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## THE AUTHOR

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Prior to 1990, his publications dealt with aspects of the local history of the Zululand area of KwaZulu-Natal. Topics covered included the growth of the sugar industry, malaria, nagana, early goldmining, labour problems, floods, locusts and the histories of Empangeni, Melmoth and Richards Bay. In the early 1990s, his published work focused mainly on issues of political violence and conflict, including hostel violence, warlordism, massacres, and the proliferation of firearms and self-defence units. In the mid-1990s his research interests turned to other forms of violence caused by issues such as land disputes; informal settlements; illegal squatting; evictions; taxi industry conflicts; witchcraft; xenophobia; undocumented migrants and vigilantism. Since then he has researched border controls; illegal importation; migrants' rights; vehicle hijackings; the use of force by the police; informers; and witness protection programmes. His most recent investigation has focused on legislation to introduce stricter gun controls.

Dr Minnaar has a BA from the University of Natal, Pietermaritzburg (1975), Honours and Masters degrees from Rhodes University (1977 and 1978), and a D.Litt. et Phil. from UNISA (1988), all in history. He earned a second honours in African Politics (cum laude) from UNISA in 1991.

## LIST OF ABBREVIATIONS

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ACS	Aviation Co-ordination Services
ACSA	Airports Company of South Africa
ASM	Aviation Security Mechanism
ASP	Air Security Programmes
BAC	Business Against Crime
BACC	Border Affairs Co-ordinating Committee
BCOCC	Border Control Operational Co-ordinating Committee
CAA	Civil Aviation Authority
CCC	Central Control Centre
CFR	Central Firearm Register
CIN	Container Information Number
CLETG	Customs Law Enforcement Task Group
CSTF	Cargo Security Task Force
CTO	Container Terminal Order
DHA	Department of Home Affairs
DOT	Department of Transport
DTI	Department of Trade and Industry
ECOSOC	Economic and Social Council (United Nations)
FAA	Federal Aviation Administration
FAR	Federal Air Regulations
FCA	Firearms Control Act
GASAG	Global Aviation Security Action Group
IATA	International Air Transport Association
ICAN	International Commission for Air Navigation
ICAO	International Civil Aviation Organisation
IMCO	Inter-Governmental Maritime Consultative Organization
ITU	Internal Tracing Units
JIA	Johannesburg International Airport
JOC	Joint Operating Committee
LCBC	Legislation Committee for Border Control
MCS	Movement Control System
MDU	Mobile Detection Units
MOR	Modus Operandi Report

NASP	National Aviation Safety Plan
NATIS	National Traffic Information System
NCPS	National Crime Prevention Strategy
NIA	National Intelligence Agency
NIDS	National Interdepartmental Structure
NPA	National Ports Authority
OCIU	Organised Crime Investigation Units
OPCO	Operational Committee
PSFP	Port Security Framework Plan
RAR	Restricted Article Regulations
RDT	Radio Data Terminal
RIB	Removed in Bond
RIT	Removed in Transit
SAA	South African Airways
SAC	South African Cargo
SANDF	South African National Defence Force
SARPCCO	Southern African Regional Police Chiefs Co-operation Organisation
SARS	South African Revenue Services
SASS	South African Secret Service
SIRA	Security Industry Regulatory Authority
SOB	Security Officers Board
SOLAS	Safety of Life at Sea
UK	United Kingdom
UN	United Nations
USA	United States of America
USOAP	Universal Safety Oversight Audit Programme
VAT	Value Added Tax
VCS	Vehicle Circulation System
VRA	VAT Refund Administrators

## EXECUTIVE SUMMARY

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In assessing the current security measures at air and sea ports of entry in South Africa, there was an obvious need to review the systems in their entirety in order to understand processes, procedures and requirements. This would lead to an evaluation of any shortcomings. In particular it would reveal any loopholes that could be exploited by traffickers in firearms.

Case studies of Johannesburg International Airport (JIA), Durban Harbour and the City Deep Container Terminal (an internal port) were used to examine these systems. In addition, complementary visits were made to other sites (Lanseria Airport, Durban Airport and Richards Bay Harbour) to see whether similar procedures were being applied. The assessment was also contextualised within both the international regulatory framework for aviation and maritime safety and South Africa's firearms control legislation.

The attacks of 11 September 2001 on targets in New York and Washington have raised awareness among the global community of the need to monitor the cross-border movement of people and goods more strictly. Although South African officials had taken note of this trend, the tightening of border controls and other security measures at international ports of entry both air and sea had begun long before 2001.

The Firearms Control Act and the newly launched National Firearms Programme of the South African Police Service (SAPS) have led to the implementation of additional measures for the inspection of imported and exported firearms. Overlying these control processes are the general security and screening mechanisms for firearms used by the different role-players at airports and harbours. This overlay is important in terms of the overall security systems, since they concern not only goods handling but also the screening of baggage; the movement of foodstuffs onto aeroplanes; the supervision of maintenance and cleaning staff; the securing of restricted areas; and the limitation of access to certain areas. However, because these systems often provide opportunities for the safety processes designed for the handling of the export or import of firearms to be circumvented, these sys-

tems are also scrutinised to see whether they might in any way assist trafficking in firearms.

Among the conclusions and recommendations arising from this study are suggestions for improvement in a number of systems. These range from information sharing to profiling risk analysis to cargo inspections. In terms of information systems, tip-offs and crime intelligence play a crucial role within the whole inspection process in the deterrence and detection of smuggled goods. It is essential that the application of the crime intelligence resulting from information analysis be used within a more integrated and co-operative framework. Other shortcomings included lack of equipment, staffing shortages and inadequate levels of professionalism and training. Consequently, some of the recommendations touch on the human factor, particularly the need for integrity testing and corruption-prevention training for security personnel.

# CHAPTER 1

## INTERNATIONAL FRAMEWORK FOR AVIATION AND CARGO SECURITY

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### Introduction

In assessing the current security measures used at air and sea ports of entry in South Africa, the obvious first step was to investigate these systems in their entirety. Only when their processes, procedures and requirements were fully understood would it be possible to identify any shortcomings and establish whether these could be exploited by traffickers in firearms. Detailed case studies of the Johannesburg International Airport (JIA), Durban Harbour and the City Deep Container Terminal (an internal port) were undertaken, and supplemented by visits to Lanseria Airport, Durban Airport and Richards Bay Harbour to assess whether the security systems used were comparable.

Over the last half of 2002, levels of security at South African airports have been raised in response to a number of events and issues. These include the 11 September 2001 attacks in the United States of America (USA); the implementation of the new Firearms Control Act (FCA); the implementation of the new South African Police Service (SAPS) National Firearms Programme; and the final drafting and acceptance of the *Border Police: Procedure Manual* in May 2002. Other issues that have contributed to the heightening of security measures include prevention of valuable cargo thefts and increased surveillance for drugs (in line with the new Southern Africa anti-drug strategy sponsored by the United Nations—UN—Office for Crime Prevention and Drug Control).

The renewed emphasis on security measures at ports of entry worldwide applies not only to the movement of people but also of goods. In some countries, like America and the United Kingdom (UK), mechanisms have been introduced to tighten up entry and screening procedures for persons, cargo and baggage. The USA in particular has imposed stricter entry requirements on citizens of countries perceived to be hostile to American policies, or of harbouring terrorist organisations. Goods originating from certain countries are also more stringently inspected, and the country refuses to allow entry to cargo containers unless they are certified as having been properly checked and cleared at their points of exit.

For a number of years the South African authorities have been tightening up border controls and improving other security measures at both air and sea international ports of entry. In the context of preventing weapons smuggling, the new FCA and the associated National Firearms Programme of the SAPS have led to the introduction of additional measures for the inspection of goods, whether imported or exported.

## **International regulatory framework**

Security measures and standards for goods inspections and the movement of people are governed by a number of international conventions and treaties. These are currently administered and monitored by international organisations affiliated to the UN. For sea and air ports of entry the relevant organisations are the International Civil Aviation Organisation (ICAO) and the International Maritime Organisation (IMO). Both are governed by conventions that set out the required regulatory frameworks and standards to which international sea and air ports must conform if they want to be accredited and recognised as international entry and exit points.

## **International aviation and cargo security**

International aviation security has been a concern of governments since the inception of air travel in the early 1900s. The first conference for the formulation of an international air code law was held in Paris in 1910. As aviation developed technically and international travel was launched in the period following the First World War, governments realised that aviation needed to be regulated on an international level. Accordingly, 26 of the 32 Allied and Associated Powers that attended the Paris Peace Conference of 1919 signed the first International Air Convention, which also set up the International Commission for Air Navigation (ICAN) to monitor developments in civil aviation. While the period between the two wars witnessed relatively slow growth in this field, the Second World War gave impetus to further developments. The USA convened an International Civil Aviation Conference in Chicago in November 1944, at which the Convention on International Civil Aviation (the so-called Chicago Convention) was drawn up and signed by 32 states. This Convention not only governed all aspects of civil aviation from passenger safety to technical aspects of flying, but also set up the permanent International Civil Aviation Organisation. An interim secretariat was established, and ICAO was formally instituted in April 1947. ICAO became a specialised agency of

the UN linked to the Economic and Social Council (UN ECOSOC) in October of that year. Its main objective was described as securing international co-operation and the highest possible degree of uniformity in regulations and standards, procedures and organisations relating to civil aviation matters.<sup>1</sup>

### ***International Civil Aviation Organisation***

The early work of ICAO dealt largely with technical matters ranging from air traffic control to international air navigation, registration, and aeronautical maps and charts. Another factor incorporated into its technical responsibilities was aircraft and passenger safety. Inspection of goods and baggage was required to protect aeroplanes in flight from carrying dangerous goods like explosives, which might pose a threat to air safety. The *International Standards and Recommended Practices, Security (Safeguarding International Civil Aviation Against Acts of Unlawful Interference)* document, designated as Annex 17 of the Chicago Convention,<sup>2</sup> stipulates the safety measures required at an airport. These cover the securing of the apron area, boarding gates and baggage handling areas, and baggage and passenger screening functions.

As a signatory to the Chicago Convention, South Africa has given its Civil Aviation Authority (CAA) the responsibility of ensuring that all operators at any airport designated as an international port of entry adhere to the security requirements and safety measures contained in Annex 17. These standards apply to all users such as airlines, maintenance and technical staff, caterers and agents or freight forwarders.

At its 35<sup>th</sup> Session held in Montreal in October 2001, the ICAO Council resolved to expand the objectives of the Aviation Security Mechanism (ASM). These had initially aimed only to assist states to strengthen their implementation of, and co-operation with, the provisions of Annex 17. The expanded objectives involved the following:<sup>3</sup>

- conducting international aviation security surveys and assessments on a confidential basis, upon request, and recommending methods for the introduction of aviation security measures to meet the requirements of Annex 17;
- co-ordinating an aviation security training programme, providing on-the-job counterpart training and the staging of ICAO-sponsored, topic-focused workshops and regional training seminars;

- providing aviation security equipment, training aids and other equipment appropriate for the enhancement of aviation security in fully justified and selected cases, subject to supply by donor states; and
- conducting international aviation security audits on a voluntary basis with a view to assessing the level of implementation.<sup>4</sup>

Again these measures emanated from the security concerns that arose in the wake of 11 September. ICAO encouraged Contracting States to implement them or avail themselves of ICAO assistance. Aviation security was further strengthened by expanding the Universal Safety Oversight Audit Programme (USOAP) to include air traffic services, aerodromes and the core elements of accident and incident investigation. These were added to the mandatory, regular, systematic and harmonised safety audits of the airworthiness and operation of aircraft.<sup>5</sup>

Until the events of 11 September 2001, the ICAO model was regarded as adequate and sufficient to ensure the safety of passengers, aircraft and goods. However, in December 2001 the ICAO adopted an amendment to Annex 17, called Amendment 10, which set out a number of additional safety and security requirements. These include the following:<sup>6</sup>

- ***Aircraft security check*** This calls for an inspection of the interior of an aircraft to which passengers may have had access, and an inspection of the hold to look for any suspicious objects, weapons or other dangerous devices.
- ***Background check*** This requests a check on the identity and previous experience, including any criminal history, of any individual requiring unescorted access to a security restricted area. (This is part of the assessment of a person's suitability to be employed in any of the restricted sections of an airport.)
- ***Screening*** This adds the term "identify and/or" to the requirement to "detect weapons, explosives or other dangerous devices which may be used to commit an act of unlawful interference", placing an additional onus on screening operators not only to find but also to identify dangerous objects. Equipment additional to X-ray machines would be required for effective detection and identification.
- ***Security*** This removes the word "international" from "international civil aviation", meaning that security arrangements and measures should be extended to all civil aviation inclusive of domestic travel.

- **Security restricted areas** The definition of such areas has been extended to include, for the first time, the airside areas of an airport to which access is controlled. Security areas normally include all passenger departure areas between the screening checkpoint and the aircraft, the ramp, baggage make-up areas, cargo sheds, mail centres, airside catering and aircraft cleaning premises. This amendment to Annex 17 extends security requirements to areas outside the actual aeroplane and apron areas, and thus covers a much wider physical area than previously. A commensurate augmentation of security services and manpower is required to accommodate these additional responsibilities.
- **Objectives** This requires each Contracting State to ensure that the principles governing measures designed to prevent acts of unlawful interference with international civil aviation are applied to domestic operations as far as is practicable.
- **International co-operation** This calls for each Contracting State to share with other Contracting States any threat information that applies to the aviation security interests of those States, as far as is practicable.
- **National organization and appropriate authority** This obliges each Contracting State to empower the appropriate authority to manage the national civil aviation security programme. This involves defining and allocating tasks and co-ordinating activities between not only the departments, agencies and other organizations of the State but also airport and aircraft operators and other entities concerned with, or responsible for, the implementation of the programme. The co-ordinating function should be undertaken by a national aviation security committee appointed for that purpose.
- **Airport operations** This calls for each Contracting State to require each airport serving international civil aviation to establish and implement a written airport security programme conforming to the requirements of the national aviation security programme.

The date upon which Amendment 10 was to become effective was 15 April 2002 (unless a majority of the Contracting States registered their disapproval of any parts of it with ICAO before then).

While on the surface these amendments, prompted by heightened security concerns, might appear merely superficial changes in terminology, they con-

tain a significant new emphasis. This is particularly noticeable in improvements relating to better co-ordination of security arrangements, the sharing of information, the enlargement of security areas and the extension of security to domestic flights. In the overall scheme of aviation and airport security, they represent a distinct hardening of airport controls and security measures. Within the South African context they complement existing plans for the stricter application of all forms of security, especially the screening of goods, passengers and baggage.

The Ministerial Meeting of ICAO held in Montreal in February 2002 endorsed an ICAO Aviation Security Plan of Action, which recognised “the need for strengthening measures to prevent all acts of unlawful interference with civil aviation”. It also reaffirmed “the responsibility of States for the security and the safety of civil aviation, irrespective of whether air transport and related services are provided by Government, autonomous or private entities”. It also acknowledged that “a uniform approach in a global system is essential to ensure aviation security throughout the world and that deficiencies in any part of the system constitute a threat to the entire global system”.<sup>7</sup>

### ***International Air Transport Association***

Another international aviation industry organisation, the International Air Transport Association (IATA),<sup>8</sup> has also had a significant impact on security and cargo handling at airports. IATA is the prime vehicle for inter-airline co-operation in promoting safe, reliable, secure and economical air services for the benefit of air travellers. Its membership consists solely of airline and air carrier operators.<sup>9</sup>

As with other organisations serving the aviation industry, in the aftermath of the terrorist attacks in 2001 IATA refocused the industry’s efforts. It identified three priorities for achieving the recovery of civil aviation. The first and highest was security: the industry should focus on “ensuring that new and enhanced measures are effective, internationally harmonized and minimally disruptive to passengers and shippers”.<sup>10</sup> The Association already has a Security Department<sup>11</sup> that collects, analyses and disseminates information on international civil aviation security to its members, while concurrently developing policies and procedures to combat threats to civil aviation in general and airline customers, personnel and property in particular. This department, which is directed by a Security Committee of IATA members, was established in the late 1960s following a worldwide wave of aircraft hijackings.

IATA also assists the policy-making of government and appropriate international organisations by representing the security concerns of the airlines. This contribution takes the following forms:

- assisting in the development of international standards and recommended practices;
- participating in the ICAO Aviation Security Panel of Experts;
- encouraging governments to ratify, implement and adhere to international security conventions; and
- conducting on-site security surveys of international airports under the IATA Intensified Aviation Security Programme.

In terms of providing specific security services to member airlines, IATA has been involved in the development of industry policies and guidelines and the provision of security expertise to industry working groups. In addition, the IATA Security Department offers Airline and Aviation Security Training Courses. These have been designed by the Department to train airline staff to an international standard in developing, implementing and managing aviation security programmes, as required by airlines and states, and to guide those involved in the everyday implementation of various forms of protection. IATA has also developed a Security Manual whose sale is restricted to companies with a direct involvement in the protection of civil aviation and air cargo against unlawful interference or criminal acts.

There is also the Cargo Security Task Force (CSTF), which was established to define the airline industry's position on cargo security and to ensure that all members implement cargo security measures properly. The CSTF co-ordinates its actions with the IATA Security Committee on issues relating to lobbying international organisations such as the ICAO and national regulatory bodies (like the US Federal Aviation Administration or the South African Civil Aviation Authority). The CSTF is also actively involved in promoting the implementation of harmonised cargo security standards worldwide. IATA Cargo, together with the CSTF, works with airline members, freight forwarders, customs administrators, shippers and government authorities to improve standards in shipment documentation and the automated tracking of cargo. It also helps to develop streamlined procedures supporting cargo agent activities and to refine regulations governing the transportation of dangerous goods.

Linked to these activities is the important co-ordinating role of the Global Aviation Security Action Group (GASAG).<sup>12</sup> This organisation collates all information on security from the aviation industry in order to provide an effective worldwide security system.

Since the early 1950s IATA has played a pivotal role in the development of standardised regulations for the transportation of dangerous goods by air. These rules provide not only for the safe and efficient transportation of these materials, but also for the identification of undeclared and other potentially hazardous shipments. A team of airline and technical experts produced the first set of IATA's Restricted Article Regulations (RARs), issued in 1956, which govern the international transport of dangerous goods. While all the main carriers used these RARs, they were applicable only to IATA members. Consequently, their adoption and use by other airlines was voluntary. Nevertheless, more than 80 countries adopted the RARs in their national legislation. However, these regulations could have only a limited effect in the (relatively small) global air transport industry of that time because they could not be universally enforced.

With the rapid expansion in the 1970s and 1980s not only of air transport but also the carrying of cargo, IATA approached ICAO and asked it to incorporate the RARs in a new set of rules. These would be binding on all states involved in civil aviation and on all members of the Chicago Convention. ICAO subsequently promulgated its Technical Instructions for the Safe Transport of Dangerous Goods by Air. Also, to support government legislation and the enforcement of regulatory instructions, IATA continues to publish its regulations on dangerous goods annually, specifying the latest rules on their control as formulated by states, operators and ICAO.

An important element in complying with the dangerous goods regulations is the establishment and use of proper training programmes at all levels. Unless all personnel involved in every link of the dangerous goods transportation chain are adequately instructed, the regulations cannot be effectively applied. Therefore IATA has created a Dangerous Goods Training Task Force that continually monitors the standards of dangerous goods training worldwide.

### ***Federal Aviation Administration***

The final level of international influence on security requirements in the aviation industry is the security and safety requirements of the Federal Aviation Administration (FAA) of the USA. A large proportion of passengers and goods

from South Africa have the USA as their destination. Since goods and passengers that do not comply with the FAA's requirements are not accepted by the American authorities, it has become doubly important for operators and carriers to comply with these rules and standards. In essence the FAA regulations have become an international benchmark for best practice.

In terms of external security and safety requirements, the FAA<sup>13</sup> has developed Federal Air Regulations (FARs), based on domestic USA Airport and Air Carrier Security Programmes. Generally, FARs establish only broad objectives. International airports and carriers are required by the FAA to design their own security programmes to provide a safe operating environment. While Air Security Programmes (ASPs) are tailored to the specific needs of each airport, they all include standard requirements for ensuring that:

- law enforcement officials respond to various security threats;
- physical security (such as airport perimeter fencing) is provided; and
- access to operations areas (for example the taxi-way and jet-way) is restricted.

Once the ASP programme has been approved by the FAA Office of Civil Aviation Security, airport and air carrier managers must comply with the programme requirements or face enforcement action (that is, refusal of entry into the USA of passengers and goods).

The USA's International Security and Development Co-operation Act, passed in 1985, significantly expanded the FAA's role in aviation security. Specifically, it required assessment of the effectiveness of the security measures at certain foreign airports. Accordingly international airports and air carriers outside the USA are periodically inspected by FAA Special Agents, to ensure they continue to meet the requirements of their ASPs. The assessment applies the minimum standards and recommended practices established by the ICAO under Annex 17 as its criteria. The results of each assessment are shared with the host government. When deficiencies are found, the type of corrective action recommended is based on the severity of the problem. Whenever possible, every effort is made to bring the airport or air carrier into voluntary compliance. Failing that, enforcement action is taken.

The FAA requires airport managers to ensure that the following security actions are enforced:

- screening of passengers and their baggage, including the training and testing of those persons responsible for the screening;
- securing of the aircraft against the introduction of explosive or incendiary devices in checked baggage;
- monitoring and securing of all sterile areas under the carrier's control; and
- controlling the handling of baggage and cargo.

