past, the bartering of South African cannabis for European ecstasy and LSD had been reported (OGD 1997; OGD 1998; Leggett 2001). Cocaine and heroin, however, now also appear to be part of bartering arrangements. Information available to police and other sources inside South Africa points to a strong link between the syndicates exporting cannabis from South Africa and the import of cocaine, heroin and club drugs from overseas. This, coupled with the relatively low price in South Africa of club drugs, heroin and cocaine – at a time when the rand is weak – has reinforced suspicions of a direct link in the trafficking of these drugs into and out of the country (see also Leggett 2001; ISS 2002).

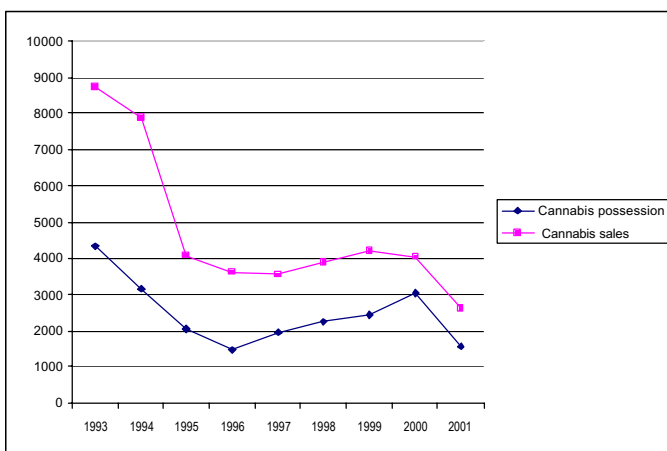


Figure 6: Cannabis arrest data 1993-2001. Source: SANAB.

The cannabis seizure pattern described above has also been paralleled, in general terms, in arrest data for the better part of the past decade. In other words, a significant decline during the mid-1990s leveling off at the lower level with smaller fluctuations to 2001 (see Figure 6). It is unlikely that the overall decline between 1993 and 2001 reflects a shift in the dynamics of the cannabis market within South Africa. The market appears as robust as ever. A number of other factors are probably more relevant in explaining the decline. First, some of the earlier large seizures were actually due to the fact that cannabis seized in containers in ships transiting

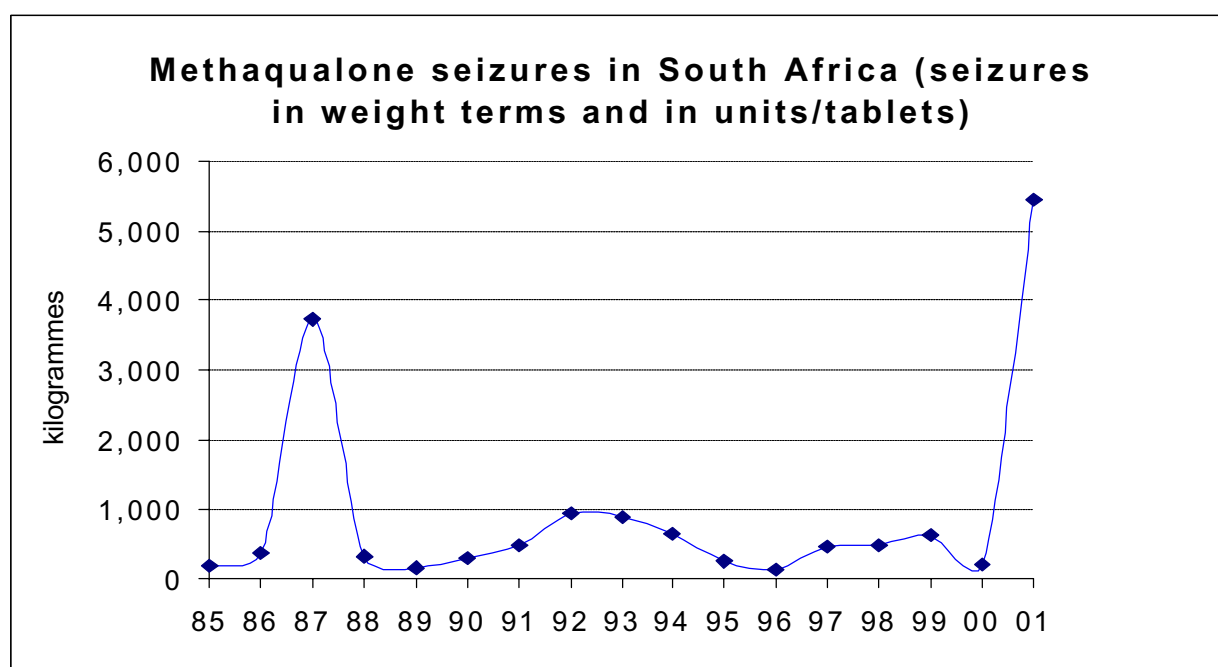
32 Tetra-hydro-cannabinol, the active ingredient in cannabis.

33 A cannabis enforcement operation conducted in Swaziland in 2000 yielded compress machines which produced blocks of herbal cannabis for export to the UK.

South Africa (including cannabis resin from Pakistan and cannabis herb from Colombia en route to Europe) were included in the statistics (OGD 1997, OGD 1998). As a result, the figures, though officially recorded in the seizure statistics, are not directly comparable. Second, but perhaps more significantly, is the noticeable shift in enforcement priorities (Leggett 2000). The emergence of other highly dangerous drugs in the South African market over the past decade has clearly prompted the authorities to target them with greater vigour.

### Trafficking in mandrax (methaqualone)

In many respects, the extent and trend of the illicit consumption of mandrax in South Africa is unique in the world. Anecdotal evidence from the law enforcement and treatment communities within the country indicates that South Africa is by far the world's leading consumer of the drug. Some estimates suggest that as much as 80% of worldwide clandestine production of mandrax may be destined for the South African market (Venter 1998). In 1998, the South African Association of Retail Pharmacists claimed that South Africa consumed between 70-90 per cent of the world's production of mandrax (CIIR 1998).



**Figure 7:** Mandrax seizures (1985-2001).

Sources: UNDCP, ARQs; SAPS Forensic Science Laboratory (for 1999 and 2000-to-October figures).

Note: The analysis of seizure data is complicated by reporting practice. Mandrax seizures are reported overwhelmingly in terms of units (tablets), but reports also are made in weight terms (kg). In order to gain an overall picture, the two measurements have to be combined even though the results are then only rough approximations and have to be interpreted with caution. In addition, it is normally the case that a transformation ratio is used to reflect pure methaqualone as opposed to the weight of the tablet/mass which contains other additives. The numbers used in this diagram reflect a standard Roussel® transformation ratio of 250 mg of methaqualone per unit (tablet) and 500 mg per powdered gram. Thus, for example, the seizure figure for the year 2001 was arrived at in the following manner. Seizures of tablets = 1,280,224 tablets x 0.25 = 320,056 g = 320.056 kg + Seizures of powder = 10,231.276 kg x 0.5 = 5,115.638 kg. Total = 5,435.695 kg.

For many years mandrax use was widespread among the Coloured and Indian/Asian communities. However, since the late 1980s and early 1990s, its use has also started to spread to the Black/African community. Although some of the mandrax tablets are produced locally

(the precursors for which are generally imported), most of the tablets seized on the streets in South Africa have been imported. The main source countries are India and China, with the latter eclipsing the former in recent years as the primary source of supply. Within the last three years, the number of significant seizures of mandrax originating in China has proven a source of concern for South African law enforcement officials. The February 2000 seizure and dismantling of the largest mandrax laboratory in the southern hemisphere in Maputo indicates the extent to which South Africa is seen as a lucrative market for organized criminal groups operating in Mozambique.<sup>34</sup> Moreover, there have been reports in Zambia (Grove 1994, van Aarde 1997, SAPS 1998) and known cases in Mozambique of the production of mandrax for export to South Africa.

The pattern of mandrax seizures in South Africa has tended to reflect massive busts followed by periods of sparse enforcement success between – as well as within – successive years (see Figure 7). The data suggests that mandrax seizures rose in the late 1980s – with what was then a record high reported in 1987 following the dismantling of the first large mandrax laboratory in the country. Following gradual increases over the 1989-1992 period, seizures fell during 1992-1996.

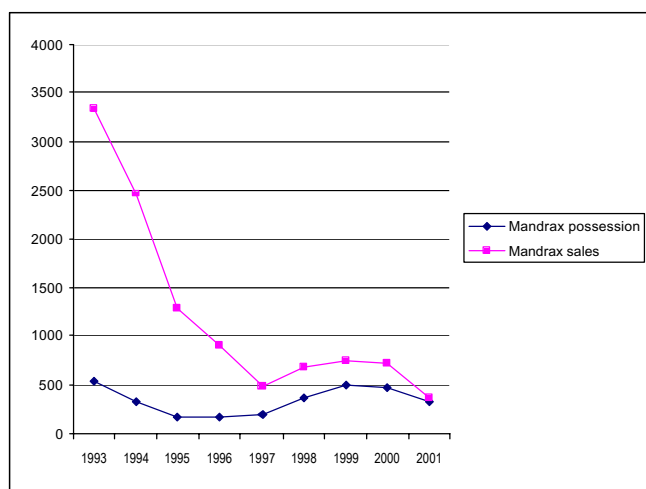


Figure 8: Mandrax arrest data 1993-2001. Source: SANAB.

They started rising again during the 1996-1998 period, reaching the levels of the early 1990s, again, on account of large factory-type seizures. Such patterns may not reflect shifting enforcement priorities but rather successful police work which simply resulted in large busts. The seizure figures for 2001 show a steep increase following the seizure, during the second quarter, of 2.1 tonnes of powdered mandrax inbound from China. This trend will certainly increase in 2002 with the seizure of significant numbers of mandrax tablets and precursor chemicals from India.

Arrest data for mandrax (see Figure 8) also mirror, to a degree, the seizure data with a significant fall from the peaks of the early 1990s. There has been a tendency to plateau off at the lower level from 1996. This may support the contention that policing priorities were readjusted to tackle the more addictive drugs which were then entering the South Africa drug scene.

Until very recently, informed opinion held that, of the amount of mandrax consumed within South Africa, slightly less than half was produced locally.<sup>35</sup> Given the sizeable

34 In February 2000, South African police provided support to the Mozambican government in this operation which resulted in the seizure of 292 kg of mandrax tablets.

35 Local production was argued to be increasing substantially to meet local demand. A causal connection was even surmised in respect of the crackdown on mandrax production in India in the early 1990s as it was argued that this then resulted in increased domestic production (OGD, 1997/98).

quantities being seized at South Africa's ports of entry, this assumption may need to be revised downward. The overwhelming bulk of mandrax is still seized in "units" (i.e., tablets or end-product) and not in weight terms (normally reflecting powder seizures at the site of clandestine laboratories). However, even here there is room for debate because the 2.1 tonne mandrax seizure in 2001 was evidently destined for pill presses located inside South Africa itself which would convert the drug into the tablets normally bought on the street.

On mandrax, then, it is possible to conclude with two points. First, because of its political history, the origins of mandrax's introduction into South Africa will perhaps always remain shrouded in mystery. Second, mandrax remains a commodity much in demand, as judged by the continued alarmingly high level of seizures. These trends weaken the explanatory power of an earlier contention that mandrax use had been supplanted by the introduction of crack cocaine since the mid-1990s.

### Trafficking in cocaine

Cocaine used to be classed as a drug only consumed by small sections of the South African White upper class. When consumed as cocaine hydrochloride (i.e., cocaine powder), this claim largely remains accurate. However, since 1995, crack cocaine has emerged as a significant feature of the South African drug market and, along with cannabis, crack is the drug most consumed on a trans-ethnic basis.

While South Africa initially served mainly as a point of transshipment for cocaine leaving the Andean countries en route to Europe, it has – in recent years – started to emerge as an important market in and of itself. Most of the South African-bound cocaine from the Andean region still leaves mainland South America via Venezuela or Brazil (SAPS 2000). From there it enters South Africa either directly or via other African countries. The latter may either have a language connection to Brazil (e.g., Angola and Mozambique) or a perceived proximity advantage (e.g., Zimbabwe).<sup>36</sup> During the early to mid-1990s, almost all of the cocaine entering South Africa was couriered from Brazil directly into Johannesburg by air. However, following enforcement successes countering this smuggling route, a number of alternative routes emerged, including flights to Cape Town and flights to other African

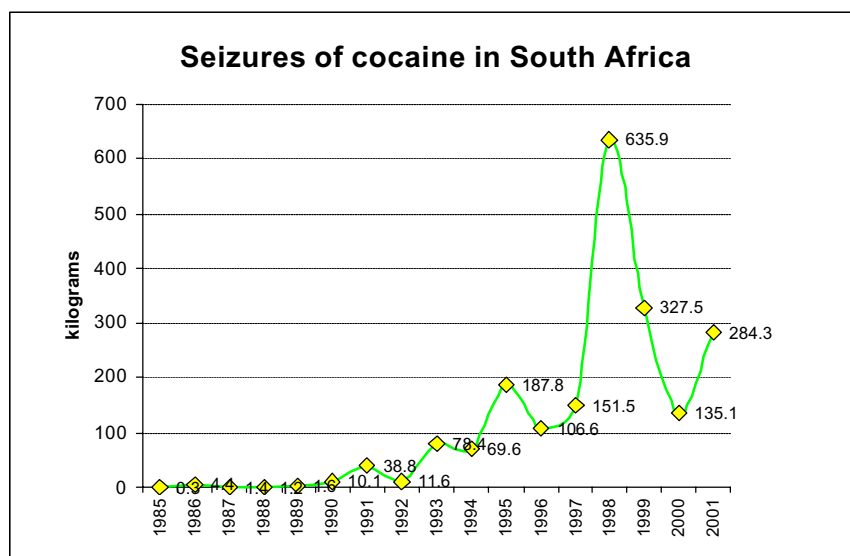


Figure 9: Cocaine seizures. Sources: ARQs, SAPS Forensic Science Laboratory (Pretoria).

36 SAPS and other reports in 2001 speak of South African couriers bringing cocaine from Brazil in transit via Johannesburg International Airport en route to Harare. From Harare the drugs are placed in vehicles and smuggled back into South Africa by overland route.

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countries and then overland to South Africa, including from Mozambique, Angola, Zambia, Zimbabwe and Namibia (OGD 1997, OGD 1998).

South African police statistics show that 65 per cent of all cocaine seizures in South Africa in the year 2000 occurred at Johannesburg International Airport. The utilization of air passenger couriers is still the dominant mode of smuggling cocaine into South Africa, although smuggling via air freight occurs regularly. A cocaine smuggling ring among employees of South African Airways was discovered in 2000. Seizure statistics for 2001 show increases owing primarily to two large seizures of cocaine by Cape Town enforcement officials (in July and August) aboard ocean going vessels originating in Latin American ports and destined for China. In March 2002, SAPS seized 350 kg of cocaine hidden in a container vessel in Cape Town harbour with a street value of approximately US\$10 million which was destined for onward shipment to Lome, Togo.

On the strength of these trends, South Africa is demonstrating itself to be an important – perhaps even the most significant – market for cocaine within Africa.<sup>37</sup> According to the most recent comparative analysis (for the year 2000) more than 21% of all cocaine seizures on the African continent took place in South Africa, up from a share of just 5% in 1993 (UNODCCP 2002). In 1999, South Africa accounted for 82% of Africa's cocaine seizures (UNODCCP 2002). These statistics point to a shift in the balance of African cocaine trafficking from Nigeria in today's terms (currently 13%, UNODCCP 2002) from where it stood in 1993 (well over 90% of all African cocaine seizures, ARQ 1993). The shift from Nigeria to South Africa does not, however, reflect a loss of influence of Nigerian drug trafficking groups (Shaw 2001). Police and other data show a strong correlation between the migration of Nigerian nationals into South Africa starting in 1992 and the introduction of high quality cocaine into the country (Venter 1998a). The immediate result was a dramatic price fall for the drug within a short time. South African estimates put the percentage of its cocaine trade in the hands of West African trafficking organizations, notably Nigerians, to be in the vicinity of 80% (Drug Advisory Board 1998, Leggett 2000, SAPS 2001).<sup>38</sup> Police and other sources report that since 1993 the bulk of the trafficking has been in the hands of Nigerian organized crime syndicates (SAPS all reports, Leggett 2001, Shaw 2001).

Even omitting the year 1998 – which witnessed an unusually large seizure<sup>39</sup> – data for the 1990s (see Figure 9) shows an overall increase in the seizure levels of cocaine. The escalating trend is also noted in the generally rising arrest figures (Figure 10). While the picture regarding arrests and seizures is uneven, the overall trend increase is nonetheless clear. Not depicted in either the seizure or arrest statistics, but still of significance, is the fact that there is a very definite shift towards dealing in crack cocaine as opposed to cocaine powder.

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37 South Africa's level of cocaine seizures is still relatively small when measured globally. For example, in 1998, it accounted for 0.2% of global cocaine seizures.

38 The perception of Nigerian domination of the trade has been challenged. See for example: Tangeni Amupadhi and Miepje Commandeur "Blame it all on the Nigerians", electronic *Mail & Guardian*, April 18, 1997. For more recent critiques see Aminu 2001 and Chukwuma and Alemika 2001.

39 This was due to a single seizure of a container in which approximately 300 kg of cocaine (suspended in liquor) was concealed.

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This change in the pattern of consumption indicates that increasing numbers of users are choosing crack – probably because of its potency combined with its affordability.<sup>40</sup>

There can be no doubt that trafficking in cocaine has exhibited a strong increase in recent years whether one looks at arrest data or seizure figures. Whichever indicator is used, over the past few years cocaine powder and crack cocaine have both been making inroads into the South African drug market scene. The upward trend is reflected in seizure and arrest data. There has been a strong increase in cocaine seizures in recent years which, arguably, cannot be accounted for exclusively in terms of increased law enforcement efforts.<sup>41</sup> Violence related to the cocaine market tends to be related more to acquisitive violent crime (mainly robbery) associated with the crack market than to competition for market share.

Ethnographic research within South Africa indicates that the growth in the cocaine market did not simply happen, but was actively developed by organized drug trafficking groups, often through free give-aways to sex workers in exchange for their assistance in promoting and distributing cocaine (especially crack-cocaine) among their clients (Leggett 1998 and 1999c). Foremost among these have been Nigerian criminal groups which have thus developed the market. This market is now maintained through a rather sophisticated system in which addicts have the option of paying either in cash, or in kind. This means that they can pay with stolen goods which are then re-sold again to individuals in disadvantaged communities at relatively low prices.

Some of the cocaine imports from Latin America for “White” rave clubs are allegedly controlled by individuals and groups associated with the Italian mafia (notably the Cosa Nostra). Following the crackdown on the mafia in Italy, a number of mafiosi took up refuge in South Africa and started their new careers with both legal and illegal activities. Illegal activities include involvement in the cocaine trade and in money laundering operations (OGD 1998).

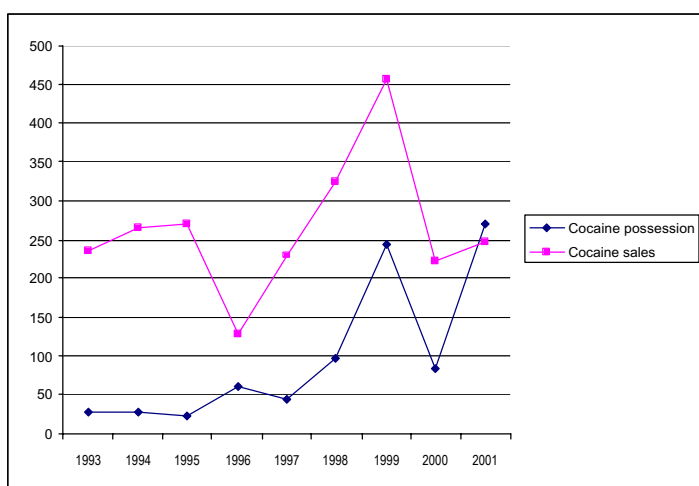


Figure 10: Cocaine arrest data 1993-2001. Source: SANAB.

Some of the crime and violence in South Africa would appear to be linked to the need to pay for cocaine consumption as well as to the fights among gangs trying to increase their market share of this particular drug (Leggett 2001, Parry, Louw and Pluddemann 2001). Cape Town has been affected by such gang wars. Cape Town and Gauteng remain the largest

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40 The price of one rock (1g) was, on average, R50 = US\$5.00 in April 2002.

41 Note: for a discussion of the issue of whether or not increased seizures reflect a greater volume of trafficking, see UNODCCP 2000, pp 36-37, “Following the tracks: Using seizures to identify trends”. The report concludes that “seizure statistics – even without additional information – are a relatively good indicator for the identification of trafficking trends once longer periods are investigated.”

cocaine markets in South Africa. Acquisitive violent crime (robbery) is also related to the crack market in the Hillbrow district of Johannesburg (ISS 2002).

### Trafficking in heroin

Over the past decade, perhaps the most disturbing trend in the South African drug market has been the alarming rise in heroin trafficking and consumption. Figures 11 and 12 depict this sustained upward trend. The broad pattern in the arrest and seizure data is mirrored in the consumption data.

During the 1990s, in marked contrast to South Africa's role as an important transshipment point and market for cocaine, the extent of heroin trafficking could reasonably be termed modest. However, recently it has increased markedly. Even though the quantities involved are still small – with earlier significant seizures in 1990 and 1994 of heroin adding incongruous blips to the overall trend line (Figure 11) – seizure data for the past half decade show a sustained and strong trend increase. Arrest data for both possession and dealing since 1993 also depict a similar steeply upward trend.

Although the transshipment – via South Africa – of heroin destined for the US and Europe has been detected, it is clear that the majority of the heroin trafficked into South Africa is intended for domestic consumption. Most worryingly, its use is spreading rapidly in the school-going population, especially, but not exclusively, among those whose income base permits experimentation in this substance. A growth of evidence, both from sentinel surveillance sites (MRC 2001a) as well as anecdotal sources, points to significant increases in heroin consumption predominantly among White suburban school-going youth. However, even this trend is changing as cheaper heroin becomes available to the poorer residents in disadvantaged communities (e.g., Langa in Cape Town and Hammanskraal north of Pretoria).

