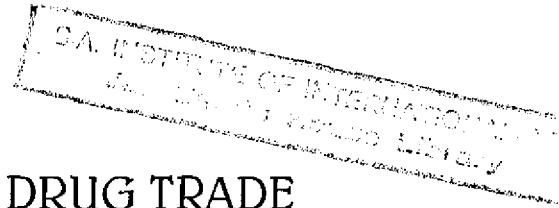




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THE ILLEGAL DRUG TRADE IN SOUTHERN AFRICA

by

Glenn Oosthuysen



THE SOUTH AFRICAN
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The Illegal Drug Trade in Southern Africa

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organised by
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PREFACE

Some three years after the demise of apartheid and South Africa's subsequent re-emergence into the world community, the country has increasingly become a target of illegal drug merchants. Attracted by the country's relatively advanced communications, financial and transport infrastructure, the drug syndicates operating internationally, regionally and locally have also exploited the institutional uncertainty which has accompanied South Africa's transition to democracy.

In Southern Africa, with its backlog of competing needs, the drug trade problem has not received the political priority which it can claim in other countries. Despite the apparent rise in drug-related crimes, policy-makers have yet to convert political rhetoric into successful action. Public education remains largely in the hands of cash-strapped non-governmental organisations (NGOs), there are few rehabilitation centres and abuse continues to rise. Drug rehabilitation for criminal offenders is the exception to the norm and in many cases the criminal justice system is not in a position to prosecute effectively the 'kingpins' of drug syndicates. Money-laundering imposes inestimable costs which undermine legitimate business practices and the integrity of the region's economies. With the large amounts of cash at their disposal, drug syndicates have the power to corrupt officials and elected leaders, posing a threat to the institutions of the state.

Nevertheless, the illegal drug trade has already provoked major international and regional initiatives. International control regimes and initiatives have emerged in the form of the Financial Action Task Force (FATF), the implementation of National Drug Control Master Plans by the United Nations Drug Control Programme (UNDCP) and the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (dubbed the Vienna Convention).

Against this background, the South African Institute of International Affairs (SAIIA) hosted a conference on the *Illegal Drug Trade in Southern Africa* from 5-6 June 1997. The conference drew together international, regional and local delegates representing law enforcement, health and welfare ministries, educationalists, NGOs, academics, policy-makers, intelligence agencies and the business community. This Report outlines the main arguments presented at the conference. In addition, a select number of the papers presented at the conference will be published in the *South African Journal of International Affairs* later in 1997.

I would like to thank all the staff at SAIIA for their assistance in making the conference a great success. I am especially grateful to Caroline Abraham for her tremendous efforts in helping to organise this event, as well as all the delegates who attended. I would also like to thank Anne Katz, Alan Begg and Pippa Lange for their assistance in the preparation of this Report. Finally, we are indebted to the US and Swedish governments for their financial support of the workshop and SAIIA's Illegal Drug Trade Project. Please note, however, that the views expressed herein should not be construed as representing the outlook of these bodies, nor of the SAIIA.

Glenn Oosthuysen
Johannesburg, September 1997

INTRODUCTION

The Illegal Drug Trade in Southern Africa

In his opening remarks to the conference, the Minister of Justice, Dr. Dullah Omar, extended a particular welcome to delegates from within Africa and commented that the conference was important for South Africa, its neighbours, Africa and indeed the world, because of the transnational nature of the drug trade.

Dr. Omar's address provided a fitting introduction to the conference as he provided an outline of the drug trade problem as perceived in South Africa and reported on the progress made in the country. He stated that the South African government does not underestimate the danger of illicit drugs and noted that international gangsterism is challenging the power of governments in the world today. All countries should take the issue seriously because real progress can be made possible only when governments effect maximum mutual co-operation on a global scale. While there was still much to be done, South Africa had taken note of the threat nationally and internationally and had taken steps to bring controls into line with global standards. At national level, he reported on the legislative measures deemed necessary to combat the drug trade, and also outlined some of the major areas of concern related to the drug trade in South Africa. Commenting on the two essentials of the trade, supply and demand, Dr. Omar observed that violence and corruption were associated with both, and noted that in developing strategies to combat this scourge there was a need to be vigilant in addressing both dimensions.

New dimensions, especially in the field of information technology, have provided tools for drug traffickers and money launderers. Electronic money, 'cyber cash' and the Internet help to facilitate the drug trade, especially money laundering. Dr. Omar warned that organised crime has a technological advantage in underdeveloped and developing countries of the world. However, as he pointed out, there are also positive opportunities in this technology for law enforcement efforts. These new challenges should be faced head-on to combat them effectively. International co-operation was vital to governments and law enforcement bodies generally.