The FAA security requirements also include indirect air carrier operators (that is, those agents not directly involved in transporting goods and passengers in the air). These include operators who deal with accepting and delivering cargo to commercial airlines for transport. Due to the vulnerability of aircraft to fire and explosions, indirect carriers are also required to develop security programmes designed to prevent explosives and incendiaries from being loaded onto aircraft in cargo or mail. Air carriers and shippers who send dangerous goods to the USA are also required to transport the materials in accordance with the FAA's Hazardous Materials Regulations. These give shippers the option of complying with them or the regulatory requirements of the ICAO's Technical Instructions for the Safe Transport of Dangerous Goods by Air. To ensure adherence, Special Agents periodically inspect air carriers' operations relating to hazardous materials shipments, and investigate any violations noted.

### ***Civil Aviation Authority***

The security requirements of the ICAO, IATA and the FAA have largely determined the implementation of airport and cargo security in South Africa. As a signatory to the Chicago Convention, South Africa is bound to adhere to all its provisions. Before 1998, South Africa's aviation safety and security fell under the Chief Directorate: Civil Aviation of the Department of Transport (DOT).<sup>14</sup> The establishment of the South African CAA—and the parallel creation of the South African Maritime Safety Authority—was consistent with international trends in regulating civil aviation. The CAA performs the key oversight role for aviation in South Africa in the areas of aircraft, airports, airspace and personnel. The procedures followed in airports for the screening of passengers and baggage, for access control in terms of fencing and lighting, and for the handling, packaging and documentation of hazardous substances are all super-

vised by the CAA. Generally, all relevant organisations and services are monitored by the CAA to ensure that personnel and standards meet international levels.<sup>15</sup>

The functions of the CAA's Aviation Security Department encompass all airport, airline and cargo security. In addition, it undertakes inspections of the security programmes and processes of operators in relation to their handling of passengers, baggage and dangerous goods. Furthermore, local and international trends and key safety indicators are continually monitored, researched and analysed in order to establish whether South Africa's security standards are on a par with those of the global civil aviation community. Regular inspections are carried out to enable the CAA to identify lapses in any of the security systems implemented in and around airports; to determine deficiencies; to recommend ways of rectifying them; and to suggest new regulations. Finally, the CAA can revise any security programme to maintain its effectiveness. Its security inspectors perform their duties in terms of the Civil Aviation Offences Act, but the ICAO Security Manual, Annex 17 and the National Aviation Safety Plan (NASP), as approved by the Minister of Transport, remain the key documents that guide aviation and airport security.<sup>16</sup>

At ground level, the physical implementation of security measures remains the duty of the airport operating company and the cargo operators. In the majority of internationally designated airports in South Africa (with the exception of Lanseria),<sup>17</sup> the operating companies would be either the Airports Company of South Africa (ACSA) or South African Cargo (SAC) and the security companies subcontracted by them. However, certain aspects of responsibility (for example policing crime at borders, goods inspections, goods clearances and securing cargo areas) overlap with those of functionaries such as the South African Police Service (SAPS) (the Border Police), the Customs and Excise section of the South African Revenue Services (SARS) and cargo operators, freight forwarders and agents. (The role and involvement of all these will be dealt with later.)

## **International maritime traffic regulation**

In 1948 an international conference in Geneva adopted a convention that formally established the Inter-Governmental Maritime Consultative Organization (IMCO). The name was changed in 1982 to the International Maritime Organization (IMO), which from 1958 onwards has taken responsibility for the safety and movement of shipping traffic and cargo containers. Having

been set up as a permanent international body to promote maritime safety more effectively, the IMO turned its attention to revising the International Convention for the Safety of Life at Sea (SOLAS), which is the most important of all the treaties dealing with maritime safety.

The IMO has introduced a series of measures to improve shipping safety and related maritime issues. These include the prevention of sea pollution; the facilitation of ship traffic; the marking of load lines; the introduction of maritime distress and search and rescue systems; the safe carriage of dangerous goods; and container security. Maritime legislation is still the IMO's main concern. Around 40 conventions and protocols have been adopted by the Organization. Most of them have been amended several times to accommodate the changes taking place in world shipping. Two recent initiatives are of especial importance. On 1 February 1997 the 1995 amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers of 1978, granting the IMO the power to check on government actions,<sup>18</sup> came into force. Then on 1 July 1998 the International Safety Management Code for ships (passenger, oil and chemical tankers, bulk and gas carriers) of 500 gross tonnage and above became operational.

But while the IMO sets maritime safety standards, the adoption and implementation of treaties remain the responsibility of governments. The IMO has encouraged states to introduce port control systems that adhere to the safety regulations, and also undertakes inspections of ships to ensure they meet IMO standards. Unlike the ICAO, the IMO does not have specific security and safety manuals relating to port side security (that is, the securing of restricted areas and goods).<sup>19</sup> These responsibilities are left to the local port authorities, the cargo and warehouse operators or their agents, and the border police and customs and excise inspectors at harbours. (The differing roles and responsibilities of these functionaries will be outlined in a later section.)

In order to contextualise the current security systems in operation at air and sea ports of entry in South Africa, using the Johannesburg International Airport, Durban Harbour and City Deep Internal Port as case studies, it is necessary to begin by describing the efforts to tighten border controls made by the government from 1994 onwards. Such a review will also allow some comparisons to be made between the security situation then and its present situation.

## CHAPTER 2

# POLICING PORTS AND FIREARMS CONTROL

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### **Tightening border controls**

After the first democratic elections in South Africa in April 1994, the country opened up internationally and was exposed to global trends—economic, political and social. It was also affected by transnational crime to a far greater extent than previously.<sup>20</sup> This had an impact not only on the policing of the borders but also on the activities of organised crime, which ranged from the smuggling of drugs, illegal immigrants, firearms and other goods into the country to the illegal export of stolen cars and endangered species.

The interim Constitution (Act No. 200 of 1993) placed the responsibility for “...such functions relating to border control and the import and export of goods as may be assigned to the Service by law”<sup>21</sup> on the National Commissioner of the South African Police Service (SAPS).

The SAPS has a wide set of functions, including crime prevention, investigation of any offences, the provision of security and the maintenance of law and order. In terms of the 1993 Constitutional stipulation, policing borders is the prime responsibility of the police, in co-operation with the other governments departments involved (Customs and Excise and the Department of Home Affairs—DHA). Customs and Excise has a single border control responsibility, namely “...to provide for the levy of customs & excise duties”,<sup>22</sup> whereas the DHA’s duties are “...to provide for the control of the admission of persons to South Africa”.<sup>23</sup>

By early 1995 the situation at the borders had become a matter of extreme concern to the management of the newly amalgamated SAPS. Accordingly, and as part of the restructuring and transformation process then under way in the police service, a Technical Sub-Committee on Border Control was created to make recommendations for the establishment of a national Border Police component, which came into being at the end of 1995. The Border Police were to have four sub-sections: three would control land border posts, sea harbours and airports, and the last would set up internal tracing units

(ITUs). The personnel of the Border Police were to be recruited from other SAPS structures and given specialised training.

Since 1994, much of the effort of the SAPS (in particular the Border Police) and other government agencies has been directed at dealing with the increase in all criminal activities, particularly those related to organised crime. Many of these efforts have centred on tightening up controls at all ports of entry and co-ordinating inter-departmental efforts. Cross-border initiatives such as the Southern African Regional Police Chiefs Co-operation Organisation (SARPCCO) have made an important contribution to reducing crime. The Organised Crime Investigation Units (OCIUs) of the SAPS have also fostered co-operation with neighbouring countries. Three-monthly tri-lateral workshops are held between South Africa, Swaziland and Mozambique, while co-operation between South Africa and Lesotho has also been established. The Border Police are permanently represented on five bi- or trilateral forums with neighbouring countries, and have entered into close co-operation with Interpol and border control training agencies abroad. The Border Police are also permanently represented on the Legislation Committee for Border Control (LCBC).

A number of new co-operative ventures have been undertaken domestically following the launching of the National Crime Prevention Strategy (NCPS) in May 1996.<sup>24</sup> In July 1996, in an effort to address the lack of co-ordination between the parties involved, the Border Affairs Co-ordinating Committee (BACC) was initiated by the Border Police. The aims of the BACC were both to encourage the different departments engaged in border control to talk to each other at a management level, and to achieve consensus on policy approaches. Monthly meetings were held, but at times co-operation foundered on inter-departmental rivalry, and lack of clarity both on specific roles and the distribution of accountability among the different departments.

In addition, a number of specific partnerships with other departments and with the private sector were formed to assist efforts to combat organised crime. Among these was the Customs Law Enforcement Task Group (CLETG), which was responsible for the co-ordination and exchange of information concerning border control and movement of goods, with particular reference to the avoidance of customs dues and the smuggling of goods. Another was the Business Against Crime (BAC) Border Control Project, which aimed to improve the regulation of the illegal movement of persons and goods in and out of the country through better and more co-ordinated control of ports of entry. The Money Laundering Forum was created to encourage consultation between, and exchange of information with, the banking fraternity, insurance industry and government agencies.

## ***Reviewing existing controls***

An assessment by a US team of existing controls was undertaken in December 1996 to identify weaknesses in the policing of South African borders.<sup>25</sup> The team's report noted that the border control command structure (covering all functions, not just policing) appeared to be disjointed. They also recorded that one of the major challenges facing control at land borders was the "...volumes pertaining to the movement of both cargo and persons, illegal crosses, the smuggling of firearms, vehicles and drugs ...contraband...'round tripping' seems to be the order of the day".<sup>26</sup>

Furthermore, the US assessment team found that security arrangements at the major airports were flawed in that they were mainly controlled by non-governmental organisations such as the Airports Company which were not subject to standard security criteria. Moreover, it was found that at the smaller airports there were virtually no border control systems.<sup>27</sup> At each port of entry visited by the US assessment team, it was generally noted that there was "an unacceptable level of security".<sup>28</sup> At the sea ports there was a notable absence of security personnel. With the exception of the police, the other agencies responsible for border control were not physically located inside the harbour areas. A general lack of security left the ports vulnerable to the smuggling of people and various goods. In addition (as at the airports), officials responsible for border control at the harbours had to rely on premises and facilities provided by private companies or parastatals such as Portnet.<sup>29</sup> The assessment report concluded that overall the situation at South Africa's land, sea and air borders was unacceptable, and that "a general lack of security leaves the ports vulnerable to the smuggling of people, goods, weapons and drugs".<sup>30</sup>

The report's observations, recommendations and conclusions served as the basis for a document motivating a collective approach that was tabled at the NCPS Ministers' Forum and sent to the director-generals of the three departments involved on 20 March 1997.<sup>31</sup> This document was finally approved by the NCPS ministers on 22 April 1997 and ratified by the South African Cabinet on 30 April 1997. The collective approach was, however, seen as an interim arrangement only. It was to be the first step in the reorganisation of border control functions in South Africa. At the time, the Cabinet also accepted that further investigation of border control processes would be needed before informed decisions could be made on an optimal structure that would provide more effective border control. Such a study would have to examine two options: a focused single border control agency, or border control as a co-operative venture, with functionally independent units answerable to a number of government departments.

On 5 May 1997, an inaugural meeting which approved the establishment of a National Interdepartmental Structure (NIDS) for Border Control between the SAPS (the Border Police), DHA (Immigration), and SARS (Customs and Excise), was held. This collective approach was seen as the only workable strategy for ensuring effective border control. During May 1997 pilot 'blitz' operations were launched on a collective basis at ports of entry, among them Operation Sentinel at Durban Harbour and Operation Jacuzzi at the JIA.<sup>32</sup>

## Implementing new procedures

In October 1997 the NIDS Secretariat<sup>33</sup> was formally established to implement a more organised and co-ordinated national structure.<sup>34</sup>

NIDS began its co-ordinating functions by carrying out a comprehensive analysis of the border control environment. From this assessment it became clear that a number of problems needed to be addressed by the SAPS, the DHA and SARS before a more effective border control service could be created. One of the main problems was the absence of uniform standards and regulatory procedures. Instead, border control was being exercised within an ad hoc or reactive environment, with decisions made as the need arose. Realising that a complete reformulation of border control activities was needed, NIDS launched a number of specific initiatives. One of the first was the formation of Mobile Detection Units (MDUs). These incorporated the previous Internal Tracing Unit functions with wider internal search and follow-up actions. The MDUs were to comprise Border Police members as well as immigration and customs and excise officers. Their operational objectives were to improve the overall effectiveness of internal border control operations and to offer a more flexible and mobile service.<sup>35</sup>

All operational activities of the MDUs relate to border control enforcement. Their main focus is the detection of cross-border crime and the carrying out of investigative tasks that do not hamper the mobility of the unit.<sup>36</sup> The first MDU (consisting of Customs and Excise and Border Police officers) became operational in early January 1998 at Lanseria airport.<sup>37</sup> Subsequently a number of MDUs were established at both national and regional levels. A 24-hour Central Control Centre (CCC) was created to assist with management and to co-ordinate the managerial and operational aspects of MDU activities with representatives of the SAPS, SARS and DHA. In addition, technical experts from other government departments (such as the South African National Defence Force—SANDF—and Department of Trade and Industry—DTI) were included as required.<sup>38</sup>

Other security and border control initiatives introduced by NIDS have involved the purchase of additional equipment, the use of new technology, and the reorganisation of operations at ports of entry. (For example, logical flow processes and improved information collection and sharing models are now being used.) Another significant innovation was the reduction in the number of points designated as international ports of entry. NIDS announced that any port of entry wanting to retain its international status would have to implement security measures that conformed to international standards and best practice (as represented by the ICAO, IATA and FAA requirements). In this way, NIDS compelled airport and harbour authorities at international ports of entry to raise their levels of security. By reducing the number of designated airports to ten, NIDS hoped to prevent a repetition of earlier failures in border control measures arising from manpower and equipment shortages, and the relative lack of controls at minor airports that had previously enjoyed international port-of-entry status.

The reclassification was also extended to land and sea ports of entry. Nineteen were designated as land ports of entry for commercial purposes, and 33 for tourist and local crossings. Seven seaports were re-classified: five were designated as fully fledged international seaports, while two were given reduced functions.<sup>39</sup>

A further aspect of the improved security controls at the designated international ports of entry was the use of joint anti-crime (or anti-smuggling) operations. The first of these was the multi-departmental Operation Jacuzzi, which specifically targeted smuggling operations at selected airports. This operation's successes during 1998<sup>40</sup> have continued, particularly in the seizure of drugs being smuggled through the JIA.

These joint operations also created a new model for the sharing of intelligence between all the agencies involved. They have had a significant impact on the amount of contraband leaving the targeted airports. However, it is believed that in some cases the operators and flights involved in illegal trade have merely moved their operations to other airports, therefore MDUs are being deployed at these airports as well.

### ***Impact of the collective approach***

Between 1997 and the end of 2000,<sup>41</sup> the period during which the collective approach was implemented by NIDS, substantial improvements were made to border control, particularly at international ports of entry such as the JIA

and Durban Harbour. These two were chosen to test all the new systems of control. Important lessons were also learnt from the pilot programmes.

Among the management successes arising from the NIDS collective and incremental approach to border control are the following:<sup>42</sup>

- An assessment, which included a review and evaluation of capacity, infrastructure, work processes and systems, was made of weaknesses in border control.
- A management system was implemented which dramatically improved communication and co-operation between the various departments involved.
- A uniform processing system was established for ports of entry or exit.
- All ports of entry were re-classified.
- Uniform design principles and infrastructural requirements were introduced for all ports of entry.
- At ports of entry, basic technological support was upgraded and new equipment purchased. Electrical power supplies, communication links and single electronic platforms (integrated computer databases) were installed.
- Specific enforcement equipment (for instance the x-ray scanner at Durban harbour) was provided and set up.
- The SAPS Vehicle Circulation System and the Department of Transport's National Traffic Information System (NATIS) were linked and made available to border control officials at all land ports of entry linked to departmental mainframe computers (approximately 90 per cent). The UNICODE system for vehicle identification using hand-held scanners is now available at 15 ports of entry. While the SAPS Vehicle Circulation System (VCS) is well utilised—at some border posts up to 100 per cent of all vehicle crossings are tested by this method—the UNICODE method is not, mainly owing to lack of training and manpower shortages.
- An awareness of the need for a focused and integrated approach towards countrywide border control has been created. Specific joint operations

(blitzes) have been carried out, and in turn have exposed collective weaknesses in operational procedures. Also, a management report system has been introduced to enable management at ports of entry to focus on priority risks.

- Infrastructural improvements were implemented at land ports of entry, where a gap-filler programme to provide basic flow control infrastructure and accommodation for personnel has been carried out in two phases in co-operation with the Department of Public Works. Also, at sea and airports, Portnet, ACSA and other airport owners have agreed to develop the necessary infrastructure for flow control, security and accommodation.

These border control initiatives have led not only to new approaches to border control at ports of entry but also to the reorganisation of systems and greater co-operation between the different role players and government departments. However, some of these measures are still in the process of being refined or have only recently been implemented.

## **Border police and firearms controls at ports of entry<sup>43</sup>**

In the 1999–2000 financial year substantial sums were provided to the Border Police for the purchase of equipment to support border control functions. The equipment included vehicles, x-ray scanners, fibre optic cameras (for videoing the inside of cargo loads) and CCTV cameras.

Some of the initiatives adopted by the Border Police have built on the co-operative foundations provided by the NIDS collective approach. In accordance with an October 2001 Cabinet instruction,<sup>44</sup> and to consolidate the collective process already established, a new Border Control Operational Coordinating Committee (BCOCC) was formed. At present the BCOCC is chaired by a member of the Border Police. Besides the lead departments of the SAPS, SARS, Home Affairs (Immigration) and Defence (Border Operations), other departments also have accreditation to the Committee.<sup>45</sup>

The Border Police have a separate monthly meeting with Customs and Excise on matters falling outside the Committee's ambit. Their relationship has been strengthened by certain agreements between them. At the beginning of 2002 the General Manager of Customs made co-operation between Customs and Border Police mandatory to the extent allowed by the recently changed Customs Act.<sup>46</sup> This agreement has been enforced at line manager level, in

contrast to the provisions of Section 4 of the Customs & Excise Act No. 91 of 1964, which specifically prohibited customs officers from sharing customs-related information. The co-operation between Border Police and Customs and Excise at ports of entry has improved dramatically, as has information exchange, although room for improvement remains in certain areas.

Considerable progress has made in the area of information management by the Border Police. Information officers have been appointed at most Border Police units stationed at ports of entry. The tasks of information officers involve the preliminary analysis of information (a process replicated at provincial and national level). Information collection focuses on five types of crime prioritised at ports of entry: those relating to vehicles, drugs, firearms, false documents, and dealing in abalone. A Border Police officer is required to fill in a Modus Operandi Report (MOR) for each seizure and arrest related to one of these types of crime. The MOR contains information on the type and description of goods seized; the details of the person or persons involved; and the *modus operandi* used. This report forms the basis of the first level of analysis. The information is then handed over to the SAPS Crime Intelligence section for a second and more comprehensive analysis. At provincial and national levels crime intelligence forums, in which detectives and crime intelligence officers participate, have been established. Their aim is to ensure the implementation of a unified SAPS action plan to deal with the five prioritised types of crime. The information collection system is continually being adjusted and refined.

The movement of firearms across borders presents a number of practical problems for the police. (The term 'movement of firearms' covers both illegal trafficking and legal exporting and importing.) These problems are attributable to a variety of factors:

- There is a shortage of border control personnel.
- Border Police personnel have low levels of expertise.
- Many Border Police officials have not received the training required to operate some of the control machines.<sup>47</sup>
- The firearm detection equipment is seldom used, for various reasons. One is that no budgetary allowance has been made for the equipment to be incorporated into the normal flow control process. Also, the optic fibre camera cannot be used in all cases because it is time-consuming. While it is possible for the Border Police to check the registration number of

every vehicle passing through a port of entry, it is impossible to search every vehicle or piece of passenger luggage using the optic fibre camera. Accordingly searches are information- or suspicion-driven. If at any one port of entry ten optic fibre camera searches are undertaken per day, this represents a good rate in terms of existing capacity. However, optic fibre camera searches are not as slow as physical searches, which involve offloading, unpacking and searching all goods and luggage.

- A major impediment to the effective use of Border Police equipment has been a lack of information on imports and exports of commercial firearms. Even less information is provided on military arms.
- Implementation of the new Firearms Control Act<sup>48</sup> and the provisions of the *Border Police: Procedure Manual* have been delayed because Act has yet to be promulgated. However, some of the measures for controlling the movement of firearms have already been tested in pilot exercises, and promise the expansion and improvement of the current measures (which are prescribed by the existing Arms and Ammunition Act).
- The new Firearms Control Act contains regulations that cannot be implemented by the Border Police without further training that is procedure specific. The new *Border Police: Procedure Manual*, which was accepted by SAPS management in May 2002, contains a section on firearms control that may go some way towards filling the gap.

## **Drawbacks and potential problems**

Added to the limited availability of information on weapons imported and exported is the problem of insufficient information sharing. This is compounded by the fact that certain information databases (not only within the SAPS but also in other government departments) are not integrated. The resulting fragmentation of information sources exacerbates the difficulty of collating information at one central operational point. Yet comprehensive crime intelligence is required to plan joint inter-departmental operations and take steps to prevent trafficking in arms.

Information that is available in various databases managed by the SAPS is currently restricted to commercial firearms. Little information is accessible on the export of military weapons to agencies outside government, although these exports have to be checked by the National Conventional Arms Control

Committee and approved by Cabinet. The only information provided on military exports relates to taxes and dues paid on export consignments. No details of the type and number of weapons or the size of consignments are given as this information is confidential (in accordance with the Customs & Excise Act No. 91 of 1964 and the relevant tax laws).