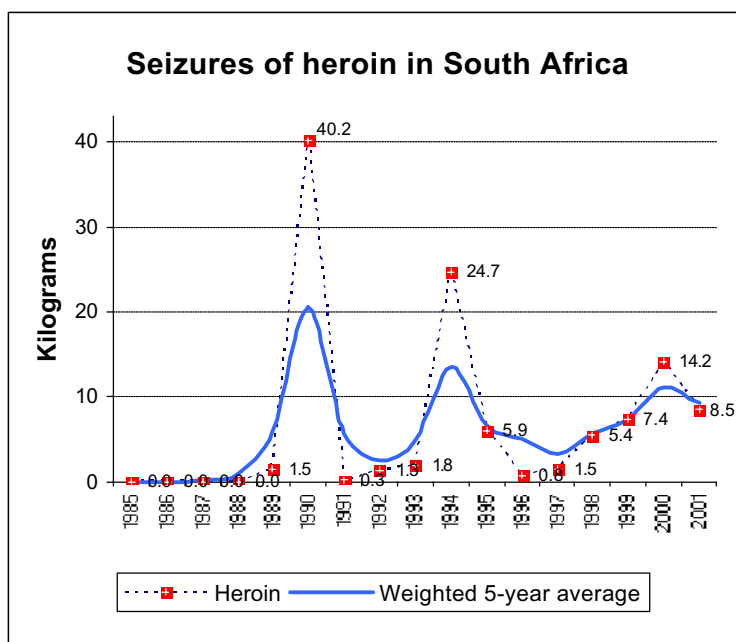


Figure 11: Heroin seizures. Sources: ARQs, SAPS.

Like cocaine, the heroin entering South Africa is mainly imported by air, principally via Johannesburg International Airport (see section 3.4 above). It comes from South East Asia and to a much lesser extent, South West Asia. There is increasing evidence of heroin originating in South West Asia entering South Africa overland via Kenya, Tanzania and Mozambique.



As is the case for cocaine trafficking, Nigerian criminal syndicates are heavily involved in trafficking heroin into and within South Africa (DEA 1996, Klein 1999, Leggett 2000, INSCR 2001). According to SAPS, most Nigerian immigrants – including many of those who have entered South Africa illegally – are law-abiding. Yet this diaspora also has attracted significant criminal elements who move from one country to another where the risk of law enforcement is perceived to be lower and opportunities for new forms of criminal entrepreneurship greater (SAPS 2000, SAPS 2001). The centre of cocaine and heroin smuggling operations has been located in the residential hotels located in the Hillbrow district of Johannesburg. Since mid-2001, largely due to enforcement activity by the SAPS, these operations have become more decentralized. Recent evidence from Cape Town and elsewhere also would suggest that while the cocaine and heroin trade is still largely in the hands of Nigerian syndicates, there appears to be prominent involvement in the heroin trade by nationals from Tanzania, Burundi, Kenya and Ethiopia, often under the misnomer “West African Nationals”.

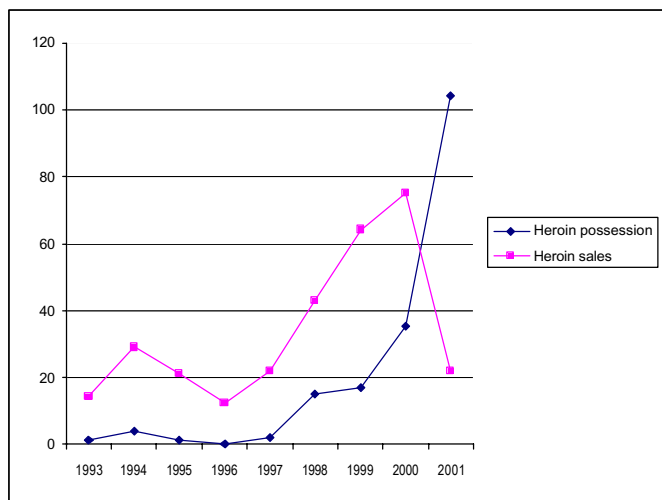


Figure 12: Heroin arrest data 1993-2001. Source: SANAB.

### Trafficking in ecstasy, LSD and amphetamines

Mirroring trends in Europe, **ecstasy** has become a significant drug of abuse in recent years in South Africa. Similar also to the situation in Western Europe, use of ecstasy has been closely associated with rave parties and the club scene. In parallel with the increased popularity of this drug, seizures have also grown steadily. In 1998, South Africa had by far the highest number of ecstasy seizures of any African country and ranked 9<sup>th</sup> at the global level. Compared with Europe, however, the spread of ecstasy occurred rather late. Effectively it started only in 1994 following the opening up of South Africa to the outside world associated with the country’s new democratic era. Rave parties can bring together an average of nearly 10,000 people at least twice a month in South Africa's largest cities (Johannesburg, Cape Town and Durban). Reports from the late 1990s estimated that on average 70% of youths attending these parties were taking synthetic drugs of which the preferred drug was ecstasy (OGD 1998). In 2000, a RaveSafe<sup>42</sup>

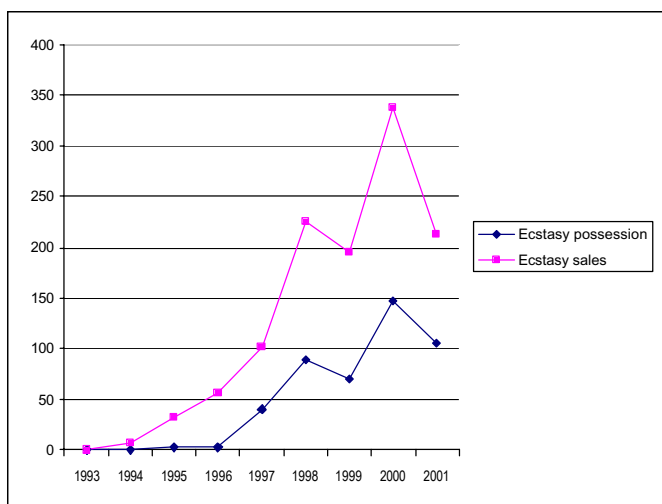


Figure 13: Ecstasy arrest data 1993-2001. Source: SANAB.

42 RaveSafe is an independent, South African non-profit organization run by volunteers whose stated objective is to inform ravers about how to avoid unnecessary danger when using drugs. They have stands at most big raves and distribute informational literature and provide advice.

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study in Gauteng found that 88% of respondents had tried ecstasy at least once, and of these, 23% were using it weekly (SACENDU 2001).

Combined data on arrests for possession and dealing in ecstasy (Figure 13) show a steep rise, especially between 1999 (280) and 2000 (just under 500). Corresponding seizure figures are depicted in Figure 14. Year to date figures as of October 2002 indicate an increase in the number of tablets seized in that year over 2001. Although a few ecstasy laboratories have been seized in South Africa (see section 3.2 above), the bulk of what is consumed in the country is imported from Europe, notably from the Netherlands and the UK (SAPS 2000).

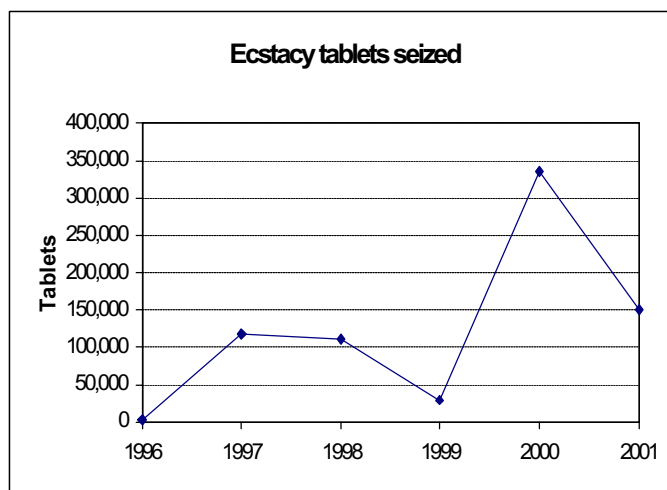


Figure 14: Ecstasy seizures 1996-2001. Source: SANAB.

Consumption and trafficking, until recently, have tended to be in the hands of White South African syndicates (the so-called "bouncer mafias") as well as some Europeans (notably from the UK and the Netherlands) (Leggett 2000). Within the past two years, however, and owing to their dominance of the trafficking market in cocaine and heroin, control of the market chain for the supply of ecstasy has, to a degree, shifted into the hands of organized criminal syndicates from Nigeria (SAPS 2001).

For product being imported into the country, the preferred mode of transport continues to be the postal system and fast courier services (SAPS 2000). South Africa's role in the international trafficking in club drugs – this time as a transshipment point – was underlined in May 2002 when 36,000 tablets of ecstasy were seized in a shipment en route to New Zealand.<sup>43</sup> The syndicate allegedly involved in this deal had a prior record of smuggling compressed cannabis from South Africa into Europe in barter deals for club drugs.

The consumption and trafficking of **LSD** is still largely in the hands of White South Africans. The popularity of LSD, and thus trafficking in this substance, is generally less significant than that of ecstasy. Nonetheless, seizures of LSD were the largest in Africa and the 15<sup>th</sup> largest worldwide in 1997, the most recent year for which comparative data is available.

Easy availability of **speed (methamphetamine)** has been reported from South Africa. Speed is frequently trafficked together with ecstasy or together with LSD (MRC 1999). However, large scale availability is not – as yet – reflected in South African seizure data reported to ODC. It is also important to note that what is often reported as "speed" in the South African context is not actually methamphetamine, but ephedrine. Thus, the seizure reports have to be treated with caution.

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43 Report in *Pretoria News* 14 May 2002, confirmed by SANAB.

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### Trafficking in other drugs

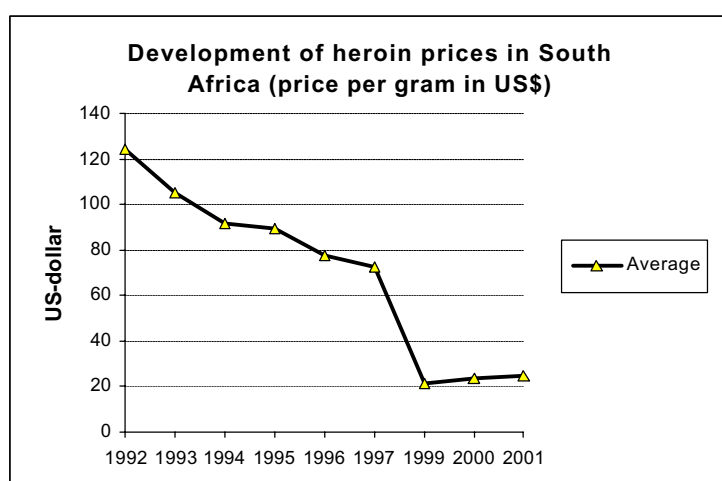
**Wellconal** (dipipanone hydrochloride), a synthetic opiate, is still considered to be a “White” drug. It served, for many years prior to the opening up of South Africa, as the *de facto* substitute for heroin which was not readily available in the country. Trafficking in this substance seems to have diminished in recent years, with most illicit supply deriving from the forgery of doctors’ prescriptions. As is the case in many other countries, **benzodiazepines**, including **diazepam (Valium)**, have gained in popularity in recent years and is illegally obtained over the counter (OTC).

### 3.5 Diversion of Drugs

In addition to the trafficking of drugs from illicit sources, there is also some diversion from licit channels. Traditionally, diversions concerned mainly synthetic opiates such as **Wellconal, morphine or pethidine**. More recently, diversions were also reported for **benzodiazepines**, notably **diazepam (Valium)** (ARQ 1998 and previous years). There also have been cases of diversion of **flunitrazepam (Rohypnol)**, another benzodiazepine. The overall extent of diversions, however, seems to be less significant if compared to many other African countries. Up to 5% of patients seen at specialist treatment centres across a number of sentinel surveillance sites in Cape Town, Durban, Port Elizabeth and in the provinces of Gauteng and Mpumalanga, during the period January to July 2001, reported over-the-counter medicines or prescription medicines as their primary substance of abuse (SACENDU 2002).

### 3.6 Drug Prices

In line with reports of the general availability of illicit drugs in South Africa, drug prices have remained relatively stable in rand terms or have even declined. However, once they are translated into US dollars, the impact of South Africa’s currency depreciation in recent years yields a strong downward price trend. For example, according to information provided by the South African authorities in response to UNDCP’s Annual Reports Questionnaire (ARQ), heroin prices – if expressed in US dollars terms at the then current exchange rates – fell by more than 75% between 1992 and 2001 (see Figure 15). Cocaine prices fell by approximately the same margin over the same period (see Figure 16).



**Figure 15:** Heroin prices (price per gram in US dollars).

In rand terms, the values have remained stable or have declined somewhat. Lower prices, especially for crack cocaine, and, very recently, heroin, have made both drugs

affordable to a far broader range of people, including youth, than was the case previously. Measured in dollar terms, unit prices for both heroin and cocaine in South Africa are now substantially lower than in North America or Western Europe.

The continued low and even declining price of South Africa's imported illegal drugs during a period of steady decline in the value of the rand (from the mid-1990s to the present) is a complex phenomenon. It has occurred while the prices of legitimate imports have predictably increased as a result of the depreciating rand. A number of explanations have been proffered

for this phenomenon, none of which — alone — is satisfactory.

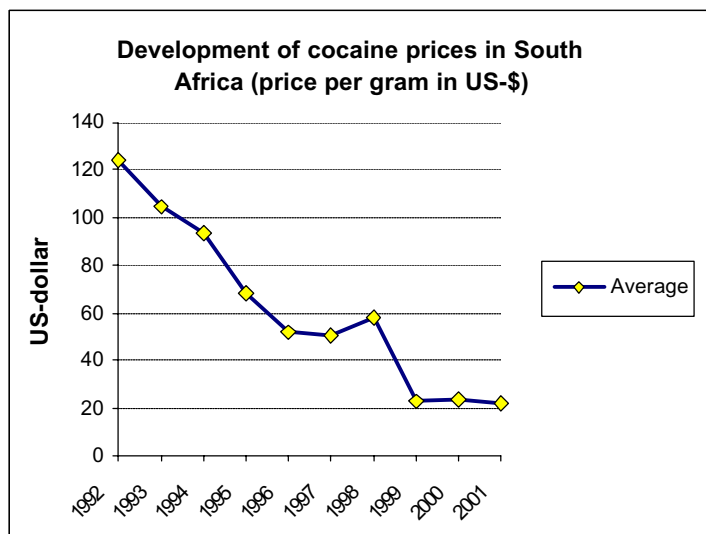


Figure 16: Cocaine prices (price per gram in US dollars).

First, it is a fact that illegal drugs like cannabis — or the results of other forms of criminal activity such as stolen cellphones, vehicles, and other property, etc. — are being exported under a form of barter arrangement for other imported drugs like ecstasy, cocaine and heroin. Such a barter arrangement, it has been argued, is a significant factor in the continued low price of these imported illegal drugs (Leggett 2001).

Second, there is the fact of greater 'competition', i.e., a larger number of smaller groups getting involved in importing drugs instead of a few big organizations. With unemployment relatively high and the economy far from booming, prospects to be able to generate sufficient legitimate income in the medium term are also limited. As a result, it is probable that individuals will be prepared to take more risk, without asking for more money. This will contribute to the price trend observed.

More speculative explanations have been advanced. One is the impact of a parallel decline in the international production cost of the various drugs. However, such a decline has not been consistently observed — at least in a manner that generally mirrors the South African rand-denominated stable or declining price trends.

Another possible explanation is declining purity levels. Declining purity would mean that drug producers and traffickers have lower costs for each unit of their drug, and this lower unit cost could be passed along to the drug user in the form of a lower price. Unfortunately, there have been no consistent surveys of drug purity in South Africa to permit a proper examination of this proposition.

Finally, a low price trend also could be accounted for by changes in the perception of risk by the trafficking organizations or other elements in the illegal drug market chain. Unlike the case for legitimate commodities, the element of perceived risk of law enforcement imposes additional costs to the eventual street price of any illegally-trafficked drug. If this perception of risk is high, the corresponding cost of trafficking the drug — and the resulting street price — will increase. If it is low, the reverse will be true.

| <b>Table 5. Street prices of illicit drugs in South Africa (national estimates)<br/>(at the current rand/dollar exchange rate)</b> |                       |                       |                       |
|--|-----------------------|-----------------------|-----------------------|
|  | <b>1993 (in US\$)</b> | <b>1997 (in US\$)</b> | <b>2002 (in US\$)</b> |
| Mandrax (tablet)   | 9.3                   | 6.8                   | 4.0                   |
| Ecstasy (tablet)   | 18.6*                 | 13.5                  | 8.0                   |
| Heroin (gm)  | 52.4                  | 42.3                  | 18.0                  |
| Cocaine (gm)   | 50.7                  | 42.3                  | 25.0                  |
| Cannabis (joint)   | 0.2                   | 0.2                   | 0.1                   |
| Speed (unit)   | 8.5**                 | 8.5                   | 3.8                   |
| LSD (unit)   | n.a.                  | 8.5                   | 4.2                   |
| Hashish (gm)   | n.a.                  | 0.9                   | n.a.                  |
| Cat (gm)   | n.a.                  | n.a.                  | 12.0                  |

\* 1994 \*\* 1996  
Sources: SANAB, quoted in Charles Parry and Andreas Plüddemann (South African Medical Research Council), "Draft Country Profile: South Africa for UN World Drug Report", October 1998. SACENDU 2001. South African Community Epidemiology Network on Drug Use (SACENDU) *Research Brief Vol 4 (1)*, 2001, covering the period July 1996 - December 2000, published by the South African Medical Research Council, 2001.

### 3.7 Demand

#### **Prevalence in the general population**

As is the case worldwide, the illicit – and therefore hidden – nature of drug use makes the collection of information on drug consumption particularly difficult. South Africa is no exception. Drug users are often reluctant to admit to their drug use due to fear of prosecution or, as illicit drug use is also a highly stigmatised activity in many societies, persecution. This difficulty may be compounded by the tendency for illicit drug use to often be prevalent among socially marginalised populations. Thus, many drug users are difficult to access and are often under-represented in household and school surveys. As a result, drug use prevalence data in most regions of the world is sparse at best, often relying on proxy indicators of use, such as treatment demand, rather than direct measures of prevalence such as population surveys. At a global level, the quality of drug use estimates available for each country is generally directly proportional to the level of development in that country.

For this reason, the best prevalence estimates currently available describe the drug use situation in Western Europe, North America and Australasia. In most developing countries, prevalence estimates either simply do not exist or where they do exist they are often of poor reliability and validity. While South Africa does not differ from the majority of developing countries in this regard, by developing country standards there is a reasonable amount of good quality information available describing demand for illicit drugs in the country.

An integrated drug information system, the South African Community Epidemiology Network on Drug Use (SACENDU) has been operational in South Africa since July 1996. This network provides information on drug demand trends based primarily on indirect

indicators such as demand for treatment (in treatment centres and psychiatric hospitals), drug-related arrests, drug seizures and drug-related mortality. Data from SACENDU is supplemented by ad hoc surveillance studies such as rapid situation assessments and school surveys. Very few estimates have been made of the prevalence of illicit drug use in South Africa, and to date no household surveys have been conducted.

The South African Medical Research Council (MRC) has arrived at the ranking of the prevalence of illicit drug use in South Africa given in Table 6, based on a comprehensive review of all existing studies and the findings. In terms of drug-related morbidity, i.e., adverse health consequences (as reflected in treatment data), the MRC ranks cannabis and mandrax as the primary and secondary drugs of abuse in South Africa, followed by cocaine/crack.

The findings of SACENDU suggest that, as in almost all other countries of the world, the most widespread illicit drug used in South Africa is **cannabis**. While SACENDU does not attempt to estimate prevalence, a previous study (HSRC 1991) conducted in 1990 reported an annual prevalence of cannabis use among Black/African males (14 years and above) of between 5.3% and 22.3%. This compares to an annual prevalence of cannabis use in the general population of the EU and the U.S. of approximately 5.5% and 9% respectively (average in the 1990s). Trend data from SACENDU suggests that the prevalence of cannabis use has remained relatively constant since this study was conducted. In the major urban centres of Gauteng province, Cape Town, Port Elizabeth and Durban, cannabis has been found to dominate drug-related arrests since the introduction of SACENDU sentinel surveillance. Similarly, cannabis is consistently the dominant illicit drug abused by those seeking treatment, and it is reported as the primary substance of abuse by between 10 and 20 percent of patients.

| <b>Table 6. Drugs of abuse in South Africa<br/>Ranked according to estimated prevalence and morbidity (1997/98)</b> |   |   |   |
|---|---|---|---|
| <b>Extent of use<br/>Ranking</b>  |   | <b>Morbidity (as indicated by treatment data)<br/>Ranking</b> |   |
| 1   | Cannabis  | 1   | Cannabis  |
| 2   | Mandrax (methaqualone)                          | 2   | Mandrax (methaqualone)                          |
| 3   | Other depressants (mostly benzodizepines)       | 3   | Cocaine/crack                                   |
| 4   | Inhalants (glue, thinners)                      | 4   | Other depressants (mostly benzodiazepines)      |
| 5   | Cocaine/Crack                                   | 5   | Heroin and other opiates                        |
| 6   | Amphetamine-type stimulants (ecstasy and speed) | 6   | Amphetamine-type stimulants (ecstasy and speed) |
| 7   | LSD   | 7   | LSD   |
| 8   | Heroin and other opiates                        | 8   | Inhalants (glue, thinners)                      |

Source: South African Medical Research Council, Draft Country Profile, October 1998.

Cannabis used in conjunction with **mandrax** (methaqualone), a combination known as "white pipe", contributes to a further 5-15 percent of treatment admissions reported to SACENDU. The only data for this combination currently available suggest an annual prevalence of less than 4% among the male adult (14 years and above) population (Flisher

1998). This figure relates to a squatter settlement. It is likely that the figure for the general population is significantly lower. Treatment demand and arrest data suggest that this combination is more prevalent in the Cape Town and Durban regions. This may reflect the differences in the popularity of mandrax between cultures and regions. Between 10 and 50 percent of drug-related arrests are for mandrax.

| <b>Table 7. Treatment demand for illicit drug-related problems 1996-2001<br/>(as % of total)</b>                        |        |          |                      |                   |        |         |              |                |              |
|---|--------|----------|----------------------|-------------------|--------|---------|--------------|----------------|--------------|
| Location  | Period | Cannabis | Canrtabis<br>mandrax | Cocaine/<br>Crack | Heroin | Ecstasy | OTC /<br>PRE | Other<br>drugs | Alco-<br>hol |
| Cape<br>Town  | 1996b  | 4        | 9                    | 2                 | 1      | <1      | 2            | 2              | 81           |
|   | 2001b  | 12       | 25                   | 6                 | 6      | 1       | 2            | 2              | 46           |
| Durban  | 1996b  | 10       | 10                   | 1                 | <1     | <1      | 1            | 4              | 73           |
|   | 2001b  | 26       | 7                    | 8                 | <1     | 1       | <1           | <1             | 58           |
| Port<br>Elizabeth   | 1997a  | 23       |                      | <1                | <1     | <1      | 5            | 13             | 58           |
|   | 2001b  | 36       |                      | 1                 | 0      | 1       | 4            | <1             | 58           |
| Gauteng   | 1998a  | 11       | 5                    | 8                 | <1     | <1      | 4            | 3              | 69           |
|   | 2001b  | 24       | 5                    | 6                 | 7      | <1      | 4            | 2              | 52           |
| Mpumal-<br>anga   | 1999a  | 13       | 1                    | 3                 | <1     | <1      | 3            | 2              | 76           |
|   | 2001b  | 15       | 3                    | 2                 | 1      | 2       | 5            | 3              | 69           |
| a/ January-June<br>b/ July-December<br>OTC = Over-the-counter drugs; PRE = prescription drugs<br>Source: SACENDU 2002b. |        |          |                      |                   |        |         |              |                |              |

Although increasing ethnic integration in South Africa is evident, the drug markets of South Africa remain somewhat ethnically segmented. This is likely to be related to extreme income inequalities between the different broad ethnic segments which affect drug affordability and, with it, consumer choice. This has been underscored by recent research. For example, evidence from a recent study of arrestees (Parry, Louw and Pluddemann 2001) suggests that mandrax is most popular among the Coloured population. Nationwide, mandrax was the second most frequently detected illicit substance among those tested in police holding cells. In urinalysis, Coloured and Indian/Asian arrestees were approximately four times more likely to test positive for mandrax than Black/African and White arrestees, with 46% of Indian/Asian and 53% of Coloured arrestees testing positive, as compared with 12% and 13% of Black/African and White subjects respectively (Parry, Louw and Pluddemann 2001). These results do need to be interpreted with some caution however, as arrestees may not be representative of the broader population. In the Black/African population, mandrax appears to be most popular in former township communities where it has been associated with gangsterism. While mandrax continues to play a role as a “come down”<sup>44</sup> drug, it has been

44 The use of a drug to “come down” refers to the process of taking a drug – usually a depressant – to return the user to something similar to his or her original state following their preceding use of another drug – typically a stimulant – to get high.