With the advent of democracy and the country's economic and political reintegration into the world, South Africa has increasingly become a transit point for, and a consumer of, illicit drugs. Providing an indication of the extent of the illegal drug trade in South Africa, Dr. Omar quoted SAPS statistics for the first six months of 1996. During this period, police seized nearly 300,000 Mandrax tablets, 77kg of cocaine, 0.783kg of heroin, 1,325 units of LSD and 80,426kg of dagga. According to police officials this represented only 10-15% of all drugs smuggled into the country. More than 70% of the world's Mandrax is consumed in South Africa and the activities of organised crime syndicates are on the increase - of the 481 known syndicates operating in the country, roughly 136 are involved in drug operations.

The international community's concern about the drug trade has been illustrated, *inter alia*, by the 1961 Single Convention on Narcotic Drugs, as amended by the

1972 Protocol and the 1971 Convention on Psychotropic Substances. South Africa is a party to these conventions, which deal mainly with the trafficking of illicit substances. In order to address the rising production, demand for and traffic in narcotic drugs, the Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances was adopted in Vienna in December 1988. The purpose of this convention is to promote co-operation amongst parties to the convention so that they may address effectively the numerous aspects of illicit traffic in drugs having an international dimension, providing a comprehensive framework of measures to enable member countries to co-operate with each other in combating drug trafficking.

Dr. Omar outlined the measures South Africa has taken to increase its ability to co-operate internationally and to deal with the drug problem within the country. This involved a discussion of the limitations of the South African Drugs and Drug Trafficking Act, No.140 of 1992, and the remedy to this in the form of the promulgation of the International Co-operation in Criminal Matters Act, No.75 of 1996 and the Proceeds of Crime Act, No.76 of 1996. Once these Acts are in operation, South Africa will be in a position to accede to the 1988 Convention and will be able to join the international community in fighting drug trafficking within the framework of the convention. The Department of Justice's Interstate Affairs Subdivision (liaising with the countries of the Commonwealth, SADC, UN and international agencies and other foreign states), the Extradition Amendment Act, No.77 of 1996, the Money Laundering Control Bill, 1997, (to be promoted by the Minister of Finance), and the Special Investigation Unit and Special Tribunals Act of 1996, are all further evidence of South Africa's efforts to co-operate with the international community in combating the drug trade. Dr. Omar, reflecting on his earlier call to focus on both supply and demand, also pointed out that the Drug Advisory Board, which is a statutory board advising the Minister of Welfare, recently completed the first draft of the National Drug Control Master Plan, which will provide for a national drug control administration to oversee all strategies and actions taken to reduce the supply and demand of drugs.

As the threats become more and more universal, governments are forced to co-operate in combating these crime forms. Inevitably this causes tensions between the needs of law enforcement and issues such as civil liberties, confidentiality and sovereignty. While governments struggle with these problems, criminals will continue to disregard geographical borders and to exploit law enforcement's inability to deal with crime on an international scale.

In conclusion, Dr. Omar reiterated the need to approach the drug problem in a multidimensional manner, so as to address both supply and demand, and to tackle the related activities of money laundering and violence. He called for a close relationship between all role players in the control of, research into, and co-ordination of intelligence gathering. An equally close interaction between those involved in law enforcement was required on a national and international level.

AN INTERNATIONAL PERSPECTIVE

Drugs: A Global Overview

Simon Baynham provided an overview of the global illicit drugs industry and its effects. The business of organised crime is said to be worth as much as US\$1,000 billion a year, or four percent of the international economy. Illegal drugs are estimated to account for around half of this amount. Crime is big business in almost every country, and the profile that emerges is one of criminal organisations that, in many respects, resemble legitimate companies.

During the past five years, counter-narcotics agencies have been monitoring increased co-operation by the 'narcopreneurs' across international frontiers. The world's mafias, drug barons and other criminal syndicates - previously largely isolated in their own territories or fields of enterprise - have gone global. This process has been aided and abetted by the dismantling of international trade barriers, the collapse of centralised authority in many countries and the globalisation of world capital markets. But on top of collaboration, there is also evidence of fierce competition and conflict, as previous outsiders such as Nigerians and Albanians muscle in on territory previously controlled by locals.

There is a good deal of overlap with regard to the activities of these criminal organisations: drug crime syndicates throughout the world continue to widen their traditional operations in narcotics into other illicit activities, including unlicensed gambling, prostitution, vehicle theft, the trafficking in illegal immigrants and stolen art-for-drugs deals. At the same time, the trade in illicit narcotics is intimately enmeshed with violence at every stage of the business - from the terrorisation of peasants cultivating coca, to the turf wars at the retail end of the chain. Violence associated with the narco-trade includes coercion, torture, murder and even massacres. Another dimension is intimidation, which is an attempt to supplant the rule of law with the rule of brute force.