Currently, information collection and the crime intelligence system are hampered by a procedure that is still manual and paper-driven, although the Border Police (and the SAPS) are developing an electronic collection process. There is also the challenge of establishing a more effective profiling system at all ports of entry (and of converting the manual paper document system to an electronic one) to manage profiles using the existing Border Police infrastructure. Another aim is to extend the existing profiling system to other regions of the world by integrating it with the systems used by other policing agencies.<sup>49</sup>

## **Import and export controls on firearms and ammunition**

Previously the cross-border movement of firearms and the import and export of arms and ammunition were governed by the Arms and Ammunition Act No. 75 of 1969.<sup>50</sup> Although the new Firearms Control Act (FCA) No. 60 of 2000 is to be implemented from mid-2003, the requirements of the Arms and Ammunition Act are still applicable for enforcement in the interim. The Arms and Ammunition Act stipulates that the importation and exportation of arms and ammunition cannot occur without the requisite permits. These can be issued on application by any police officer if the firearm in question has a “manufacturer’s serial number or any other number by which it may be identified, stamped or engraved on the metal of the arm”.<sup>51</sup> The import or export of arms and ammunition also requires customs and excise documentation, clearance certificates, manifests and waybills at the point of entry or exit. If the purpose of importing “an arm by any person having such an arm in his possession on entering the Republic” is its possession and use (as distinct from its sale), the importation permit is endorsed and subsequently taken as a licence to possess that firearm.<sup>52</sup>

The FCA is more direct in its provisions restricting the manufacture and export of firearms and ammunition: “no person may manufacture any firearm or ammunition without a manufacturer’s licence”. Furthermore, a manufacturer is allowed to sell firearms only to a registered dealer or to the state. In addition, firearms and ammunition may be imported or exported only if an import or

export permit has been issued in terms of the Act.<sup>53</sup> The issuing of such permits is to be controlled at the SAPS Central Firearm Register (CFR). An in-transit permit is required for anyone carrying a firearm and/or ammunition through South Africa, a specific improvement on the provisions of the Arms and Ammunition Act.<sup>54</sup> Both old and new acts stipulate that no permit (export, import or in-transit) will be issued for any firearm or ammunition that lacks the required identification marks.<sup>55</sup>

Another measure introduced in the FCA to ensure additional security in importing and exporting firearms is the requirement for the CFR to establish and maintain a central importers' and exporters' database,<sup>56</sup> which will be linked electronically from points of exit and entry to the CFR central database. This will ensure far better monitoring of the movement in and out of the country of all consignments of firearms and ammunition, and will enable the authorities to check on the quantity and frequency of such imports and exports.

In-transit permits are also to be entered into the central database. For example, a foreign big game hunter coming into the country at the JIA will not be able to exit from Lanseria Airport without presenting such a permit. In the past, there was no way of 'red flagging' such passengers on the Movement Control System (MCS) or of checking whether the firearms in question had left the country. There have been cases in which game hunters have presented their hunting rifles to tour guides or trackers before leaving the country, with the result that these firearms remained in South Africa illegally.

## **Controls on the movement of firearms**

As already noted, in terms of the FCA the SAPS is responsible for controlling the movement of firearms countrywide. More specifically, the Border Police are responsible for the control and monitoring of the import, export and transit movement of all firearms. In the past there was a tendency to allow private security companies employed at the airports to monitor the movement of firearms,<sup>57</sup> largely because of manpower shortages in the Border Police. Much of the paperwork was processed by the consignee or forwarding agent. Also, the Border Police air and sea units at the various international ports of entry were not yet operational.

However, according to the provisions of the FCA and the new *Border Police: Procedure Manual*, the Border Police are required to take over the control

and supervision of the movement of firearms through all ports of entry. The sections below cover the responsibilities of the Border Police relative to the passage of firearms.

### ***Temporary imports***

With regard to private individual temporary imports (such as a firearm for hunting or for personal use), the Border Police must establish whether the person travelling through a port of entry is in possession of a firearm, and grant that person the opportunity to declare it. This is typically done by observing the shape of luggage (for example, a rifle carry-bag) or by x-raying baggage. However, because baggage x-ray operators are primarily looking for dangerous substances or explosives, a firearm observed inside cargo baggage will not automatically be reported to the police. Hand luggage is also x-rayed. The presence of a firearm is an automatic 'red flag', and is reported immediately. The passenger to whom the hand luggage belongs is stopped and subjected to a body search. The reason for this differential treatment is that technically, the greatest danger to security lies in weapons in hand luggage. This is not the case with cargo luggage, because a firearm in the hold cannot be accessed by a passenger. The primary danger in the cargo hold is explosives. This situation presents a security loophole in that a passenger need not voluntarily declare a firearm in cargo baggage. Moreover, the x-raying of both hand luggage and cargo baggage generally takes place only when international passengers are exiting, although after 11 September some ports of entry instituted 'reverse screening', in which the incoming baggage of both international and domestic passengers is x-rayed or screened.

If a person declares a firearm as a temporary import, an application form (SAP 311) must be completed at the port of entry. When this form is completed, the Border Police make a number of checks. They

- request the firearm licence that serves as proof of ownership;
- test the serial number of the firearm on the Firearm Circulation System;
- determine whether the firearm may be imported; and
- compare the serial number of the firearm with the serial number on the licence and the SAP 311 form.<sup>58</sup>

If these requirements are not met, the firearm must be handed to the Border Police for safekeeping and will be released to the owner only on his or her departure from the country. If the owner refuses to hand over the firearm, that person will be directed to Immigration for possible cancellation of his or her entry visa or temporary residence permit, and be refused entry into the country.<sup>59</sup>

When all the requirements are met, the Border Police approve the application and fill in a SAP 312 (temporary permit). Two further checks are required. First, the period for which the SAP 312 is issued should not exceed that covered by the visa or temporary residence permit. Second, the particulars of the firearm and owner are entered and circulated on the MCS and the original copy of the SAP 312 is handed back to the permit holder. These two steps ensure that when the person exits the country at any port of entry he or she will still be in possession of the firearm. To that end, certain checks are made on that person's departure. These include physically comparing the particulars of the firearm with the information provided in the SAP 312 and on the MCS, and collecting the original copy of the SAP 312 from the departing owner, to be forwarded to the CFR for record keeping.<sup>60</sup> If a person is found to have imported a firearm into the country and attempts to leave without it, he or she will be refused exit until a complete investigation into the matter has been completed and the firearm has been found.<sup>61</sup>

### ***Permanent imports***

In terms of importing a firearm permanently, a person must have the following documentation:

- a completed SAP 312 issued by the CFR;
- an import permit issued by the DTI; and
- proof of payment to the SARS of the relevant tax and customs duties.<sup>62</sup>

The firearm will be put through the same inspection procedure regarding serial number and ownership as for a temporary permit. If a person arrives at a port of entry wanting to import a firearm but without the requisite documentation, the firearm will be confiscated and put into safekeeping. It will be released only when all the correct documentation is obtained and all tax duties required are paid.<sup>63</sup>

In order to ensure better control over firearms and ammunition in safekeeping at ports of entry, the Border Police have now instituted the SAPS 312 (a), the so-called 'Register for Firearms Handed in for Safekeeping',<sup>64</sup> which is a serial number-controlled register.<sup>65</sup>

In essence what the FCA and the new Procedure Manual have introduced are more control checks and a stricter accounting of the movement of firearms and ammunition in, through and out of ports of entry.

### ***Securing and safekeeping of firearms***

Airlines are generally held responsible for the transportation of firearms and ammunition. Often airline companies use private security companies to ensure their safe transportation. This includes accepting them, clearing them into safekeeping and transporting them to the 'diplock'.<sup>66</sup> However, since the beginning of 2002 the Border Police deployed at the JIA have assumed all the securing and safekeeping functions pertaining to the air transport of firearms. All firearms must be permit controlled and handed in at the Border Police counter instead of the airline check-in counters or one of the security points. No airline may allow passengers to board an aircraft while in possession of a firearm or ammunition; and no airline may accept any firearm and/or ammunition from a passenger. Such a passenger must be referred to the Border Police counter, where all firearms are collected, inspected and the relevant import or export permits issued. When the Border Police have approved the permit, the relevant security personnel are requested to collect the firearms and deliver them safely to the aircraft for loading and locking in the diplock.

Incoming firearms are collected by designated special security personnel, who transport them from the aeroplane to the terminal building and hand them over to Border Police personnel. The passenger can collect the firearm and/or ammunition and the relevant import permits from the Border Police counter on production of the appropriate licence, permit, own identity document, and the register for safekeeping (SAP312(a)). All handing in and out of firearms and ammunition is recorded and cross-referenced in the occurrence book.<sup>67</sup>

## **Control over consignments of firearms and conventional armaments and explosives**

The SAPS' mandate for the control of commercial firearms, ammunition and explosive materials is set out clearly in the FCA and the Explosives Act, No 26 of 1956. However, its ultimate responsibility is derived from the general crime prevention provisions in the Constitution and the South African Police Service Act, supported by the administrative co-operation and procedures of the SAPS (Border Police) and the SANDF.

In order to assist the inspection of consignments of firearms or conventional armaments, the Border Police require specific documentation,<sup>68</sup> which must be received 24 hours (for imports) and 48 hours (for exports) in advance of the inspection. This documentation must provide all the particulars of the items being imported (or exported):

- date of arrival/delivery (or of actual export);
- agent(s) involved;
- description of items;
- quantity;
- serial numbers;
- method of packaging;
- method of transportation (sea, air, road or rail)
- seal number (if containerised);
- container and vessel (if applicable);
- contact person or member responsible for packaging;
- final destination and importer (or exporter); and
- any special notices or remarks concerning the consignment.<sup>69</sup>

### ***Importation***

On receipt of import documentation, the Border Police register the consignment at the specific port of entry. A member of the Border Police contacts the importer to verify the nature of the import, date of arrival, destination and other information, so that the vessel or vehicle and container can be physically

located and identified. Before the consignment can be inspected, it must be taken to a secure area. (If the inspection takes place on the premises of the importer, the items must be kept in a safe.) Where possible, two members of the Border Police unit should be present during any inspection, as must the importer or agent and a customs official. Also, depending on the contents (for example if they are explosives or flammable substances) an Explosives Inspector and the Fire Department must also be present. During the inspection the consignment is verified against the appropriate documentation, and the seals checked to ensure they have not been tampered with. The consignment is then opened and every serial number on firearms or identification number on ammunition or explosives is physically checked and compared with those supplied on the shipping manifest and import documents.

After the inspection, if the officials concerned are satisfied that the consignment is in order, it is resealed with the SAPS police-issued seal. The seal number will be written on the required documentation (SAP 53). The import permit and the importer's documents will also be endorsed and signed by the Border Police member performing the examination, to verify that an inspection has been undertaken and completed. Customs seals are added after inspection unless the contents are simultaneously being customs cleared. If the goods are in transit they will be resealed as a matter of course after the inspection, and the container will be reopened only when it reaches the importer's premises. The CFR is then notified in writing that the inspection has occurred. The notification must include the names of the persons who performed the inspection; the date the inspection was carried out; the new seal number—if applicable—and any special remarks.

## ***Exportation***

For the export of firearms and conventional armaments, a similar procedure is followed. The same kinds of information and documents are required as for imports. Again the Border Police member who has inspected the consignment marks it with the required police seal in the presence of the exporter (and the other officials mentioned above, as applicable). The seal number is endorsed on the export documentation, which is also signed to verify that an inspection has been made. If the consignment has been inspected and sealed at the premises of the exporter, the Border Police must also ensure that the whole consignment arrives safely at the port for loading and exportation. At the point of loading the seals are inspected again, to check that they are still intact. The CFR is notified in writing, as described in the previous section.

Overlying these control measures for firearms are the general security and screening procedures used by the different role players at airports and harbours. This overlay is important for the overall security process, since it concerns not only goods handling but also the screening of baggage, movement of foodstuffs onto aeroplanes, the monitoring of maintenance and cleaning staff, the securing of restricted areas, restriction of access to certain areas and so on. Because these overlying systems can provide opportunities for the circumvention of the safety processes for the export and import of firearms, these systems will be assessed in the case studies that follow.

## CHAPTER 3

# SECURITY MEASURES AT AIRPORTS: JOHANNESBURG, DURBAN AND LANSERIA

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### **Policing Johannesburg International Airport<sup>70</sup>**

At the JIA, the main focus of the Border Police is the policing of all crime that occurs at the border (port of entry). They inspect goods, search passengers, detect smuggling activities and monitor exit and departure flows. Within this policing function falls the inspection of all firearms and ammunition consignments. The Border Police operate on an information and profiling system, based on the scrutiny of manifests (relating to both goods and passengers) and on information received. Spot checks are also made on incoming and outgoing cargo goods and passengers.

The scrutiny of manifests involves establishing risk factors such as country of origin and false goods declarations (incorrect, inaccurate or wrong weight given, or under-valuation) and then profiling both cargo and passengers. (Risk factors for passengers include country of origin, flight and destination.) If profiling and scrutiny of the documentation raises any suspicions concerning cargo goods, a physical inspection is carried out on the consignment. This system is backed up by regular spot checks of incoming and outgoing cargo, which, being random, serve as a deterrent to persons wanting to smuggle goods or to circumvent the control systems. Also, the Border Police periodically conduct special operations, in which passenger profiling and baggage inspection play a greater role, to look for firearms or drugs.

### ***Obstacles and problems***

The current systems used by the Border Police are hampered by various practical shortcomings:

- At the JIA, scoping (the insertion of a telescope fibre optic camera into sealed containers) has not been as successful as anticipated, partly because scoping is a video camera system and not one that tests the air within a container for traces of chemical agents).

- There is no x-ray scanner big enough to inspect an entire container. Currently the Border Police at the JIA have only hand-held x-ray scanners to search for drugs and explosives.
- Although a pallet-sized x-ray scanner was acquired a year ago, it has proved too small for the purposes of the police. Also it is impracticable to transport pallets or smaller containers to the machine to be x-rayed. However, it is being used to scan smaller parcels, especially those carried on private and/or unscheduled flights.
- The documentation verification system is still manual.
- In the past, the Border Police had no access to Customs and Excise information, but since the agreement on co-operation between the two bodies was made at the beginning of 2002, the sharing of intelligence has improved. However there is still a need for formal decisions to be made on the exact nature and manner of the information sharing.
- Over the past year there has been a big increase (estimated at 38%) in cargo going through the JIA. This has multiplied the work load of the Border Police, and made it more difficult for them to fulfil their duties to develop profiles, make risk analyses and inspect cargo.
- Before 2002 the security companies screening incoming and outgoing passengers issued temporary permits for firearms. That responsibility was taken over by the Border Police at the beginning of 2002.
- Apart from the issuing of the SAP 53 for the CFR, which was done by the police, the inspection of actual firearm or ammunition consignments for export before 2002 was largely the responsibility of Customs and Excise, who checked seals and on occasion the contents of containers. Since 2002, inspections of consignments of arms and ammunition are undertaken jointly by Customs and Excise and Border Police officials. Additional security measures have been introduced by the South African Cargo (SAC), which has decided to treat firearms and ammunition exports as both 'Dangerous Goods' and 'Valuable Cargo'. However, big (in terms of bulk and weight) consignments of firearms and/or ammunition passing through the JIA have been few and far between over the last few years. Most arms exporters and importers prefer to make use of large containers and the facilities of either City Deep Internal Port or Durban Harbour.

- It is standard practice for Customs and Excise to inspect, clear for export and seal big consignments at the shipper's warehouse where it is packed, in keeping with the 'known shipper' principle. (This process is explained in a later section.) Currently the Border Police inspect the consignment only to check that the seal is intact. They would prefer to make a physical inspection of the contents and reseal the cargo at the point of departure (which is a sterile or restricted area, such as the Valuable Goods acceptance area at the SAA cargo terminal).
- The Border Police have identified a new trend in the movement of firearms through the JIA. Firearms (usually singly or in small consignments) are sent through the post, without the necessary permits. The x-raying of all parcels (a process that was implemented only in 2001) is now being used to identify packages containing firearms.

The Border Police have identified several potential loopholes in the systems used at the JIA that could be exploited for trafficking in firearms:

- **The mixing of international and domestic cargo.** Unlike some overseas airports, the JIA does not have specific terminals or areas that separate international from domestic cargo, although the South African Airways (SAA) Cargo Terminal has specific stacking rows within its warehouse for the different types of cargo. However, the JIA has plans to build separate cargo terminals for domestic, international and transshipment cargo.
- **Shortage of staff.** Border Police at the JIA need more members who are specifically trained to undertake physical inspections.<sup>71</sup> Because of the current shortage of trained personnel, not all profiled cargo can be physically inspected.
- **Shortcomings in the existing profiling system.** The Border Police suspect that some contraband cargo (not necessarily firearms) is slipping through the current detection systems. There is therefore a need to make the system used for profile analysis an electronic one, and for staff to be trained to use it.
- **Lack of scanner capacity.** A pallet x-ray scanner big enough to handle all sizes of container, and another x-ray scanner to handle container-size consignments, should be purchased. Training is also required for the operators of these big machines. Additional control points equipped with

body scanners (walk-through metal detectors) should also be introduced to supplement those at existing passenger access and exit sites.

- **Poor reporting of contraband.** Smuggling detected by other security personnel at the JIA (and not by the Border Police) often goes unreported. Therefore the recording of contraband should be made compulsory for all agencies operating at the JIA, so that these activities can be investigated by the police.
- **Deficiencies in the Foreign Freight Terminal systems.** There is lax security at the Foreign Freight Terminal arising from too many agents and separate warehouses with insufficient warehouse packing space under cover. Additional CCTV cameras linked to a central control room in agents' warehouses should be installed. Cargo handling agents, freight forwarders and receiving shippers need to be linked to one cargo tracking system. Also, a central weighbridge is required so that the consignment weights declared on Way and Entry Bills or customs declarations can be compared with actual loaded-for-departure weights.
- **Exploitation of the lax control systems in some exporting countries.** Some countries lack sufficiently strict regulations and inspection standards for firearms consignments. This results in the importation of firearms that have not been inspected or properly cleared by the authorities in the sending country. These shortcomings point to the need for stricter enforcement on all exporting countries of international agreements on firearms.

## Customs and goods control at the JIA<sup>72</sup>

Each of the role players at the JIA has a number of functions, with interrelated (and sometimes overlapping) responsibilities. Basically this whole chain of actions and duties starts with the responsibility of the airlines using this airport to deliver passengers and cargo goods to the right area for disembarkation or embarkation, offloading or loading, which they do with the support of ACSA. Within this chain of movement both the Border Police and Customs and Excise play a control function.

The Border Police have a crime policing role, control over the issuing of permits, and responsibility for monitoring the movement of consignments containing firearms and/or ammunition. However, the legal obligation for the

control of the movement of goods across borders<sup>73</sup> rests with Customs and Excise (a subsection of the SARS). Its duties include checking goods to ensure that value and description declarations are correct and that documentation is complete; sealing inspected goods or clearing them for release; and checking that the correct taxes or duties have been fully paid. Accordingly the primary function of Customs and Excise is to monitor the movement of cargo goods, collect the revenue due, and inspect and release cargo.

In turn, the SAPS Border Police are entrusted with process flow monitoring: that is, with ensuring that systems work properly within the secured area and that passengers go through the correct channels. Obviously when Customs officers, in executing their primary function, find evidence of illegal movement or the commission of a crime, they will collaborate with the SAPS in dealing with whatever illegal act has been committed.

Customs have a Risk Profiling Team to prevent smuggling. This team identifies risks and smuggling trends, and conveys this information to the 'anti-smuggling' teams on the ground. These teams undertake searches and check cargo holds on the basis of the risk profile and information provided by the Suspicious Activity Reports (SARs) of Customs officers stationed at the various ports of entry in South Africa.<sup>74</sup>

## ***Identified shortcomings in customs functions***

### *Surveillance and risk profiling*

Customs JIA report that there are not enough CCTV cameras to cover their operations, although ACSA, which controls CCTV surveillance, has installed security cameras at a number of strategic points all over the terminal building. Customs and the Border Police would like to have continuous access to camera surveillance. That would entail not only being able to review a specific tape when a crime or suspicious activity has occurred, but being able to watch the actual monitoring. Customs would like to have their own monitor screen outside the actual monitor control room, so that they can access the system directly. Often Customs have difficulty in pointing out a passenger who is behaving suspiciously to an undercover officer, in time to intercept that passenger. The ACSA monitoring system is currently not designed to assist Customs detection or intervention.

One of the current drawbacks to the SAR system is that the analysed information is rarely passed on to the Border Police or Customs, or even to the

National Prosecuting Authority's Directorate for Special Operations (the Scorpions) for action. Furthermore, interventions on the ground should be entered into the record more frequently so that this information can go back into the analysis loop. In this way new requirements for interventions could be generated. Another drawback is that Customs are failing to detect contraventions because 'floor profiling' is still being done. (Floor profiling often means that when one passenger is stopped, other passengers representing a potential risk will pass unchallenged through the channel while the intercepted passenger is being searched.) More Special Units are needed so that a greater number of targeted operations can be launched in response to information received.

### *Information management*

Structures have been established for managing information, but lack the requisite support. Also, these new arrangements suffer from a shortage of co-ordination and professional training. Overall the information management system remains fragmented.

All information generated by SARs is entered into a central database based on written reports by each officer of any suspicious activity observed and any detection or intervention made. The various customs officers at ports of entry are unable to enter this information directly to the central database via a linked computer, but instead have to record their findings in writing. The performance management system followed by Customs requires that each officer generate at least two written reports per month, which has slowed the process down even further. The system tends to be cluttered with "useless" (not relevant or specific) information inserted into the required number of reports merely to fulfil the performance requirement.