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suggested that it is being supplanted by crack to some extent among sex workers (Leggett 2000).

Treatment demand data suggest the emergence of **cocaine** as an important drug of abuse in South Africa (Table 7). From 1997 to 2000, the proportion of treatment centre patients reporting cocaine, in the form of both powder and **crack**, as their primary drug of abuse has increased from approximately 1% to between 5-10%. Regionally, treatment demand for cocaine is greatest in Gauteng, Cape Town and Durban, and it is still relatively uncommon in Port Elizabeth (Eastern Cape) and the predominantly rural province of Mpumalanga. Arrest data support this trend, with the proportion of arrests for cocaine in Gauteng, Cape Town and Durban increasing from approximately 10% to approximately 20% between 1997 and 2000. Data from the arrestees study suggests that cocaine use is more prevalent among the White and relatively more affluent communities. Arrestees testing positive for cocaine were disproportionately White, female and reported a higher average income. It is likely however that this result reflects the high proportion of sex workers among those arrested and is again unlikely to be representative of the pattern of use in the general population arrested.

**Heroin** use is an emerging trend in South Africa (Table 7). In Cape Town and Gauteng, heroin was reported as the primary drug of abuse by approximately 5% of treatment centre clients in 2000, having increased from approximately 1% in 1997. This trend is also apparent in arrest data for these regions, increasing from 1 to 5% of drug-related arrests between 1997 and 2000. Existing evidence suggests that the majority of heroin use occurs among the younger White middle class population in the major urban areas, namely Cape Town, Johannesburg and Pretoria. While the majority of heroin users are male, the ratio of males to females is lower than for other illicit drugs. The limited evidence currently available suggests a transition from smoking to injecting as a route of administration among some heroin users. For example, the most recent SACENDU findings report that “intravenous use by patients with heroin as their primary drug of abuse seems to be increasing with 51% of heroin patients in Cape Town reporting some injecting versus 36% in Gauteng” (SACENDU 2002b).

While arrests for **amphetamines** are rare – consistently comprising less than 1% of all drug-related arrests – arrests for certain amphetamine-type stimulants (e.g., ecstasy) have fluctuated significantly between years and across sites, ranging from 2% to 22% of all drug-related offences. As with arrests, treatment demand for amphetamine-type stimulants remains very low, accounting for less than 1% of treatment demand for the years 1997 to 2000. This may reflect the fact that users of these substances are generally under-represented among treatment populations, despite often having a relatively high prevalence of use.

There are also some important regional differences in South Africa’s drug market. Based on the proportion of people in treatment centres, with regard to their primary substance of abuse, data suggest (a) that Gauteng may be the largest market for cocaine, followed by Cape Town; (b) that Gauteng may be also the largest heroin market; and (c) that Durban is the largest market for cannabis, ahead of Port Elizabeth.

Data also appear to confirm that the strongest growth throughout South Africa in recent years was in cocaine, although there has also been an increase with regard to heroin.



### Prevalence in the youth population

The most comprehensive school-based prevalence study conducted to date (Flisher 1998) generally confirms these patterns of use (see Table 8). However, among 11<sup>th</sup> grade pupils, inhalants (primarily glue) appear to be more popular than in the wider population, and the use of ecstasy exceeds that of crack cocaine. This study also confirms that drug consumption is two to three times more common among males than among females, as international experience would lead one to expect. The only exception to this pattern is for ecstasy use, where male abuse is only one third higher than abuse among females.

| <b>Table 8. Life-time prevalence of substance abuse among 11<sup>th</sup> graders in Cape Town in 1997 (n=2,770)</b> |           |        |                    |  |
|--|-----------|--------|--------------------|--|
|  | Cape-Town |        |                    | U.S. 1997  |
|  | Male      | Female | Unweighted average | 10 <sup>th</sup> graders (Monitoring the Future study) |
| Cannabis   | 32.0%     | 13.1%  | 22.6%              | 42.3%  |
| Glue / inhalants   | 15.8%     | 4.9%   | 10.4%              | 18.3%  |
| “White pipe” (cannabis/mandrax)  | 5.7%      | 1.9%   | 3.8%               | n.a.   |
| Ecstasy  | 4.3%      | 3.1%   | 3.7%               | 6.9%*  |
| Crack-cocaine  | 2.6%      | 1.0%   | 1.8%               | 7.1%   |
| Other  | 3.9%      | 2.4%   | 3.2%               | n.a.   |

\* = figure for 12<sup>th</sup> graders.  
Source: Flisher 1998.

According to preliminary results of research during 2000 regarding grade 7, 10 and 11 students from 35 secondary schools in Pretoria, conducted by the Department of Criminology and the Institute for Criminological Sciences of the University of South Africa, more than one quarter of the respondents had witnessed illegal drugs being sold on their school grounds, while 42% had personally seen illegal drugs being sold in their neighbourhood. When the results were broken down according to race, approximately 75% of Coloured students had witnessed illegal drugs being sold at school. This compares with 42% of Indians/Asians, 25% of Blacks/Africans and 13% of Whites. Approximately 83% of Coloureds, 55% of Indians/Asians, 42% of Blacks/Africans and 29% of Whites had observed drugs being sold in their neighbourhoods (Neser et. al. 2001).

The same survey revealed that when asked whether they knew a friend or classmate who had been using illegal drugs such as LSD, ecstasy, cocaine or heroin, the majority of Coloureds (79.3%) confirmed that they did. Of the other groups approximately 57% of Indians/Asians, 40% of Whites and 37% of Blacks/Africans answered in the affirmative. On the question of whether they thought their particular school was drug free, approximately 75% of Coloureds, 64% of Indians/Asians, 49% of Blacks/Africans and 46% of Whites answered that they thought it was not. One-third of the respondents admitted to having smoked cannabis, of which 23% were under the age of 12 and 34% were 15- and 16-year olds. One quarter of the respondents indicated that they had inhaled substances such as glue, petrol and

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thinners, and 27% had consumed mandrax, ecstasy, LSD and 22% had smoked crack or cocaine and mandrax (Neser et. al. 2001).

A survey by Bridges — a Cape Town NGO engaged in prevention — of five high schools in the Cape Town metropolitan area during 2000 found that approximately 23% of the students had tried cannabis at least once with the highest proportion (35%) being grade 12 students. Ecstasy was found to be the second most common drug ever used (6% overall) with 12% of the grade 12 students having used the substance. The study also indicated that 36% of students who responded to the questions on drug abuse indicated that someone in their family was experiencing a drug problem (Fisher 2000). Using a larger catchment area, Bridges conducted a similar survey in 2002. Significantly, it was the first to monitor drug and alcohol use among primary school children in the Cape Town metropolitan area. The survey involved a total of 991 primary school and 387 high school pupils. Of the 20% who had tried drugs, 19% were still using them and the average age of first using drugs was 12.1 years. In high schools, 45% had tried any drug, and 32% were still using drugs (Fisher 2002).

The indicator data on prevalence among the youth would seem to suggest the following. Cannabis is the most common illegal drug being used by school children, followed by inhalants, mandrax, ecstasy and crack cocaine. A higher proportion of White adolescents report heroin, cocaine and ecstasy as their primary drug of abuse, with Coloureds and Indians/Asians most likely to report cannabis smoked with mandrax ('white pipe'). Black/African adolescents are most likely to report alcohol as their primary substance of abuse. While it is likely that cocaine — and especially crack — are still generally being used more often (and by more adolescents) than heroin, SACENDU data for Cape Town and Gauteng would seem to indicate that heroin may be overtaking cocaine in the adolescent age group. For example, in the second half of 2001, 9% of patients younger than 20 years in Cape Town treatment centres reported heroin as their primary substance of abuse compared with 3% for cocaine/crack. In Gauteng, 6% of patients younger than 20 years reported heroin as their primary drug of abuse compared with 2.5% for cocaine/crack in the same period (SACENDU 2002b).

Although it may not be possible to generalize national prevalence from statistics obtained in Cape Town and Gauteng, the lifetime prevalence estimates reported in these studies suggest that levels of drug abuse among high school students in South Africa nonetheless remain lower than those of students in the United States and Australia and on a par with those in much of Europe (UNODCCP 2002).

One of the only available studies examining risk and protective factors was undertaken during August 2001 by Research Surveys (Research Surveys 2001). It was conducted among 800 teenagers aged 13-19 years from major metropolitan areas throughout South Africa on their experiences with illegal drugs. The study found that 71% of the total sample had had a discussion with their parents about the risks of using illegal drugs. Whereas 83% of White parents had discussed the risks with their teenagers, only 59% of non-White parents had done so. The survey reported that 70% of White and 93% of Black/African teenagers had never been offered illegal drugs. When teenagers had been offered illegal drugs, two-thirds had been offered the drugs by a friend.

While this data would suggest that talking about drug use is linked to lower rates of experimentation, the fact that drug use is high among Whites in South Africa points to the need to further investigate other potential risk and protective factors in addition to family

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functioning. Such factors would include disposable income, peer influence, educational prospects, socio-economic status and other environmental factors (e.g., the acceptability or non-acceptability of drug use among a particular social group).

### 3.8 Treatment Consequences

The adverse consequences of increasing rates of drug consumption are reflected in rising treatment demand. In the first half of 1998, a total of 4,500 patients were treated in Cape Town, Port Elizabeth and Johannesburg/Pretoria for drug abuse. Another consequence is drug-related violence as is reflected in drug-related injury statistics. A 1997 study of drug-related trauma undertaken by the South African Medical Research Council, found that 40% of injuries at a large hospital in Cape Town were drug-related. Chemical analysis revealed that 29% of the patients had THC in their urine, 10% had mandrax, and 2% had cocaine in their blood. Most patients (85%) were injured as a result of violence, which – at least indirectly – was drug-related (MRC 1998). The results of the 3-Metros (Johannesburg/Pretoria, Cape Town, Durban) study would appear to support this (Parry, Louw and Pluddemann 2001).

Another serious problem is the high rate of HIV infection. In 1997, a national survey of women attending ante-natal clinics (n=12,343) revealed that 16% had already tested positive for HIV, representing a 13% increase over the previous year, and subsequent studies have shown even higher rates. As indicated in Section 1.1 above, this figure is now estimated nationally to be in the vicinity of 24.8% (Department of Health 2000; Department of Health 2001; MRC 2001).

In South Africa, the Department of Welfare reported in 1999 that one in five of the economically active population was HIV-positive. The population of KwaZulu-Natal has already gone into decline as a result of AIDS-induced premature deaths.<sup>45</sup> As a result, the risk of a proportion of “AIDS orphans” growing up into criminal adulthood is to be considered a human security concern in South Africa (Schonteich 1999). Latest estimates from the South African-based Institute for Security Studies claim that some 300,000 children had already been orphaned by HIV/AIDS with projections that up to 3 million children would be orphaned under similar circumstances between 2002-2012. A burgeoning orphan population, growing up under extreme levels of poverty and without parental supervision will be likely, as a survival strategy, to “turn to crime, drugs, gangs and the sex trade”.<sup>46</sup>

However, the question of delineating a clear chain of causality between drug abuse and HIV/AIDS remains complex. It is possible that the link goes in both directions. In other words, drug abuse is known to be a causal factor in the spread of HIV/AIDS, and HIV/AIDS is also believed to be a factor in causing drug abuse, although this second link needs to be investigated further.<sup>47</sup>

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45 As reported in 1999, the national antenatal average for women testing positive for HIV/AIDS was 23%. The provincial figure for KwaZulu-Natal was 32%.

46 Quoted in the *Sunday Independent*, 6 October 2002.

47 There are *prima facie* indications nonetheless that a relationship may exist, especially if the following two factors are considered. The first factor is a combination of the desperation and marginalization that people affected by HIV/AIDS suffer which could be one of the factors leading to drug abuse. For example, the findings

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The following four points review the drugs-HIV/AIDS connection:

- (a) Unprotected sex under the influence of drugs: In South Africa, the main mode of transmission of the HIV virus is unprotected heterosexual sex.<sup>48</sup> Non-injecting drug abuse is a significant factor that influences the sexual transmission of HIV. It has been demonstrated that unprotected sex is more common under the influence of drugs due to a loss of control. In other words, in the context of sexual intercourse, the main psychoactive effect of drug abuse is to: (a) alter an individual's judgment, (b) make it more difficult to say "no", and (c) make it harder to negotiate the use of a condom.
- (b) Commercial sex work and drugs: Available research in South Africa<sup>49</sup> has demonstrated that drug-using sex workers report having much larger client volumes than non-users, as many as 9 clients on a "good night" working 7 nights a week, and even into the daylight hours. By comparison, sex workers who are not drug dependent have an average of 2-4 clients per night and generally work only 4-5 nights a week. Women who have been in the industry for some time complain that crack has increased the number of women on the street and driven down the median age. Increased competition also has driven down prices for commercial sex, forcing women to handle greater volumes of clients in order to maintain income levels. This also has led to an increase in demand for unsafe sex – such as condom-free sex and anal sex – as the competition among sex workers has reduced their ability to refuse business. These dimensions have clear implications for HIV transmission. In addition, crack has been blamed by some women for the increase in client violence. The problem of crack use therefore has worrying social health implications owing to its links with the spread of HIV/AIDS, mainly through its overall disinhibitory effect on safe sex practices.<sup>50</sup>
- (c) Drug abuse and its consequences on people living with HIV/AIDS: The WHO has indicated that some psychoactive drugs may hasten the onset of AIDS by depressing immune functions.<sup>51</sup> This aspect needs to be further studied. It is known, for example, that there is a relationship between alcohol abuse and the weakening of the immune system. Drug abuse may also be a contributing factor in the development of AIDS from HIV. In the context of South Africa, if a connection were to be found between

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of a study conducted by a Tanzanian psychiatrist appear to demonstrate that some HIV/AIDS sufferers generally tend to (a) simply wither, (b) become religious, or (c) take drugs in order to escape their depression. (A variation on this theme is the so-called "Titanic phenomenon" for AIDS-induced drug taking – "why not enjoy the last few hours"? See Franzen 1998, pp. 27-29.) The second factor is the case of "AIDS orphans". The chain of causality in this situation is indirect. Orphans created by the AIDS-related death of their parents may be lured into illicit activities – possibly including aspects of the drug trade – in order to survive.

48 It is estimated that 85% of infections occurs through heterosexual transmission, 10% through mother-to-child transmission and the remaining 5% through same-sex transmission, injecting drug use and occupational exposure. See Parry and Karim 1999.

49 See, for example, Leggett 1999a.

50 Research in the U.S. has demonstrated that crack users exhibit seropositivity levels rivalling those of injecting drug users due to the unprotected sexual activity involved both in procuring the drug and in response to its effects.

51 "WHO Expert Committee on Drug Dependence", WHO Technical Report Series, Number 836, Geneva, 1993.

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the abuse of cannabis (which is highly prevalent) and a weakening of the immune system, this would have major public health implications.

- (d) Injecting drug use: IDU is not common in South Africa, but information on drug abuse is not complete, and the real situation may be more problematic than it currently appears. Recent evidence indicates that the injecting of heroin is increasing in South Africa. For example, 51% of heroin patients in Cape Town report some injecting. The figure for such patients in Gauteng is 36% (SACENDU 2002a and SACENDU 2002b). While efforts must therefore remain focused on addressing transmission via heterosexual sex, a failure to address IDU in South Africa may result in leaving open a space for the disease to affect the population by an additional route.

Research by the South African MRC into the link between substance abuse and the spread of HIV/AIDS is currently underway. The research correlates broadly with similar work undertaken in other countries in respect of the drugs-HIV/AIDS nexus where IDU is also not a principal vector of transmission. In general, the provisional MRC research findings indicate that adolescents who use alcohol and other drugs are more likely to engage in sex and in unsafe sex, than are adolescents who abstain from using alcohol and other drugs.

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## 4. POLICY

### **Main Characteristics of National Drug Control Policy**

The basis for the national drug control framework is the **National Drug Master Plan** (Master Plan), adopted by parliament in February 1999. The elaboration of such a plan was necessary as the Government's response to the drug problem – as stated in the Master Plan – had become “disjointed, fragmented and uncoordinated.” A number of national plans and strategies to address different aspects of substance abuse were drafted during the 1980s and early 1990s. They did not, however, provide a comprehensive response to the deteriorating drug problem of South Africa, and they were not properly implemented. Thus in 1997, the Minister of Welfare and Population Development requested the Drug Advisory Board to develop a Master Plan for South Africa to rectify these problems “in accordance with international practice”.

Taking a balanced approach to reducing the supply and demand for drugs, the overall objectives of the Master Plan are “to build a drug free society together and to make a contribution to solving the global problem of substance abuse.” The Master Plan's six priority areas are: (a) to reduce drug-related crime, (b) protect youth, (c) support community health and welfare, (d) strengthen research and information dissemination, (e) encourage international involvement, and (f) improve communication on substance abuse with all groups in South Africa's highly diverse population. One aspect of the Government's demand reduction policies includes “harm reduction”, which aims to reduce the negative social and health consequences associated with drug use rather than to reduce or eliminate drug use per se.

The Master Plan sets forth a broad strategy for integrating the efforts of various government departments and civil society to prevent and reduce drug-related problems, substance abuse and illicit drug trafficking in South Africa. Recognizing the social costs of addiction, the document calls for greater resources to be diverted to disadvantaged communities. It calls for a workable strategy at the community level through **Local Drug Action Committees** (in all 382 magisterial districts) and **Provincial Drug Forums** comprising the various government agencies, the private sector, experts and community organizations. It stresses the importance of shifting the focus from supply to demand reduction and from the individual to the community. Further, the Master Plan aims to ensure that “all educational material and other information [that] is disseminated is contextually correct, that is in a form and language appropriate to the culture, language, level of education and socio-economic background of its intended recipients”.<sup>52</sup>

The link between drug use and the spread of HIV/AIDS is not emphasized anywhere in the Master Plan. There are only two minor references to the drugs-HIV/AIDS nexus in South Africa.<sup>53</sup>

A **Central Drug Authority** (CDA) comprising both governmental appointees and experts from the non-governmental sector was established in 2000. The CDA is charged with giving a lead to the nation's drug control efforts and monitoring implementation. It makes

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52 See Drug Advisory Board, 1998, pp. 7-8.

53 See Drug Advisory Board, 1998, pp. 1 and 21.

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provision for a chairman and features representation from all concerned government agencies, as well as selected members of civil society. The latter come from research councils, universities, trade unions and business establishments concerned about drug abuse. The CDA is required to report back to Parliament on regular occasions regarding progress achieved. Local drug action committees and provincial drug forums are in various stages of formation and readiness. The entire Master Plan architecture can be considered to be only slowly making process.

### **Budgetary allocations**

It is impossible to determine accurately the amount of Government spending on drug supply and demand reduction activities, but a drop in spending on demand reduction and treatment activities relative to supply reduction has almost certainly occurred over the past few years. With respect to forensic support it has stayed constant. Some treatment centres have been closed, and a plan to have more substance abuse cases handled by way of the primary health care system has not been developed. Without an increase in the budget for prevention activities, the national and provincial Departments of Social Development (formerly Welfare) generally have had to reduce their support to NGOs involved in prevention activities and have themselves initiated few prevention activities, one exception being the national “I’m Addicted to Life” campaign launched in 1995 which ran for just over one year (IMR 1997).

### **Convention adherence**

South Africa is a party to the 1961 UN Single Convention on Narcotic Drugs, the 1972 Protocol (which amended the Single Convention), the 1971 Convention on Psychotropic Substances and the 1988 UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

### **Legislation**

The control of licit drugs in South Africa is organized and managed through a number of pieces of legislation, two of which are of special note:

- The Medicines and Related Substances Control Act (101/1965): This supports the processes set out in the major UN Conventions on drug control and provides the definitional and conceptual basis for drug control policy in South Africa.
- The South African Drugs and Drug Trafficking Act (140/1992): This makes it an offense to supply substances to anyone while knowing or suspecting they will be used for the manufacture of illegal drugs. The Act further prohibits any person from converting property that he or she knows or suspects to be gained from the proceeds of drug trafficking, and it makes dealing in dangerous and undesirable drugs an offense punishable by up to 25 years imprisonment. The maximum sentence for the possession of drugs is 15 years. There are no prescribed minimum sentences.

Other relevant legislation includes:

- The Mental Health Act (18/1973)
- The Criminal Procedures Act (51/1977)
- The Prevention and Treatment Act (20/1992)
- The Financial Intelligence Centre Act (38/2001)
- The Prevention of Organized Crime Act (21/1998)

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### **Drug control institutions – supply reduction and law enforcement**

Official SAPS policing priorities place measures against drug trafficking under the category of organized crime where it features in the targeting of criminal organizations (along with firearms and stolen vehicles). Commercial crimes and corruption also fall under the category of organized crime. The cabinet's inter-agency "Justice Cluster" has a role in attempting to coordinate drug law enforcement on a national basis.