There is no such thing as a typical drug user, and narcotics are no respecters of social background. However, as well as causing widespread suffering, illness and death, the drug racketeers engender widespread political and bureaucratic corruption. More generally, the drug habit plays havoc with the lives of families, being associated with both spouse-battering and child abuse. Moreover, many narcotics can be injected, a practice that presents a particular risk of infections, including the spread of the Aids (HIV) virus. Also, users resort to other criminal activities, such as prostitution and theft, to provide funds for drugs.

The economic and security consequences of the narco-trade are equally disturbing. Campaigns to eliminate production and curb trafficking cost considerable sums from scarce state resources, and the drug business takes a heavy toll on the financial stability and development of many emerging states. In dozens of countries, drug-related crime and violence contribute to domestic capital flight, have a negative impact on tourism and discourage foreign investment. There is also the associated question of money laundering. The sums involved are enormous,

posing a considerable threat to many national economies.

In an outline of the drug supply routes, Baynham cited the latest *International Narcotics Control Strategy Report* (March 1997), which notes that the 'relatively straightforward diagrams of trafficking routes of a decade ago have become today's complex webs, linking virtually every country in the world to the main drug production and trafficking centres'. For instance, during the past 15 years, the African continent has become a revolving door - and a major source of consumption - for the drug trade. He provided examples from half a dozen regions of the world in order to illustrate how easy it is for the traffickers to take advantage of civil conflict and state collapse to re-route their international operations. On the other side, international machinery to combat the drug problem is beset by problems as supply and demand strategies vary. Baynham called for a new global approach to confront the realities of the international war against drugs.

American Strategies for Supply and Demand Reduction

Dale Lautenbach provided an overview of the various policy dilemmas and vested interests which have bedeviled American responses to the drug trade at international and domestic levels. The emotional nature of the US public debate on issues such as the legalisation of drugs, and the institutional rivalries which have come to characterise the 'drug wars' has continued to cloud the drug policy of the US.

Her survey of the American experience of dealing with illegal drugs was motivated by the *desire to pursue those lessons learned that might be instructive for South Africa*. The American debate is deeply polarised and, in the words of Ethan Nadelmann, Director of the Lindesmith Institute in New York: 'The United States is primarily useful for learning what not to do'.

The US anti-drug budget for 1998 is US\$16 billion. In 1980 the budget was US\$1 billion and the 1998 figure is the highest yet, shared between more than 50 federal agencies and over 50 congressional committees that have some degree of drug jurisdiction.

Lautenbach argued that the term 'drug war' was unavoidable and indeed central to understanding the American experience of the last 30 years or so, which has polarised the drug enforcement and care community into two fairly distinct camps with legalisation at the one extreme and zero tolerance at the other. As with all polarised debates, each side misses the nuances and range of policy possibilities offered by the 'enemy' camp.

The policy atmosphere is one which sees a Clinton White House inclining towards greater expenditure on domestic demand reduction efforts, like education, opposed by a Congress still caught in the 'slash and burn' techniques of the drug war. A Congressional Research Service report of 1996 found that Congress 'steadfastly continued to fund a drug policy which emphasises drug supply reduction and punishment measures'. In response to this and public pressure, the Clinton Administration devoted 67% of federal drug control resources to supply reduction

in the year under review.

On the drug war itself, four incidents covered in a recent US newspaper article reflect the various aspects of this war and how, in the eyes of its many critics, it has proved a failure because it has confused its policy and strategy approaches.

Those four incidents (or measures) of the drug war are:

- In referenda in November 1996, voters in California and Arizona approved legalising the use of marijuana for medicinal purposes;
- In December 1996, the University of Michigan released its annual adolescent drug survey, which found that drug use among teenagers had risen significantly;
- In what is called the 'certification farce', Colombia, which has ostensibly co-operated with US anti-drug efforts, failed to be certified as a partner in the fight while Mexico, whose police chief General Jesus Gutierrez Rebollo was shown to be on the take from drug traffickers early in 1997, was not decertified as a good faith partner despite this revelation;
- A federal indictment in Miami in January 1997 'detailing a plot by Russian, Colombian and Cuban mobsters to purchase a Soviet submarine' to smuggle cocaine into the US.

In an examination of the prosecution of the drug war both in its domestic context and international application using these four indicators, Lautenbach quoted critics of the war who claim that in each instance US policy has failed to recognise its own shortcomings and that after prosecuting more than 30 years of a drug war, few sustainable triumphs can be named.

In what is called the legalisation-decriminalisation-medicalisation debate, drug researchers, academics and activists are exploring alternatives to the perceived failure of the more conventional war. A powerful motivation for seeking an alternative is found in American prison figures. A former Surgeon-General paints the US as 'the world's fattest jailer with more than 1.5 million of our own citizens incarcerated in state and federal prisons and local jails and more than three million more who are court supervised'.