The passenger control process used by Customs is a stand-alone system at every port of entry. It is not yet linked to a central computer, which exacerbates the fragmentation of information. Moreover, SAR intelligence is not integrated with the DHA's Movement Control System.

### *Goods inspection*

In the system of goods inspection used by Customs, couriered parcels are not covered by inspection regulations because courier companies are not consid-

ered to be clearing agents. Therefore they accept parcels using DA 306 forms, which are different to the DA 500 forms which apply to containers and larger parcels or packages of cargo. Moreover, most couriered parcels are declared as 'low value': very few are designated as 'high value'. Another factor is the volume of cargo that passes through the JIA each day. For all of the above reasons, couriered parcels tend not to be physically inspected.<sup>75</sup> At present the sheer volume of cargo processed means that spot checks are made only when indicated by risk profiling.

A second problem relates to cargo unaccompanied by manifests, particularly goods coming in on unscheduled flights. Owing to the current staff shortages, Customs is unable to check every cargo hold.

A weakness that might be exploited by smugglers is the current practice of taking incoming cargo to 'degrouper' stores, where pallets are split up and the contents sent to different clients. While in principle no degrouper stores or warehouses should be registered unless certain security requirements (for instance CCTV systems and 24-hour guarding) are met, security is known to be lax at some stores. In practice 60–70% of incoming goods are sent by road to different company warehouses, and are checked and cleared only on arrival. This implies that cargo can be tampered with or substitutions made while the cargo is en route to these registered warehouses.

Although perfunctory checks are performed on vehicles at the exit gates, persons and goods are not being screened when leaving the airport secured area because Customs do not have the staff or facilities to do so. Searches are conducted only on rare occasions, and then mainly on request (for example a warning about endangered species being transported) that they should check for specific cargo. Customs officers believe that all persons and goods should be checked on exit, because this would prevent anyone from collecting goods without a manifest. The official reasons given for failing to conduct such scans are a shortage of x-ray equipment at exit gates, and the argument that if the machines are used to scan both incoming and outgoing traffic the working lifespan of the equipment will be halved.

### *Unscheduled flights*

Unscheduled flights are a major problem for goods control.<sup>76</sup> Currently the JIA receives a number of unscheduled cargo flights. Operators using Ilyushin or Antonov cargo planes of Russian origin work on the fringes of the formal cargo

carrier trade. Some of these use their aeroplanes as offices and sleeping quarters. They do not park in the official parking bays, where they have to pay for parking, but taxi to the far end of the JIA airport cargo complex. Ninety per cent of these unscheduled flights land and leave late at night.

An office to be manned by Customs and Border Police on a 24-hour basis is planned to make possible the full inspection of all unscheduled flights. Both of these agencies suspect that some of the unscheduled flights may be bringing in weapons and departing with loads of abalone or other contraband, although so far no evidence of smuggling has been found. The scenario for a possible smuggling pattern is as follows. The incoming flight carrying weapons or other contraband also has some legal cargo aboard. Somewhere along the flight path, the operators are suspected of dipping below radar detection height, landing on a makeshift landing strip, offloading and taking to the air again within a matter of minutes. They then fly to the JIA, land, unship the legitimate load of cargo, refuel, reload new cargo and take off. On the outward-bound flight they again touch down at the landing strip, load up with abalone or cigarettes,<sup>77</sup> and take off. Until low-level tracking capabilities are installed in South Africa, it is believed such illegal operations will continue.

The suspicions harboured by Customs and the Border Police are fuelled by the patterns observable in the unscheduled flights. Common factors are the late night arrival and take-off times; the small amount of legitimate cargo offloaded and taken on at the JIA; and the absence of operator offices in South Africa. Also, some of the pilots do not have residency permits (which might explain why they sleep in their aeroplanes and park illegally at the end of the runway).

The authorities need to deal decisively with the problem. This could be done by impounding or confiscating the aeroplanes thought to be used for these irregular flights, or by installing a network of mobile radar stations. Unfortunately this is an exorbitantly expensive exercise not warranted by the extent of the suspected trafficking.

Many of the Russian-built planes<sup>78</sup> used for unscheduled flights originally saw service in Angola. They are old and poorly maintained. Lack of airworthiness might be used as a pretext for grounding them. Unfortunately, the impounding and confiscation of aeroplanes on the grounds that they are used for smuggling is not within the Customs remit, but can be done only by the Scorpions' Asset Forfeiture Unit. Ideally, this type of asset forfeiture would also be included in the Customs & Excise Act, giving Customs the authority, at the very least,

to initiate a confiscation procedure prior to handing the investigation over to the Scorpions for further action.

### *Mail and parcels*

Until quite recently the international mail centre at JIA had no x-ray scanners for the screening of all incoming and outgoing mail parcels. Mailbags sent for international despatch from post offices were also supposed to be screened. While this is currently being done, these mailbags (which originate from sources outside the JIA) are screened as a whole and not separately, as individual parcels or items. Such group screening makes it difficult to pick up any contraband, even firearms. Individual screening has now been instituted at the JIA mail centre for all parcels received for international despatch. A few firearms being sent out of the country in parcels have been identified and confiscated.<sup>79</sup> But it has been found that people shipping firearms out illegally have now resorted to sending them in pieces. Such piecemeal mailing of parts makes it difficult for the x-ray operator at the mail centre to identify a metal shape as belonging to a firearm, unless he or she has been specifically trained to do so. Alternatively, whole firearms or pieces of firearms may be wrapped in foam and tin foil, which changes the shape of the item, making it doubly difficult for operators to identify the object being screened as a firearm or part of a firearm.

### *Passengers*

Customs receive the passenger manifests three hours in advance of an aircraft's landing, too late to do anything about inspecting either baggage or passengers unless they have prior warning or have done a risk profile of that particular flight. At the JIA, efforts are constantly made to adhere to the ICAO recommended practice of clearing passengers within an average of 45 minutes. In trying to stick to this time limit the agencies responsible for security controls are unable to screen all disembarking passengers, especially as both immigration and baggage collection processes have also to be completed within that short period. Accordingly the opportunity to identify a suspicious passenger is limited to the approximately 22 seconds during which that passenger is passing through the exit channel.

Currently Customs are working on developing an electronic system which will enable them to receive information on a passenger as he or she books in at

the international point of departure, and to correlate this information with that already stored in the Risk Management System. This can be checked against the record of that passenger (for example previous movements, frequency of flights and earlier destinations). In addition, access to the ACSA CCTV monitor system combined with a greater number of floor staff to undertake on-the-spot floor inspections would improve the whole detection and intervention system for passengers disembarking at the JIA.

### *Cargo*

While the same problem is experienced to a lesser degree in the receipt of Bill of Entry and goods manifests for cargo, there is a longer turnaround period for incoming cargo at the JIA (approximately six hours). Plans are under way to make more of the documentation system electronic-based, so that in future goods manifests will be received before a flight lands. In this way more in-depth risk profiling and analysis of specific consignments can be carried out.

Overall Customs JIA do not have the capacity to examine every article passing through the facility. Even if they were to stop the flow to make more thorough inspections, this would create excessive delays and block the system. In practice they are able to physically inspect only an estimated four per cent of cargo. (This is in line with international norms.<sup>80</sup>) Moreover, inspections rely on risk assessment and profiling, which means that most cargo is cleared on the basis of an examination of its documentation—where the ‘known shipper’ principle comes into operation.<sup>91</sup> Customs trust these registered shippers to check the contents of cargo, pack them properly and complete all the required documentation correctly. Accordingly they pass such cargo on receipt of all the documentation without physically inspecting the contents.

The increase in air traffic through the JIA means that currently on average 88 international passenger and four cargo flights are received every day, with most commercial passenger flights also carrying parcels and cargo. Since passenger and goods manifests are often not received before arrival, a window enabling smugglers to slip through existing control measures is created. If no passenger manifests are received before a flight lands, Customs are unable to draw up a risk profile on the point of origin in advance. All they can do is look at the baggage tag on the passenger’s luggage, to find out where he or she has travelled from. Even this type of check can be frustrated, because some passengers pull this tag off.

## Improving customs operations

Ways in which Customs can work more effectively in co-operation with police include the following:

- improving the rate of inspections (although this has manpower and technology implications);
- streamlining the flow process;
- establishing a full electronic system for all customs documents, goods and passenger manifests (to assist information tracking, the calling up of back histories of shippers and travellers, and analysis of patterns and trends to inform decisions on what consignments and which passengers to search);
- implementing their own random selection of cargo for physical inspections (as opposed to the police-based random inspections);
- making greater use of the SARS SARs by collecting and collating information from all kinds of sources at a central point, analysing it and passing the results back to customs officers at all the different ports of entry (which assists the selection of which consignments to investigate);
- developing a larger investigative capacity, and making investigations strongly information-driven;
- providing specialised training for scanner operators in contraband and firearms recognition;
- implementating a goods-based (as opposed to a crime-based) informer system and publicising this among all agents, shippers, forwarders and operators; and
- encouraging and publicising wider use of the anonymous toll-free number (SARS Hotline) for reporting customs violations.

## Airport security

At the JIA the first layer of physical security is perimeter fencing and specific restricted areas (those for baggage handling and airside areas such as the

apron and hangars). This security is provided by an ACSA-contracted security company and consists of the following:<sup>92</sup>

- access control at perimeter fence gates;<sup>93</sup>
- perimeter fence patrols;
- electric monitoring of the perimeter fence; and
- the screening of personnel and cargo entering through the control gates.

### ***Access control gates and screening***<sup>94</sup>

Since 1 April 2002 a new system of reverse screening, which means that personnel, goods and equipment are screened on entrance and exit, has been implemented at all gates. Previously much of the outgoing traffic was not screened. Now the permit is checked when the holder passes both in and out, and it is cross-referenced with the Register Book. All baggage is inspected, and the driver's cabin, the underside of the vehicle and the engine compartment of each vehicle are checked.

The access control guards work a 24-hour two-shift system, and the number of personnel at each gate is dependent upon the volume of traffic flow. Big gates have between five and six personnel on duty, while the smaller gates have one to three. A total of 118 personnel per day are currently used on these shifts. All guards are registered with the National Keypoints Committee and the Security Officers Board (SOB). The latter is being replaced by the new Security Industry Regulatory Authority (SIRA), which required all new registrations to be made before the end of 2002.

### ***Perimeter fence patrols and electronic fence monitoring***

Perimeter patrolling is done by one 24-hour two-shift patrol vehicle with two personnel on board who are armed with pistols. (No patrol dogs are used for perimeter fence guarding at the JIA.) This vehicle is radio-linked to the JIA Joint Operating Committee (JOC) control centre. The perimeter fence is also electronically monitored in sectors. If there is any movement activity in a certain sector, the electric fence is activated. This sets off the monitor in the JOC Control Centre. The particular sector activated comes up on the screen, and

the patrol vehicle is notified by radio so that it can go and check on what has activated the monitor. The JOC monitor is manned on a 24-hour basis, and all activation incidents are registered in a log book. The patrol vehicle also has a log book in which any activation calls from the Control Centre are registered. If a number of sectors are activated simultaneously, the patrol vehicle inspects them in sequence. General day-to-day patrolling involves the patrol vehicle driving along the fence, whose condition is continually checked. If the fence shows any signs of damage or deterioration, the company responsible for 24-hour fence maintenance is requested to come out and repair it.

The purpose of both access control and perimeter fence patrolling and monitoring is to prevent any breaches. They represent the last line of checks and screening for any possible smuggling of goods and any tampering with or stealing from outgoing or incoming cargo.

### ***Potential shortcomings***

Over the last few years the JIA has grown in size. This has led to an increase in air traffic, passengers and goods.<sup>95</sup> Because a greater number of airlines operate from the JIA, the space allotted to foreign airlines (including areas for cargo and warehousing) has become congested, as have the traffic flows through all the perimeter access gates. More personnel are needed to man these gates and patrol the perimeter fencing.<sup>96</sup>

With the implementation of reverse screening at exit gates, a major loophole for the illegal movement of cargo and goods has been closed. However, the current volume of in- and outgoing traffic through some of the gates makes 100 per cent reverse screening impossible. In practice random spot checks are made on outgoing traffic. Therefore there is a need for more thorough inspections of vehicles and cargo going through the gates. There are plans for the building of separate cargo inspection lanes (as distinct from ordinary non-cargo carrying traffic lanes) at certain of the gates,<sup>97</sup> and for electronic links between gates and cargo databases, so that the movement of incoming and outgoing cargo traffic can be tracked electronically.

Another problem is that gate personnel are not fully aware of all the documentation required for the movement of goods and cargo.<sup>88</sup> A training course in document recognition should be provided for all gate personnel. There is also a need for the various operating companies at the Foreign Freight Terminal to organize better warehouse control and security.<sup>89</sup> Because of the

lack of space, containers and other bulky packages are sometimes left standing outside the warehouses. This makes them vulnerable to theft or tampering. Also, some airlines leave cargo on the apron for long periods before transporting it to warehouses.<sup>90</sup> This delay provides an opportunity for anyone to tamper with, pilfer from or remove goods.

Normally each warehouse company has its own security personnel, but there is none at the government warehouse, which has only closed-circuit television (CCTV) monitoring.

### ***Parking areas, cargo and airport terminals access***<sup>91</sup>

The guarding of the parking areas at the SAA Cargo terminal and the airport terminal building represents the next line of security. This service is provided by another ACSA-contracted security company,<sup>92</sup> which provides a general protection function. Its duties include patrolling all parking areas as well as access to restricted areas both at the SAA Cargo terminal and in the airport terminal building itself.<sup>93</sup> This is done by checking permits at points controlling entry and exit. Anything and everything that people carry is physically examined. In addition, outgoing persons taking anything with them must have a note authorising them to remove that object from the premises. Personnel going through these entry/exit sites or going onto the apron are also subject to x-ray screening.

The food that caterers bring in is checked all along the chain. It is prepared in a warehouse separate from the airport premises, checked, packed into containers, sealed and locked. The food comes through the gates of the airport in a sealed truck. The seal numbers are checked by the guards. Customs and Excise regulations allow for spot checks on food intended for international flights. It is not easy for anyone to slip goods into a food consignment (for example a catering container) unless that person knows the system very well. Also, to circumvent all these security checks successfully, a number of people along the chain would need to be corrupted before contraband goods could be loaded with the food on an international flight.

### ***Terminal access security (embarkation)***

At the terminals, embarking passengers move into security sites where all passengers are screened, boarding passes checked, and hand luggage put through the x-ray screening machine (and if necessary opened and physically

checked). The individual passenger also has to step through the walk-through metal detector machine. If necessary additional screening of a passenger will be undertaken, using a hand-held metal detector and/or a body search. Such security checks are also applicable to all transit and transfer passengers. By law, all pilots, air crew and their baggage also have to go through the process of in-terminal screening.

### ***Baggage security***<sup>94</sup>

The next level of security relates to baggage. Baggage screening is undertaken by Aviation Co-ordination Services (ACS), a joint venture between ACSA and the airlines. Because this is an area in which firearm trafficking (and the smuggling of other goods) is possible, stringent control checks and screening have been enforced for some time. These have been even more rigorously applied since 11 September 2001, and there are plans to replace equipment and employ additional personnel to reinforce the screening system.

Currently the JIA has 100 per cent screening of all internationally-destined hold baggage (in other words, luggage and goods which are loaded directly into the hold of an internationally-bound aeroplane). All hold baggage is screened for explosives<sup>95</sup> and/or other dangerous substances like ammunition, or flammables like lighter fuel or aerosol cans. Although a certain number of flammable cans are allowed through, a disproportionate number in any one piece of luggage will be red-flagged. A physical check could also be carried out.

All luggage travelling to international destinations will follow a specific route of screening and inspection. At Level 1, all hold baggage for internationally bound passengers whose original departure point is Johannesburg will be placed on a conveyor belt after booking in, and proceed directly to an automatic scanner machine. This is the Z-Scan, an x-ray machine containing certain computer software for the detection of potentially dangerous objects inside luggage. Any bag that does not pass Level 1 (for whatever reason, for example because it contains electronic equipment) is automatically diverted to Level 2, where operators will review the image of contents of the luggage, projected on a screen.<sup>96</sup> The operator has seven seconds to check the image, make a decision and press one of two buttons (red or green). Green will allow the piece of luggage to proceed to the loading area, where it will automatically be deposited at the ramp for loading in a container. After that it will be taken to the designated aeroplane and loaded in the hold. If the red button is pushed, the piece of luggage will go on to Level 3 screening. Here the CTX

5000 spectrum analysis itemiser machine<sup>97</sup> undertakes a further screening of the luggage to determine the nature of the suspicious object. If the operator is again not satisfied with the image and analysis of the object, the bag will be taken off the conveyor and the bag tag checked. The passenger to whom the bag belongs will be contacted and asked to report to the reconciliation room. Here the bag is opened in the presence of the passenger, a representative of the airline on which the passenger is booked to travel, the operator and the security officer on duty. The contents are inspected and either passed or confiscated. An example would be the presence of six aerosol cans in the bag. At least four will be confiscated and the rest passed. The bag will be closed and allowed to feed back into the loading system.

Every piece of baggage either of unusual size or with fragile contents is separated from other baggage and sent to a different itemiser machine.

The baggage of passengers transferring from one flight to another is separated from other baggage being offloaded. It goes through the same screening process as other international baggage booked in at the JIA, and is then sent to the loading area for the connecting international flight. The entire screening process is completely secure once the specific piece of baggage has been weighed and placed on the conveyor belt. No-one is allowed into the baggage screening area without an access card. There are CCTV cameras at each loading ramp. The current systems are designed to deter any tampering with, substitution or insertion of any additional object into a bag after it has been screened.

## ***Loopholes***

While the actual baggage screening system would appear to be secure, there are other parts of the baggage handling process where smuggling can (and in the recent past did) occur. However, the circumvention of security tends not to happen during the actual baggage screening process or in the area allocated for departing international passengers. Instead it occurs in the areas for arriving international and domestic passengers, where reverse screening is not used (with the exception of certain private or unscheduled flights). Loopholes are also created because there is no screening of hold baggage for domestic passengers, whether departing or arriving.

One of the easiest ways to smuggle goods is for a passenger from an incoming flight to simply walk through the 'nothing to declare' gate on exiting from the baggage collection area. A second method is to leave baggage unclaimed in the

collection area. Unclaimed baggage is sent through the red line to be dealt with by Customs before being deposited in the unclaimed baggage office. An accomplice brings the luggage to the red line counter when it is very busy. In such circumstances the customs official is likely to wave such baggage through without inspecting it. This *modus operandi* requires the bribing of one officer and a member of the airport staff who works in the baggage handling section.

A further way of exploiting the current situation is that an international passenger could arrive, leave the bag unclaimed, and then travel to a destination inside South Africa. On arrival, the passenger could report the bag as lost. The JIA would trace it and forward it as domestic baggage. It could then be collected as such, without having been examined.<sup>98</sup>

## **Cargo security at the JIA<sup>99</sup>**

The transport of cargo is governed by the South African CAA, which has adopted the relevant ICAO resolutions. (IATA's proscriptions deal more specifically with the way cargo should be shipped—for example certain packing requirements and specifications, and the role of indirect air operators in handling cargo.) Also, the US FAA requires any cargo to be subjected to specific security measures if it is to enter the USA. In addition, each airline has its own programme which dictates what level of security should be implemented for each type of cargo.

Cargo handlers usually work on the principle of 'known shipper'. This means that a registered agent or freight forwarder with whom the cargo handling company has built up a long association over regular shipments and can trust to implement all the security screening and Customs and Excise requirements, will be allowed to consolidate cargo without supervision. The shipper is allowed to combine parcels and smaller consignments from different exporters or clients into one big consignment, and to pack it onto a full loading pallet. A known shipper company is permitted to do consolidation, customs inspection, and weighing and sealing (in other words, clearing for export) at the company's own warehouse. Such a load will then be 'pre-accepted', so that it can be put through the cargo handler's acceptance processes much more quickly.

However, such known shipper consignments may still be put through security screening processes. A container may be scanned by the x-ray machine (if it is small enough to fit) so that the operator can check for harmful articles or

weaponry. But if the consignment is too big for the x-ray scanner it will be subjected to a physical inspection. If necessary the packaging will also be opened and the contents checked. This procedure is a specific FAA requirement for all cargo destined for the USA. In the case of the JIA, the SAA Cargo warehouse is the biggest cargo operator and has a number of the requisite x-ray machines and sophisticated security systems. But the smaller cargo handlers (with the exception of the courier company DHL), especially those using the Foreign Freight Terminal, do not have either the requisite equipment or comparably advanced security systems. So the cargo they handle has to be inspected by customs officials by hand.

An additional security measure is that each known shipper is also registered on the system, and issued with a 'draw card' that allows that shipper to collect (draw) the shipped goods from the warehouse upon release. The draw card is also used as an ID document or access permit when the shipper enters the cargo terminal either to deliver goods for transport, or to collect cargo. However, any 'walk-in' client who is not a regular shipper will be subjected to security checks, and all cargo handed in for shipment will automatically be physically screened and checked.

At the SAA Cargo terminal facility at the JIA, the whole warehouse is a 'sterile' site—that is, a restricted area which only persons with a security cleared permit may enter. At this terminal there are also specific access points in the perimeter fence surrounding this facility. SAA Cargo has contracted a security company independent of that used by ACSA for its warehouse. In addition, two security companies are contracted to perform different security functions. One is responsible for access control, while the other safeguards valuable cargo operations. One of the two also handles CCTV monitoring.

SAA Cargo issues its own access permits. While approximately 659 employees work for SAA Cargo, the JIA Cargo terminal currently employs 450. Staff access is strictly controlled. Personnel are allowed to park only in the specific SAA Cargo parking area, and must enter the facility through a specific access point away from the goods acceptance area. SAA Cargo terminal staff are not allowed to bring their own firearms or private cellphones onto the premises. All staff are screened and x-rayed on entry and exit, and the times recorded.