Under the 1992 Drugs and Drug Trafficking Act, the South African Police Service's Narcotics Bureau (SANAB) is given the lead on the enforcement side primarily in terms of detecting and investigating drug crimes.<sup>54</sup> However, there is also an important profiling, interdiction and controlled delivery role for SAPS Border Police and SARS (South African Revenue Service) Customs.<sup>55</sup> An attempt to coordinate law enforcement work at the country's borders by SAPS Border Police, SARS Customs and Home Affairs (Immigration) was attempted in the mid-1990s. This occurred under the auspices of the National Inter-Departmental Structure on Border Control (NIDS) which was disbanded in 2001. Border control coordination now takes place under a Border Control Coordinating Committee.

Over the past two years, however, a series of restructuring initiatives has resulted in unclarity within police ranks regarding which entity is primarily responsible for drug law enforcement. At present, the Organized Crime "component" (which operates under the Detective Service Division) has been given responsibility for this mandate within the police service. As constituted, the Organized Crime component serves as the reporting entity for several units including the Specialized Investigating Units, one of which is SANAB. The Organized Crime component also has 24 "task teams" reporting to it from throughout the country, each of which in principle contains at least one officer with specialized narcotics expertise. Specialized investigation units are being phased out, and some staff being integrated into the Organized Crime component. With some 40 per cent of SANAB offices already closed in this manner, the future of the remaining units is still uncertain.

In late 1999, a new organization was created and was given, *inter alia*, a drug law enforcement role. Entitled the "Directorate for Special Operations", but more commonly known as the "Scorpions", the unit was launched under the authority of the National Director of Public Prosecutions, who reports to the Minister of Justice but is required to report on issues related to the Scorpions directly to the President. The Directorate, combining elements of criminal justice investigation and prosecution, was formed to tackle high profile crimes and corruption, including drug crimes.

In the absence of precise mandate clarity, serious questions have arisen over the jurisdictional roles and operational functioning of SANAB, the Organized Crime component's task forces and the Scorpions in respect of drug law enforcement.<sup>56</sup>

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54 SANAB was established in 1974 to combat drug trafficking and abuse. In 1995, its investigative activities were divided into crimes involving large drug trafficking syndicates, to be dealt with by the Organized Crime Project Investigations Unit, and smaller cases of possession and dealing, which were handled by regular SANAB units. In 1995, SANAB split from the Organized Crime Unit.

55 In 2001, the restructuring of SARS Customs resulted, *inter alia*, in the creation of anti-smuggling units with a direct counter-narcotics role.

56 See, for example, H. Ludski, "It's Turf War!" *Sunday Times*, (Johannesburg) 9 April 2000.



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The Drug Section of the SAPS **Forensic Science Laboratory** deals with analysis, crime scene attendance, illicit laboratory investigations<sup>57</sup>, drug intelligence, and recording and keeping of seizures. There are four forensic drug sections which are based in Pretoria, Cape Town, Port Elizabeth and Durban.<sup>58</sup>

The SAPS established a **Chemical Monitoring Programme** in 1999 primarily to prevent the diversion of precursor chemicals from the licit market to illicit drug manufacturing. Legislation has made it a criminal offence to import or export any of the listed chemicals without first being in possession of a permit issued by the Department of Trade and Industry and without the permit being approved by the Chemical Monitoring Programme of SANAB. Any company wishing to import or export a listed chemical must complete a Declaration of Intent to Import/Export, and the competent authorities are informed in order to consider whether investigations are necessary.

### **Drug control institutions – demand reduction, prevention and treatment**

Prevention programmes are the responsibility of the Department of Social Development (formerly Welfare), while treatment falls under the auspices of the Department of Health. However, the respective roles are blurred in practice. Both Departments have allocated resources to prevention and treatment programmes, but constraints also exist with regard to funding. The Department of Social Development's budget for treatment is severely limited, and facilities are unevenly distributed throughout the country. The health and education sectors are minimally involved in prevention programmes. The latter gap is filled in part by a highly dedicated group of NGOs and concerned citizens, but their capabilities and mandates are limited. Government thus largely provides resources for the treatment of persons having substance abuse problems through NGOs such as the South African National Council on Alcoholism and Drug Abuse (SANCA).

The Department of Social Development and the Department of Education both support public awareness programs on the dangers of drug abuse, as do several NGOs. For example, "Soul City", which receives funding from the public and private sectors, is a highly successful multi-media health education initiative advocating healthy lifestyles for youth. SANCA has a network of drug treatment and outreach centres around the country and also trains drug abuse counsellors and others in related roles (e.g., teachers and social workers).

Department of Social Development: The Department's objective is "a welfare system which facilitates human capacity and self-reliance within a caring and enabling socio-economic environment". It funds – often through subventions to SANCA (see below) – drug prevention care and treatment services in many communities. Treatment falls into the following categories: (a) voluntary treatment in the community, (b) voluntary institutional treatment, and (c) statutory treatment under the terms of the Prevention and Treatment of Drug Dependence Act (1992). Prior to the early 1990s, the main efforts in substance abuse in South Africa tended to focus on treatment and rehabilitation. The shift toward preventive measures

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57 This includes intelligence interpretation, training of agents, pre-raid briefings, raids, post-raid clean-ups, reconstruction and expert witnesses.

58 Note: There are approximately 10,000 submissions to the Forensic Science Lab per year (+/- 10 seizures per investigating officer per year). The Forensic Science Laboratory has approximately 20 scientists dealing with the same number of submissions (+/- 350 analyses per scientist per year).

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was boosted in May 1995, following directives from the first democratic government which was concerned about the impact of drug abuse on the “re-stabilization process”.

At that juncture, the national and provincial departments of Social Development embarked upon a national school-based educational initiative called “I’m Addicted to Life”, aimed at teenagers between the ages of 11-20 years.<sup>59</sup> Its budget was approximately R2.5 million. The “I’m Addicted to Life” programme ended abruptly in 1997. Although the programme is seen as having raised awareness, it is not possible to gauge its impact on changing attitudes since the programme featured no built-in monitoring and evaluation systems (see IMG 1997). In terms of a coordinated effort at a national prevention programme, nothing preceded it other than various poster / pamphlet-based awareness campaigns. In 1999, the national Department of Social Development outlined that henceforth its financing policy would emphasize, *inter alia*, that future proposals from service providers would be favourably considered if they emphasized preventive approaches and if they were “redistributive, taking into account historical imbalances in terms of demography and the urban-rural divide” (Department of Welfare 1999a).

The Department of Social Development is providing interim secretariat services for the functioning of the Central Drug Authority. The Department has developed a prevention strategy (Department of Welfare 1999b) aimed at youth, which is currently in the form of a discussion document. The present document falls into line with overall direction of the strategy as regards useful indicative preventive approaches for youth, parents and adults in general. The strategy also recognizes the importance of ensuring political commitment to preventive approaches. The strategy foresees funding, *inter alia*, from international donors.

Department of Education: The Department of Education is implementing its Revised Curriculum 2005 initiative. This includes a Life Orientation Area of Learning which has a component that seeks to address adolescent risk behaviours, such as drug use and teenage sexuality as part of a holistic initiative aimed at the healthy development of young people. The substance abuse component is currently being reviewed and made stronger in order to address the escalation of the drug abuse problem within South Africa. As substance abuse is now within the curriculum, it also means that students will be examined on their knowledge and, as with all Outcomes Based Education, this is measurable. The Department has developed a “Policy Framework for the Management of Drug Abuse by Learners in Schools and Further Education and Training Institutions” which is intended to give guidance to schools in developing substance abuse policy. The ethos of the policy is restorative and supportive and treats substance abuse as a health and safety issue. The policy also calls for all teachers, both pre- and in-service, to receive appropriate education on substance abuse, as it does for all parents. Guidelines are currently being developed for the implementation of the policy. It is also envisaged that the Department will start to accredit prevention programmes that go into the schools.

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59 The television series involved 13 9-minute episodes and 13 2-minute endorsements which were flighted in the afternoons and evenings. Thirteen 3-minute radio spots in 11 languages were also produced. In addition, 13 30-second personality endorsements were produced and flighted. Anti-drug posters were produced and distributed to every school in the country, and an anti-drug pledge campaign was initiated. Information leaflets were also produced and distributed to schools. The campaign was also expanded to include a video and teacher’s manual.

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Department of Safety and Security: Aside from its drug law enforcement responsibilities, the Department, through its Secretariat for Safety and Security, supports – jointly with the Central Drug Authority and the United Nations Office on Drugs and Crime in Pretoria – the **Ke Moja** pilot drug awareness campaign. This campaign, launched in June 2002, uses various channels and outlets to reach youth at risk and their parents/guardians. It aims to empower individuals with the knowledge to make the right decision – by saying "Ke Moja" or "No thanks, I'm fine!" – when challenged with the pressure to take drugs. The campaign is being evaluated prior to an anticipated national roll-out in late 2002.

Department of Health: Although the main role of this department pertains to treatment, it also provides different levels of tertiary prevention. The Department's policy is still evolving but appears to aim essentially to ensure greater access to treatment via (a) primary care, (b) general hospitals, and (c) existing treatment centres. Responsibility for implementation of national policy is however at the provincial level. In 1999, the Department's Mental Health and Substance Abuse Directorate funded an initiative to develop a practical programme on how substance abuse prevention can be integrated into the life skills HIV/AIDS education programmes in schools.<sup>60</sup> This initiative is linked to the evolution of the Department of Education's Curriculum 2005 programme. The Department of Health is also involved with the WHO's Programme on Substance Abuse in an initiative funded by ODC to develop a five-year community-based project, aimed at the primary prevention of substance abuse among young people.

SANCA: Established in 1956, SANCA is a non-governmental organization whose major objectives are prevention and treatment of alcohol and drug dependence. SANCA is a national umbrella organization consisting of 38 alcohol and drug help centres providing over 76 service points / satellite offices in all nine provinces of South Africa. SANCA plays an important role in drug treatment and prevention in South Africa and partially fills gaps left by the Government's limitations in those fields. Information on alcohol and drugs is provided as well as skills training to address issues such as self-image and peer pressure. SANCA's Teenagers Against Drug Abuse (TADA) programme involves the setting up of youth action groups in high schools or youth groups after hours. It aims to prevent substance abuse among peers and promote alternatives. SANCA Johannesburg Society: This entity is constitutionally independent from, but affiliated with, SANCA. It comprises four divisions. Two of them – Phoenix House (an in-patient clinic) and the Centre for Alcohol and Drug Studies<sup>61</sup> – are run autonomously.

Soul City: Soul City is a multi-media health education / counter-advertizing initiative seeking to address a range of risk behaviours, including alcohol / smoking and violence against women, through a very popular prime-time sitcom aired on TV, as well as on radio and via the print media. The strategy embraces the concept of "edu-tainment", in which pro-social messages are creatively woven into drama programmes on both radio and television. The print media serves to supplement these programmes, providing in-depth information in synergy

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60 The substantive preparation of the material has been subcontracted to the Institute of Health Training and Development, a private sector entity based in Johannesburg.

61 CADS has evolved and is currently implementing a Preventive Life Skills Education Programme involving over 15 schools both public and private in Gauteng – including underprivileged schools in the Soweto, East Rand and Westbury areas.

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with the dramas.<sup>62</sup> Soul City forms partnerships with community-based organizations and government departments, the private sector and international donors. Soul City (Phase 6) is tackling the issue of substance abuse. An evaluation of its initial activities has been conducted.<sup>63</sup> Soul City is considering broadening its message base to include substance abuse with a focus on drugs.

SACENDU – South African Community Epidemiology Network on Drug Use: SACENDU was established in 1996 by the Medical Research Council of South Africa and the University of Durban-Westville’s School of Psychology with the technical assistance of the WHO/PSA and the U.S. National Institute on Drug Abuse (NIDA). It is a network of researchers, practitioners and policy makers (e.g., law enforcement, health and welfare treatment services, and public health research) from sentinel areas in South Africa (Cape Town, Durban, Port Elizabeth, Gauteng and Mpumalanga). Members of SACENDU meet every six months to report on alcohol and other drug (AOD) use trends and associated consequences through the presentation and discussion of quantitative and qualitative research and other data.<sup>64</sup>

MRC – Medical Research Council: The MRC is primarily engaged with epidemiological research into the nature and extent of alcohol and other drug use and with measuring the health impact of the misuse of alcohol and other drugs. Another key focus of the MRC is in the area of formulating local and national policy.

CSIR – Council for Scientific and Industrial Research: In the field of substance abuse, its research has mainly concentrated on alcohol and drug-related traffic infringements. It coordinated the 1999 3-Metros research project cited above.

HSRC – Human Sciences Research Council: The HSRC researches all aspects of substance abuse through its Centre for Alcohol Drug Related Research. Its research includes major surveys that target specific population groups, national surveys and expert analysis of statistical data.

SAAPSA – South African Alliance for the Prevention of Substance Abuse: SAAPSA was established in 1995 with the assistance of, *inter alia*, WHO/PSA. It includes members

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62 Its three core work activities are as follows: (1) Soul City: TV programmes consist of 13 1-hour soap dramas with pro-social messages. It started in 1994. Its fourth series was released in 1999. “Soul City” is mixed-language with English subtitles. Messages are heavily research-dependent with a slow materials-development process (literature review, focus groups and contracting substantive experts as resource persons). The related “Soul City” radio drama series constitutes 60 episodes of a 15-minute daily drama. Unlike the TV programme, this possesses a more rural slant. It was evaluated in 1999 to have a catchment of several million. 750,000 booklets accompany each phase and are slipped into major national newspapers. (2) Post Mass Media initiatives: This is premised on the need to do more to effect a change in attitudes and behavior. It involves (a) a life skills programme for 12-18 year olds, and (b) an adult education package. (3) Soul Buddy: This is a 26-part TV drama for children aged 8-12. It focuses on HIV, sexuality and child abuse. It also involves children’s radio containing a 10-minute drama, a 10-minute information insert and a 10-minute talk show hosted by children. Print material includes 900,000 copies of a 120-page booklet for Grade 7s.

63 See Community Agency for Social Enquiry (CASE), “Let the Sky Be The Limit – Soul City Evaluation Report”, Jacana Education, South Africa, 1999.

64 See SACENDU Research Briefs, published by the Medical Research Council’s Mental Health and Substance Abuse Division.

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from over 70 organizations. Its goal is to “facilitate networking among all organizations, government and civil society, concerned with drug and alcohol abuse in South Africa with a view to optimizing cooperation in the prevention and treatment of alcohol and drug abuse.”

Other NGOs prominent in the drug field include:

- Lovelife (campaigns promoting life skills and healthy lifestyles; no direct drug content)
- Cape Town Drug Counselling Centre (treatment, training, prevention and research)
- Narcotics Anonymous
- Bridges (prevention programmes in schools)
- RaveSafe (harm reduction at major rave parties)
- Drug Wise (counsellors)
- Horizon Programme (treatment, affiliated to SANCA)
- Elim Clinic (treatment)
- Stepping Stones (treatment)
- Institute for Security Studies (includes drug-related research)

There is a relatively wide network of public and private substance abuse treatment facilities in South Africa. These include some 300 organizations where support and after-care are provided: 67 community treatment facilities, 147 provincial and private hospitals and psychiatric hospitals, 12 detoxification facilities, and 25 specialist in-patient units/half-way houses.

All these facilities are largely in urban areas. The overcrowded former townships, informal settlements and rural areas are grossly under-served. For example, there are no in-patient treatment facilities at all in the Northern Cape Province. Detoxification services, at hospitals in particular, are generally inadequate or non-existent. Further, insufficient funds and lack of personnel threaten existing services and their further development, while after-care services providing for the reintegration of patients into the community are either inadequate or not available.

### **International and Regional Cooperation**

The Master Plan cites the need for “international involvement” as one of its six main areas of focus. The South African Police Service has accordingly posted an international Drug and Organized Crime Liaison Officer (DOCLO) in the United Kingdom and Brazil and has approved the appointments of DOCLOs to Pakistan, India, Argentina, Thailand, Kenya, Nigeria, Zambia and Zimbabwe. The expansion of the DOCLO network is intended to enhance cooperation on intelligence sharing and joint investigations with participating countries.

In terms of regional cooperation, South Africa is also a signatory to the Protocol on Combating Illicit Drug Trafficking in the Southern African Development Community (SADC) region. This was ratified by Parliament in July 1998. The Protocol provides a policy framework that allows the SADC countries to reduce the regional supply of and demand for illicit drugs destined for international markets. South Africa is also an active member of the Southern African Regional Police Chiefs Cooperation Organization (SARPCCO).

### **Cooperation with International Bodies**

The South African Government is an active participant in international organizations concerned with drug control and crime prevention. For example, the Government sent a

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delegation of senior officials—headed by the Minister of Safety and Security—to the UN General Assembly’s June 1998 Special Session on the World Drug Problem. South Africa participates actively in the UN Commission on Narcotics Drugs (CND).

Close operational ties exist between the South African Police Service and the International Criminal Police Organization (Interpol). One very successful area of cooperation has been the use of the Interpol X400 system to circulate the identities of potential couriers employed by drug traffickers to alert the law enforcement agencies of other countries.

South Africa hosts drug liaison officers (DLOs) from the United States (Drug Enforcement Administration, Customs Service, and Federal Bureau of Investigation), the United Kingdom (Customs and Excise), France (SCTIP) and Germany (Bundeskriminalamt).

Nearly all major industrialized countries provide technical assistance for the strengthening of the judicial and law enforcement capacities of the Government of South Africa. Within drug control, the bulk of the assistance to date has been directed towards law enforcement as compared with demand reduction.

South Africa has an active mini-Dublin group. During the period 1999-2000, the group was chaired by the Swedish Embassy. During October 2000 – mid-2002 it was actively chaired by the United States. It is now chaired by France.

Since July 1998, South Africa has hosted the regional office for Southern Africa of the United Nations Office on Drugs and Crime Prevention in Pretoria.

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## 5. OVERVIEW OF CRIME AND CRIMINAL JUSTICE

Crime is among the most pressing and visible social problems facing South Africa. It has been referred to by the Government as a high priority issue. Crime also features prominently in the public's concern along with issues of poverty, job creation and HIV/AIDS.

While the levels of recorded crime in the country began to increase in the mid-1980s, a dramatic increase was noted in the early 1990s. Crime in South Africa does not affect all people uniformly, although, for instance, the risk of victimization of violent property crimes, such as robbery and car hijacking, is fairly evenly spread throughout the population. However, the likelihood of a person falling victim of crime is strongly influenced by, among other things, gender, age, income, place of residence and race. Race is still one of the interpretative keys of the victimization pattern in South Africa. As in other countries, socio-economic factors and living circumstances are key determinants of who is victimized by what type of crime. Given that apartheid policies in South Africa ensured that the race of any individual determined that person's socio-economic standing, race itself was (and to some extent still remains) one of the key determinants of the country's victimization patterns.

The nature of the 1994 transition, particularly the opening of the borders, led to an increase in organized crime. Since the definitions and criteria for identification of organized crime varied considerably over the past few years, the number of organized crime groups (termed 'syndicates' by the South African Police Service) varied too. Still, there appears to be a consensus that they are numerous and that there was a major increase in their numbers during the past five years. Local organized crime is generally less tightly knit and well-structured than the sophisticated foreign mafias. Crime syndicates in South Africa are regarded to be more loosely structured and dynamic, effectively constituting a network of individuals engaged in illicit activities, posing serious challenges for the law enforcement. Some of the local organized crime groups have international links with Chinese Triads, Russian criminal organizations, the Italian Mafia, and West African organized crime groups.

From an international comparative perspective, South Africa has a high overall level of crime, whether measured by police-recorded crimes or based on citizens' victimization experience. By any global standard, South Africa has high levels of violent crime (e.g., murder, robbery, rape), while with respect to property-related crimes its international standing is more favourable.

Generally speaking, the whole of the criminal justice system has undergone substantive transformation and reorganization in the post-apartheid South Africa. This is particularly the case with the police and prosecution services. South Africa has adopted important new legislation and strategies in crime prevention and control not only in order to face the challenges of an increased crime threat and the fear of crime and insecurity, but also to build up the citizens' confidence in criminal justice system, which for a long time was a visible symbol of the repressive apartheid regime. It appears that these efforts are paying off in terms of halting a post-1994 trend of increasing crime (at least for those crimes that are considered the priority crimes) and increasing the public confidence in criminal justice.

There is a general view that much work is still needed in the areas of crime prevention, reporting, detection and processing of cases. There are still considerable problems in processing crimes and offenders through the criminal justice system, and there are serious problems with prison overcrowding.

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South Africa is a signatory to several SADC Protocols in the crime prevention and criminal justice area as well as the United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and the Protocol against Smuggling of Migrants by Land, Sea and Air. In addition, it has signed, or is a party to, a multitude of bilateral extradition and mutual legal assistance agreements as well as international anti-terrorism conventions.

This part of the Country Profile relies on two sources of statistical data: the official criminal justice statistics (police and prisons) and victimization surveys. Each of these has many limitations, including that the most recently released police statistic<sup>65</sup> are based on a new methodology developed in 2001 with new crime classifications and the periodicity corresponding to the fiscal rather than the calendar year. On the other hand, the victimization survey data are used more as illustrations since the samples of citizens who were asked about their experience with crime differ from survey to survey. Moreover, it is very difficult to compare victim-based data with police-recorded offences.

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<sup>65</sup> Annual Report of the National Commissioner of the South African Police Service, 1 April 2001 to 31 March 2002, Department of Safety and Security, South African Police Service, September 2002; also available on: [www.saps.org.za](http://www.saps.org.za). All tables and graphs are elaborated on data contained in the Annual Report if not otherwise indicated.



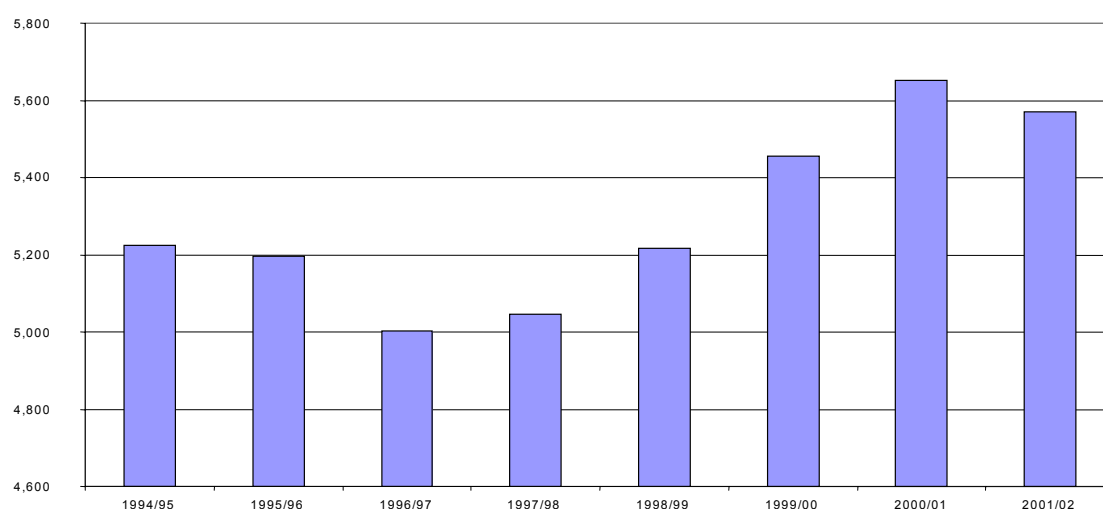
## 6. SUMMARY STATISTICS

### 6.1 Crimes Recorded<sup>66</sup>

The expectation which many had in 1994 that crime – especially violent crime – would decrease has not fully materialized. Crime figures for 2000 indicate that the number of recorded crimes was at an all-time high, although the figures for a majority of crimes have decreased somewhat in the last period under observation: 2001/2002 (although still at higher levels than for the period 1994/95- 1999/2000).

| 1994/95 | 1995/96 | 1996/97 | 1997/98 | 1998/99 | 1999/2000 | 2000/01 | 2001/02 |
|---------|---------|---------|---------|---------|-----------|---------|---------|
| 5,224.0 | 5,195.6 | 5,003.8 | 5,045.8 | 5,217.9 | 5,456.4   | 5,653.0 | 5,571.0 |

**Figure 17: Overall Crime Rates: 1994/95 - 2001/02**



Thus, there was a certain decrease in the overall crime level through 1996/97 followed by a steady increase with peak high rates in 2000/2001. This upward trend was arrested in the last reporting period of 2001/2002.