The crux of the decriminalisation debate is to ease the pressure on those jails and to avoid the negative effect of prison on first-time offenders by no longer seeking criminal prosecutions against first and second-time offenders who were not involved in any other sort of criminal activity. Those who defend America's present position on drugs and their illegality argue that America could not, in the face of international conventions and protocols to which it is signatory, simply turn around and change its mind.

The lessons that Lautenbach offered for South Africa, as derived from the American experience, were as follows. The government should be wary of seduction by the military option in the absence of careful thought about the

consequences. Marijuana might effectively be kept out of the drug war, which implies that the option to decriminalise should at least be debated in South African society. Any efforts by South Africa to formulate an appropriate policy should involve all of those concerned, from health workers to law enforcers, in contrast to practice in the United States where inter-agency rivalries have undermined this sort of co-ordination.

Lessons from the European Union

In her response to the papers presented by Simon Baynham and Dale Lautenbach, Dr. Elizabeth Joyce of Georgetown University discussed the European Union's experiences in dealing with the drug trade, and the global response regimes. She offered some comments for South Africa as it evolves its own drug policies.

Whilst the European Union (EU) is in a state of flux over drug policy, it is, nevertheless, an important region to watch for two reasons. First, in terms of national policy, the 15 EU member states and their neighbours display an extremely wide range of responses to drugs. Second, the EU and its member states are becoming innovators on international drug co-operation. According to Joyce, the EU countries are being *forced* to put into place levels of co-operation among member states that in other regions of the world are still the stuff of political rhetoric.

There are four conditions in Europe (some of which also apply to South Africa) that have made drug control a prime concern:

- For the EU, the recent changes in Central and Eastern Europe - the dismantling of the old political and economic regimes, the rise in poverty, lawlessness and organised crime - have proved powerful incentives to increasing external co-operation on crime control.
- The practical consequences of integration have forced the EU member states to redefine how they tackle transnational crime. The 'fall of borders', while presenting trade opportunities, has also made co-operation on all forms of transnational crime a more urgent pre-occupation.
- Linked to the problems produced by trade liberalisation inside the EU are the greater consequences of global trade liberalisation. Greater volumes of licit trade between countries inevitably provide greater opportunities for transnational crime.
- The technological revolution in world finance with the growth in wire currency transfers, the development of the euro-bond market and other financial instruments has revolutionised crime, providing greater opportunities and fewer risks.

The globalisation of trade and crime has brought a more international approach to drug policy. The last decade has seen the development of an international regime of growing complexity to tackle drugs, a regime which also goes beyond the problem of drugs to address wider issues of transnational crime. Countries not simply confined to the UN, co-operate as never before on drug control, meeting in

a variety of multinational fora on drugs. New methods of sharing data, expertise and resources have been created. At the operational level, countries co-operate on law enforcement in innovative ways. Also countries have a much greater awareness of each others' particular problems with regard to drugs.

Despite this, countries are still struggling to implement the plethora of new codes, regulations and international treaties, and working out the new systems of co-operation that will take them forward. While it is easy to feel pessimistic about the effectiveness of these regimes, it is important to acknowledge that the developments of the last ten years are simply a start. Countries are still cautious about dealing with drugs in global terms, because to do so requires that they cede their sovereignty to make possible more effective co-operation. A truly global response to transnational crime would strike at the very heart of the concept of the nation-state; it is rational that governments should balk at this.

What has become apparent in Europe according to Joyce, is that, once countries take concrete steps towards free trade, there is an immediate compromise to be made between effective criminal law enforcement and the benefits of economic integration. Whilst transnational crime is important when viewed in isolation, it is not very important at all when seen as part of a mix of competing international priorities.

On the question of supply reduction, Europe is only just starting to set up the institutions and mechanisms, such as the creation of Europol, to address its own problems in this regard. One lesson that the EU as a whole appears to be learning concerning demand reduction policies is the importance of investing in data and information. There has been a slow and steady upward trend in the amount of money governments are spending on demand reduction policies, a consistent trend towards a community focus on corresponding demand reduction strategies, with less emphasis on the fairly ineffective mass media campaigns, along with a move towards decentralisation and greater resource allocation to NGOs.

In the EU's external relations with other countries on drug supply, there has been a shift in emphasis towards a concern with law enforcement and judicial matters. EU member states increasingly offer equipment and training in these spheres, and have become less pre-occupied with the development-oriented response to global drug control that was popular in the late 1980s and early 1990s.

Finally, there has been a trend in Europe toward a certain homogeneity in perceptions and policies, such as the changes that the Netherlands has made to its national drug policy as a direct result of external pressure from its neighbours.