A number of security measures are implemented for goods acceptance and shipment. Goods delivered for acceptance into the SAA Cargo warehouse (unlike those originating from known shippers) are processed only through the designated counters. Smaller parcels are simply handed over the counter and

put onto the conveyor belt to the x-ray machine. For larger consignments the red line principle is applied. No agent, freight forwarder or client may cross a physical red line and enter the warehouse area without special permission. (Such permission may be granted if a customer has to feed a consignment of live animals, or make changes to, or check labels, for example.) All authorisation to cross the red line and movement across it is recorded in the Customer Escort Register. Each time the red line is crossed by the customer, he or she will be signed in and out and accompanied into the warehouse terminal by one of SAA Cargo's personnel.

Currently SAA Cargo makes use of two electronic cargo recording and tracking systems, namely SAFRON and ZEBRA. A manual system is also employed concurrently with the electronic ones. Once all the documentation (customs clearance certificate, consignment note, waybill and so on) has been checked, the manifest documents for the cargo will be prepared for a specific flight, pallet or consignment unit. This flight file will be filed and stored in the archive.

All parcels bound for international destinations are recorded in both a register and a screening register. The special security requirements for USA-bound cargo include separate record-keeping in a USA register book (for cargo) and in a USA-screened register book (for all screenings). The USA waybills are also stamped as having either been x-ray screened or physically inspected under a CCTV camera. The x-ray scanner is locked when not in use, and every operator coming on duty will perform a Stepwedge Test to check that the machine is correctly calibrated. This test is recorded as proof that the machine is operating to the required standard. The machine is serviced every three months by an external company which has a maintenance contract.

All cargo that is being transhipped will have its incoming manifest relabelled (barcoded). This means it will go through the whole SAA Cargo documentation process as if it was cargo being newly presented for acceptance. New screening stickers and documentation cards will also be issued, and the cargo is again subjected to security controls in accordance with ICAO's Annex 17 as a matter of course.

At the SAA Cargo terminal all dangerous goods (including firearms and ammunition) are marked according to the level of danger and stored separately. Radioactive material is stored in a locked steel cage. Dangerous Goods acceptance staff have all undergone training for dealing with dangerous goods. Consignments are checked by dangerous goods designated personnel to ensure that they have been correctly packed and comply with the pre-

scribed specifications. In addition, dangerous goods are inspected for the UN specification number.

The SAA Cargo policy on firearms and ammunition is that ammunition is handled as Dangerous Goods, and firearms are handled as Valuable Cargo. This means that the acceptance of such consignments differs from that applying to other dangerous goods. At the Valuable Cargo acceptance area there are armed guards who monitor the acceptance of valuable goods as and when such goods are presented. The whole valuable cargo area is under camera surveillance. Valuable cargo is accepted under guard, processed and placed in the strong-room vault (which is also monitored by a CCTV camera inside). When a consignment of valuable cargo is ready to ship, it is taken out to the holding area under guard, transported to the aeroplane on the apron, and loaded into the hold. The guards remain on the apron until the aeroplane has taken off. The Valuable Cargo staff are all specially trained and vetted.

SAA Cargo have incorporated other security control measures into the procedures governing acceptance of Valuable Cargo. For example the waybill and the customs clearance certificate contain a full description of the type of cargo being sent under the Valuable Cargo designation. However, the telex sent to the receiving station or cargo terminal, to inform the authorities there that such cargo has been loaded onto an aeroplane and departed, uses only the code VAL. No description of the commodity being shipped is provided. Accordingly there is no way that the type or value of any Valuable Cargo can be ascertained at the arrival end unless inside information is available. In an additional security measure, the CCTV camera monitoring room is manned by personnel from a different security company to that which supplies the Valuable Cargo guards.

In terms of cargo arriving by air at the SAA Cargo terminal, no goods or consignments will be released unless the Bill of Entry has been stamped as customs cleared, and all the other documentation is in order. Diplomatic bags are stored in a separate area which is also under CCTV camera surveillance.

### ***Potential security loopholes***

While Customs and Excise require a detailed description of goods on their customs declaration forms, the cargo accepting company takes measures to ensure the security of this information. While the Customs information system is essentially a closed one, there is a potential for information leaks.

Accordingly, specific security checks are required at various points to guard the integrity of all cargo information. For example the manual paper trail and access to the electronic recording system both need to be screened.

## **Firearms controls<sup>100</sup> at Durban Airport<sup>101</sup>**

As at the JIA, at Durban Airport the Border Police follow the system outlined in the *Border Police Procedure Manual*. In brief, for the importation of commercial arms a SAP 312 is used. The issuing of the relevant import permit is done through the Designated Firearms Officer stationed at Durban Central Police Station, who sends the necessary information to the CFR in Pretoria. On approval of the permit by the CFR, the Register sends a fax to the SAPS Air & Sea Borders office in Durban. If the consignment is going out by sea the permit is handled by the Durban Harbour Border Police unit; if by air, then by the Border Police unit at Durban Airport. The importer's agent is then required to inform Customs via a DA 500 form that the consignment is ready for inspection. The import permit lists all the serial numbers of the firearms being imported. In the case of Durban Airport, the consignment is moved from the aircraft onto a pallet and brought to the cargo shed, where it is locked up in the valuables safe. This whole process is monitored by CCTV cameras (36 of which have been installed in the terminal building and in the SAA Cargo warehouse. Only one is focused directly on the safe.) These cameras are monitored in the control room, which is manned on a 24-hour basis.

The import documents are processed by Customs, and a detention stop order is placed on the firearm consignment awaiting inspection. Customs and the Border Police supervise the inspection in the presence of the senior clerk of SAA, and the importer or his agent. Each firearm is opened and checked by serial number (as listed on the import permit). After this inspection the firearms are replaced in the safe, which is locked by the SAA clerk. The inspection team returns to the Customs and Excise office, where a stop note report recording the outcome of the inspection is submitted. Customs then calls for a DA 74 (the customs release document). The SAPS personnel make a full occurrence book entry at the Border Police offices at Durban Airport, and fax a copy to the CFR. If any mistakes have been found on the documentation or permit, notification is sent back to CFR so that the error can be rectified before any release is authorised. At the end of each month the Border Police record is cross-referenced against that of the Border Police sea unit, to ensure that all consignments coming in both by air and sea have been checked.

Temporary firearms permits (SAP 312) issued at Durban Airport to tourists or hunters cover a three-month period. Full details of the applicant and firearm(s) are taken, and the applicant is also asked to specify at which port of exit he or she intends to depart, and the date. If the applicant is leaving from Cape Town, for instance, the Border Police units at Cape Town airport or harbour are given the necessary information. This is then entered into the MCS. Durban Airport Border Police have instituted a red flag system to denote that a person has brought in a firearm or firearms, so that when the person exits the country he or she is required to produce the identified firearm.

### ***Problem areas in firearm controls***

One of the problems experienced in the system of MCS red-flagging is that not all of the MCS systems at South African ports of entry are currently linked electronically. For example, if the person described above declared that he or she intended to leave the country from Cape Town Airport, and instead crossed at one of the smaller posts, say on the Swaziland border, the firearm red flag would not be picked up by the authorities.

None of the importers in the Durban area currently have secure vehicles to transport firearms from the airport or harbour to their place of business. This exposes them to the risk of being robbed of their firearms consignments while these are being transported. While there is no requirement in the law or regulations at present that such transportation should be done in an armoured secure vehicle, one of these could easily be hired on a once-off basis from any number of private security companies.

### **Baggage and passenger security at Durban Airport**

At Durban Airport all baggage of passengers departing for international destinations is screened. For a period of eight weeks after 11 September, screening of domestic baggage was also done.

The stricter inspection measures that have been instituted at Durban Airport over a period of almost a year have led to a number of drug seizures. These have been followed by a decline in the number of international passengers passing through Durban Airport, particularly those in transit. Security officials suspect that this decline is linked to perceptions among smugglers that it has become much more difficult to use the airport as a route for any type of con-

traband. Durban Airport's security is currently assisted by three special sniffer dogs which have been trained to detect explosives.

When an unscheduled private flight comes into Durban Airport, all baggage carried on that flight is screened at the international section, in accordance with the reverse screening process.

To co-ordinate the overall security at Durban Airport, an Operational Committee (OPCO) meeting is held every morning between the managers of the various control and policing bodies at the airport. Overall security at Durban Airport would appear to be tight, although, as elsewhere, the Border Police and Customs suffer from manpower constraints.<sup>102</sup>

### ***Security loopholes and baggage problems at Durban Airport***

One of the problems encountered at Durban Airport is the lack of control of international transit passengers. Often an international transit passenger will book in as if travelling on a domestic flight, but will have his or her luggage checked in to be sent all the way through to an international destination via the JIA. This luggage is offloaded at Johannesburg by the baggage unloading section and re-routed directly onto the conveyor belt to the loading point container for international destinations. This inadvertent circumvention of the international baggage screening system at the JIA occurs because of shortcomings in procedures. Transit or transfer luggage is supposed to be separated for screening at the JIA, but until recently this did not always happen, owing to the difficulty of getting the domestic airport of origin to mark such luggage clearly and separate it from domestic baggage. This meant that transit luggage was not routed through the international check-in counters for screening. With the tightening up of all screening procedures, such luggage is now separated before entering the loading area at the JIA. It is taken to a stand-alone screening machine outside the off-loading or loading area for screening, and then taken to the relevant loading point for its international destination. The separation process at the JIA is still heavily dependent upon human intervention. Accordingly the Border Police at Durban Airport have requested that the luggage of all domestic passengers departing from the airport be screened on a permanent basis. This would obviate the necessity of screening transit/transfer luggage from Durban Airport at the JIA.<sup>103</sup>

Another loophole in baggage security is the exploitation of lost property or delayed luggage. Parcels or goods coming in from overseas are supposed to be

opened and inspected at the first port of entry (generally the JIA),<sup>104</sup> but this system can be circumvented. For example, a person wanting to smuggle goods into South Africa may arrange for luggage or a parcel to be 'lost' or delayed. In such a case that person would either arrange for the luggage or parcel to be left off the conveyor belt at the baggage collection point at the JIA, or fail to claim it. Such a person could then proceed to Durban, have the 'lost' luggage or parcel 'rush tagged' to Durban, and collect it. The parcel or luggage would not be inspected, since it would be classed as domestic.

Border Police officials at Durban Airport suspect that any smuggling of firearms occurring in the region is not being done through Durban Airport. Their reasoning is that strict screening measures are applied to international passengers, the whole airport area is secure, and there is CCTV surveillance in the cargo warehouse. Also the number of contraband and drug seizures in recent months at this airport have acted as a deterrent. They concede that certain aspects of security can (and will) be improved. These include reverse screening of all incoming passengers (not only for those on unscheduled or private flights), and the screening of departing domestic passengers.

Police officials conjecture that any firearm smuggling occurring in the Durban area is linked to the dagga-smuggling trade, and is carried out by low-flying aircraft landing at remote rural ground airfields. Moreover, they suspect that some operators might be obtaining concessions at airports not designated as international ports of entry, like Virginia (north of Durban) and Richards Bay, where there are no permanent Border Police or immigration officials. The assumption is that these operators land at such airports, offload the contraband goods they are carrying, and then proceed to Durban, where their legitimate cargo is cleared by Customs.

As part of the Border Police effort to address this problem, a national initiative, Operation Star Wars, was launched in May 2002. This operation aims to identify and list all minor airports and landing strips, inspect them, and gather information from local communities concerning any air traffic making use of these airports and landing strips at any time. This information is passed on to the local police station commissioner, so that monitoring can continue at local level and a network of observers and informers be developed. This will encourage a continual flow of information on aeroplane movements in that particular area. Commanders of land border posts are also becoming involved in the development of a Border Police intelligence-gathering capacity, in close co-operation with other structures like the National Intelligence Agency (NIA) and the South African Secret Service (SASS). However, in combating air traf-

fic smuggling operations, the Border Police are still confronted with the very real problem of low flying airplanes evading the existing air control radar systems of the major airports.

## **Security measures at Lanseria Airport<sup>105</sup>**

Lanseria Airport, a privately-owned international port of entry, was in the past considered an airport with lax security.<sup>106</sup> In the mid-1990s the airport authorities and government agencies at Lanseria were regularly accused of failing to implement the security measures required for effective control of passenger and cargo traffic. SAPS inspections of operations found that while passengers were supposed to report to immigration officers and customs and excise officials, this requirement was seldom met. Some incoming planes would land and taxi towards their company's hangar, where passengers would disembark and goods be offloaded without any inspection. There were more than a dozen exits, which were poorly guarded during open hours and unguarded after hours. Furthermore, since traffic was relatively light at Lanseria, immigration, police and customs officers did not work between 6 p.m and 7 a.m. An 'honour system' was operative at Lanseria at that time. People whose flights arrived at the airport after hours were expected to telephone the Customs and Excise and immigration officers and report their arrival, so that these officials could return to Lanseria and go through the necessary procedures. Pilots flying in after 6 p.m. were also supposed to announce their arrival on a control tower tape recorder so that landing fees could be charged. However, it was found that often the pilots of planes landing late at night would fail to report their arrival, or would mumble so that airport workers listening to the tape the following day would be unable to identify them. Pilots involved in illegal activities or smuggling would arrive at night, park at the far end of the runway, unload or load whatever goods they were dealing with,<sup>107</sup> and fly out before the officials came on duty the next morning.<sup>108</sup>

Lanseria Airport has been redeveloped since then. A new terminal building has been built, and general improvements have been made to perimeter and apron security, leading to a far more tightly controlled system. The airport is owned and operated by a private company, Lanseria Management Company, which uses its own security division to provide terminal building security. These arrangements now conform with ICAO and CAA regulations.<sup>109</sup> Various other security functions at the airport are undertaken by independent agencies: apron operations are under the remit of ACSA, while the Coin Security Company provides perimeter guarding.

The Border Police<sup>110</sup> have also established a permanent unit at Lanseria, which became operational in late 1997. The system now adopted at the airport for goods, passenger and baggage inspection means that Coin Security screens all outgoing baggage, while the SAPS assist Customs with the inspection of all incoming luggage. Any suspicious incoming passenger or baggage is taken to the exiting passenger section for scanning, although the screening of domestic and international incoming passengers is not part of the normal security process at Lanseria. Although outgoing international and domestic passengers have two separate entries or exits, they are processed through the same facilities. The security officials on duty ensure that all passengers and baggage go through a screening process: baggage is x-rayed, and passengers pass through metal detector machines.

Lanseria does not handle any cargo containers exclusive of the mini-containers holding food for outgoing passenger planes. Apart from small parcels, cargo passing through Lanseria mainly comprises bulk goods such as mining equipment and heavy machinery destined for other African countries. If it is too big to be screened by the baggage scanning machines in the terminal building, the cargo is inspected by Customs and Excise, assisted by the SAPS, at the only registered bond warehouse at Lanseria.

All the pillar departments (SAPS, SARS, the DHA, Health and Transport) and airport management hold a Lanseria Operational Committee (OPCO) meeting every two weeks, to discuss any operational or security matters.

Lanseria has no transit facilities for cargo. In the past the SAPS found the Antonov cargo planes using Lanseria a source of concern. Many of these were being flown by Russian pilots who had neither permanent residence nor airline offices in South Africa. Instead the pilots managed their operations on the basis of Foreign Operators' permits, which the police also considered problematic. Some of these pilots would land, taxi to the end of the runway, avoid paying parking fees, sleep in their planes and then load up goods and fly out again. However, in the late 1990s, soon after the Lanseria Border Police unit was established, a number of these pilots were arrested, either for not having the proper operating permits or for having incorrect entry or residence permits. As a result, those not prepared to apply for the correct permits have moved away to airports in other African countries. Some are now operating from Botswana, Namibia and Angola. Currently most cargo agents using Lanseria are making use of South African-owned aircraft operating out of the airport.

The Border Police Unit also found that some cargo transport operators did not declare everything they carried. (It is relatively easy to hide contraband in large cargo planes.) Accordingly, since many of the flights into and out of Lanseria were unscheduled, the airport authorities, police and Customs required all agents to present all documents before the departure or arrival of such flights. In addition, they instituted a system (similar to those at other ports of entry assessed in this report) of gathering advance intelligence from a number of sources (such as the MCS,<sup>111</sup> goods manifests and customs declarations). The Border Police, Immigration and Customs and Excise at Lanseria now offer a 24-hour service, although all three agencies are under-staffed.<sup>112</sup>

Since the only scheduled flights at Lanseria are those of SunAir, the flight monitors inform all three agencies when flights are due. Officials meet these flights and carry out inspection and screening. Fortunately the control agencies have a good relationship with the charter companies (currently represented by 20 offices at Lanseria) who operate from the airport. These companies normally assist any of their passengers who need special permits that have to be applied for prior to their arrival, for example permission to bring a firearm into the country. The Lanseria Border Police send such an application to the CFR in Pretoria, where it is processed and returned before the passenger arrives. The information needed on the advance application includes the itinerary of the traveller requiring the permit. In cases where hunters apply for firearm permits to enter South Africa and then fly on to countries like Botswana or Namibia, exit or transit firearm permits are reissued on their departure.

While such permits are regularly required at Lanseria, permits for the import of firearms are rarely needed. Only two to three of these are processed per year.

### **Lanseria airport security<sup>113</sup>**

All physical security at Lanseria Airport is provided in accordance with the ICAO and CAA regulations. All the designated keypoint areas are guarded on a 24-hour basis, and all access points to the international departure area have either a guard on duty or lock-up facilities. The airport perimeter fence is patrolled three times during each shift (one day and one night shift). The four entry gates in the perimeter fencing all have guards. In addition, each person who goes onto the apron is searched. Currently CCTV has been installed only in the terminal building itself. The CCTV cameras are monitored in a control room.

Lanseria has two walk-through metal detector machines for passengers, and two small x-ray machines for hand baggage. All outgoing passengers are screened, and there are plans to implement back-to-back screening (that is, to extend the process to cover all outgoing and incoming passenger traffic, whether international or domestic). Hold baggage is also checked. The airport management company is in the process of purchasing a big XS 2000 x-ray screening machine,<sup>114</sup> which the operators are being trained to use.

Currently, security staff at Lanseria report to the SAPS any firearms or dangerous goods they find. They also follow the procedures set up for inspections. They check that the Dangerous Goods form has been filled in correctly. They then tag the goods with the airport company tag, for example the SunAir tag if the goods are being sent on a scheduled flight. The firearm or dangerous cargo is then deposited in the diplock. On arrival this is unlocked, and the item is taken by security personnel to the 'Search & Discharge' cubicle. There, after the requisite Customs and SAPS inspections, it is handed to the passenger.

## **Cargo handling security at Lanseria**

At Lanseria there is only one registered<sup>115</sup> cargo warehouse,<sup>116</sup> which is essentially a transit shed. The company which owns the warehouse<sup>117</sup> specialises in bulk cargo. Ninety-five per cent of the cargo it currently handles is mining equipment that is being transported to mining companies located in other African countries. Because most of the cargo handled is in bond, it has to be loaded under Customs and Excise and Border Police supervision. The company is obliged to submit the manifests for incoming goods to Customs and Excise and Border Police within one hour of landing. It is not allowed to offload unless both Customs and Excise and Border Police officials are present to clear the goods. But as at the JIA, Customs do not have the capacity to physically open and check the contents of every consignment. Also, some consignments of heavy machinery are packed and sealed at the consignee's premises. An example is Anglo-American, which occasionally despatches large quantities of equipment to countries north of South Africa. In such a situation, Customs merely checks that all documentation and declarations are correct before sealing the container, on the basis that a reputable company is despatching the goods.

However, Customs at Lanseria have instituted random inspections in which they enter the registered warehouse and physically inspect cargo, as a deter-

rent to operators attempting to undermine the security system. The operator of the warehouse also has a goods register for all incoming and outgoing consignments or parcels. This register is audited by Customs once a month, and all smaller parcels are inspected on release. All items not cleared within 14 days are also reconciled with the register, checked against the manifest and document number, and set aside.

### ***Shortcomings in security systems at Lanseria***

One of the shortcomings in passenger handling at Lanseria is that occasionally a domestic and an international flight arrive simultaneously. Depending on the volume of passenger traffic into the terminal building, these passengers may mingle, making it difficult for customs and police to single out incoming international travellers for screening. Lanseria management have plans to build duplicate facilities so that international and domestic passengers can be kept separate.

### ***Potential problem areas***

Currently no integrity testing or security background checks are performed on security personnel to ensure that no corruption or smuggling has been or might be undertaken by these staff members.

As at other ports of entry, there is no inspection (in terms of physically opening containers or parcels and unpacking them to check the contents) of consignments at Lanseria. This implies that unscrupulous exporters could smuggle contraband out of or into the country through the airport. This loophole will be closed only if 100 per cent physical inspections of all consignments at the cargo warehouse are made standard procedure. However, manpower and resource constraints preclude this option at all South African ports of entry.

Although smaller parcels could continue to be x-rayed by the scanning machines in the baggage screening section, another strategy might be to require all exporters of large consignments to inform Customs and Excise and the Border Police when they are packing such consignments. This would enable Customs and the police to visit the exporter's premises to inspect the goods while the packing is being done. This would allow for the consignment to be sealed before being despatched to Lanseria for loading and flying out. However, this system might allow for such consignments to be tampered with

between the exporter's premises and arrival at Lanseria. Therefore the current system of inspection on arrival and random checks of goods in the warehouse will have to suffice, with the additional safeguards of risk profiling and cargo selection for physical inspection or screening (as at the JIA and Durban Harbour).