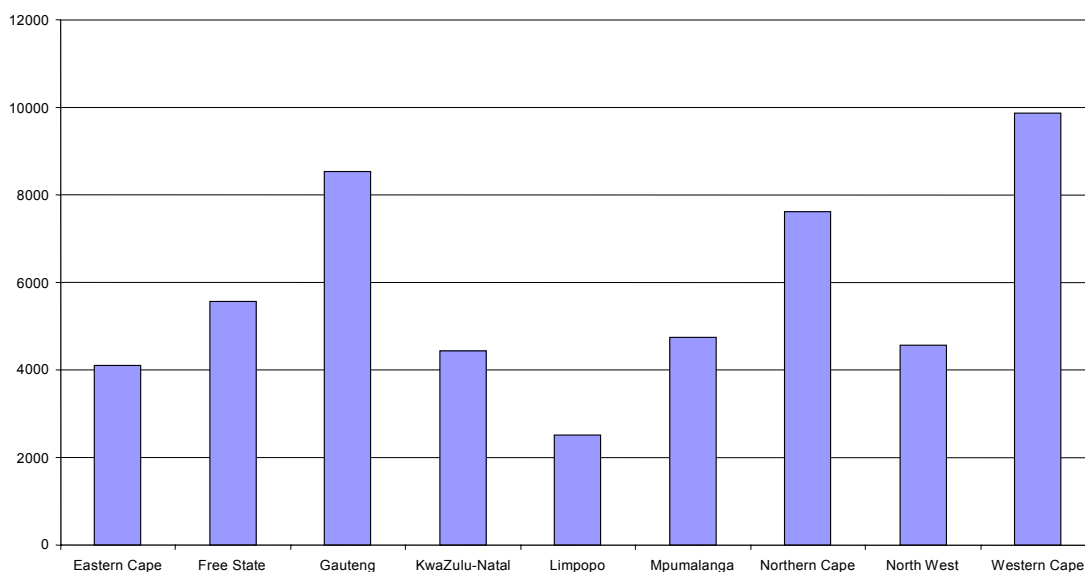
<sup>66</sup> 2000 was the last full calendar year for which official police crime statistics based on old methodology were released by the Crime Information Analysis Centre (CIAC) of the South African Police Service. A moratorium on police crime statistics was introduced in early 2000 in order to review the methods for gathering and presenting police statistics. New data were released in November 2001 covering the period between January and September 2001, but the new methodology was for the first time fully used in the 2001/2002 Annual Report. Pre-1994 data should not be considered to be reliable as the mechanism of collection and verification of the eleven police agencies operating in the country varied enormously in their composition and quality.

<sup>67</sup> The total crimes recorded per year is based on the following crimes: murder, attempted murder, robbery with aggravating circumstances, other robbery, rape, serious assault (grievous bodily harm, GBH), common assault, housebreaking (business and residential premises), stock (livestock) theft, shoplifting, theft of motor vehicles, theft out of motor vehicles, other thefts, arson, malicious damage to property, all frauds, drug-related crime, driving under influence of alcohol or drugs, illegal possession of firearms or explosives, hijacking of cars or trucks, cash-in-transit robberies, and bank robberies.

Obviously the overall country crime rates provide only certain indications regarding general trends. However, there are significant variations in the geographical location of crime within the national territory as there are diverse patterns exhibited by different crime types or singular crimes (see also section 7).

Figure 18 depicts overall crime rates for each of the nine provinces in South Africa (2001/2002).<sup>68</sup>

**Figure 18: Overall crime rates per province, 2001/02**



The two provinces (Western Cape and Gauteng) with an overall crime rate higher than 8,000 crime incidents per 100,000 stand out. These are the most developed provinces of South Africa with a concentration of business, public administration and large urban areas (Cape Town, and Johannesburg and Pretoria). It is interesting to note that these two provinces have the highest rates of murder and aggravated robbery, and among the highest rates of serious assault (violent crime) as well as of residential and business break-ins (property crime) and commercial crime. The least crime-ridden province is that of Limpopo, while Eastern Cape, KwaZulu-Natal, Mpumalanga and North West exhibit similar overall crime levels.

## 6.2. Further Case Processing

Of the nearly two and one half million recorded crimes in 2000, 1,455,895 went “undetected” (cases where (a) the suspect is unknown and where there is insufficient evidence to enable the police to identify a suspect, and (b) where the suspect is known and a warrant for arrest has been issued, but the suspect’s whereabouts are unknown and no charge has been laid). In addition, just under another half million cases were withdrawn. Of the 609,928 cases that were sent to court, 211,762 ended in a conviction of the accused (Schonteich 1999).

<sup>68</sup> The Annual Report also provides data for 2000/2001 and an analysis of trends in the so called “more policeable crimes” (crimes such as aggravated robbery, housebreaking, theft of/from motor vehicles, and stock theft, which it is claimed can be deterred and prevented by an increase in conventional styles of policing). However, caution should be exercised in comparing only two consecutive yearly rates and focusing on the potential of different policing styles to influence trends in crime.

The number of cases that resulted in a conviction, as a proportion of the number of reported cases, was rather low. In 2000, it ranged from 49% for drug-related offences, 18% for murder, 8% for rape, and 2% for car jacking. This means that on average only one out of every five and one half reported murders end in the conviction of the perpetrator. For rape, the comparable ratio is one out of 11, and for car jacking one out of 53 (Schonteich 1999).

Once a case enters the prosecution service, the criminal justice system improves. On average, of all crimes that are prosecuted some three quarters result in a conviction of the accused (Schonteich 1999). This is a result which compares favorably internationally.

### 6.3 Budget and Financial Resources

Since 1994, there has been a constant increase of government expenditures on the safety and justice sectors. Still, only part of these expenditures went directly into crime prevention and control. Undergoing radical transformation, both the police and justice sectors have had to direct a significant portion of funds into the restructuring process itself, including the recruitment of new staff and balancing of the ethnic composition of the work force.

The 2001 national budget reflects the Government's commitment to improving its services in the area of crime prevention and criminal justice. The Government's awareness that raising capacity and improving the quality of service delivery in the justice system are critical to the quality of life of all its citizens led to additional budget allocations to the safety and security sector in 2001.

|                                  |               |
|----------------------------------|---------------|
| Safety and Security (Police)     | 2,142,000,000 |
| Justice (Prosecution and courts) | 462,000,000   |
| Correctional Services            | 772,000,000   |

Source: Government Budget 2001.

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## 7. CRIME SITUATION

### 7.1 Main Characteristics

Crime is of increasing concern to South Africa's citizens and the Government. In its annual budget 2001, the Government prioritized fighting crime as an area of critical concern and increased expenditures for the safety and justice sectors. Crime is recognized as a deterrent to investment in the country and also having an adverse impact on the poor.

The overall levels of recorded crime in South Africa began to increase in the mid-1980s, dramatically so in the early 1990s. While levels stabilized between 1995 and 1996, crime has been increasing since then (Schonteich 1999), although in 2001/2002 there was a certain level of decrease, but still the rates were at a much higher level than in the period 1994/95. Police records indicating high levels of crime are supported by a number of victimization surveys, including the first National Victimization Survey<sup>69</sup>, the International Crime Victim Survey (ICVS) and the International Crimes against Business Survey<sup>70</sup> as well as a number of local city surveys.

Among those countries that provide detailed crime statistics, South Africa reports some of the highest levels of violent crime. In 2000, one third of all crimes recorded by the police in South Africa were violent in nature (Schonteich and Louw 2001).

Violent crime is accentuated by the availability of firearms in the society. According to the police services' Central Firearms Registry, 3.5 million South Africans legally possess 4.2 million firearms, and it is estimated that a similar number of illicit firearms are circulating in the country. Most firearms used in crimes originate from theft or loss of private and state owned firearms.

Both official police records as well as victimization surveys confirm that crime does not affect all people uniformly. For example, while the wealthy run the risk of becoming victims of property crime, the poor are much more likely to become victims of violent crime, as well as property crime (Louw and Shaw 1997). In the rural areas of the country, stock theft is one of the most common crimes with particularly serious damage for the small farmers.

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<sup>69</sup> Partially funded under a UNDP and ODC project.

<sup>70</sup> Sponsored by the United Nations Interregional Crime and Justice Research Institute (UNICRI), the ICVS was carried out in more than 70 countries across the world in 1989, 1992, 1996/97 and 2000. The ICVS in South Africa was carried out by the University of South Africa (UNISA: Professors Naude and Prinsloo) in 1992, 1996 and 2000, while the same team carried out the International Survey on Crimes against Business in South Africa in 1998.

## 7.2 Specific Crime Trends

The data suggests that after mid-1998, there was a steady increase in the total crime level. However, such an overall trend does not apply to all types of crime or to all specific crimes.

| 1994/95 | 1995/96 | 1996/97 | 1997/98 | 1998/99 | 1999/2000 | 2000/01 | 2001/02 |
|---------|---------|---------|---------|---------|-----------|---------|---------|
| 1,546.6 | 1,543.3 | 1,500.9 | 1,487.6 | 1,514.4 | 1,613.7   | 1,677.2 | 1,659.5 |

Trends in violent crime follow the temporal pattern found for the overall crime trends in that after 1995/96 there was a decrease in reported violent crime incidences to that increased again from 1998/99 and reached a peak in 2000/01. In the period 2001/02, there was a slight decrease in the violent crime rate.

| 1994/95 | 1995/96 | 1996/97 | 1997/98 | 1998/99 | 1999/2000 | 2000/01 | 2001/02 |
|---------|---------|---------|---------|---------|-----------|---------|---------|
| 3,300.4 | 3,308.4 | 3,156.3 | 3,199.4 | 3,364.8 | 3,488.1   | 3,631.6 | 3,581.2 |

As regards property crime, there was a steady increase from 1994/95 onwards with small variations in the period 1996/98. The figure for the last period under observation is lower than that of the previous year but still higher than for any other year after 1994.

The trend for the commercial crime category (e.g., all types of fraud, forgery, embezzlement, misappropriation) is different from the previous two crime types: from 1994/95 there was a steady decrease in recorded commercial crime incidents with the lowest recorded rate in 2001/2002 as presented in table below.

| 1994/95 | 1995/96 | 1996/97 | 1997/98 | 1998/99 | 1999/00 | 2000/01 | 2001/02 |
|---------|---------|---------|---------|---------|---------|---------|---------|
| 163.2   | 154.4   | 154.1   | 153.5   | 150.4   | 157.5   | 150.9   | 124.5   |

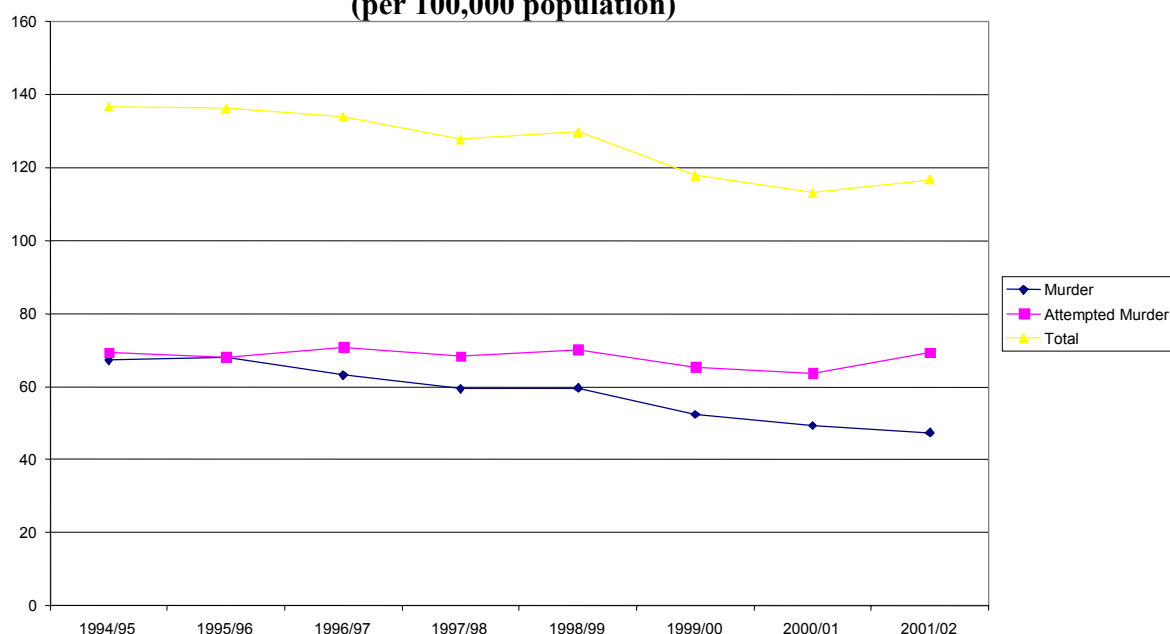
The data for murder confirms that cases of murder have been declining steadily since 1994 with a total decrease of 29.5%. It is assumed that this is partly because of declining levels of political violence in the country, but there are obviously other reasons at play. However, attempted murder has not shown such a downward trend and has remained stable over the whole period under consideration.<sup>73</sup>

<sup>71</sup> Violent crime comprises murder, attempted murder, rape, serious and common assault, aggravated robbery. It should be noted that the Annual Report, SAPS 2001/02 uses somewhat different classification. In that report, violent crime is comprised of murder, attempted murder and aggravated robbery, while “social fabric crime” includes rape, serious and common assault.

<sup>72</sup> Property crime comprises housebreaking (business and residential), theft of motor vehicles, theft out/ from of motor vehicles, other thefts, other robbery, stock theft, shoplifting, arson and malicious damage to property. It should be noted that the Annual Report, SAPS 2001/02 uses somewhat different classification. In that report, “violence against property” comprises arson and malicious damage to property, while the other crimes listed above comprise “property-related crimes”.

<sup>73</sup> As with other violent crimes, murder is characterized by a higher number of instances in December. These

**Figure 19: Murder & attempted murder rates: 1994/95 - 2001/02  
(per 100,000 population)**



Similar to attempted murder, serious assault and rape do not show steady declines. On the contrary, reported cases of serious assault have increased steadily over the past years, although a decrease is noted in the period 2001/2002, but still the level is higher than in any other period but for the immediately preceding ones. Common assault also shows a general upward trend to reach its peak in 2001/02.

**Table 14: Serious assault rates: 1994/95 - 2001/02 (per 100,000 population)**

| 1994/95 | 1995/96 | 1996/97 | 1997/98 | 1998/99 | 1999/00 | 2000/01 | 2001/02 |
|---------|---------|---------|---------|---------|---------|---------|---------|
| 558.3   | 565.1   | 573.8   | 569.6   | 564.5   | 607.2   | 623.9   | 584.9   |

Reported cases of rape increased between 1994 and 1999 with a certain downward trend exhibited in the last two periods under consideration. This increase has been attributed to increases both in the occurrence of actual incidence of the crime and also in a greater propensity to report it to the police.<sup>74</sup> The latest figures suggest, however, that this trend may be stabilizing at a very high level: still one of the single highest in the world.

**Table 15: Rape rates: 1994/95 - 2001/02 (per 100,000 population)**

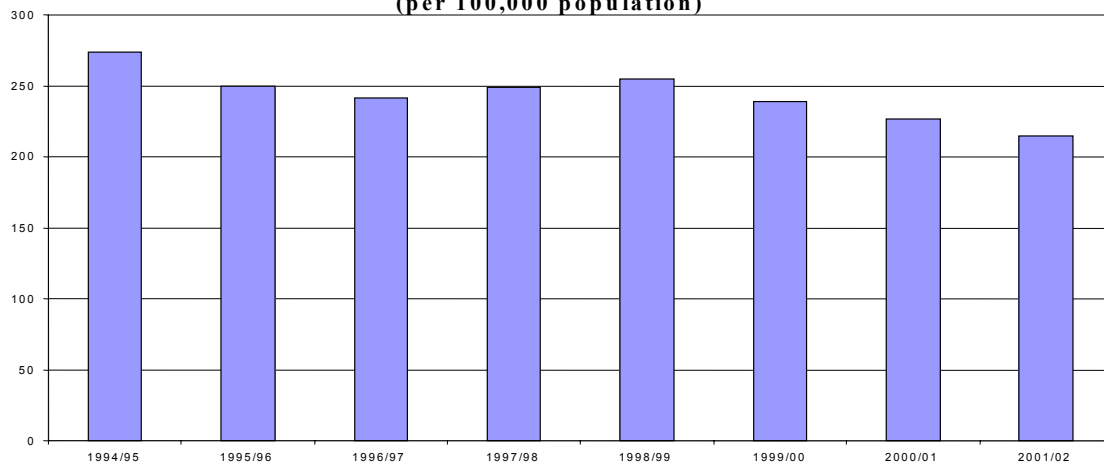
| 1994/95 | 1995/96 | 1996/97 | 1997/98 | 1998/99 | 1999/00 | 2000/01 | 2001/02 |
|---------|---------|---------|---------|---------|---------|---------|---------|
| 113.8   | 124.6   | 126     | 124.8   | 116.8   | 121.4   | 118.6   | 119.4   |

upswings in interpersonal violent crime at the end of each year are probably related to the holiday period around Christmas and the New Year, which may be attributed to an excessive consumption of alcohol and increased visits to places of entertainment during this time of year.

<sup>74</sup> ODC, jointly with the Government of South Africa, has carried out a project on Violence against Women. The project established two One-Stop Out-Reach Centers in Eastern Cape and Mpumalanga, providing counseling to victims, facilitating access to justice, and raising community awareness and that of actual and potential offenders.

Figures for serious property crime show contradictory patterns with evidence of clear stabilization for some crimes and marked increases characterizing others. Of all the serious property crimes, motor vehicle theft has continued to display a stable trend. However, it should be noted that declines in the crime between 1995 and 1997 continued after 1999 with the lowest recorded rate in 2001/02.

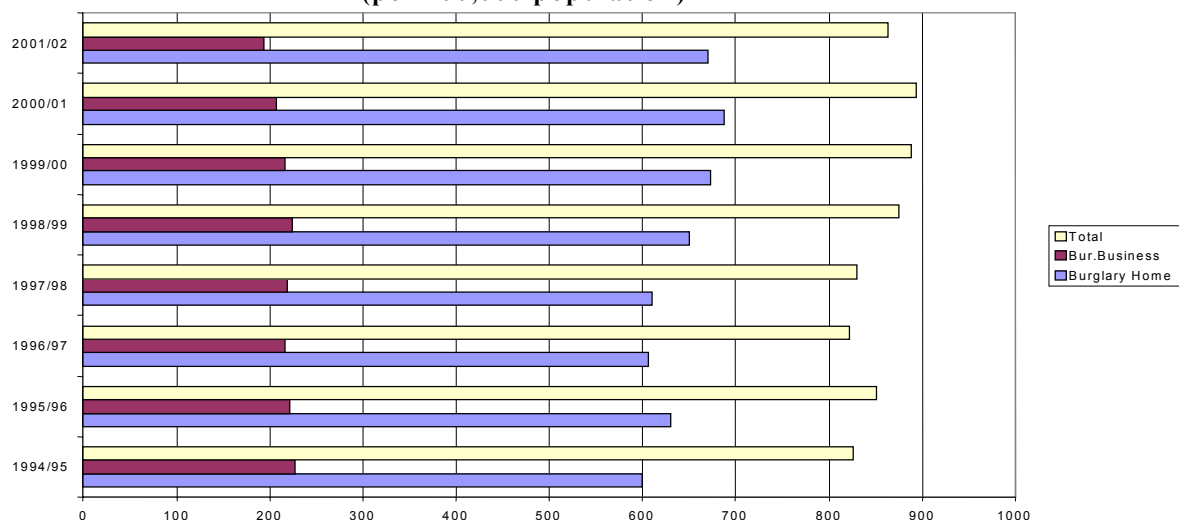
**Figure 20: Motor Vehicle Theft: 1994/95 - 2001/02**  
(per 100,000 population)



It is possible that levels of motor vehicle theft have decreased given advanced vehicle security and increased surveillance of precincts, such as shopping areas, from where motor vehicles are often stolen.

Reported cases of residential housebreaking have shown slight variations since 1994 but generally have exhibited an upward trend. December of each year consistently shows a higher recording figure than previous months, presumably because residences are more likely to be broken into when people are away over the holiday period. On the other hand, the rates of business burglaries generally exhibited a downward trend, most probably due to security measures put in place in many business premises.

**Figure 21: Burglary Rates: 1994/95 - 2001/02**  
(per 100,000 population)



Among current crime trends, there is great concern regarding aggravated robbery and the sub-category of vehicle hijacking. Cases of robbery with aggravating circumstances have shown a marked increase since 1994. Aggravated robbery, in its statistical expression, includes all cases of violent robbery where the assailants are armed. Thus, this also indicates the availability of firearms and their increased usage both for street crime as well as for gang or organized crime.

| 1994/95 | 1995/96 | 1996/97 | 1997/98 | 1998/99 | 1999/00 | 2000/01 | 2001/02 |
|---------|---------|---------|---------|---------|---------|---------|---------|
| 219.5   | 195.5   | 164.0   | 177.2   | 219.9   | 229.2   | 257.7   | 258.5   |

A hijacking of cars and trucks (the majority of which occur in Gauteng), which is a sub-category of robbery with aggravating circumstances, reached its peak in the period 1998/99 and then started declining.

| 1994/95 | 1995/96 | 1996/97 | 1997/98 | 1998/99 | 1999/00 | 2000/01 | 2001/02 |
|---------|---------|---------|---------|---------|---------|---------|---------|
| *       | *       | 41.3    | 43.0    | 52.0    | 47.0    | 44.1    | 42.5    |

\*Disaggregated data from aggravated robbery are not available.