In conclusion, Joyce responded to Dale Lautenbach's analysis of US drug policy, especially the drug war metaphor. While acknowledging that the analogy is useful in helping to create a sense of urgency about the issue of drugs, and for expressing a government's commitment to making drug control a priority, she argued that it distorts people's perceptions of drug control. First, it invites people to imagine that victory is possible, which is false, since crime does not work like that, and if people visualise a strategic victory such as might be achieved in real war conditions, then anti-drug efforts are always doomed to failure. Second, use of the drug war

metaphor encourages people to consider the use of the military in criminal law enforcement. Whilst there are times when military deployment is essential in drug control, it should always be approached with caution and misgivings. Fighting drug traffickers creates massive potential for corruption within military institutions, as well as endangering civil liberties, as in Latin America. Third, use of the drug war metaphor encourages people to believe that foreign action is the main focus of action in drug control. This is not the case, even in the United States, where only around US\$500 million of the US\$17 billion federal drug budget is spent on foreign drug policy. Fourth, use of the drug war metaphor removes drugs from the wider category of transnational crime in which, in reality, it is embedded.

On the issue of legalisation, for a number of reasons the debate as framed by those in favour of legalisation in the United States is something of a distraction. Given that all drugs - from tobacco and alcohol through to heroin and cocaine - are regulated to some degree, it is inaccurate to see the debate as an 'either/or' proposition. Moreover, the way the debate is framed in the United States, the largest illicit drug market, is not necessarily applicable to smaller countries and those where drugs do not yet pose such a serious problem.

Reacting to the possibility of a reformist solution to the drug problem in South Africa, Joyce commented on the possible international reaction to this, especially on the part of the US. In international relations, drugs are not a prime concern and, in foreign policy terms, cannot be separated from other matters. For example, despite the US' certification process, some countries are just too important to be decertified for reasons that have nothing to do with drugs (compare Mexico's recent experience with that of Colombia). The nature of South Africa's recent transition to democracy and the strong US support it elicited will probably ensure that, in this hypothetical situation, it too would be included in the category of countries deemed too important to decertify. Whatever the perceived benefits of a radical reform of its drug laws, South Africa will probably be deterred from doing so by international disapproval.

The State in a Global Network

Responding, Martin Elvins of Lancaster University highlighted the role of the state in an emergent global network, in terms of the dimensions of the drug problem, and of the policy response to this development.

Both of the papers presented by Simon Baynham and Dale Lautenbach provided a powerful indication that the global drugs problem is characterised more by *diversity* than by *homogeneity*. This suggests a possible contradiction in the attempt since the late 1980s - formalised around the 1988 Vienna Convention - to establish a global standard for international action against the problem.

The term 'globalisation' is widely accepted to denote a compression in time-space relationships allowing faster, more intense cross-border flows. This has led to local transformation as much as it has to macro-scale changes. Yet the way that the drugs problem is represented can be viewed as a classic *hierarchical* model, reflecting orthodox international relations perspectives. Since 1988, the international control regime has been expanded through the efforts of the world's

most powerful states, led by the G-7, which has established new institutions (such as the Financial and Chemical Action Task Forces). A proliferation in regional and sub-regional bodies has also occurred in this period.

However, Elvins argued that the drive to establish multilateral standards is problematic for the following reasons:

- As all international co-operation is designed to respect national sovereignty, a diversity of national and regional strategies is legitimised through multilateral conference diplomacy.
- Common policy standards will have wide variations dependent on the political, economic, social or cultural setting in which they are applied.
- An inevitable time lag is introduced due to the slowness of enacting international legal instruments at a national level (extradition treaties are a classic example: the Vienna Convention commits its signatories, but leaves the process to bilateral discussion).

This creates a situation of winners and losers: the winners appear to be the advanced industrialised countries (AICs), who perceive drugs as part of a wider set of transnational threats, and the 'expert' groups with authoritative policy-relevant knowledge.

AICs are striving to reassert their sovereign power (rule-making and enforcement authority), which has declined in areas such as economic management. In the process they have increasingly empowered state agencies who have a stake in the process of coercion. As such groups have increasing levels of transnational interaction (both formal and informal), they exercise a powerful influence over the promulgation of the 'penal' model of enforcement-led drug policy.

This creates a number of risks:

- The citizens of AICs are forced to accept lower standards of civil liberties and democratic accountability regarding drugs (for example, asset forfeiture laws).
- Drug problems are displaced to the resource-starved developing world resulting from the emergence of a two-tier system in which AICs attempt to become fortresses, selectively sharing intelligence data between themselves.

The AICs have been the primary agents in the facilitation of a process designed to develop more homogeneity in international drug policy. This has meant a significant shift of policy-design competence to 'expert' groups predominantly involved in coercive or regulatory solutions to the problem, and the creation of new institutions to support it. At the same time this system may be undermined by the emergence of counter-pressures, leading to further fragmentation.

The key counter-pressures are as follows:

- A new generation of drug users is emerging for whom drug use has been

assimilated into 'normal' social practice, a trend accelerated by global patterns of cultural development.