## **Concluding remarks on airport security and firearms trafficking**

It would appear that very few big consignments of firearms or ammunition pass through the JIA, Durban or Lanseria airports. Those larger consignments that are exported or imported seldom present any problem, since they are usually well documented. Moreover, adherence to international standards and regulations in most countries of origin ensures that very few firearms are smuggled into South Africa through international airports. Because smugglers of such items as firearms prefer to make use of large containers, they are more likely to send them on ships through seaports than to use airports. Guns, being metal, are also more likely to be picked up by the x-ray scanners used at the JIA, and by the baggage screening machines used for parcels at Lanseria. Finally, the Border Police and Customs and Excise have found very little evidence (in the form of firearms detected and confiscated) of trafficking in firearms through the JIA or Lanseria. Most of the smuggling exposed at the JIA consists of drugs, and contraband goods, both of which offer far better financial returns than firearms or ammunition.

While in the past Lanseria had difficulties dealing with unscheduled and irregular flights from other parts of Africa which were suspected of arms and contraband smuggling as detailed above, this problem has largely been overcome. This has been done by registering a cargo-handling warehouse, and by enforcing much stricter control measures on unscheduled flights and irregular cargo transporters.

To a certain extent the problem presented by tourists and hunters smuggling in firearms for hunting purposes has been checked by the institution of the stricter licensing procedures contained in the *Border Police Procedure Manual* and the requirements in the FCA, in advance of their coming into force. The taking over of the firearms control functions and inspections from the private security companies by the Border Police at Lanseria as well as at the JIA, has also assisted adherence to the existing Arms and Ammunition Act requirements. At all the airports assessed, stricter control measures are already being implemented.

## CHAPTER 4

# SECURITY MEASURES AT SEA PORTS OF ENTRY: DURBAN AND RICHARDS BAY

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### Security at Portnet Durban<sup>118</sup>

The US Assessment Report of 1997 found that at Durban Harbour:<sup>119</sup>

*There appeared to be little or no control over gaining access to the port inspectional area. The general public has access to cargo areas, vessels and warehouses. The security personnel assigned to control access appeared ill trained to maintain the high security level that is necessary for control and deterrence. The lack of physical barriers, signage and lighting compound the challenge*

The report recommended that security at seaports in South Africa, and in particular Durban Harbour, should be so organized as to cover all areas of operation. These would comprise landside operations, cargo areas, anchorages and waterways. Eliminating easy public access would create a semi-sterile inspection area and so increase the ability of port authorities to recognise illegal activities. This would reduce the threat of smuggling, theft and vandalism. It argued that “port security operations [should be] encouraged to establish a secure zone in and around the docks. ...[with] the checking of identification of arriving workers [being] paramount”.<sup>120</sup>

At Durban Harbour the responsibility for asset and perimeter security rests primarily on the National Ports Authority (NPA). Previously there was no uniform system: security was provided on a piecemeal basis, and consisted largely of access control in the form of guards at the gates. At that time security was a sub-function of the port risk manager, and was largely concerned with safety control (that is, occupational and health hazards). However, the NPA are currently in the process of implementing a new security system that falls within an approved Port Security Framework for all seven South African harbours handling international traffic. This is being integrated with the Asset Protection Risk Management system which was established by the NPA in 1996–97.

On the prompting of NIDS in 2000, the NPA re-assessed security measures at ports. In June 2001 a National Security Manager was appointed, and a new security management structure for ports was implemented in December of that year. Depending on the size of the port, six security structures have been established, each headed by a manager reporting directly to the National Security Manager. The Security Management Team consists of the Security Manager and under him a Head of Investigations and Information (Intelligence), a Security Operations Manager and a Business Liaison section. At Durban Harbour there are currently four investigating officers, who focus primarily on fraud and the theft of NPA assets or clients' cargo.

At Durban a hotline has been set up, and rewards have been offered for information on illegal activities. This information collection system is backed up by an informal network of informers. While the main focus of any investigation is the resulting internal disciplinary hearing (if the perpetrator is an NPA employee), the investigators also pursue any case as a criminal investigation and work closely with both the SAPS and NIA in doing so. The NPA currently has 110 internal security officers and another 97 contracted private security guards for NPA asset protection. These security officers work two 12-hour shifts with a three-shift pattern, to provide 24-hour coverage. There is also a patrol unit linked to a control room. The vehicle terminal and the Point Road pilot project at the entrance gate are the only sites currently under CCTV surveillance.

At present the Security Manager is in the process of establishing a Port Security Information System for the collection of any information pertaining to breaches of security, theft or fraud at Durban Harbour. The system is an information-driven system (as opposed to a physical one based on patrolling perimeter fences and the harbour area). The Security Manager aims to integrate this with other information systems, both internal (such as that run by the NPA) and external (for example, those of the SAPS and Customs), so as to gain access to such networks as NATIS and the SAPS Stolen Vehicle Recovery systems.

The main purpose of the NPA's Port Security Framework Plan (PSFP) is to integrate security operations with business cargo handling. For example, in the past a boom operator often did not know what vehicles should be permitted to leave the restricted port area. If the information system is linked with other information databases, an operator can check the number on the bill of lading and use the system to find out whether the container or consignment of cargo has been properly cleared for removal or entry.

A second purpose of the PSFP is to ensure that any new building or structure erected at a port includes a security plan. For instance, if a new passenger or container terminal is to be designed, the planners, builders and operators will consult the security department to determine what security infrastructure is needed for the building.

The PSFP makes provision for the full implementation of the IMO security regulations at the port of Durban. In addition, it requires that all security procedures and required permits be standardised. Finally, the PSFP makes provision for the sharing of global security overviews (as issued by the IMO), so that the authorities can determine what security threats might have an impact on Durban.

Implementing these structures and plans effectively is complicated by a number of issues. Durban Harbour is the busiest port in Africa in terms of traffic (although not in volume of tonnage handled). Sixty-five per cent of the cargo moved through the port is containerised, and approximately 1.3 million containers were handled during the 2001 financial year. The facilities at the port consist of container terminals, a multi-purpose terminal, a general-purpose cargo terminal, a motor vehicle terminal and a bulk liquids terminal. The perimeter of the harbour has ten entrance or exit gates and 29 rail crossings entering the cargo area. There is an obvious need to remodel the area in order to either reduce the number of rail crossings or to install security access and exit control over every rail crossing.

The NPA have embarked on three major projects to upgrade the security at Durban. These are based on a security threat analysis which identified the following problems:

- cargo theft;
- illegal or undocumented immigrants and stowaways;
- vehicle theft;
- drug smuggling;
- trade fraud (such as under-valuations and sale of counterfeit goods); and
- firearms smuggling.

The first of the three projects is the perimeter fence. The second is improving the security of access to the entrance and exit gates, and the installation of CCTV cameras at these points. The third is the establishment of an information centre.

## **Problem areas**

Currently Durban Harbour does not use uniform access permits, and there is no sole permit-issuing authority. There should be one issuing office which manufactures, issues and monitors the use of access permits. Again, there are no regulations or procedures governing activities that take place in the port area but are not port-related. For example, metered taxis can enter the port area and drive to the passenger terminal to pick up passengers. The only security clearance they require is to sign the entry register at the boom gate. Control measures that differentiate between the recreational and controlled areas in the harbour are needed.

The customs and immigration process for foreign yachts has not been integrated with the security information system because of the low volume of traffic. Security control over the movement of passengers, baggage and goods from such foreign yachts should be improved.

## **Containers and Customs & Excise at Durban Harbour<sup>121</sup>**

The import and export of goods (and in particular container loads) at Durban Harbour follows the same customs inspection system as at the JIA. This rests on the assumption that the SARS (Customs and Excise) assists in the control of imported and exported goods to fulfil the function of looking for revenue (the payment of duties and dues and the levying of fines).<sup>122</sup> The SAPS are part of the inspection and monitoring process, and check for contraband and smuggled goods.

No goods or containers are accepted or released by Customs unless all the documentation is completed. Any importer or exporter (most usually work through an agent) follows a basic step-by-step process. The first step is to obtain an invoice (for goods to be imported) for submission to the Reserve Bank and to organise a Letter of Credit or other method of payment. (These are all Section 39 requirements.) An exporter might need to obtain an export permit from the Department of Trade and Industry (DTI) in terms of the Import &

Export Control Act. Then a Bill of Lading, the transport document specifying how the cargo will be transported, which ship it will be loaded on and the port of destination, is completed. When this has been passed by Customs, the shipping agent pays the customs dues and completes the clearing instructions by drawing up a DA 500 form.<sup>123</sup> Customs and Excise will check this and put a release stamp or a detention (hold) order on the consignment.

All firearm and ammunition consignments have a 'stop for examination' stamp affixed to the DA 500. Customs inform the Border Police unit at Durban of any firearm shipments, since the SAPS have to record the serial numbers of any firearms exiting or incoming through the port.<sup>124</sup> The physical inspection is carried out by customs officials in the presence of Border Police officers and the agent (as a representative of the importer or exporter). Currently the inspection system at Durban allows for the importer's agent to select the location where the examination takes place. This might be at the importer's own premises, which is a more secure environment than an open warehouse or the fenced offloading area on the wharfside.

In terms of the clearance of incoming goods, Customs are supposed to receive any ship's goods manifest (DA 1) 72 hours before the arrival of the ship, in order to identify which containers will be offloaded at Durban. The goods manifests are also used to draw up risk profiles of the containers coming in. A selection is made from containers with contents in the highest risk categories, and these containers are searched. Since only approximately 100–120 containers can be selected for inspection searches per day, the profiling must be very accurate if contraband and other goods are to be detected.

### ***Searching containers***

There are various levels of container search. The first is a 'full unpack'. This is time-consuming, labour-intensive and has to be done in a secured facility. If the contents are refrigerated, they will also have to be temporarily transferred to a bulk cooling facility. For these reasons a first level search is done only on high risk or suspicious consignments. However it is the most effective means of detection of contraband. With the full unpack comes the physical examination of the entire contents of a container, the second level. Alternatively the container can be sent for screening to the container x-ray scanner. This is the preferred method for loads such as second-hand clothing or 'rags', which are compressed into bales to save space.<sup>125</sup> If the bales are physically opened and unpacked, the contents of the bales expand and are almost impossible to

repack without pressing equipment. The scanner can easily pick up items other than clothing in these bales. Moreover, the scanned containers can also be physically opened for inspection if required. The fourth level of inspection is the so-called 'tailboard' inspection, in which the container doors are opened for an examination of only the first one or two rows of goods. The contents of the rest of the container are not unloaded. At Durban Harbour it is estimated that only three per cent of goods are physically inspected after being screened by tailboard inspections or random spot checks.

### ***Offloading***

Once the ship's goods manifest (DA 1) is stamped by Customs, the ship is authorised to start offloading. Although plans have been mooted for the privatisation of some terminals at Durban, currently containers at the harbour are offloaded only by Portnet as the official terminal operator, and deposited in a fenced-off area at the designated terminal. Because of current space constraints, containers are moved out of this fenced-off area after three days and taken to licensed depots or warehouses, even if they have not yet been customs cleared. Uncleared cargo can be moved only to licensed container depot warehouses, and then only after a Container Terminal Order (CTO) is passed. After the goods manifest has been submitted to Customs, the importer's agent has seven days in which to effect the customs clearance of the consignment and its removal from the port premises or licensed warehouse. If after 28 days the consignment has not been customs cleared, it will be taken to the state warehouse for storage.<sup>126</sup> If it still has not been cleared after a three-month period, the state will auction off the contents.

### ***Potential problems***

There are a number of opportunities to circumvent the customs inspection process at Durban Harbour. For example, people could be bribed at any link in the chain of container offloading, transportation to storage in a licensed warehouse, or its being moved into the state warehouse. The Customs officials stamping the release documents or doing the inspections could be suborned. However, any such effort would be defeated by the overlapping control checks that effectively prevent any such corruption. Also, there are too many different persons involved in the authorisation and security procedures to make it likely that the agent for a container coming in could exploit the customs clearance system in such a way.

Currently there are various offloading points for containers in Durban Harbour. Containers are not offloaded at one central terminal, but all over the harbour area. Container inspections take place at the depot unless a special application is made to have an inspection done at a packing warehouse (for example if it is a consignment of firearms). Inspections are also done on the basis of profiling. Different teams will do their profiling using different criteria. For example officials dealing with smuggling prevention focus on manifests; teams specialising in illegal imports scrutinise import and export documents; and officials looking for drug smuggling will make their own examination of documents and manifests.

Because of the relatively low level of physical checks on full container loads relative to the total number of containers going through Durban Harbour on a daily basis, officials suspect that contraband is being smuggled through the port. However, the extent of the smuggling is unknown. Some indications can be obtained by referring to the amount of contraband detected by the Durban container x-ray scanner unit. The SAPS estimate that in 2001 approximately R1.6 million worth of illegal drugs were confiscated, and counterfeit goods valued at about R22 million were seized.<sup>127</sup> However, most of the drugs found by the container x-ray scanner unit were in transit, and not destined for South African markets.

Although no firearms were detected at the x-ray unit in the last half of 2002, police believe that firearms are being smuggled through in containers. For instance Ak-47s could be packed in containers of second-hand clothes, since smugglers know these can only be picked up by the x-ray scanner or by a full unpack. Moreover, such containers need to be identified by means of risk profiling analysis. If the goods description given is false, containers in which firearms are hidden might not fall within the risk profiling net for further inspection.

Moreover, persons smuggling firearms for criminal purposes tend to do so for single firearms or small quantities of weapons. The likelihood of their being detected is very low. Under these circumstances, accurate and thorough profiling becomes crucial to successful detection. While profiling emphasises the movement of narcotics and the detection of drugs, firearms and counterfeit goods, Customs also do profiles on all goods that are handled in any unusual quantities, or frequently consist of one type of cargo, or are irregularly documented.

The whole inspection process and ancillary procedures related to violations that have been detected (such as the nature of the offence, admission of guilt,

finances paid, false invoicing, undervaluations and so on) should be entered into a central electronic database, which is integrated with the SAR system. This would allow the historical background of each shipper and importer or exporter to be checked, and enable customs officials to track trends in imports and consignments. However, for physical inspection purposes Customs still require the original copy of the DA 500 (so that they can pick up any changes such as the alteration of the information on it).

Some containers arriving at Durban Harbour are removed in bond (RIB), and transported either by rail or road to the internal port of City Deep in Johannesburg, where they are cleared by Customs. Shippers pay a small deposit (a percentage of the value of the goods) at Durban Harbour, but do not pay any dues. No customs docket is necessary to get these containers onto rail transport; all that is required is the manifest and Bill of Lading, showing City Deep as the destination. These containers can be (and have been) tampered with, stolen, or broken open to remove smuggled goods while in transit.<sup>128</sup> Technically any container seal can be broken or tampered with. Tampering, replacing and counterfeiting of both Customs and Border Police container seals appears to be a problem. Both Customs and Border Police use different types of seals, all of which can be tampered with and resealed without notice. The Customs wire seal can have its pin needle lifted, pulled out with a duplicate seal having the same number being reinserted after the container opened, goods removed or inserted (e.g. drugs from South Africa into consignments in transit destined for other countries). Alternatively the aluminium seal can be loosened. A replica seal is then put on with the same number. The plastic seal can be broken and resealed using superglue to fix the break. The bolt-type seal can be sawed through then two holes are drilled into both sides with a pin inserted in the holes and the bolt glued together with superglue. Containers can also be opened without breaking a seal merely by taking out the whole bolt leaving the seal. The bolt is later replaced and a nut welded on top. For this reason 20-foot containers are loaded door-to-door onto rail wagons thus preventing access to the doors, while the 40-foot containers are loaded onto so-called 'bathtub' (having a rim which prevents the 40-footer door being opened while in transit) rail wagons.

In Durban, Customs and Border Police can register a 'silent stop' on the computer to identify suspect containers. This flagging informs the operator of the City Deep goods movement computer of the date the container will arrive, and indicates that it must not be released until it has been inspected by Customs and the Border Police at City Deep.

## Security at Richards Bay Harbour<sup>129</sup>

Unlike Durban Harbour, Richards Bay already has a perimeter fence protecting the harbour area, and controlled access to the three entrances (one to the coal terminal, and two to the harbour itself). These are manned by Portnet security guards on a 24-hour basis.<sup>130</sup> Regular vehicle patrols are made of the perimeter.

Although there are plans to build a container terminal, Richards Bay currently lacks such a facility. Containers coming in by road, rail or ship are supposed to be offloaded at one of two designated spots on the wharfside. These areas are open and not secured. In other words, there is no specific control over, or guarding of, the containers. Also, because in practice containers tend to be stashed all over the harbour area, some disappear or are broken into.

The documentation system at Richards Bay is still manually based. The Border Police at Richards Bay<sup>131</sup> have an arrangement with Customs that they will be phoned when a container ship comes in, so that the police can be present when each container is offloaded. Shippers of containers coming in by road or rail (which represent the majority of containers handled at Richards Bay) are requested to offload and stack these end-to-end, so that they cannot be broken into before they have been inspected. If Customs find that a seal has been tampered with or broken, the Border Police investigate.

At Richards Bay the profiling of containers is undertaken jointly by Customs and the Border Police. The system used at Richards Bay is similar to Durban Harbour's. The profiles identify the country of departure of containers (and give red flags to goods from 'hot' countries); the receiving agent; and the value of goods.<sup>132</sup> On average five containers a day are put on hold at Richards Bay, opened and inspected. If necessary, the contents are unpacked and searched. The Border Police, Customs and importer/owner or agent are all required to be present at the inspection, as at the other ports of entry.

The Border Police are currently also doing profiles on the movement of yachts, boats and trawlers using Richards Bay harbour.

### ***Problem areas***

The following are some of the shortcomings identified at Richards Bay:

- There is no container terminal or designated secure area for the offloading

and storing of containers. The guarding of containers is inadequate, partly because containers are offloaded all over the wharveside. This security loop-hole could be exploited: containers could be opened without supervision, and the contents removed or substituted.

- There is a shortage of x-ray and screening equipment for cargo containers.
- Scrap metal containers are packed in the exporter's yard and transported without being inspected and sealed by Customs.
- Some containers destined for Richards Bay and Durban come by rail through the Gollel post on the Swaziland border. These containers, which have a seven-day clearance period after entering the country, are sometimes offloaded at Richards Bay before a goods manifest has been received. If electronic databases recording goods movement at ports of entry and border posts were linked, more effective control of the movement of such containers would be ensured. Such a system would also assist officials to do profiling and risk assessments in advance of inspections.

**CHAPTER 5**  
**SECURITY MEASURES AT AN INLAND**  
**CONTAINER PORT: CITY DEEP CONTAINER**  
**TERMINAL, JOHANNESBURG**

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**The role of Customs and the Border Police at City Deep**

City Deep was declared an inland port in 1977, and a Border Police Unit was established there some months later,<sup>133</sup> in response to complaints that containers were being tampered with, systems management was lax, and control procedures were not being followed. There were also allegations that the smuggling of goods was widespread at City Deep. However, the Border Police Unit made an immediate impact. In the first few months they achieved considerable success in controlling smuggling. Currently confiscations are showing a steady decline in number and volume, which has led the police to conclude that smuggling has either been curbed or has been transferred to other routes.

The goods inspection system used at City Deep is similar to that at Durban Harbour. Members of the Border Police City Deep unit make use of the profiling system, information received and crime pattern analysis to select items of cargo requiring inspection. Alternatively, they are alerted by the 'silent stops' placed on consignments by either the Border Police or Customs and Excise at Durban Harbour. At City Deep customs officials place their own stops on containers and undertake their own inspections, especially on high profile cases. In addition, they can instruct the Border Police to act.

There are, however, some differences between procedures at Durban and City Deep, since a larger proportion of containers passing through the latter have other southern African countries as their destinations. Such consignments (referred to as Removed-in-Transit or RIT goods) can be opened and inspected within the normal customs process; but by international law and agreement they should be allowed unfettered transit.<sup>134</sup> This in effect means that checks on cargo in transit usually consist only of inspection of the seals on the container(s), to see that they have not been tampered with, broken or replaced. The acquittal documentation (proof of exit) for RIT cargo has to be presented to Customs by the agent handling the consignment within 30 days of that consignment's entering the country. The acquittals show that the cargo

has gone through a South African border post and left the country. The Border Police and Customs at the border post of exit must inspect all the necessary documents,<sup>135</sup> description codes,<sup>136</sup> and seals on the container, to ensure that no fraud or any other irregularities have occurred during the period of its transportation through South Africa. A consignment in transit must be inspected at every point in the chain from its entry; transportation to City Deep; acceptance at, and transshipment from, City Deep to its arrival at the port or border post. There the consignment will be examined, inspected again for an "S" number<sup>137</sup> (the Spoornet transport stamp), stamped<sup>138</sup> at the border post or port, and allowed to proceed to its destination.<sup>139</sup>

A consignment of goods that arrives at City Deep will be released only when the documents have been stamped to show the consignment has been inspected and the requisite Duty Paid Entry charges have been paid.

City Deep handles approximately 1,200 containers of imports and more than 2,400 containers of exports per day.<sup>140</sup> Profiling is still done by Customs and the Border Police on a manual system at City Deep. One of the problems arising from the lack of an electronic system is that goods manifests are not always received in time because the agent has to physically deliver the original goods manifest to Customs. Moreover, while the goods manifest can be couriered from Durban, this too takes time. Customs therefore often experience delays in receiving goods manifests, or receive only copies. Currently City Deep's Customs have two import inspection teams; one export inspection team; one anti-smuggling team; and a Narcotics Task Team, which focuses on drugs. If the narcotics team detects any suspicious objects besides drugs in cargo, they will hand over the information to the appropriate team or to the police.