There is ample evidence that organized crime groups are involved both in vehicle theft and vehicle hijacking and that both crimes are increasingly becoming transnational. For example, in the period 2001/02, over 900 arrests were made and over 1,300 vehicles were seized at the 72 South African border posts. Furthermore, car hijacking was identified by SAPS as one among the top ten organized crime dimensions in South Africa. The introduction of security devices and tracking systems as well as the SAPS Vehicle Circulation System and the Department of Transport National Traffic Information System contributed to declining rates in illegal appropriations of vehicles.

### 7.3 Victimization Patterns

#### **National victimization patterns<sup>75</sup>**

During 1997, 20.6% of households were victims of crime. The most common crimes experienced were burglary (7.2%) and theft of livestock (4.9%); 1.4% of households had been victimized by hijacking or attempted hijacking, and 0.5% by murder.

The picture of crime changes when the data is analysed by examining the percentage of respondents who own or have access to particular types of property. Thus, 15% of all those who own or have access to livestock suffered one or more incidents of theft; 10.9% of those who owned or had access to bicycles were victimized by theft.

<sup>75</sup> The first national victim survey was carried out in South Africa in 1997/1998 by Statistics South Africa.



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Wealthy households were more likely to experience property crime than poorer households. Thus, 28.7% of households earning R96,000 or more per year were victimised by some form of property crime. Violent household crimes were most likely to be experienced by the category of respondents earning between R48,000 and R96,999 per year. Only a small percentage of respondents in lower income categories were victimized by such violent household crimes.

Some 15% of individual respondents reported being victimized. The most common individual crime was theft of personal property (4.8%), followed by assault (4.2%), fraud (3%), robbery with force (2.4%) and corruption (2%).

The most likely place for individuals to be victimized by crime is in their own homes. Thus, 50% of all sexual offences and 30% of all assaults took place within people's own homes. In such cases, victims are more likely than not to know the offender.

While those earning above R96,000 a year were least likely to experience violent individual crimes (0.1%), victimization is distributed fairly consistently (at an average of 6.8%) across other incomes categories. However, 21.8% of the highest income category were victims of individual non-violent crime.

Indian/Asian and White households were far more likely to have experienced non-violent household crimes (25% each of respondents respectively) than were other communities. White respondents (4.3%) were more likely to experience violent household crimes than either Indian/Asian (0.4%), Coloured (2.4%) or Black/African (2.7%) respondents.

Individual Coloured and Black/African respondents were most likely to have experienced individual violent crimes during 1997. Individual White respondents were more likely to have been victimized by non-violent individual crimes (13.7%), followed by Coloured (11.3%), Indian/Asian (8.6%) and Black/African (8.3%) respondents.

Households in Gauteng (20.3%) and the Western Cape (19.8%) were most likely to have experienced non-violent household crimes, followed by the Northern Cape (16.9%) and Mpumulanga (14.9%). The national average was 14.7%.

Violent household crimes were most common in Free State (5.6%) and Mpumulanga (4%). KwaZulu-Natal and Gauteng (3.8% and 3.5% respectively) also displayed comparatively high levels of violent household crimes.

Individual violent and non-violent crimes showed a similar geographical pattern. Free State and Mpumulanga displayed the highest levels of violent individual crimes (11.8% and 10.8% respectively). The Eastern Cape (8.8%) and North West (8.8%) also showed high levels. KwaZulu-Natal (5.8%), Gauteng (4.6%) and the Western Cape (4.9%) showed comparatively lower levels.

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### **Crimes against business**

The first Survey on Crimes against Business in South Africa was carried out in 1998 (Naude, Prinsloo and Martins 1999). While it was not a national survey, it covered a representative sample of wholesale, retail and manufacturing businesses from Gauteng, the Durban metropole, in KwaZulu-Natal, the Cape Peninsula in the Western Cape and the Port Elizabeth-Uitenhage and East London areas in the Eastern Cape.

Almost 60% of companies consider crime as a serious problem, and more than half of companies report an increase in crime over the period 1995-98. Across the business sectors, the following crimes are considered as significant problems: theft of money or goods from the premises (68%), burglary (56%), employee theft (52%) and theft from motor vehicles (43%). Moreover, businesses located in built-up areas outside a city center (52%), as compared to 42% of businesses located in a town or a city center, consider crime as a serious problem in their area, and the former report the highest increase in crime (53%) over the past two to three years.

Most of the businesses (76%) have insurance coverage to compensate for financial losses caused by crime, and theft of vehicles is considered to cause the most serious financial loss. Employee theft involves higher financial damage than that by customers/clients. Security measures, such as burglar alarms (74%), entry control (67%), inspection of premises by security guards (61%), security patrols (55%), security lighting (51%) and other security measures have a positive impact on crime prevention but at a substantial financial cost to the businesses.

Business appears to be quite selective when it comes to reporting crimes to the police. It was noted that there was a higher propensity to report to the police customer theft (51%) as compared to 23% of employee theft and 30% of employee fraud. On the one hand, a significant portion of known crimes are dealt with as internal matters because of the “inconvenience, legal costs involved, minor cases, etc.”, while on the other hand, the reluctance to report to the police is based on previous experience with the police, lack of evidence and a perception of an extraordinary heavy police workload and police inability to deal with such cases. This negative attitude towards police is supported by the view that the police play a minor role in community crime prevention education and security advice to business. Only 30% of businesses had any contact with the police on crime problems and crime prevention, and most businesses (59%) consult security firms and insurance companies (39%) for advice on such matters. Crime appears to be seen by business as its “own matter” since most of the companies (71%) did not have any contact with local business chambers on crime problems, nor have they taken cooperative action against crime. It appears that, at least in 1998, the most significant business-driven anti-crime programme, “Business against Crime”, has not yet reached the majority of the business sector.

### **Victimization patterns in the metropolitan areas**

There were four city victim surveys carried out in South Africa. Each of them used different methodologies and samples; thus, a straightforward comparison is very difficult, although an overall picture of city victimization patterns does appear. Property crimes (e.g., burglary and car theft) and violent crimes (e.g., robbery and assault) pose the greatest risk for urban residents.

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### *Johannesburg*

The ICVS was carried out in the Johannesburg area in 1992, 1996 and 2000 (Naude et. al 1999; Zvekic and Alvazzi del Frate 1995). As regards the last survey (2000), theft of vehicles (85%), theft of a motorcycle (82%), sexual offences (78%), burglary with entry (77%) and robbery (74%) were considered the most serious crimes. On average, some 44% of crimes were reported to the police with the highest reporting rate for car theft (91%), car hijacking (74%) and burglary with entry (62%). The reporting rates for other crimes varied significantly, with consumer fraud (9%), corruption (26%) and personal theft (29%) having the lowest reporting rates. Four in ten sexual incidents (39%) were reported to the police.

Personal crimes with elements of violence (robbery, assaults/threats, sexual offences) represent one third of the total victimization experienced by the citizens of Johannesburg (34% in 1992-96 and 30% in 2000). This is followed by burglary and attempted burglary which equaled 20% of total victimization experience in the period 1992-96 and increased to 26% in 2000. A similar pattern of increase is found with thefts of personal property (19% in 2000 as compared with 15% in the period 1992-96). On the other hand, theft of cars and from cars, car vandalism and bicycle theft have slightly decreased over the period 1992-2000 from 19% to 16% (car theft), from 8% to 6% (car vandalism) and from 5% to 4% (bicycle theft).

Overall, from 1992 to 2000, crime rates have remained fairly stable. In fact, theft from cars decreased considerably in the case of vehicle owners (about 6%), assault decreased by about 2% and corruption by about 4%.

However, fear of crime appears to have increased over this same period. In 1992, some 15% felt very safe walking in their residential areas while 44% felt very unsafe. In 1996, the "feeling safe" category decreased to 12% and subsequently to 9% in 2000, while the "unsafe" category decreased to 39% in 1996 and then increased to 53% in 2000. Fear of crime and insecurity appear to be of the major concerns to the citizens, indicating a need to focus crime prevention and security programmes on this important aspect of the quality of life. Coupled with data regarding the location of crime occurrence ("home", "near home", "area where the victim lives"), this points out that a more focused and visible crime prevention and policing are needed.

On the other hand, attitudes towards police have changed for the better. This is indicated by two measures: first, the rate of reported crimes, and second, the evaluation of police work. As regards the average levels of reporting to the police, these have significantly increased from 34% in 1992, to 42% in 1996, and 44% in 2000, representing an increase of 10% in the period from 1992 to 2000. Similarly, a bit more than one quarter of the respondents in 1992 and 1996 thought that police were doing a good job in controlling crime, while this positive evaluation has increased to 14% stating that police was doing a very good job and 32% stating that it was doing a fairly good job.

### *Durban*

In the Durban metropolitan area, burglary and robbery were the most prevalent crimes: 11% of those surveyed said they were a victim of burglary in the past year (1997), and 10% said the same about robbery (Robertshaw 2001). Levels of assault (6%) and car theft (5%) were similar in the city, while 2% experienced a car hijacking and 1% sexual assault and 1% sexual harassment.

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Overall, Black/African and Coloured people faced the greatest risk of victimization, followed by Indians/Asians and Whites. Women were more at risk of crime than men. Those aged between 16 and 25 years, followed by those over 61 years of age, faced greater chances of victimization than people in other age categories.

The risk of victimization varied most according to ethnicity and category of crime. Black/African people were most at risk of burglary, followed by Whites. Vehicle theft was more likely to be experienced by Whites, followed by Indians/Asians and Coloureds. Coloureds and Indians/Asians were more at risk of violent property crimes such as robbery and hijacking. Other violent crimes such as assault and sexual offences were more likely to be reported by Black/African people than other city residents.

#### *Pretoria*

In the Pretoria metropolitan area, the broad crime profile was similar to Durban, although crime levels were higher for all offences (Louw 1998). In 1997, 25% of those surveyed said they experienced a burglary. Car theft was the next most prevalent crime, with 21% reporting this theft to the survey. Robbery was experienced by 20% of respondents, and 15% said they had been assaulted. Car hijacking was also higher than in Durban, with 6% reporting having been victimised. A similar percentage of respondents were sexually assaulted (2%) in Pretoria as in Durban.

Overall, Blacks/Africans and Indians/Asians in Pretoria were more at risk of victimization than other ethnic groups. Indians/Asians and Blacks/Africans were more at risk of burglary than Whites and Coloureds. Blacks/Africans and Indians/Asians also were much more likely to experience robbery (17% each) than were Whites and Coloureds (9% each). Black/African people in Pretoria were also much more at risk of assault (15%) than Indians/Asians (4%), Whites (3%), or Coloureds (3%). The risk of car hijacking was similar across ethnic groups. Car theft, as in Durban, was more prevalent among the wealthier ethnic groups: 23% of Indians/Asians reported this crime to the survey, followed by 20% of Whites, 16% of Coloureds and only 12% of Blacks/Africans. In terms of other demographic variables, men were more at risk than women, and people between the ages of 25 and 39 years were more at risk than those in other age groups.

#### *Cape Town*

In the Cape Town metropolitan area, the broad crime profile was similar to the other metropolitan areas surveyed (Camerer et al. 1998). Burglary was the most prevalent crime, with 25% of people saying they were victims of burglary, followed by 24% for robbery, and 17% for vehicle theft. Fourteen percent of respondents experienced assault, and 2% reported being a victim of a car hijacking.

Overall, Coloureds were most at risk of victimization, followed by Whites and Blacks/Africans. In terms of other demographic variables, people between the ages of 21 and 35 years and those between 36 and 60 years were most at risk, followed by those between 16 and 20 years, and people over 60 years.

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## 7.4 Issues of Specific Concern

### Organized crime

Prior to 1970, criminal organizations in South Africa tended to be relatively unsophisticated, and very few had international contacts. During the 1970s and 1980s, however, the police increasingly diverted resources toward suppressing political opposition rather than combating crime. Organized crime expanded unchecked and became more sophisticated, increasing cross-border trade in stolen vehicles and narcotics. The nature of South Africa's transition since 1994, particularly the weakening of state structures, opening up of borders, growth in international trade and tourism, and uncertainty among members of the police, has led to an increase in organized crime (Gastrow 1998).

South Africa, with its air, road and sea links to the rest of the world and well functioning telecommunication facilities, provides organized crime groups with a well developed infrastructure to transport illegal goods through, into and out of its territory. In addition, South Africa is both a supplier of resources for organized crime and a market for it. South Africa has gold, diamonds, ivory, rhino horn, abalone, and motor vehicles, while it presents a market for illegal firearms and drugs (CIAC 1999).

The South African Police Service has developed an organized crime threat assessment methodology. The most recent data for the period June – September 2001 reveal the following characteristics:

|  |                                   |
|--|-----------------------------------|
| Total number of organized crime threat groups: | 238                               |
| Total number of individuals involved:          | 3,845                             |
| Top ten organized crime dimensions:            |                                   |
| -- Drugs                                       | -- Corruption                     |
| -- Theft of motor vehicles                     | -- Illegal weapons and ammunition |
| -- Armed robbery                               | -- Other theft related            |
| -- Fraud                                       | -- Diamond and gold offences      |
| -- Car hijacking                               | -- Murder related                 |

As regards their areas of operation, the number of organized crime groups that are active at each level are as follows:

|               |    |
|---------------|----|
| Local         | 47 |
| Provincial    | 59 |
| National      | 67 |
| African       | 35 |
| International | 65 |

A total of 1,834 persons were arrested for their involvement in crime syndicates, and 343 members of the organized crime groups were prosecuted.

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This data clearly shows that organized crime in South Africa has to be contextualized both with respect to organized crime in the region of Southern Africa as well as in the broader framework of international organized crime. Thus, the local organized crime groups are situated in a web of regional and international organized crime players. A number of the organized crime groups operating in South Africa have regional or international links. However, the distinction between the “indigenous” and “transnational” organized crime groups is not a clear one (Gastrow 2001). According to the police of SADC countries, many “indigenous” groups are very active in cross-border criminal activity. As regards South Africa, both groups are involved in very similar activities, the only exceptions being the somewhat more specialization of the indigenous criminal groups in diamonds and gold smuggling, and that of transnational organized crime groups in illegal weapons trafficking (Gastrow, 2001). Russian and Chinese groups are operating in South Africa, together with many West African groups. Nigerian organized criminals in South Africa helped create a serious cocaine and heroin problem that did not exist a few years ago. Overall, it appears that there has been a major increase in the number of organized criminals operating in South Africa during the past five years (Gastrow 2001).

### **Corruption**

Corruption has long been a problem among the South African and related Bantustan administrations created under apartheid rule. Since 1994, achieving good governance and fighting corruption have become two of the most important challenges for the country. However, there appears to be much speculation and perception that corruption has in fact increased during the period of political and economical transition.

The fight against corruption is a top priority for the South African government. Since 1994, numerous anti-corruption programmes and projects have been put in place by the new government. Recent initiatives on corruption have focused on promoting accountability, transparency and the rule of law; good governance; a free press to report to the public on corrupt practices; and the establishment of government agencies to identify corrupt practices and bring perpetrators to justice. Indeed, South Africa has 12 government agencies which have anti-corruption within their mandates. This creates problems in coordination. The Government of South Africa adopted the Public Sector Anti-Corruption Strategy, including the creation of the Anti-corruption Coordinating Committee, to facilitate the coordination among various government agencies. Recently, a National Forum against Corruption, composed of the government, business and civil society, has been established, for coordinated multi-sectoral approach to curbing corruption. The new draft on Prevention of Corruption Bill has been tabled at the Parliament.

In March 2001, the Government signed an agreement with ODC within the framework of the UN Global Programme against Corruption to provide assistance to the various government departments and provinces to prevent, detect and fight corruption and to promote integrity, transparency, accountability and the rule of law. Within the framework of this programme, a comprehensive assessment of corruption and anti-corruption in South Africa is being carried out.

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### **Trafficking in persons**

In line with the South African Aliens Control Act, 1991, the Department of Home Affairs is responsible for investigating the problem of trafficking in persons. No data was available from the Department with regard to this issue. However, two recent reports from a South African NGO focused on the problem of trafficking in women and children for sexual exploitation (Molo Songololo 2000a, Molo Songololo 2000b). According to the reports, trafficking operations take two forms, namely cross-border and in-country, with the modus operandi differing according to the origins of the women and children and the origins of the traffickers involved. While traffickers may be single operators, they are more likely to operate within one of the following main syndicates: Chinese Mafia from South East Asia and in Swaziland, Bulgarian syndicates from Eastern Europe, Russian Mafia, and African criminal groups from mainly Angola, Nigeria and the Democratic Republic of Congo. While South Africa has no specific legislation prohibiting the trafficking in persons, provision is made for the prosecution of offences related to trafficking and some of the exploitative and abusive practices in the sex industry.

### **Proliferation of illegal firearms**

Violent crime is accentuated by the availability of firearms in the society. According to the police Central Firearms Registry, 3.5 million South Africans legally possess 4.2 million firearms, and it is estimated that a similar number of illicit firearms are circulating in the country. Most firearms used to commit crimes originate from theft or loss of private and state owned firearms.

The theft of firearms has doubled since 1994. Murder with a firearm increased to 49% of all murders in 1999, while robbery with a firearm increased to 85% of all serious robberies. Three quarters of firearms victims are young men aged 18-39, and 85% of firearm perpetrators are young men aged 16-39.

As a response to this situation, the SAPS developed a four-pillar firearm programme within the framework of a Firearm Strategy which is “implementation friendly” and aims at establishing an effective firearm control system and eradicating the proliferation of firearms used to commit crimes.

### **Crimes against women and children**

Violence against women and children is endemic to South Africa. In 2000, over 52,000 rapes and attempted rapes were reported, while for the period January-September 2001, more than 37,000 cases were reported. In particular, the level of reported rape is among the single highest in the world, and is of great concern to the government. The South African Police Service disclosed that in the period January-September 2001 more than 15,000 children (persons under the age of 18) were raped, while more than 1,800 girls were the victims of indecent assault. In the same period, almost 9,000 had become victims of violence, and 920 were murdered (with more than 1,600 victims of an attempted murder). In addition, the country experienced problems of in-country trafficking of women and children, mainly from rural areas and informal settlements to urban areas into the sex industry. Violence against women is typical in rural areas.

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There appears to be a structural relationship between, on the one hand, female economic dependence and violence and abuse, and on the other hand, the prevailing social and cultural attitudes which generate conditions where violence against women is or becomes acceptable and tolerated. In 2001, cases of infants, as young as five months old, being raped and gang raped have been reported in the media, sparking both national and international outrage.

### **Rural violence**

Violence in rural areas is an issue of great concern in South Africa. It is not only a security issue but also very much so a developmental and political issue. Poverty is concentrated in rural areas and, along the land ownership issue, is considered one of the developmental (and political) priorities. Broadly speaking, four crime issues are of particular importance: crimes committed on farms and smallholdings; rural women victimization; stock theft, and violence and crime related to witch-hunting. The Government is committed to prevent farm violence and provide for developmental security of the rural communities.<sup>76</sup>

Since a large number of farmers possess firearms, attacks are often aimed at obtaining these weapons. Government acknowledges the importance of getting the problem under control, since it views a stable and productive farming community as an extension of the state's visible authority and order in rural areas (CIAC 1999). With the complaint of many farmers that rural violence that targets the commercial farming sector is aimed at removing them from the land, Government recognizes the acute political sensitivity of the issue.

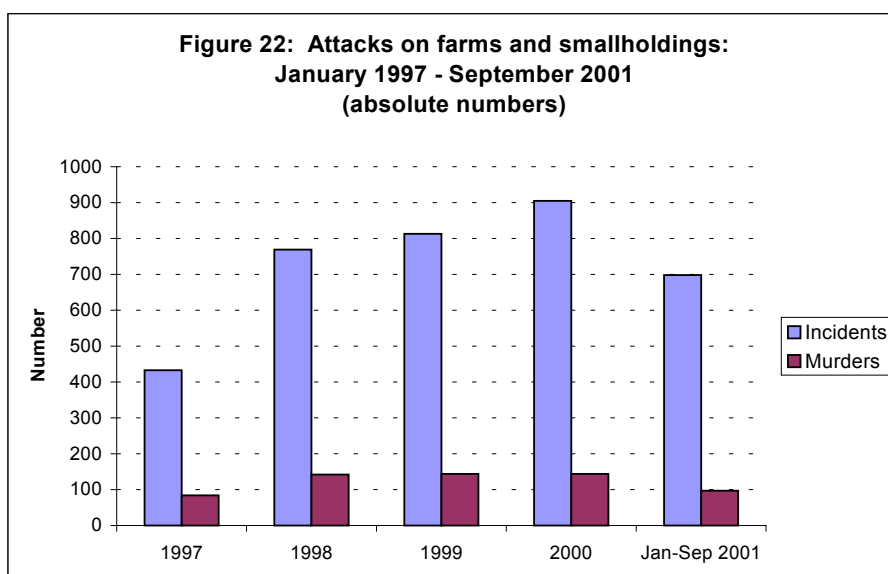
The nature and scale of stock theft varies across South Africa (with high rates in Eastern Cape, KwaZulu-Natal, Free State, Mpumalanga, Limpopo, North West and Northern Cape). It is also one of the most commonly experienced crimes in South Africa. Its economic impact is severe regardless of the scale of farming. In the period 2001/02, the total value of R77,184,555 of stolen stock was seized. Many of the individual perpetrators themselves are unemployed and state that the primary motive was to take care of family needs and for domestic consumption. Thus, it appears to be a poverty-driven crime. This is not the case when an organized crime group is involved. In such cases there, is a clear rural-urban network for profit being exploited.

Witchcraft and related ritualistic practices have deep historical roots and form an intrinsic part of the belief systems in many rural communities. However, the specific practice of witch-purging and witch-hunting take the forms of banishment, assault and murder. More often than not, the victims are women, while the perpetrators are young men. These are among the most difficult crimes to investigate and prevent.

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<sup>76</sup> SAPS and UNDP/ODC organized a national conference on "Rural Safety and Security: A Shared Responsibility for Development" from 23 to 25 October 2001.





Source: CIAC.

### **Crimes related to precious materials and endangered species**

South Africa is rich in precious materials such as diamonds and gold, as well as in wildlife (flora and fauna). The mining industry was for a long time a driving economic sector in developmental terms, while the richness in bio-diversity and game parks provides for ever increasing opportunities for income-generating tourism and entertainment. Such natural opportunities linked with those related to the economy and transport infrastructure facilitate illegal activities. Involvement of organized crime in those illegal activities and its transnational nature has been also on increase, representing one of the top ten organized crime dimensions in South Africa.