- Criminal organisations are seeking to diversify their drug activities at all times, and have built up considerable resources to do so.
- Sub-state groups are offering alternatives to the penal approach, like the European Cities on Drug Policy network, which seeks to promote 'harm reduction' strategies.

In conclusion, Elvins argued that the scenario presented shows that the way in which the drug problem is represented is based on a highly normative set of preferences, promulgated chiefly by the AICs of the world (in which the US is the main advocate), and reinforced by the spread of transnational decision-making among groups whose knowledge base reflects a preference for coercively-based solutions. Until this situation is more widely recognised, or undermined by strong counter-pressures, it is likely that a more humane approach to the problem of drugs and a shift of resources towards harm reducing strategies will be blocked. Thus the drive for greater homogeneity may - ironically - have created much greater fragmentation in terms of the policy response. The initiative for change must begin with AICs, as they still represent the largest sources of demand for drugs (although this situation could change rapidly as the problems are displaced). A considerable shift in international opinion is required for this process to commence.

The Illegal Drug Trade - The Asian Experience

Dr. Sreedhara Rao of the New Delhi-based Institute for Defence Studies and Analysis (IDSA), responding to Simon Baynham and Dale Lautenbach, provided a geopolitical overview of the extent to which narco-trafficking syndicates have fomented and sustained numerous insurgencies and militant groups in South Asia. He also called for policy responses which take into account the financial conditions and the nature of specific developmental processes in a country or region.

There are clear linkages between war and drug monies. The politics of the Cold War era were instrumental in bringing Asia to the forefront of the drug problem, for example in the Soviet Union's invasion of Afghanistan, as the main actors in the Afghan turmoil accepted and used drug money to fight the war. The curriculum of the armed forces, which are called upon more often to respond to these low-intensity conflicts, should therefore include education on the role of the drug trade in sustaining these conflicts.

The drug trade is a threat to national security, as many sub-nationalist groups have been funded by drug money. However, the drugs problem is of low level policy importance; despite the pious intentions of some, it has become relegated to the strategic objectives of various powers. Referring to the Cold War superpowers, Rao argued that with their Indo-China experience they had realised what narcotics and narcotics money can do to achieve their objectives. Examples such as the militant groups in the Indian province of Jammu and Kashmir, the Taliban in Afghanistan, Tamil unrest in Sri Lanka and militancy in India's Punjab province to demonstrate:

- how the illegal narcotic trade has provided either direct or indirect financial assistance to sub-nationalist movements;
- how Islamic militants have used places of worship and the so-called *jihad* to acquire legitimacy and protection for their drug trafficking activities;
- how the slow pace of development in these areas has made it easier for traffickers to recruit others;
- how the role of outside agencies in illegal drug trafficking has been used to generate funds for covert activities in the region;
- how poor systems of governance have led to the infiltration and manipulation of political processes and even armed forces by traffickers; and
- how the activities of narcotics traders have added to the proliferation of small arms and light weapons, which have also raised the level of these movements' activities.

Rao drew upon his experience of India's Ministry of Finance to provide an alternative perspective of money-laundering, identifying three factors which are relevant to the issue. First, the globalisation of economies is just as applicable to developing countries as to developed countries. One of the principal themes of globalisation is the free movement of foreign capital. Second, due to the shortage of international capital, countries are offering all sorts of incentives in an attempt to attract investor capital. Third, the functioning of the economic system and cultural ethos in, for example, Asian society, where less than 50% of economic activity is conducted through organised channels, makes it considerably different from the developed economies of the west.

To complicate these factors, there is the problem of identifying what is legitimate money and what is illegal money. A distinction can be made between 'white' (legitimate) money, 'black' (money made by avoiding taxes, duties, customs) and 'dirty' money (generated by crime and drugs). Whilst money can be distinguished in theory according to these sources, in practice there are very few ways of doing so. In the context of globalisation, with the capital shortage in the world today, governments and businessmen are more likely to turn a blind eye to the source of the capital available. Whilst there are certain indicators available to assist in the identification of 'white', 'black' or 'dirty' money, there have as yet been no empirical studies estimating the amount of black and dirty money to be found in developing economies. For governments to make such identifications a thorough overhaul of the international monetary system is needed. Some less developed nations are willing to use 'dirty' money to sustain their development, while others use it to achieve strategic objectives. In the light of this, the rest of the international community should acquire the necessary tools to cope with the problem, and to minimise the damage to humanity. Since few countries in the Asian region are investing in the problem, Rao deduced that it was still within manageable limits.

REGIONAL PERSPECTIVES

Combating Drugs in Southern Africa

Mukutulu Sinyani of the Zambian Drug Enforcement Commission (DEC) presented a discussion of issues such as liaison within the Southern African region, extradition treaties, harmonisation of legal instruments, cross-border drug-related crime, demand reduction efforts and the way forward in the region.