City Deep Border Police are in the process of developing their own profiling system. Two of the Border Police officers at City Deep have written the programme with the assistance and involvement of IT specialists in the private sector, and also set up an information database. However, this system has yet to be linked to other databases like the SAPS CAS system, bank and Reserve Bank records, company registrations and tax records, which would allow for more complex profiling. (Over-reliance on the information contained in the goods manifest or DA 550 is a drawback to the proper analysis necessary to identify high-risk or suspicious containers.)

An additional problem relating to goods manifests is that there is no control over Value Added Tax (VAT) refunds. Furthermore, accountants at the VAT Refund Administration (VRA) have not been trained to detect false stamps or

invoices when they process VAT claims. Fraudulent documentation is a problem all along the chain of inspection, and Customs and Border Police officials need to receive specialised training to identify any forged or irregular elements in any documentation for a consignment of goods. Making the system electronic would improve effectiveness and speed up the process, and assist officials to develop background profiles and identify trends. A number of field officers recommend that any such system should be married to a control requiring original documentation, especially when cargo is to be inspected or released.

Currently the system of profiling used at City Deep covers illegal trade in drugs, stolen vehicles, firearms and counterfeit goods. One of the drawbacks of this system is that Customs and Border Police at City Deep are able to inspect, at best, only 20 containers a day.

The whole container inspection system could be improved, not only by standardising the use and type of seals, but by making use of the new technologically advanced seals. These become discoloured when broken, and carry a special three-dimensional barcode which can be picked up in with a handheld scanner and entered in the computer. This information can then be accessed at points of inspection all along the transport route, and can become an integral part of the whole inspection process. Bolt seals can also have a barcode added to them. Other improvements to container security concern their structure. The design of container doors could be strengthened. Also, containers usually have a wooden floors and not steel ones, as is commonly assumed. This is a weakness, because the whole container can easily be accessed through the floor, which is pop-riveted and can be drilled through. A false floor can be constructed to hide illicit goods. Inspections of containers must therefore take into account the limitations of their design, and the possibility of secret compartments should be borne in mind. (A scoping camera could be used to check for the latter.)

### ***Deficiencies in the City Deep systems***

The systems currently operational at City Deep are open to a certain amount of exploitation. For instance, bribery of the official dealing with RIT transshipments at the exit port would ensure that the consignment is stamped without being examined at the border post. Alternatively, if physical examination takes place when traffic volumes are high, the officials will not have time to inspect every container passing through. Other problems include false stamps, where

the date of the cross-border stamp does not correspond with the date of export, and the difficulty of establishing whether the firm or company in the African country to which the cargo is bound actually exists.

Sometimes RIT cargo has no accompanying manifest, because other documentation has been used to get the consignment through the land border post. An additional problem at the border posts is that containers may be loaded on the rail wagons in such a way that they cannot be opened and inspected unless they are unloaded. This happens when containers are packed end to end, or are carried in 'bath tub' type wagons. This physical hindrance to inspection occurs at the border post rail station at Beit Bridge, which does not have the unloading cranes necessary, and also lacks other inspection equipment. The problem is compounded by the large volumes of cargo passing through the rail station. As a result, very little exiting RIT cargo is physically inspected. Sometimes cargo is 'round-tripped' and returned to South Africa without having been inspected. Other cargo (called 'ghost' exports) never leaves the country.

One of the problems encountered in the documentation of goods sent to City Deep by rail from Durban is that the rail consignment note can be tampered with. Such a consignment note can be used as a Customs acquittal note, but it is possible to change the three-letter station destination address so that it appears to be an 'internal' container and not an imported one. In this manner a consignment can be off-loaded at a station other than City Deep. Such a consignment can then be claimed by the agent or owner without having gone through the acceptance procedure used by City Deep Terminal container officials or having been inspected prior to release by Customs. Similarly, little monitoring is done of the actual transportation of cargo transported by road or rail. Because no checks are made en route, tampering, theft or the removal or insertion of cargo at any point is possible.

One way in which the system of inspections could be improved would be to make Spoornet a more active partner in the inspection process. For example, Spoornet could make an undertaking that as the carrier of transported cargo it will require a declaration from the client that the contents of the container are as described on the form. The Spoornet document could then be compared with the Customs declaration, and these two independent systems could then be used for cross-referencing and profiling.

Any RIB<sup>141</sup> goods packed in a multiple parcel or a so-called groupage container that combines cargo from many clients, are unpacked at a bonded ware-

house or depot.<sup>142</sup> There is currently no requirement that Customs be present at this unpacking. Each package is recorded in the Bond Register. At this point, Customs and Border Police officials have to decide whether each and every parcel should be opened for examination, without any information as to whether any of them contain illegal goods. (Sometimes, however, a specific consignment is stopped when appropriate information has been received.)

Profiling works only for large containers full of the same product or goods, such as a load of running shoes. A goods manifest for this kind of container will specify that it contains multiple and various goods in small parcels, and indicate whether they are of high or low value. The latter tend not to be a priority, and are therefore ignored within the wider scheme of priority profiling and inspections.

Ideally these containers should also be put through the large container x-ray scanner. However this would be a time-consuming operation, since the contents of every parcel would need to be carefully examined and identified. Alternatively each package could be put through the smaller x-ray scanner—but such a facility is not available at the bonded warehouse and depots outside City Deep Terminal itself.

City Deep also has the problem of undeclared containers that arrive with no documentation to identify the agent handling them and the route by which they arrived. (Similar problems occur at Durban Harbour and at the JIA, where unscheduled flights often carry such cargo.) A problem specific to City Deep is RIT consignments destined for export, which come through land border posts by rail or road and have inadequate documentation from the country of origin. Portnet and Spoornet have the capacity to track the movement of any container electronically, but this applies only to transport, and not to contents and customs declarations. Insufficiently documented RIT consignments therefore present the authorities with a serious problem.

Although proper exit inspections are the responsibility of the authorities in the country of origin, the inspecting authorities in the transit country are required to check that no tampering with seals or contents has occurred while the consignment is in transit. In the past the surveillance systems and other security measures at City Deep were not as sophisticated and intensive as they are now. However, the security measures enforced at the state warehouse are not as stringent as those at the terminal itself, which provides opportunities for the illegal removal of containers from the warehouse before they have been declared or inspected.

## **Transnet (Spoornet) security at City Deep<sup>143</sup>**

There are three gates at City Deep Terminal. One is for the entry of trucks delivering containers; one is a rail track gate for entry and exit; and one is an exit gate for trucks. Containers of imports arriving by rail are shunted into the City Deep terminal yard on a single rail track,<sup>144</sup> which has a security gate and a 24-hour guard. This gate is opened only when a train enters or leaves. When a container is offloaded, Spoornet security personnel record the seal number in the Register Book, and also check to see that the seal has not been tampered with.<sup>145</sup> At the same time the container and seal number are punched in on the handheld handset. This information is then automatically recorded on the national data computer system.<sup>146</sup> (A customer wishing to track the movement of any container coming in by rail to City Deep Container terminal can access this information on the Internet website.) The offloaded container is then added to a row where the containers are stacked door-to-door and on top of each other. However, if a container has been opened (that is, the seal has been tampered with or replaced with a false one), it is taken to a checkpoint where its contents are inspected again in the presence of a number of officials (a Container Terminal operator and representatives of Security; the Risk Department, the Border Police and Claims) and the owner or agent if available. Claim forms are filled in for any loss, and the container resealed. The container information is again recorded on the RDT system, and the container stacked. The row number and 'ABC' position are also punched into the RDT system so that the container can be found when the owner wants it released. The whole stack line is checked every morning, while containers still in yard are verified on the RDT system. This routine is necessary because when a container is released and taken out, the stack drivers, who do not have RDTs, merely stack other containers in the open spaces.

Twenty-four hours before a train arrives at City Deep, a client expecting the arrival of a container is supposed to lodge all the documents required for processing.<sup>147</sup> Among these is the Container Information Number (CIN), which is a number that couples the container to a specific client. The container can be taken out only by the client linked to the CIN number, which is attached to it only when it has been offloaded, 'parked' and stacked. On the release of the container, the Container Processing Officer signs the documentation to authorise the handing over of the container. (Only designated signatures are accepted.) The owner or agent has 72 hours in which to collect the container. After that he or she will be charged for storage.

When the container has been collected and loaded onto a truck by the owner or agent's designated driver, a further security check is made at the terminal exit

gate, where the driver must hand over all the required documentation as well as his identification book. The container information is again recorded on the RDT in order to confirm that the seal and container numbers match. A photocopy is made of the ID book, and the fingerprints of the driver are taken. These are placed on the back of the copy of the CTO to provide a record of the identity of the person who took the container out. Security personnel also take the documents and physically check the seal and container numbers to see that they match the information on the documents. An additional security check is the requirement that every truck taking out containers has its registration number sandblasted in big letters on the front windscreen window. This is to deter thieves, who in the past avoided detection by merely changing the number plates of the vehicles they used to carry off containers. When all the information has been verified, a Container Inspection Report is filled in to confirm that all the checks have been carried out, and the container is allowed to proceed. If during this exit gate check the seals are found to have been tampered with, the container will be re-routed to the checkpoint and the whole process repeated.

For export containers a similar process is followed. The details, which include the container and client number; the truck it came in on; the train on which it will be transported to the harbour; the harbour from where it will be exported; and the name of the vessel or ship on which it is to be loaded, are punched into the RDT system on arrival. The container will be stacked in the export rows in the container terminal, and sealed with a wire seal near the top of the container, so that it is difficult to cut. Loading times are arranged 24 hours before the train departs, and the container is loaded accordingly.

Physical security at the City Deep Terminal is provided by 24-hour patrols of the perimeter fence (which is not electrified). After 6 p.m. no one is allowed to enter (although Spoornet staff are allowed to exit up to 8 p.m. if they are working overtime). Foot patrols operate right round the outside perimeter, and a supervisor in a vehicle checks point placements. All entry and exit gates have 24-hour guards. No private vehicles are allowed inside the terminal yard area without a permit. During the day only five operators are allowed inside the terminal at any one time, and no-one is allowed to walk inside the terminal. Four CCTV cameras<sup>148</sup> have been installed at various strategic points inside the terminal yard.

Among the improvements that are being planned for the security system at City Deep are the implementation of the digital photo identification card for all personnel working at the City Deep Terminal building and the undertaking of background checks. In addition, Spoornet City Deep security officers have requested the installation of additional CCTV cameras.

## CHAPTER 6

# CONCLUSIONS AND RECOMMENDATIONS

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In terms of firearm controls at ports of entry, the full implementation of the procedures in the *Border Control Procedure Manual* and the FCA will undoubtedly ensure that few procedural loopholes remain. Shortcomings that were observed during the field research relate to manpower, resources and levels of co-operation and information sharing. However, these apply mainly to the legal import or export of firearms and other armaments. The stricter security measures currently enforced ensure that very little smuggling of firearms is occurring through the ports of entry reviewed, as is indicated by the minimal number of confiscations that have occurred at these ports of entry during the last eight months.

The assessment of the security measures at selected ports of entry identified a number of problem areas relating to physical security. First, the level of control applied to transit or transfer international passengers is often insufficient. Second, there is no screening of the baggage belonging to departing domestic passengers. Third, full reverse screening checks on incoming passengers and their baggage is not done except in the case of certain unscheduled or private flights. However, improvements on these three fronts would be impracticable, because they would require a considerable outlay on additional equipment, personnel and facilities, and would cause delays. Checks will continue to rely on risk identification, passenger profiling and random spot checks on incoming international passengers.

Overall security measures at all three levels—perimeter and building safeguarding, passenger and baggage screening, and cargo inspection—at the three airports visited would appear to meet all international standards. This is partly attributable to the implementation of new structures, procedures and equipment begun in 2001. There is room for improvement in the areas of streamlining, manpower, information collection, intelligence analysis and inter-agency co-operation. However, the levels of security have been vastly improved since the publication of the US Assessment Report in December 1996 and the NIDS Report on Recommended Practice in April 2000.

One shortcoming is that although on paper international requirements for security measures are being met, these standards are not always maintained in practice. Strict adherence to the practical implementation of both local legislation and international regulations must be enforced by means of supervisory checks, and regular security audits and assessments by independent inspectors. Systems checks should also be implemented on a regular basis to eliminate human error, and to prevent the exploitation by criminals of the ground-level components of all the security and other operating systems. (This would include the employees of the various agencies and operating companies at all ports of entry.)

While lapses will (and do) occur, these point to human shortcomings rather than flaws in the systems. Moreover, the number of security breaches was low in the last six months of 2002. They included unscheduled absences of guards or supervisors from their posts; shoddy inspection of goods and of people leaving airport premises; and the bribing of certain airport officials or workers by organised crime syndicates to gain access to, or bypass, the security systems. As these breaches occur, they serve as pointers to possible refinements that could be introduced to improve the existing security systems.

There are also other areas of concern, but these relate to perceptions of co-operation and management styles, inter-agency rivalry and the protection of 'own' areas of responsibility. Co-operation would appear not to be at the level envisaged by policy-makers. Officials have also expressed concern about what they see as the lax handling of security for transit or transfer international passengers. However, specific recommendations cannot be made unless a specific security audit is made of the actual transit facilities and procedures currently used at each airport

Finally, the one area of universal concern is the reluctance of all agencies at ports of entry to share information and crime intelligence, although this has been dramatically improved since the beginning of 2002. The problem is not that information is not being shared between certain individuals at specific airports: rather it is that the information needs to be made accessible to all the officials who require it. It needs to be centrally co-ordinated, with all information databases integrated nationally. It should link firearms records at the CFR; police crime statistics; criminal records at the Criminal Record Centre; intelligence reports; SARs; records of cargo movement between SAA Cargo, Portnet, Spoornet and Customs; tax and financial information on companies from the SARS; immigration information; the MCS and details of traffic (both people and goods) through all ports of entry. These information systems

should be backed up by the wider use of advanced technologies and electronic equipment. These would include electronic record taking, screening, x-raying, electronic fingerprinting, digital imaging for facial recognition, electronic ballistics testing, video cameras, scoping and substance testing of container contents. These should be supported by linked systems of risk analysis and profiling for both people and cargo. The combination of such systems and technology would result in a more effective intelligence-led detection and prevention approach to all security and crime problems at air, sea and land ports of entry in South Africa..

Firearms do not have the commercial value of cocaine or heroin. The returns are much smaller and the risks greater because of the bulk of firearms, and the large quantities needed to make such contraband commercially viable. Single components or individual firearms have a low resale value in South Africa. To bribe the requisite number of officials and workers in the control chain to assist in the smuggling of firearms would take up most of any anticipated profits. So, while bribery might well occur at ports of entry, this is more likely to apply to contraband other than firearms.

Because bribery to assist the smuggling of firearms is thought to present a minor problem at sea and air ports of entry, no form of integrity testing or corruption prevention is considered necessary. At worst, what corruption has occurred in connection with firearm trafficking has been of an opportunistic nature, and for very small reward.

## **Recommendations**

A number of recommendations can be made for refining the current systems and ensuring the effective implementation of control measures. These are based on the researcher's investigations into, and assessment of, South African ports of entry. These recommendations include:

- stricter adherence to legislative requirements pertaining to ports of entry and international regulations;
- the wider dissemination of information on international and local regulatory requirements and best practice in security measures (covering inspections, physical security, cargo and people handling, baggage screening, aviation security) by means of comprehensive but easily understandable information pamphlets and/or information workshops;

- the development of training modules, short courses and certificate courses accredited by the SIRA;<sup>149</sup>
- regular security audits by independent inspectors of all aspects of security systems and operating procedures at ports of entry;
- wider use of information technology;
- the institution of nationally integrated databases linking all ports of entry to the various crime, cargo and people movement information systems;
- the conversion of all information, records and analysis to electronic systems;
- the sharing of information between all role players and relevant government departments;
- the launching of more joint co-ordinated anti-crime operations;
- the expansion and intensification of undercover operations;
- the payment of more substantial rewards for information received from members of the public and informer networks;
- the utilisation and application of crime intelligence in focused actions;
- the improvement of controls over unscheduled flights;
- the introduction of background checks on all permit holders at ports of entry;
- the stricter vetting of applicants for permits;
- the purchase and installation of additional x-ray and spectrum analysis machines;
- an increase in both the number of containers risk profiled and in the volume of physical inspections made;
- improvement of both the Customs and police sealing of containers by setting higher sealing standards, standardising seals and using more technologically advanced seals;

- the installation of overhead CCTV cameras to monitor any unpacking of groupage containers and the requirement that packages not released should be placed in a secured cage area from which their release can be controlled;
- the compulsory reporting of contraband other than explosives by operators of x-ray scanning and substance analysis machines at all ports of entry, so that the police can investigate;
- the development and implementation of specialised training by all agencies that do not currently offer it;
- the establishment of a more comprehensive, co-ordinated and efficient informer system that is shared and co-funded by all security agencies and operators at ports of entry and specifically the JIA;
- the scanning of all luggage, both incoming and outgoing, for international and domestic flights as standard procedure;
- the setting up of rural aircraft-spotting networks and the co-ordination of sighting information with air controllers' databases on the registered flight plans of all aircraft;
- the erection of observation posts along land borders and the use of civilian observers or information providers;
- the use of focused publicity campaigns to raise awareness of firearms and smuggling;
- the expansion and improvement of the crime intelligence and analysis capabilities at ports of entry;
- the introduction of integrity testing for all security personnel, baggage and cargo handlers, and customs, immigration and border police officials; and
- the provision of corruption prevention training.

# NOTES

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1. Information obtained from [www.icao.org/icao/en/ro/eurnat/history02.htm](http://www.icao.org/icao/en/ro/eurnat/history02.htm).
2. The comprehensive aviation security training material is contained in the ICAO Training Programme for Aviation Security (a series of Aviation Security Training Packages – ASTPs). The ASTPs include aviation security training programmes encompassing basic airport security, specialised areas of aviation security at the state, airport and airline levels. To date, six of the ASTPs have been completed ([www.icao.org/icao/en/atb/avsec/packages.htm](http://www.icao.org/icao/en/atb/avsec/packages.htm)).
3. This expansion also involved the renaming of the ASM as the *Mechanism for effective implementation of Standards and Recommended Practices (SARPs) contained in Annex 17* ([www.icao.org/icao/en/atb/avsec/mechanism.htm](http://www.icao.org/icao/en/atb/avsec/mechanism.htm)).
4. Information obtained from [www.icao.org/icao/en/atb/avsec/mechanism.htm](http://www.icao.org/icao/en/atb/avsec/mechanism.htm).
5. ICAO Press Release, 27 December 2001.
6. Amendment to Annex 17, 2001, pp. 3–7.
7. ICAO declaration, 20 February 2002.
8. IATA was founded in Havana, Cuba in April 1945. The modern IATA is the successor to the International Air Traffic Association founded in The Hague in 1919; the year the world's first international scheduled services were launched ([www1.iata.org/about/history.htm](http://www1.iata.org/about/history.htm)).
9. Currently it has over 230 members from more than 130 nations.
10. [www1.iata.org/oi/security/index.htm](http://www1.iata.org/oi/security/index.htm).
11. The information below on IATA's security role has been drawn from different documents on the IATA website at: [www1.iata.org/oi/security/index.htm](http://www1.iata.org/oi/security/index.htm), [www1.iata.org/oi/securityfacilitation/security/index.htm](http://www1.iata.org/oi/securityfacilitation/security/index.htm) and [www1.iata.org/cargo/dg/index.htm](http://www1.iata.org/cargo/dg/index.htm).
12. GASAG members are IATA; Airline Regional Associations, the International Air Carriers Association (IACA), Airports Council International (ACI), the International Federation of Airline Pilots Associations (IFALPA), the International Transport Workers Federation (ITF) with ICAO, Interpol, Airbus and Boeing companies providing input as observers ([www1.iata.org/oi/security/index.htm](http://www1.iata.org/oi/security/index.htm)).

13. The information below on the FAA's security role has been drawn from different documents on the FAA website at: [www.faa.gov](http://www.faa.gov), [www.cas.faa.gov/pdf/ACSPN.doc](http://www.cas.faa.gov/pdf/ACSPN.doc) and [www.cas.faa.gov/esp/htm](http://www.cas.faa.gov/esp/htm).
14. The CAA emanated from the enactment of the South African Civil Aviation Authority Act No. 40 of 1998, which provided for the establishment of a stand-alone authority charged with promoting, regulating and enforcing civil aviation safety and security.
15. Information obtained from [www.caa.co.za/overview.htm](http://www.caa.co.za/overview.htm).
16. Information obtained from [www.caa.co.za](http://www.caa.co.za).
17. This airport is privately owned and managed by the Lanseria Management Company. The only other privately owned airport is the recently opened international airport serving the Kruger National Park.
18. [www.imo.org/introduction](http://www.imo.org/introduction). See Annexure A for the position on container inspections in other countries.
19. The Convention on Facilitation of International Maritime Traffic, 1965, in its annex contains "Standards" and "Recommended Practices" on formalities, documentary requirements and procedures that should be applied on arrival, stay and departure to the ship itself, and its crew, passengers, baggage and cargo. But the issue of port side security was never really outlined in any of the IMO conventions. The IMO has also developed the comprehensive International Maritime Dangerous Goods (IMDG) Code. This code makes provision for the carriage of dangerous goods in packaged form or in solid form or bulk and includes provisions for the classification, packing, marking, labeling and placarding, documentation and stowage of dangerous goods. This Code is also constantly updated to accommodate new dangerous goods and to supplement existing provisions ([www.imo.org/conventions/contents](http://www.imo.org/conventions/contents)).
20. For more detail concerning aspects of the tightening of border controls in South Africa see the following by A. Minnaar, *Policing the borders post-April 1994: The tightening up of controls*, paper presented to a SAPS Conference: *Policing Priorities and Objectives*, HSRC, Pretoria. 25–26 May 1998; *The crossborder movement of people: Security and political implications*, paper presented to an Institute for Strategic Studies, University of Pretoria (ISSUP) workshop on border control and protection: *The illegal movement of people and goods – where is South Africa heading and how can it be managed?* University of Pretoria, Pretoria. 18 June 1998; *Policing South Africa's borders: Post-April 1994 – The exploitation of border porosity and lax controls by organized crime and syndicates*, paper presented to the TechnikonSA Conference: *World Conference – Modern Criminal Investigation, Organised Crime & Human Rights*. Sun City, South Africa. 21–25 September 1988.
21. Constitution of the Republic of South Africa, Section 218(1).