In the period 2001/02, over 300 persons were arrested for the illegal possession, purchase and theft of unpolished or uncut diamonds. More than 1,100 persons were arrested for the illegal possession and/or theft of unwrought gold and other precious metals. In the same period, 339 kg. of ivory, 36 kg. of rhino horn, 975 kg. of flora cycads and 22,623 kg. of marine cases (abalone and others) were seized for a total value of R 16,669,330.

### **Policing the borders**

The Border Police cover 53 land, 10 air and 9 sea border posts. In 2001, numerous arrests were made at the border posts, including 14,369 illegal migrants and 90 persons involved in aiding and abetting the smuggling of illegal migrants, 108 persons for false documents, and 108 for illegal firearms.

Over 1,300 vehicles, 250 firearms, 62,000 units of abalone and 52,000 units of crayfish were seized at the border posts. However, the majority of seizures were related to illicit substances such as dagga, mandrax, ecstasy, and cocaine.

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Within the framework of the activities of the Southern African Police Chiefs Cooperation Organization (SARPPCO) and/or on a bilateral basis, a number of successful joint anti-crime and cross-border operations were undertaken targeting the smuggling of stolen vehicles and trafficking in drugs and firearms (e.g., Operation Voyager, Operation Makhuku, Operation Rachael).

**Police safety**

An average of some 200 police officers were killed in South Africa each year from 1994 until 2001: 265 in 1994, 224 in 1997, 204 in 1999 and 176 in 2000/01. In 2001/02, 135 were killed. This figure is high and of great concern to the Government. Some 40% of police officers were killed while on duty. A Directorate Public Safety was established, and it has developed preventive measures and programmes with the aim of reducing the risk of police officers being killed.

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## 8. POLICY, LEGISLATION AND ORGANIZATION

### 8.1 Main Characteristics of the National Crime Prevention Strategy

The National Crime Prevention Strategy (NCPS) was initiated by the Government in March 1996 and is primarily a long-term programme aimed at creating conditions in which the opportunities and motivation for crime will be reduced, as well as improving the capacity of the criminal justice system. It is an ongoing programme of action which is being implemented by a wide range of government departments, with the line departments being Justice, Social Development, Correctional Services, Defense, Safety and Security, and Intelligence.

The NCPS has prioritized seven key crime categories, namely: (i) crimes involving firearms, (ii) organized crime, including the organized smuggling of illegal migrants and narcotics, and gangsterism, (iii) white collar crime, (iv) gender violence and crimes against children, (v) violence associated with intergroup conflict, such as political conflicts, taxi violence and land disputes, (vi) vehicle theft and hijacking, and (vii) corruption within the criminal justice system.

While the NCPS remains the overall framework for Government's programmes to counter crime, the reality of day-to-day departmental interventions suggests that the NCPS carries less weight than it did between 1996 and 1999. As public pressure has increased, the focus on crime prevention outlined in the NCPS has shifted to a heavier emphasis on law enforcement. Still, a number of crime prevention initiatives and programmes have been developed among which the following are of particular importance: community policing forums (attached to 90% of police stations), Cooperation with the Business Against Crime (e.g., victim support, commercial crime courts, CCTV surveillance in Cape Town and Johannesburg), the rural safety programme; violence prevention programme and victim empowerment programme, crime prevention development programme and a number of local crime prevention initiatives.

Operations at police stations level are guided by the National Crime Combating Strategy with a focus on the geographical areas with the most serious crime level (145 "crackdown stations" were identified). The Strategic Focus of SAPS consists of: organized crime; serious and violent crime; crimes against women and children, and service delivery at police stations.

### 8.2 Legislation

#### Principal laws

The major sets of legislation in criminal matters are:

- The Criminal Procedure Act, 1977
- The Corruption Act, 1992
- The Extradition Act, 1962 and the Extradition Amendment Act, 1996
- The Proceeds of Crime Act, 1996
- The Arms and Ammunition Act, 1969

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The recent changes in criminal legislation include:

In 1996, Parliament passed the International Cooperation on Criminal Matters Act. The Extradition Amendment Act of 1996 provides for the designation of foreign jurisdictions where extradition may be effected in the absence of formal agreements.

The Aliens Control Act, 1991, as amended in 1995, together with the Immigration Bill and the Refugees Act, 1998, are of importance in relation to cross-border regional and international trafficking of persons.

The Criminal Procedure Second Amendment Act, 1997, denies bail to those accused of certain serious offences unless they can prove “exceptional circumstances” meriting their release.

The National Prosecuting Authority Act, 1998, centralizes prosecutorial authority in a national office. The National Director of Public Prosecutions (NDPP) is appointed by the President and reports to the Minister of Justice.

The South African Police Service Amendment Act, 1998, enables municipalities to create city police departments outside the authority of the South African Police Service. In addition to Durban, where the city police were a colonial inheritance, Johannesburg, Cape Town and Pretoria have established metropolitan police services, and there are plans for other communities to do so.

The Magistrates Court Amendment Act, 1998, requires the assignment of lay assessors to serve alongside magistrates in the trials of certain offences.

The Prevention of Organized Crime Act, which was “super-fast-tracked” through Parliament in December 1998 and amended in 1999, gives broad powers of civil and criminal asset forfeiture to law enforcement authorities, and it outlaws membership in criminal organizations. It makes provision for new powers for police and prosecutors to seize criminals’ assets on the grounds of “a balance of probabilities” rather than “beyond a reasonable doubt”. It outlaws certain criminal conspiracies and furthers countermeasures against money laundering. Shortly after being enacted, the law was successfully challenged in the court system, requiring the Government to revise it. During 2000, it was used more successfully. Criminal forfeiture is limited to illicit proceeds, while civil forfeiture can be used against “facilitating” property. The management of seized assets is coordinated by the Asset Forfeiture Unit under the National Director of Public Prosecutions.<sup>77</sup>

The Domestic Violence Act, 1998, penalizes the coercion of a sexual act through harassment and intimidation, as well as the coercion to submit to sexual abuse.

The Witness Protection Act, 1998, provides for the establishment of an office for the protection of witnesses.

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<sup>77</sup> The Asset Forfeiture Unit became a full division of the NPA in 2001 and since 1999 it exhibited constant growth in its operations. Over the past three years, it has frozen assets valued at over R370 million in terms of 150 orders that have been sought. As of March 2002, 55 forfeiture applications involving R22 million have been completed. Following an initial period of the “test cases” and numerous litigations of some 30 different legal and procedural issues (most not yet resolved), the AFU focused on processing cases among which economic and corruption as well as drug-related figure prominently.

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The National Prosecuting Authority Amendment Act, 2000, makes provision for the establishment of the Directorate for Special Operations (DSO, the “Scorpions”) and provides for the investigating directorates established under the National Prosecuting Authority Act, 1998, to become part of the DSO. The DSO was established by the Directorate of Special Operations Act, 2001, for the effective investigation and prosecution of certain specified offences and the gathering of intelligence relating to such offences. On DSO matters, the NDPP reports directly to the President.

The Protected Disclosures Act, 2000, makes provisions in terms of protecting employees in both the private and the public sectors who disclose information regarding unlawful or irregular conduct by their employers or fellow other employees (whistleblower protection).

The Promotion of Access to Information Act, 2000, was enacted in order to foster a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information and actively promoting a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect their rights.

The Firearms Control Act, 2001, establishes a comprehensive and effective system of firearms control by introducing competency certificates, licenses and permits, as well as regulations for storage and transport of firearms. It envisages an effective central firearms registrar. The Act has not yet come into effect, but the Minister of Safety and Security decided to implement two sections thereof dealing with the police powers to take body prints and bodily samples without warrant as well as to create the firearms free zones.

In October 2001, Parliament adopted the Finance Intelligence Centre Act, and it became law in November 2001. It envisages the creation of a financial intelligence centre which would receive financial information and statistics and analyse them in connection with anti-money laundering operations, thereby underpinning cases brought to trial. In the main, the law seeks to place certain obligations on institutions that may be used as channels for money laundering, and it attempts to create an institutional framework for the effective implementation of legislation. It requires specific financial institutions to combat money laundering from within their operations. Examples of “accountable institutions” include attorneys, estate agents, banks, investment brokers, public accountants, traders in financial instruments, management companies under the Unit Trusts Control Act, and those involved in the long term or short term insurance industry. The obligations imposed on these institutions are three-fold: (a) the duty to identify clients, (b) the duty to keep records, and (c) the duty to report cash transactions and suspicious transactions.

The following legislation is under development:

- The Child Justice Bill: Once enacted, it would focus on the diversion of children in conflict with the law away from the criminal justice system. It foresees the establishment of special child justice courts to offer a range of alternative, non-custodial sentences.
- The Interception and Monitoring Prohibition Bill: Once enacted, this would strengthen the powers of law enforcement agencies in the combating of serious crimes. It would bring the legislation dealing with the interception and monitoring of communication in line with latest telecommunications technology.

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- The Anti-Terrorism Bill: This bill foresees the enactment of specific legislation based on international instruments against terrorism. The accompanying discussion paper strongly recommends that South Africa signs, ratifies or accedes the respective international instruments.
  - The Prevention of Corruption Bill: It is intended to replace the Corruption Act of 1992 in order to provide for a more comprehensive coverage of corrupt practices.

#### **Conventions, Extradition and Mutual Legal Assistance Agreements**

South Africa is a signatory to the United Nations Convention against Transnational Organized Crime and two of the three Protocols thereto<sup>78</sup> as well as to the SADC Protocol against Corruption and the SADC Protocol on the Control of Firearms, Ammunition and Related Materials.

South Africa became a member of the Commonwealth in June 1994 and accordingly is now part of the London Scheme on Extradition and the Harare Scheme on Mutual Assistance. This provides potential coverage of over 50 countries.

South Africa has extradition agreements with the following countries: Australia, Botswana, Canada, Lesotho, Malawi, Swaziland, the United States and Zimbabwe. Negotiations on the conclusion of extradition treaties have been finalized with Argentina, Egypt, Hungary and Zambia. Further, South Africa has designated Namibia, the United Kingdom and Zimbabwe in terms of its Extradition Act.

South Africa has negotiated mutual legal assistance treaties with Canada and the United States. Other negotiations concluded are with Brazil, Egypt and Zambia.

The country is currently negotiating extradition and/or mutual legal assistance treaties with a number of countries, including Algeria, France, Nigeria, the United Arab Emirates and several countries in Latin America.

Domestic legislation also provides for extradition or the rendering of legal assistance in the absence of a treaty.

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<sup>78</sup> South Africa has signed the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against Smuggling of Migrants by Land, Sea and Air; it has not signed the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition.

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### 8.3 Anti-Terrorism

#### **Urban terror: a domestic scene**

Cape Town was rocked by a series of bomb blasts during the past few years, with over 100 attacks and three people having been killed and over 100 injured. With no group claiming responsibility for the planting of the devices, the phenomenon was difficult to explain (Shaw 2000). However, People against Gangsterism and Drugs (PAGAD), a vigilante group that originated in response to high levels of crime, is suspected of conducting these recurring bouts of urban terrorism. While originally targeted at drug dealers, the leadership of PAGAD was increasingly usurped by a radical Islamic group, which felt threatened by the state (US Department of State 2000). This resulted in a shifting of the targets of the bombing campaign from the homes of drug dealers in the Cape Flats to state buildings in central Cape Town, particularly police stations, and prominent tourist areas, as well as in the killing of a judge handling a case against a PAGAD member. PAGAD is believed to have masterminded the bombing on 25 August 1998 of the Cape Town Planet Hollywood restaurant (US Department of State 2000). Its strength is estimated at several hundred members. In an attempt to counter the bombings, "Operation Good Hope" was implemented by the South African Police Service in January 1999 (Boshoff, Botha, Schonteich 2001). It was intelligence-driven in focused areas, well coordinated, investigative, protective of specific targets, and in liaison with communities. It resulted in a major decrease in acts of urban terrorism in Western Cape and in over 4,000 arrests as well as the recovery of vehicles, firearms and ammunition (Boshoff, Botha, Schonteich 2001).

This, urban terror indicated that the existing anti-terrorist legislation in South Africa was inadequate, and preparations for the promulgation of a new Anti-terrorist Bill are well underway. The Report on Review of Security Legislation prepared by South African Law Commission clearly identified a need for such legislation (Law Commission 2002).<sup>79</sup> These legislative efforts were further intensified with the terrorist attacks of 11 September 2001 on New York and Washington D.C. and with the obligations of the South African Government ensuing from various international anti-terrorist instruments.

#### **International cooperation**

The 11 September terrorist attacks in the United States also brought about the intensification of the efforts on the part of the international community to provide for effective prevention and cooperation in the fight against international terrorism.

The United Nations has long been active in the fight against international terrorism dating back to 1963, with the adoption of a number of important legal instruments, many of which have been ratified by the majority of countries around the world, and only the most recent one of which is not yet in force. Such agreements have been developed by the United Nations General Assembly, the International Civil Aviation Organization (ICAO), the International Maritime Organization (IMO), and the International Atomic Energy Agency (IAEA).

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<sup>79</sup> It should be noted that during the apartheid era a dozen of anti-terrorism laws were promulgated, aimed at suppressing any legitimate political protest and dissent within the framework of the freedom struggle for a democratic South Africa.

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South Africa has acceded to some but not all of the international instruments listed below although there are a number of important domestic laws that address some of the issues dealt with by the UN conventions and protocols (Law Commission 2002). The list of these important instruments and South Africa's status vis-à-vis them is as follows:<sup>80</sup>

- Convention on Offences and Certain Other Acts Committed on Board Aircraft, adopted in Tokyo in 1963; 171 States Parties; authorizes the airplane commander to impose reasonable measures on any person who has committed or is about to commit such acts, and requires States parties to take custody of offenders; developed by ICAO; *South Africa ratified on 20 May 1972.*
- Convention for the Suppression of Unlawful Seizure of Aircraft, The Hague, 1970; 174 States Parties; requires parties to punish hijackings by “severe penalties”, and either extradite or prosecute the offenders; developed by ICAO; *South Africa ratified on 30 May 1972.*
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, Montreal, 1971; 175 States Parties; requires parties to punish offences by “severe penalties”, and either extradite or prosecute the offenders; developed by ICAO; *South Africa ratified on 30 May 1972.*
- Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Montreal, 1988 (supplementing the 1970 Montreal Convention); 107 States Parties; extends the provisions of the Convention to encompass terrorist acts at airports; *South Africa ratified.*
- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, New York, 1973; adopted by the General Assembly; 107 States Parties; requires parties to criminalize and punish attacks against State officials and representatives; *South Africa has not signed.*
- Convention against the Taking of Hostages, New York, 1979; adopted by the General Assembly; 96 States Parties; parties agree to make the taking of hostages punishable by appropriate penalties; to prohibit certain activities within their territories; to exchange information; and to carry out criminal or extradition proceedings; *South Africa has not signed.*
- Convention on the Physical Protection of Nuclear Material, Vienna, 1980; 68 States Parties; obliges parties to ensure the protection of nuclear material during transportation within their territory or on board their ships or aircraft; developed by IAEA; *South Africa signed on 18 May 1981.*
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, Rome, 1988; 52 States Parties; obliges parties to either extradite or prosecute alleged offenders who have committed unlawful acts against ships, such as seizing ships by force and placing bombs on board ships; developed by IMO; *South Africa has not signed (but the South African Law Commission considers that adequate provisions are contained in the Merchants Shipping Act of 1951 to provide for the enforcement of the Convention).*

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<sup>80</sup> Based on the Note No. 5679 of 19 September 2001 “United Nations Treaties against Terrorism” and the Report of the South African Law Commission on Security Legislation, August 2002.



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- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf Rome, 1988 (supplementing the 1988 Rome Convention); 48 States Parties; extends the requirements of the Convention to fixed platforms such as those engaged in the exploitation of offshore oil and gas; *South Africa has not signed*.
  - Convention on the Marking of Plastic Explosives for the Purpose of Detection, Montreal, 1991; 67 States Parties; seeks to curb the use of unmarked and undetectable plastic explosives; developed by ICAO; *South Africa ratified*.
  - International Convention for the Suppression of Terrorist Bombings, New York, 1997: adopted by the General Assembly; 26 States Parties; seeks to deny safehavens to persons wanted for terrorist bombings by obligating each State Party to prosecute such persons if it does not extradite them to another State that has issued an extradition request; *South Africa signed*.
  - International Convention for the Suppression of the Financing of Terrorism, New York, 1999; adopted by the General Assembly; obligates States Parties either to prosecute or to extradite persons accused of funding terrorist activities, and requires banks to enact measures to identify suspicious transactions; will enter into force when ratified by 22 States; *South Africa signed*.

The UN Security Council as the principal international organ dealing with international peace and security has immediately after the 11 September terrorist attacks, adopted several Resolutions: 1368 (2001), 1333 (2001) and 1373 (2001) which condemn the terrorist attacks and call for an effective Cooperation in bringing the perpetrators to justice as well as in the prevention and suppression of the financing of terrorism.

While South Africa has no specific legislation related to the financing of terrorism in order to comply in particular with Resolution 1373 (2001), the powers given to the Exchange Control Department of the South African Reserve Bank under the Currency Exchange Act and the Exchange Control Regulations were implemented by the issuance of the Exchange Control Circulars on the 12 and 19 October 2001. The Circulars inform all authorized dealers about the content of a Notice by the South African Government (published in the Government Gazette of 12 October 2001) which contains details of the individuals and entities identified as terrorist by the United Nations.

The Organization of African Unity (now African Union) adopted the OAU Convention on the Prevention and Combatting of Terrorism (13 July 1999) which South Africa signed. In addition, in December 2001, the Committee on Defense and Security of the Southern African Development Community (SADC) agreed to take common action against terrorism in the region.

While the new Anti-terrorism Bill is still under preparation “there are a number of statutory provisions that can, to a greater or lesser extent, be used to combat terrorism and related offences” (Law Commission 2002). It is expected that a new Anti-terrorism Bill will provide comprehensive provisions for the prevention and fight against terrorism in compliance with a number of United Nations international instruments (Report of the UN Counter-Terrorism Committee, December 2001).

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## 8.4 Crime Control Institutions

### The police

The old South African Police (SAP) served as one of the key instruments of apartheid rule – enforcing laws and controlling often violent political demonstrations against the state. The SAP was supplemented by an additional 10 police forces, one for each of the independent or self-ruling bantustans. Such police forces, however, generally mirrored the approach and training of the SAP, engaging in serious human rights abuses and focusing more on the control of political dissent than crime prevention.

The challenge of police reform in the country since the attainment of democracy in 1994 has been two-fold. First, it has been to incorporate these 11 police agencies into a single police service, the SAPS. Second, the challenge has been to ensure that the newly created police service would respect human rights and then aim to police crime as their primary objective. These two factors, along with the essential requirement of building community support for the ‘new’ police, have ensured that South Africa is undergoing a comprehensive and difficult police reform process.

In the course of this process, a number of key institutions were established within the early period of the new democracy to bolster the system of police accountability. At police stations across the country, community police forums (CPF) were formed, constituting a channel through which community priorities and grievances could be communicated to the police. While not elected structures, CPF have been successful in many areas in making the police account more fully for their actions to the public. Legitimate questions remain, however, about the limited powers of the CPF and the degree to which they are taken seriously both by the police and the communities they are meant to represent.

Two other institutions established at the time are of some importance. The first is the Independent Complaints Directorate (ICD), charged with investigating complaints from the public of cases of police abuse and poor service delivery. Given the history of policing in South Africa, the ICD is an innovative and necessary institution. It would be fair to say, however, that the overall success of the ICD has been constrained by the large number of cases with which the institution has had to process as well as the related problem of limited funding.

Given that police policy had largely been made by police officers themselves, a key component of the reform process was the introduction of a civilian secretariat, reporting directly to a cabinet minister, and charged with policy development and the monitoring of police performance. The Safety and Security Secretariat played a key role in the early days of the new democracy in designing and monitoring the implementation of the new police agency. More lately however, as the police have assumed greater confidence and the fight against crime (as opposed to the redesign and transformation of policing) has assumed higher priority, so the influence of the Secretariat has waned. Nevertheless, the Secretariat remains a potentially important tool in measuring the effectiveness of the police and monitoring their efforts in the fight against crime.

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The negotiations on a new political order in South Africa had determined that the country should have a single national police agency, partly so that the reform of policing could be controlled from the centre. Increases in crime, combined with the consolidation of the democracy itself – including most critically the establishment of elected institutions of local government – opened the debate as to the appropriateness of establishing local police agencies outside of the SAPS. Legislation to this effect is now in force, and cities and towns can establish their own police agencies subject to a series of criteria, the most important being that they are confined to crime prevention activities such as police patrol (they do not for example investigate crimes) and must be funded in their entirety by local government. A city police service already existed in Durban, and similar structures have now been established in Johannesburg, Cape Town and Pretoria.

Despite these developments, however, the SAPS remain the primary instrument of state policing in South Africa with a presence throughout the country. There are currently 102,354 police officers and 20,337 civilians working in the SAPS, making it one of the largest police agencies in the world. It is expected that by 2005 the police will reach 147,560 force. The new police agency has undergone a radical transformation in terms of its organization, racial and gender composition.

While police distribution has improved markedly since the early 1990s, the majority of police resources remain focused on former White areas and business districts. The police service is unevenly distributed across the provinces, ranging from the extreme of 313 residents per police officer in Free State to 669 residents per police officer in Limpopo (formerly Northern Province). The civilian to police officer ratio was 461:1 in 2001, and it is expected that it will become 389:1 by 2005/06.

If the first phase of the new democracy saw significant changes in the nature of policing, a second phase of reforms internal to the SAPS itself has been aimed at fighting crime more effectively. The most important of these initiatives has been the reduction in the several hundred specialized units that had been established to police a wide variety of different crime types. Some 500 specialized investigating units will be clustered into three specialized components focusing on organized crime, serious and violent crime, and commercial crime. To date, 208 specialized units were closed down, while the following new units were established:

- 24 Serious and Violent Crime units
- 24 Organized Crime units
- 17 Commercial Crime units
- 45 Family Violence, Child Protection and Sexual Offences units

The overall thrust of these changes appears to be a shift toward more multi-disciplinary policing teams, based on the assumption that, for example, organized criminal groups participate in multiple activities and thus require responses that aim at their organization rather than the specific crime types in which they engage.

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Over time, and as crime has been increasingly perceived to be a serious threat, other agencies have become more actively engaged in traditional policing activities. Thus, the South African National Defense Force has engaged in crime prevention patrols, and the National Intelligence Agency and the South African Secret Service (the internal and external arms of the intelligence community respectively) have engaged in information collection on organized crime groups and activities. This broadening of the mandate of various security agencies into the area of crime has been matched by the burgeoning of the country's private security industry.<sup>81</sup>

### **The prosecution**

South Africa's 1996 Constitution mandates the establishment of a national prosecution service. Section 179 of the Constitution outlines the form of the South African prosecution service.<sup>82</sup> The section provides for a National Prosecuting Authority (NPA). The President appoints the head of the National Prosecuting Authority – the National Director of Public Prosecutions (NDPP).