On the question of liaison within the region, Sinyani argued that drug trafficking and abuse can be effectively combated only through co-operation by all regional law enforcement agencies. Failure to combine efforts may result in uncontrollable trafficking, culminating in a high rate of drug abuse, money laundering (which is now occurring in the region) and the resultant decline in meaningful economic development. Some of Zambia's policing operations in co-operation with amongst others, Zimbabwe, South Africa, Namibia and Botswana, illustrate the limited success of sporadic joint operations.

Reacting to the discussion of decriminalisation and/or legalisation of marijuana, Sinyani came out strongly opposed to this possibility. He rejected the "romanticism" with which some had spoken of marijuana, arguing that the marijuana which people may have smoked in their youth would probably have contained only between 0.2% and four percent Tetrahydrocannabinol (THC) content. By contrast, today's marijuana crops are producing a THC content of 7-17%. Marijuana should not be looked at in isolation, since it is now part and parcel of hard drug use. In Lesotho cannabis crop producers have established no-go areas into which the authorities cannot enter. This highlights the need for drug enforcement agencies to work together to combat marijuana, since it is a common drug crop shared by all of the states in the region.

It is noteworthy that Zambia has no extradition treaty with any of its SADC partners and extradition, while discussed at a rhetorical level, does not exist in practice. Extradition is part of the answer to curbing regional drug trafficking. Criticism of the Southern African Development Community (SADC) and the Organisation of African Unity (OAU) was expressed: their conferences produce very little of substance on ways to deal with the drug traffic, despite the fact that drugs continue to be manufactured at greater purity levels and are therefore becoming more addictive. The signing of the SADC Protocol on Combating Illicit Drug Trafficking on 24 August 1996 by all SADC member states except Angola is welcomed as a positive step. However, many of the SADC states have yet to sign the 1961, 1971 and 1988 UN Conventions. All of the states of the region have been urged to sign and implement these conventions as soon as possible so as to give the region the capacity to deal with drugs. Without the harmonisation of legal instruments in accordance with these conventions, there is no legal basis to talk about actual policing across borders in the region.

According to statistics of arrests for drug trafficking, drug dealers from various Southern African countries are operating throughout the region, often using false

travel documents. Passports from South Africa, Zambia and Malawi are highly sought after by traffickers from Nigeria and Senegal, and the region should address these problems. So far, the region is treating only the symptoms of the drug problem, but the solution lies in regional action against drugs produced in the region. While joint operations are a positive step they are not the solution. SADC countries need to start thinking as a region; for too long the states of the region have worked in isolation from each other.

Although demand reduction programmes are under the auspices of the Zambian Drug Enforcement Commission (DEC), similar programmes do not exist elsewhere in the region. Sinyani welcomed the SADC Protocol's practical suggestions on the implementation of such programmes and offered to share the DEC's experience and information with other stake holders so that the region can fight drug usage efficiently and effectively. With regard to co-ordination of demand reduction and supply reduction efforts, the DEC's structure combines demand reduction and interdiction efforts successfully in one office.

Acknowledging the effects of globalisation, there is a need to develop a common regional approach to the fight against drugs. Information plays a major role and should be shared by all of the concerned law enforcement agencies. The Interpol data bank in Harare should be made accessible to all the countries of the region. There is a need for greater accessibility to information from regional counterparts, as well as common training programmes and a sharing of training facilities to enhance further the development of a common regional approach.

Total Prevention of Drug Addiction

Professor Alfredo Miroli of the Argentine government presented a scientific perspective on drug use, which also reflected the strategy adopted by Argentina for dealing with drugs in that country. Drug use causes irreparable damage to those areas of the brain which are most critical to uniquely human attributes. Also drug addiction is not only determined by the quantity of drugs consumed but also by the genetic predisposition of individuals. For these reasons a total strategy is needed to deal with drugs at all levels and for all individuals affected thereby.

Posing the question, 'What makes us human?', Miroli cited scientific studies which have shown that it is the ability of neurons to develop connections which makes humans unique. Recent studies of the brain show that the ability to establish connections located in the frontal lobes of the cortex of the brain is critical in generating a range of uniquely human emotions and responses. These vital areas have been shown to be vulnerable to irreparable damage through substance abuse in studies conducted by Dr. Joanne Flower from the Computerised Medical Images Department of New York, in association with Dr. Nora Volkow of the Nuclear Medicine Department of the Brookhaven National Laboratory of New York. They studied the brains of a number of alcoholics and also of addicts to different drugs. Their conclusions were as follows:

- The brain cortex of an alcoholic and/or drug abuser does not work in a normal way.

- There are dead zones located mainly in the frontal lobes.
- Normal waves (alpha) are replaced by pathological delta and theta waves.
- Severe neuronal damage occurs, with large areas of hypo-perfusion in the frontal and temporo-parietal lobes.