22. Customs & Excise Act, 1964.
23. Immigration Act, 2002.
24. NCPS, 1996.
25. Immigration and Naturalization Service, Office of Inspections, *South Africa Border Assessment*, 1997.
26. INS, op cit., p. 17 and *NIDS Collective Approach: Implementation Plan*, 1997, p. 29.
27. INS, op cit. and NIDS, op cit., p. 37.
28. INS, op cit., p. 9.
29. INS, op cit., p.17 and NIDS, op cit., p. 35.
30. INS, op cit., p. 9.
31. NIDS, op cit., p. 3
32. NIDS Time Line, 1998.
33. The following departments were represented on NIDS: SARS Customs & Excise; SAPS (Border Police & Detectives); DHA; NIA; SASS; and SANDF, while the departments of Transport, Health, Agriculture, Public Works and Foreign Affairs attended on an ad hoc basis. However, with the agreement between the SANDF and SAPS concerning SANDF responsibility for securing and protecting the borderline, the SANDF were given a permanent representative on NIDS. NIDS reported directly to a Steering Committee which was established in October 1997 and consisted of the director-generals of SAPS, SARS and DHA; the deputy director-generals of Transport, Safety & Security, NIA, SASS and Public Works. The deputy ministers of Finance, Safety & Security and Home Affairs attended meetings by invitation. The Steering Committee reported directly to the NCPS Ministers Committee.
34. NIDS Time Line, 1998.
35. NIDS Project, MDUs, 1997, p. 2.
36. Ibid, p. 4.
37. NIDS Time Line, 1998.
38. NIDS, Project: MDUs, 1997: p. 3.
39. These five were Durban, Richards Bay, East London, Port Elizabeth and Cape Town. Subsequently City Deep Container Terminal has been designated as an 'internal port' with international status, i.e. it handles (exports) and receives international point of origin cargo directly while Saldanha Bay and Mosselbay have Customs officials placed there to deal with any international shipping docking there.

40. Operation Jacuzzi was jointly initiated by the SAPS, SARS, DHA, NIA, SASS and the SANDE.
41. The operational mandate of NIDS came to an end on 31 December 2000 although managerial oversight functions continued during a wrap-up period into 2001.
42. Information provided by B. van Niekerk.
43. Unless otherwise stated the information in this section was supplied by Dir. Z. Gouws, Head: SAPS Border Police.
44. While the October 2001 Cabinet instruction effectively disbanded the NIDS Secretariat created in 1997, the collective approach to border controls remains firmly in place, the BCOCC being but one example of this.
45. For example Agriculture, Health and Intelligence (NIA).
46. See 2<sup>nd</sup> Amendment Act, Income Acts, No. 60 of 2001, section 115(1).
47. Currently Border Police are receiving specialised training in profiling (for all crimes) that is being offered by the UN Office for Crime Prevention and Drug Control (UNOCPDC). This has assisted Border Police personnel by enhancing levels of experience and expertise.
48. The Act was passed by Parliament in October 2000 and assented to in April 2001, but the regulations were only released for public comment in October 2002 with an envisioned implementation date of April 2003.
49. It is not clear if or whether any other policing agency in the world is doing the same kind of container profiling that is being applied at South African ports-of-entry in particular Durban Harbour and JIA. It is assumed that the US government's Container Security Initiative would incorporate some of this type of risk profiling (See Annexure A for info on CSI).
50. With Amendment Acts No. 35 of 1973; No. 94 of 1974; No. 16 of 1978; No. 19 of 1983; No. 60 of 1988; No. 30 of 1990; No. 79 of 1991; No. 117 of 1992; No. 65 of 1993; No. 177 of 1993 No. 7 of 1995.
51. Arms and Ammunition Act, 1969: Part IV sections 25–26.
52. *Ibid*, Part IV section 27.
53. Firearms Control Act, 2000, section 45(1 &2)and 73(1)
54. *Ibid*, section 73(2).
55. *Ibid*, section 74(2).
56. *Ibid*, section 79.

57. Prior to Border Police taking over control of the whole process some security companies at JIA had merely stored passengers' firearms for safekeeping in a wire cage before being loaded in the diplomatic locker on board an airplane. Border Police now insist that such firearms be stored in a safe or the vault at the SAA Cargo warehouse.
58. Border Police: Procedure Manual, 2002, p. 55.
59. Ibid, p. 56.
60. Ibid.
61. Ibid, p. 61.
62. Ibid, p. 57.
63. Ibid.
64. Ibid.
65. The following information must also be provided when handing a firearm in for safekeeping:
  - Full name of licence holder;
  - Address of licence holder;
  - Identity number or passport number of licence holder;
  - Description of firearm (type, calibre and serial number);
  - Amount of ammunition;
  - Details of holder having authorisation to safekeep the firearms (Border Police Officer)
  - Date and time received;
  - Period of safekeeping;
  - Place of safekeeping;
  - Reason for safekeeping;
  - Signature of licence holder;
  - Signature of receiver of firearm;
  - Signature of person endorsing SAPS authorisation.

A copy of this form will be handed to the owner as proof that the firearm is in safekeeping. The firearm/s will then be immediately locked up in the prescribed safe/strongroom for safekeeping. If all these requirements are not met the firearm must be handed to the Border Police for safekeeping and will be released to the owner on departure from the country. If he/she refuses to hand over the firearm they will be directed to the Immigration Official for possible cancellation of their entry visa or temporary residence permit and they will then be refused entry into the country (*Border Police: Procedure Manual*, 2002, pp. 61–62).

66. The secure locked locker/small compartment in the hold of an airplane originally termed the diplomatic locker but now abbreviated to 'diplock'.

67. *Border Police: Procedure Manual*, 2002, pp. 60–61.
68. The information concerning these procedures and documentation was from interviews undertaken with members of the Border Police at JIA; Durban Harbour; Durban Airport; Richards Bay Harbour; City Deep Container Terminal and Lanseria Airport (see list of interviews) and was confirmed by Dir Z. Gouws, Head: SAPS Border Police. The exact procedure to be followed is also set out step by step in the *Border Police: Procedure Manual*, 2002 pp. 65–68).
69. *Border Police: Procedure Manual*, 2002, pp. 65–67.
70. Unless otherwise stated the information in this section was provided by Snr Supt. B. Trollip.
71. Currently JIA Border Police contingent have 305 staff members (inclusive of 95 police students who have only undergone the 26 week course and cannot yet be used in special policing operations). There are another 168 members on detached duties for special operations (Currently this is Operation Octopus) but these do not resort directly under Border Police JIA. In addition, Border Police capabilities are supplemented by a 22 person Crime Information Management Unit/Crime Intelligence Unit of the SAPS Crime Information Analysis Centre which was only established at JIA in April 2001 (this is where the integrated information database will be housed). Border Police JIA staff is distributed among a number of sites and duties: Movement Control Centre (Immigration Services); client centre services; SANAB; detectives; crime prevention and patrolling of air terminal. The personnel assigned to these posts work a 4-shift duty pattern. Only 11 of JIA Border Police are assigned to the cargo section for inspections. In addition, there are 10 permanent members for the Valuable Cargo section who are assisted with escort duties by members from Operation Octopus. A further 8 work in shifts (2 per shift) for dealing with unscheduled (private) flights.
72. Unless otherwise stated the information in this section was supplied by B. van Niekerk, H. Tripmaker, A. Niedermeyer and R. Raath.
73. Currently there are customs officials at seven seaports and at ten airports.
74. As soon as a customs crime has occurred or is suspected of having been perpetrated, an intervention or detection made etc., a SAR is filled in and sent to the Customs & Excise SAR Analysis Unit at SARS in Pretoria. The information from these SARs is then circulated to all Customs stations in South Africa. While the initial SAR is still paper based (manual) a system of electronically inputting the information is being developed.
75. Currently there are approximately 4,000 DA 500 entries per day through JIA
76. Lanseria airport have experienced similar problems.
77. Because of compactness and value (i.e. VAT and tax evasion) cigarettes are also a favoured smuggle item, both in and out of South Africa.

78. A trend is the replacement of old Russian cargo planes with second-hand light aircraft even though these cut down on cargo size.
79. It has been found that firearms smuggled out in this manner have largely been handguns and not rifles.
80. In fact the US Customs Service, because of the volume of container traffic, have acknowledged that their Customs officers can physically only check about 2 per cent of the containers arriving in the US.
81. Most of this documentation (see procedure at SAA Cargo facility) is inputted onto an electronic system as the cargo is brought in for shipment. Accordingly Customs do not always physically see the paper documents from such 'known shippers' but work on the assumption that most of the checks have been made by other agencies within the shipment/transporting chain. In essence Customs would merely confirm that all documentation is in order and place the various customs seals and stamps accordingly. It is only when suspicions arise and a risk profile has been developed that actual searching would be done of the goods being shipped.
82. Currently this service at access gates (with the exception of the Contractors' Gate, which is supplied by Springbok Khulani Patrols Security Company,) and perimeter fence guarding is provided by Enlightened Security Company.
83. There are ten manned gates at JIA with a number of smaller gates that are only used at specific times.
84. Unless otherwise stated the information in this section was supplied by Mr L. Phatang.
85. In 1994 there were approximately only 15 airlines operating from JIA, currently this number is 82.
86. The World Summit on Sustainable Development held in Johannesburg in August 2002 made increased security demands on these personnel and in all probability will be the same for any future international gatherings.
87. For example a 'Super' South Gate with six lanes with x-ray and screening facilities and separate pedestrian access. Information supplied by L. Venter.
88. Unless otherwise stated the information below supplied by L. Venter.
89. In terms of the screening of cargo currently only the SAA Cargo terminal and the DHL warehouse have X-ray facilities although there are plans to increase the number of machines in use.
90. Although valuable and/or dangerous goods cargo has, by law, to be removed into safekeeping immediately upon arrival or on acceptance for export.
91. Unless otherwise stated information below supplied by M. James

92. Springbok-Khulani Patrols.
93. In the multi-storey parkade the guards carry 'clock-in batons' with various electronic clock-in points where an individual guard will clock-in at regular intervals as they do their rounds. These clock-in batons are handed in to the duty officer in the control room at the end of every shift so that their movements during their shift can be downloaded onto a computer and as proof that the security patrols are being undertaken.
94. Information supplied by L. Venter and M. James.
95. The principle reason for security screening hold baggage is to identify and confiscate improvised explosive devices or bombs. The Z-scan machine will pick up firearms but all the operator will be interested in is whether it is properly packed and not whether it is illegal, since it is not classed as dangerous goods. Operators, if they do become aware of suspicious substances like quantities of drugs, will report this to the Border Police but this does not fall within their screening brief. Most drug finds are based on prior information, profiling of passengers and originating points or on tip-offs and not on the actual baggage screening process.
96. All the operators manning screening machines in the baggage screening area will have undergone a 'Dangerous Goods' training course approved by ICAO.
97. This machine differentiates between organic and inorganic substances by means of densities.
98. Information provided by P. O'Sullivan.
99. Unless otherwise stated the information in this section supplied by Mr N. Smit.
100. Interviews with Border Police personnel at Durban International Airport were also held in order to check on systems there since JIA was used as the pilot project in terms of the implementation of the new security measures envisaged in the Firearms Control Act and the Border Police Manual.
101. Unless otherwise stated the information in this section was provided by Supt. A. Antoine and Insp. P. Naidoo.
102. Currently the Border Police unit at Durban Airport has 49 permanent staff (recommended complement 84) working a four-shift pattern and providing a 24-hour service.
103. This request has been submitted despite the objections of a number of airlines that this will considerably lengthen passenger processing times as well as concerns around the declining numbers of international passengers passing through Durban.
104. This is one of the anomalies of containers coming in through Durban but destined for the inland container port of City Deep, see later section for a discussion on this issue.

105. Lanseria airport was also visited in order to check whether the same levels of security have been implemented at this airport.
106. In December 1994, the then Deputy Commissioner for Customs and Excise, Izak Smuts, had publicly stated that airports like Lanseria were becoming soft targets for criminals and illegal immigrants since they could slip into the country very easily because of the lack of control measures at those airports (see Minnaar & Hough, 1996, p. 151).
107. In official circles there was much suspicion that these operators, many of them flying old Russian Antonovs or Ilyushin planes, were involved in firearms and heavy arms running to UNITA rebels in Angola and in return would be flying in ivory, diamonds and other contraband. It was suspected that some of the 'heavy mining machinery' being flown to Angola or other countries to the north of South Africa was in fact concealed weaponry destined for UNITA.
108. See V. Bennel, Airports and State at odds over illegals, *The Star*, 7 December 1994, as quoted in Minnaar and Hough, 1996 pp. 151–152.
109. Information supplied by K. Olivier.
110. Unless otherwise stated the information in the section below provided by Capt. A.J. Olivier.
111. Currently the MCS at Lanseria is not connected to any of the other airports in South Africa, only to the central database at the DHA. There is an obvious need for the MCS to be airport linked so that when profiling is done police and the other agencies can check if a traveller is departing or arriving at one airport and leaving at another. This is a particular concern for Border Police in the case of Lanseria. Being such a large charter airport they are getting tourists and hunters coming in or leaving who bring in hunting rifles on permits. The travellers exiting from a different airport to the one they arrived at are not being checked for the removal of their firearms since, not only the MCS system but also other databases, such as firearm permit register, the Criminal Record Centre or even illegal immigrant systems are not centrally linked for checks to be undertaken by all three different control agencies.
112. Currently the Lanseria Border Police Unit has 18 staff members working four twelve-hour shifts of 2–3 people per shift.
113. Unless otherwise stated the information in this section was supplied by Mr K. Olivier.
114. This will have the capability to identify metals and other objects as a specific colour.
115. This company registered about a year ago.
116. Unless otherwise stated the information in this section was supplied by Mr P. Nel.

117. CargoLogistics, which is a cargo handling company, freight forwarder and cargo transporter flies its own cargo planes. Currently they do cargo consolidations, the packaging, manifesting and customs declarations from various suppliers for both local and international companies.
118. Unless otherwise stated the information for this section was provided by G. Engel.
119. Immigration and Naturalization Service, Office of Inspections, *South Africa Border Assessment*, 1997, p. 9.
120. Ibid.
121. Unless otherwise stated the information in the section below was provided by W. Tonkin.
122. Customs also assist other government departments like health, agriculture and State Veterinary Services.
123. The DA 500 is essentially a consolidated document that contains all the information from the Bill of Lading, Packing List and Clearing Instructions.
124. These are verified either on the list of serial numbers on the submitted SAP 312 (exports) or SAP 311 (import permit).
125. It has been found that only the first three bales might in fact actually be second-hand clothing or rags with the rest being new clothing. This smuggling practice is undertaken because of the lucrative nature of getting new clothing past Customs without having to pay the R25/kg duty on it.
126. The clearing agent would in fact be paying storage and wharf fees for every day it remains in the port area after this period.
127. Information supplied by Insp. J. Nortje.
128. Information supplied by J. Cloete, B. Jonker and M. Moloi. All this points merely to the requirement of careful seal inspections at all times along the chain of container movement.
129. Although the biggest bulk cargo shipping harbour in Africa, Richards Bay also handles a limited number of containers. Accordingly a check on security measures was made at the harbour to compare systems and standards with those in place at Durban. Unless otherwise stated the information in this section was provided by Insp. L. Boshoff and Insp P.S. Langa.
130. There are plans to install CCTV cameras at strategic points along the fence to be monitored in a Portnet control room.
131. This unit is also responsible for Richards Bay airport. They receive the passenger and billings list of every foreign flight prior to arrival. Richards Bay Airport has a small scanner for luggage and a walkthrough metal detector. There is no cargo

facility at the airport but any parcels or goods coming in on an unscheduled international flight are inspected with passengers' luggage.

132. Recently country-of-origin red-flagging has been bypassed by importers coming through non-suspect third party countries and listing these as the original originating country. However, Customs and Border Police are aware of this practice and are on the look out for it. In addition, the international regulatory bodies are currently in the process of trying to enforce standards that will make it obligatory and compulsory for the documentation to show all originating countries and intermediate ports-of-call of the journey of all cargo being transported around the world (this is in line with the new US Government Container Security Initiative requirements).
133. Information below supplied by Supt. B.E. Jonker and J. Cloete.
134. By the same token the RIT importers may not use South Africa as a transport route for the smuggling of any goods.
135. Documents regarding transport, customs declarations, customs dues/duties or tax due, invoices, Bill of Lading, etc. The most important documents for exporting/importing are the DA 550 while the CCA1 (the VAT control document) is for export to the BLNS countries. The DA 550 is now the consolidated export document with all the different purpose codes replacing the former DA 25, 26, 28 and 29 documents.
136. There are purpose codes for all the different actions needed placed on the container: e.g. DP = Duty Paid; RIB = Removed-in-Bond; RIT = Removed-in-Transit.
137. An "S" number will be stamped on the consignment documents to signify "temporary import for export" permit and that provisional VAT has been paid.
138. With a cross-border stamp which is used as proof that the goods have gone through the border.
139. One of the problems of transiting cargo is the so-called 'ghost' exports, i.e. cargo that never leaves South Africa. It is suspected by some Customs officers that a considerable proportion of such cargo returns to South Africa but there are no definitive statistics on the exact amount.
140. Information supplied by M. Moloï.
141. Technically RIB goods treated as normal duty paid and released after the Bill of Entry has been seen. They have a road bond registered against them or a deposit or provisional payment of duties so that they can proceed to their end destination. If after inspection it is found that incorrect amounts have been provisionally paid a voucher correction is done and sometimes penalties will have to be paid. Only two per cent of goods are actually stopped and inspected. Customs simply do not have sufficient staff, skills or equipment to do more.

142. Or the tendency is that if one client's goods are unpacked and released by Customs then all the other goods are also simultaneously unpacked and either automatically released on the assumption that all are being released with the first release or that certain goods can be illegally removed during the unpacking operation, specifically if such goods are not too bulky.
143. Information below supplied by M. Moloji.
144. There is one rail line coming in which splits into four inside the yard to facilitate off- and onloading from the different stack rows.
145. Enroute Spoornet have security patrols at marshalling yards. If a container is found to have been broken into it will be resealed and this information placed on the computer goods transporting system so that when the seal number is recorded on the RDT this information will come up on the handset to indicate that a further inspection must take place at City Deep so that claim forms can be filled in and processed. It has happened in the past that a train has been stopped either at gunpoint or having the signals tampered with and containers broken into and goods stolen.
146. The Container Movement Management (CMM) system cannot be accessed from outside without a logon password while the system operators all have their own pin number and password to enter and input information on the system.
147. Customs & Excise clearance documents with Portnet stamps on them: the CTO and the CIN.
148. These are part of the BAC surveillance system installed in Johannesburg. The four cameras at City Deep are connected to the BAC Control Centre at the Carlton Centre and have 72 hour recording tapes which are archived.
149. Currently the new legislation on security is being implemented and the new Security Industry Regulatory Authority (SIRA) is in a process of reviewing all training for security officers registered with them. In addition, no specific accredited and standardised training course exists for Aviation Security, Border Control and Ports-of-Entry security management. What training is received (operators of screening machines, immigration control and cargo inspections, border controls etc. has either been supplied by FBI, UK Customs, INS, US Border Police and UNOCPDC officials on an ad hoc basis or in specific short-term donor-funded training programmes. Most of this training has not been on the basis of train-the-trainer but specialised training for a small number of operatives at a time. Alternatively what training is being done by the various agencies consists of the basic introductory training provided in-house or gained 'on-the-job'. There is therefore a great need to develop such national short courses and accredited certificate/diploma qualifications for the further professionalisation of all aspects of port-of-entry security management.

# INTERVIEWS

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- Supt. A.C. Antoine. SAPS Border Control & Policing, Head: Airborder Unit, Durban Airport
- Insp. L. Boshoff, SAPS Border Control & Policing, Harbour Unit, Richards Bay Harbour
- Mr G. Engel. Security Manager, National Ports Authority. Durban Harbour
- Dir. Z. Gouws. Head: SAPS Border Control & Policing, Pretoria.
- Mr M. James. Springbok-Khulani Patrols, Johannesburg International Airport
- Supt. B.E. Jonker. SAPS Border Control & Policing, City Deep
- Insp. P.S. Langa. SAPS Border Control & Policing, Harbour Unit, Richards Bay Harbour
- Mr M. Moloi. Container Services Manager, Spoornet City Deep
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- Mr P. Nel. Owner: Cargo Logistics, Lanseria Airport
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- Insp. J.J. Nortje. SAPS Border Control & Policing, Seaborder Unit, SAPS Ops Head: Scanner Unit, Durban Harbour
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- Mr L. Phatang. Head: Operations, Enlightened Security Force (Pty) Ltd, Johannesburg International Airport
- Mr R. Raath. SARS Customs & Excise, Johannesburg International Airport
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