In 1998, Parliament passed the National Prosecuting Authority Act which provides the legal framework for the prosecutorial system of the country.<sup>83</sup> Organizationally, the NPA consists of three specialist components, each headed by a Deputy National Director of Public Prosecutions (National Prosecution Service, Directorate of Special Operations, and Asset Forfeiture Unit).

The NPA is responsible for coordinating and assisting the traditional prosecuting structures throughout the country. There is a Director of Public Prosecutions (DPP) for each of the ten divisions of the High Court of South Africa, and there is one for the Witwatersrand Local Division of the High Court. Directors of Public Prosecutions, Investigating Directors and Special Directors are assisted by Deputy Directors of Public Prosecutions as well as senior and junior state advocates who have a right of appearance in the High Court. The prosecutorial staff at larger magistrates courts is managed by a Senior Public Prosecutor (SPP). At busy courts, SPPs delegate some of their managerial and administrative duties and responsibilities to Control Prosecutors.

The Directorate of Special Operations (DSO), also known as 'the Scorpions', brings together senior investigators, specialist prosecutors and intelligence analysts who work in project teams, with experienced prosecutors directing the investigations to ensure that they will be presented effectively in court.

The Asset Forfeiture Unit (AFU) assists the National Prosecution Service and the DSO in the use and application of South Africa's asset forfeiture legislation.

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<sup>81</sup> The private security industry (some 185,000 people as of December 2000) is one of the fastest growing service sectors in South Africa. It provides security services to the residential areas, business and even some government departments.

<sup>82</sup> Section 179 of the Constitution of the Republic of South Africa Act No. 108 of 1996.

<sup>83</sup> National Prosecuting Authority Act No. 32 of 1998.

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In addition to these above three components, the NPA is assisted by a number of specialised support services:

- The Specialized Commercial Crime Unit which investigates and prosecutes serious commercial crime.
- The Sexual Offences and Community Affairs Unit, or SOCA Unit, which prosecutes violent crime committed against women and children.
- The Witness Protection Unit which protects witnesses who testify for the prosecution in important criminal trials.
- Specialist Commercial Crime Unit which investigates high level fraud cases.

Over 95% of all criminal trials take place in the magistrates courts (also known as the lower courts). There are two types of magistrates courts: regional courts and district courts.

Only the most serious crimes, such as brutal murders, particularly violent rapes, robbery with aggravating circumstances where someone is seriously injured or killed, and fraud involving large amounts of money, are usually prosecuted in the High Court. The vast majority of murders, rapes and robberies, and crimes such as attempted murder, child abuse, kidnapping, sexual offences, housebreaking where the intention is not only to trespass, fraud and theft where the loss exceeds R40,000, and car theft are prosecuted in the regional courts.<sup>84</sup> Minor offences such as assault, most forms of theft and fraud, malicious injury to property, most drug-related offences, drunken driving offences, and other driving related offences are prosecuted in the district court. Unless legislation provides otherwise, regional courts have the jurisdiction to impose a maximum period of imprisonment of 15 years (and a fine of up to R300,000), while district courts have the jurisdiction to impose a maximum period of imprisonment of 3 years (and a fine of R60,000).<sup>85</sup> There is no sentencing limit for the High Courts.

### **The courts<sup>86</sup>**

The Constitutional Court is the highest court in the country, and it deals only with constitutional cases which are heard by 11 Constitutional Court judges.

The Supreme Court of Appeal is based in Free State, and, apart from the Constitutional Court, is the highest court in the country. It only hears appeals from the High Courts, and all cases are heard by three to five judges.

The High Courts can hear any type of criminal or civil cases, although they usually hear cases that are considered too serious for the Magistrates Courts. Cases of treason or murder can only be heard in the High Courts. The Judicial Services Commission recommends who should be appointed as a judge to the President. There are ten High Courts in the country, located in the different provinces, as well as three Local Division Courts.

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<sup>84</sup> National Prosecuting Authority of South Africa Policy Manual, October 1999, Pretoria, pp. B.22 – B.25.

<sup>85</sup> Section 92(1), of the Magistrates' Courts Act No. 32 of 1944, as amended, read with GN R1411 (Government Gazette 19435) of 30 October 1998.

<sup>86</sup> This section is drawn directly from Chapter 3, Court Cases, in the Paralegal Manual, on the Paralegal advice website: [www.paralegaladvice.org.za](http://www.paralegaladvice.org.za).

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The Magistrates Courts are the lower courts and deal with less serious civil and criminal matters. There is usually one Magistrates Court in each town, and each court is presided over by a magistrate who is appointed by the Minister of Justice. Magistrates can be assisted by two lay assessors who are respected members of the community.

There are two types of Magistrates Courts: criminal courts and civil courts. Criminal courts are further divided into two types: Regional Magistrates Courts and District Magistrates Courts. The Regional Courts deal only with criminal cases and, as such, with more serious crimes like culpable homicide, rape, armed robbery and serious assault. These courts can hear all criminal cases except treason and murder. They can sentence a person to a maximum of 10 years in prison or a fine of R200,000.

The District Courts try less serious crimes and can sentence a person to a maximum of three years in prison or fine of R60,000. They also try civil matters, but they do not deal with matters such as divorce. Such matters are dealt with by Maintenance Courts which are located in the Magistrates Courts. Similarly, there are Children's Courts and Divorce Courts.

The Small Claims Courts were started in 1984. These courts aim to make access to justice easier, cheaper and faster. The courts deal with civil claims of up to R3,000. They are presided over by a Commissioner rather than a judge or a magistrate. Complainants are assisted by paralegals rather than the professional lawyers.

There are also several specialized courts that deal with particular kinds of cases:

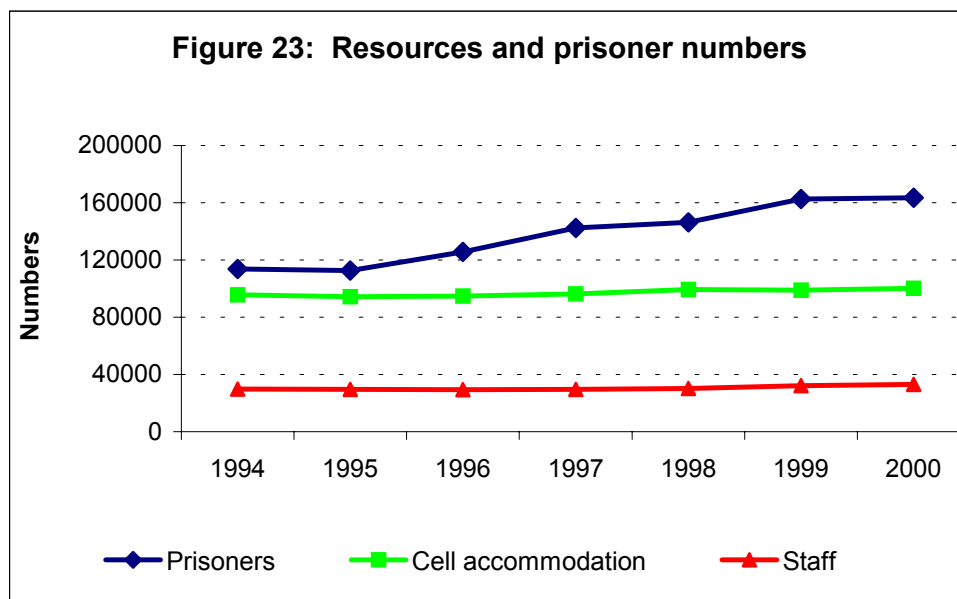
- Labour Appeal Court, which deals with appeals from the Labour Court
- Labour Court which, deals with disputes under the Labour Relations Act
- Land Claims Court
- Family Courts, which deal with family matters like divorce
- Tax Courts
- Water Courts
- Commercial Crime Court (at this stage only one exists in Pretoria, supported by the business community), and
- Sexual Offences Courts (at the end of 2000, 19 such courts had been established across the country).

### **The corrections**

In 2001, the country's 238 prisons, designed to hold 105,000 people, were housing 176,000 inmates, and 33,093 officials were employed to manage the prison population. The available facilities consist of:

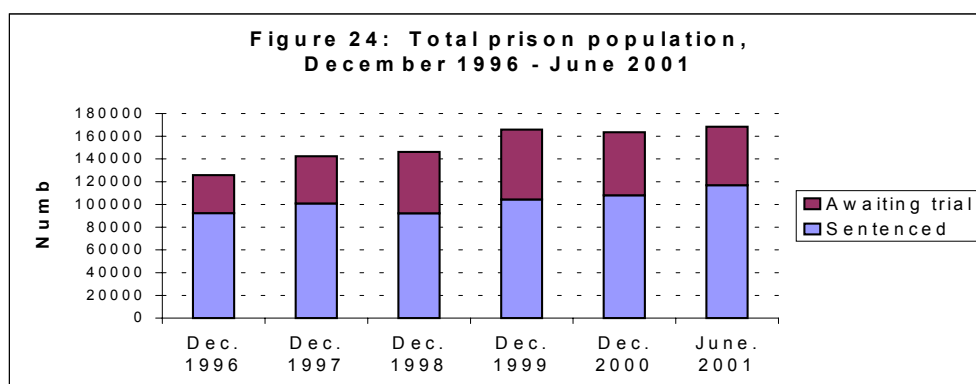
- 8 facilities for women
- 13 for youth
- 114 for men
- 99 for men and women
- 4 which are temporarily closed
- 2 private prisons.

The problems of severe overcrowding, a very high number of suspects awaiting trial in prison, and a high incidence of HIV/AIDS, pose a major challenge for the Department of Correctional Services (DCS) in South Africa. They also undermine the rights of those accused and convicted of crime who are held in custody, and they have serious negative effects on the implementation of the rehabilitation programmes.



Source: Department of Correctional Service Annual Report, 2001.

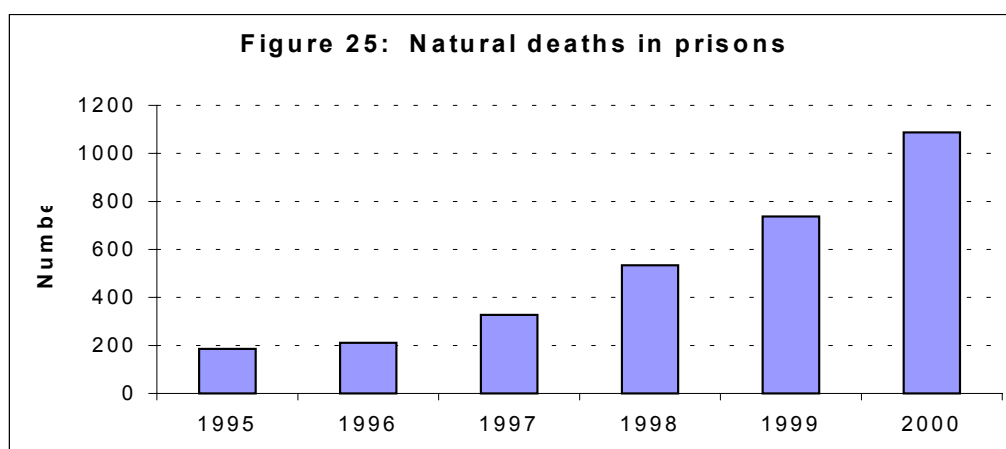
The high level of overcrowding arises from blockages in the criminal justice system. This is evidenced by that fact that the increase in the prisoner population since 1996 is largely attributable to a rise in the number of unsentenced prisoners held in correctional facilities. Between 1996 and June 2001, the total number of prisoners increased by 34%. The number of sentenced prisoners increased by 27%, compared to unsentenced prisoners, which, in turn, increased by 54%.



Another indicator of blockages in the criminal justice system is the increase in the number of days that the accused await the completion of their trials. In February 2002, the average figure was 139 days – up from 76 days in June 1996. Some suspects are held in prison awaiting a sentence for over four months and in some cases even several years.

One of the reasons for the large number of people held in prison while awaiting the completion of the trial is the inability to pay a bail. In June 2001, a total of 17,589 (34%) unsentenced prisoners were being held because they could not afford to pay bail. Over 11,000 of these had bail set at less than R1,000 (Masuku 2001).

Another major challenge facing the Department of Correctional Services is the control of communicable diseases and viruses, particularly HIV/AIDS and tuberculosis (TB). The current problem of overcrowding facilitates the spread of communicable diseases among the inmates. This problem is highlighted by the substantial increase in the number of “natural” deaths in prisons since 1995. Between 1995 and 2000, the number of natural deaths increased by 484%. According to post-mortems conducted, most of these deaths are believed to have been the result of HIV/AIDS.



Source: Judicial Inspectorate of Prisons Annual Report, 2001.

### **Organized crime control measures**

As elsewhere, the expansion of organized crime and the need for international cooperation were the main driving forces to change the nature, scope and functions of law enforcement agencies and the legislative framework in South Africa. While South Africa’s 1994 transition gave rise to organized crime, it did not at the same time give rise to state institutions immediately in a position to counter the phenomenon.

From 1991 onwards, when the threat of organized criminal groups became apparent, police investigative methods changed from targeting customers, street level drug pushers and similar types of criminals to increasingly aiming at syndicate leaders and crime bosses, so called “targeting upwards”. However, insufficient detective skills and a weak system of crime intelligence remained stumbling blocks for the South African Police Service (Gastrow 1998).

In 1996, the Proceeds of Crime Act was passed, but problems were encountered in its implementation. Proceeds of crime have only recently been the target of organized crime prosecutions.



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The Prevention of Organized Crime Act, 1998 as amended in 1999 makes provision for the following: (i) offences related to racketeering activities, money laundering and criminal gang activities, (ii) the restraint, confiscation and realization of the proceeds of unlawful activity, (iii) civil forfeiture of property which is either an instrumentality of an offence specified in the Act or is the proceeds of unlawful activity, and (iv) the establishment of a criminal assets recovery account and associated mechanisms which, *inter alia*, make provision for the allocation of moneys from the account to law enforcement.

Most significantly, the Act provides for the seizure of property by the state where “a reasonable suspicion” exists that it constitutes the proceeds of crime and the owner is unable to provide a satisfactory explanation of its origin. The Act also makes it a separate crime to directly or indirectly participate in or assist a criminal organization or gang. The early cases involving asset forfeiture (civil and criminal), prompted legal challenges on the ground that the Act should not extend to the proceeds of unlawful activities which occurred prior to the enactment of the legislation. Parliament has, however, removed all doubts and amended the Act to apply the asset forfeiture provisions to unlawful activities which occurred prior to the enactment.

With regard to the implementing bodies, the National Prosecuting Authority Act makes provision for the establishment of three Investigating Directorates and the appointment of Special Directors to exercise powers and functions specified by the President by proclamation.

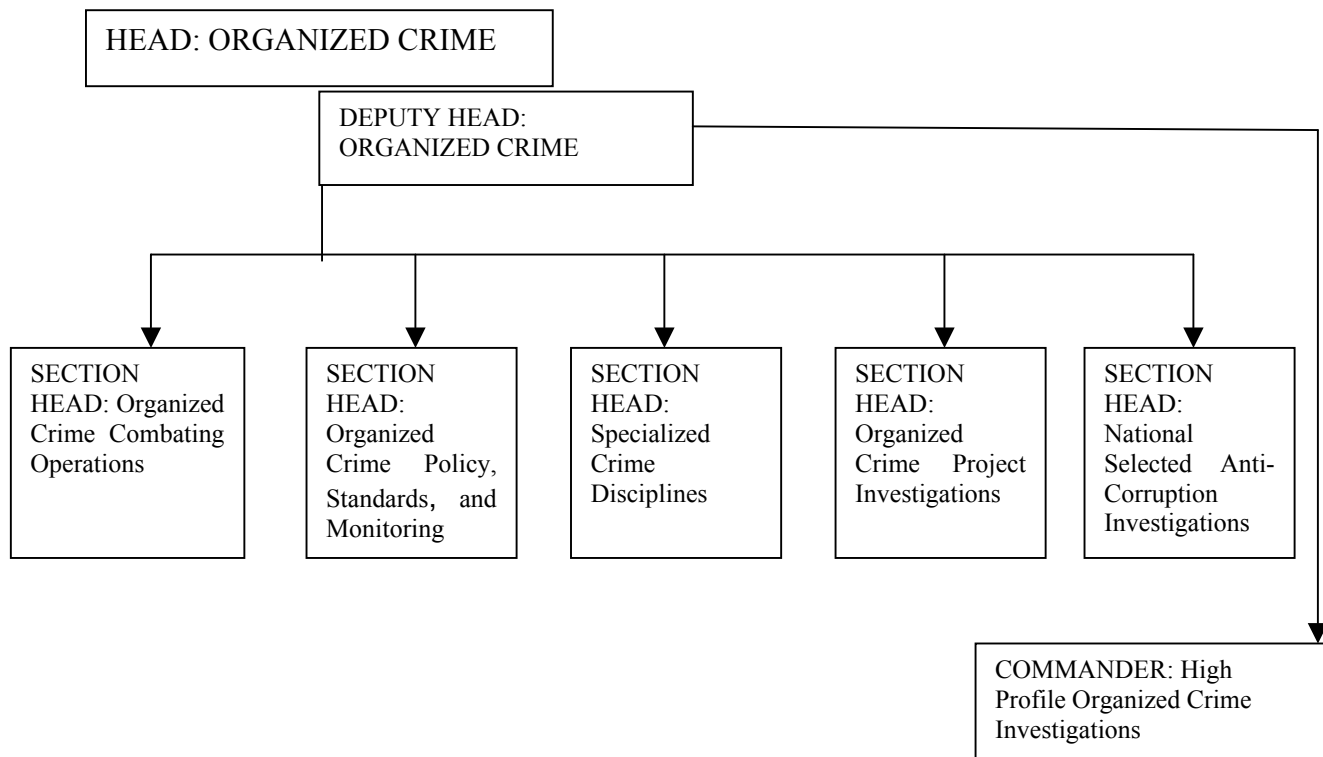
The National Director of Public Prosecutions established the Investigating Directorates on Organized Crime (IDOC) and Serious Economic Offences. He further established an Asset Forfeiture Unit. In 2000, the National Prosecuting Authority Amendment Act made provision for the establishment of the Directorate for Special Operations (the “Scorpions”). It further made provision for the existing investigating directorates to become part of the DSO. This Act was complemented by the DSO Act of 2001 which establishes the DSO for the effective investigation and prosecution of certain specified offences and the gathering of intelligence relating to such offences. The DSO is built on a three-pronged approach of intelligence, investigation and prosecution. The carrying out of prosecution-led investigations is permissible as the National Director of Public Prosecutions under the National Prosecuting Authority Act exercises powers and functions which are both investigative as well as prosecutorial.

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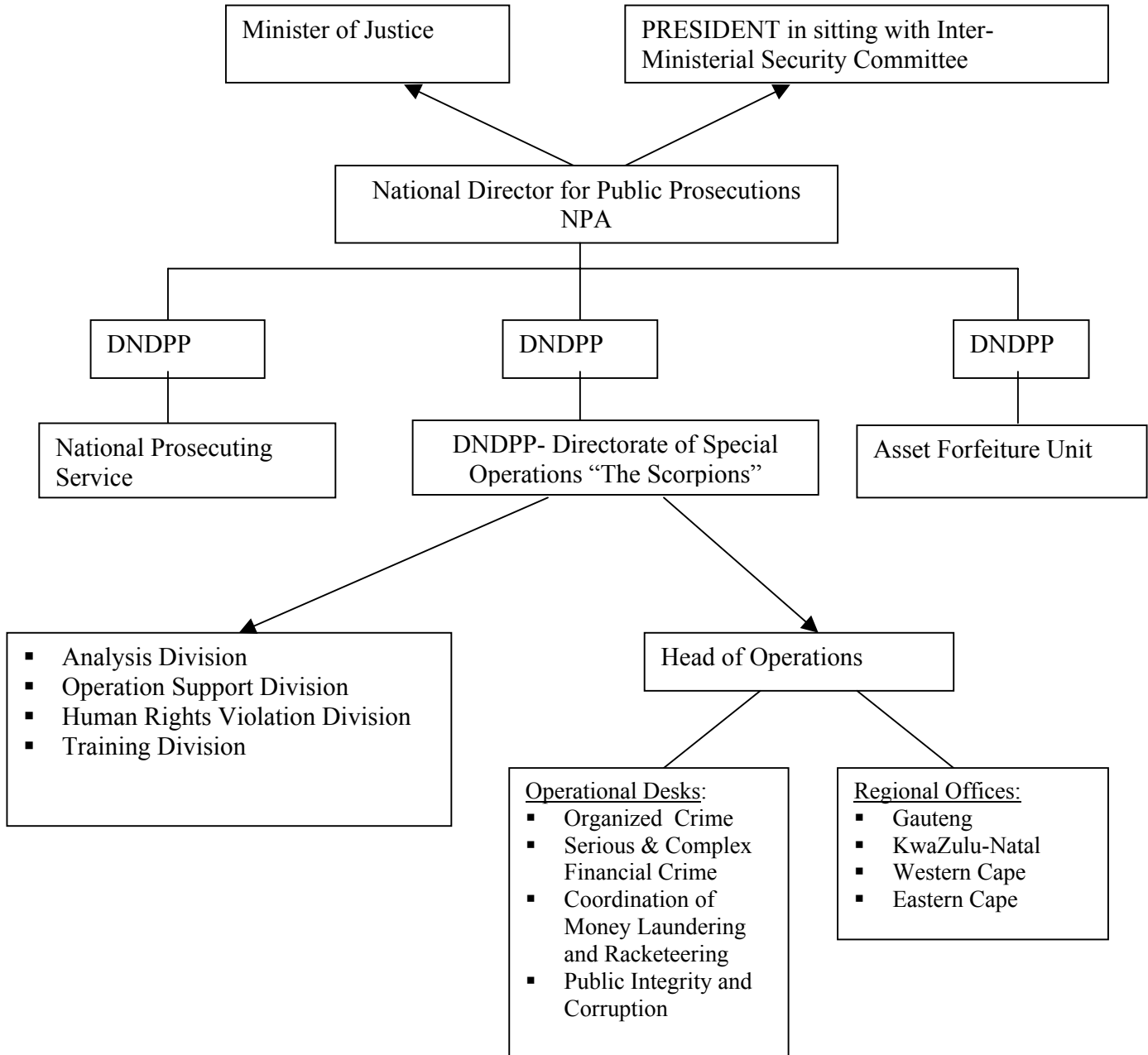
The South Africa Police Service, following its major organizational restructuring in 2001, also established particular structures to deal with organized crime:

### **SOUTH AFRICAN POLICE SERVICE**

#### **ENABLING STRUCTURE FOR THE NATIONAL ORGANIZED CRIME COMPONENT**



## National Prosecuting Authority



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