Repeating their studies every 30 days after the total suspension of consumption showed some regeneration and recovery in alcoholic patients. But the same did not happen with marijuana, cocaine and acid users: no recovery was found.

In relation to the genetic link between drugs and drug addiction, it is argued that there is a firm link between genetic predisposition and drug addiction. It has long been suspected that certain types of behavioural disorders 'run in families'. History has provided anecdotal evidence that addiction to drugs, food and a wide range of behavioural disorders also has a genetic link. But only in recent decades has there been scientific evidence that defective or variant genes can actually cause a predisposition to alcoholism or drug addiction. Miroli cited studies which showed that 50% of drug abusers had at least one close relative with a diagnosis of alcohol dependence, or found that 57% of fathers and 12% of brothers of opiate addicts were alcoholics. Further research on animals and humans has provided a wealth of data about the changes in brain chemistry that defective genes initiate, and the effect these changes have on behaviour. The conclusion seems inescapable that defective genes, causing abnormalities in brain chemistry, are responsible for a whole range of compulsive diseases and abnormal behaviours, including drug addiction.

Further scientific evidence shows the effects of drugs on brain chemistry. When combined with often dormant (or previously unknown) genetic factors, these effects are magnified and lead to addiction.

Having taken the available data into consideration, Argentina decided to work for total prevention of drug addiction. The concepts and principles underpinning the Argentine government's four-layer strategy of 'Total Prevention' are as follows:

- Those people who have not consumed drugs before should 'Never do it!' (Primary level of prevention).

The strategy is to employ formative education, not only informative education. The emphasis is on using tools such as love, self-esteem and humility, to equip every single person with strong social values, acknowledging the important role of parents in encouraging and supporting their children, and reminding people that despite daily mistakes and defeats, they must be watchful in guarding against drugs.

- Those people who have started to use drugs, whether it be experimental or regular use/abuse, should stop before they become sick or dependent! (Secondary level of prevention).

The strategy is to employ the education and the training of human, professional and technical resources for the early diagnosis and the early admission to treatment and medical assistance of the drug addict and his/her

family.

- Those people who are sick, who are already dependent or who are drug addicts should be encouraged to try the hard but possible road of rehabilitation and social reinsertion. (Tertiary level of prevention).

The strategy is twofold. First, it is to use every available resource for treatment and rehabilitation (employing education, all of the professional and technical resources in the therapeutic communities, and the latest treatments suggested by scientific advances in the neurosciences). Second, it is to put pressure on the social insurance and health insurance sectors to recognise the necessity of including this sickness under their terms of coverage.

The key elements in each of the preceding steps are love and tolerance from all involved.

- In spite of all educative efforts, there will be those people who want to use drugs and there are predisposed people who, after trying a little, will not be able to escape from addiction. The goal here is to prevent them from getting access to drugs to start with! (So that prevention will be complete, or in Miroti's terms, Total).

The strategy to be used here includes the training of specific human resources on tools for the control of illegal drug trafficking, the prevention of money laundering, the control of chemical precursors, adequate legislation and resistance to any plans for the legalisation of illicit drugs.

In conclusion, Miroti admitted that at this stage there are few lessons which Argentina can share with South Africa. However, in five to ten years we will know what results Argentina's innovative 'Total Prevention' strategy has achieved.

Co-operation in Southern Africa

The Deputy-Director of Science, Technology, Narcotics and Crime Prevention in the Department of Foreign Affairs (DFA), Bes Steyn, provided insight into the regional projects and measures designed to combat the drug trade in Southern Africa, stressing that liaison was especially appreciated in the region since Southern Africa faced a very serious drug problem.

Some of the initiatives taken in the region are:

- (a) The Southern African Regional Police Chiefs Co-operation Organisation (SARPCCO) provides regional liaison between various heads of police agencies in SADC. SARPCCO convenes annually to discuss, amongst other topics, the harmonisation of legislation, training programmes and workshops. The activities of SARPCCO, although still in their initial and exploratory stages, enjoy attention at the highest management level of all the police forces.
- (b) An Interpol Crime Data Bank is to be established in Harare. Interpol has

offices in numerous SADC countries from which it can monitor the drug situation and arrange co-operation platforms to address certain problems.

- (c) The 1994 United Nations Drug Control Programme (UNDCP) Southern African Sub-Regional Legal Workshop aimed to give impetus to regional judicial co-operation. Referring to the communique (known as the Pretoria Communique) issued after the Ministerial Forum which preceded this workshop, Steyn pointed out that the commitments made on the part of the ministers and their agreement on an Action Plan for implementation, had so far come to nothing. The practical plans and suggestions embodied in the Action Plan need to be incorporated into the process of implementing the SADC Protocol. Whilst the SADC Protocol (Article Nine) makes provision for institutional arrangements, such as a committee to oversee its implementation, no powers exist until such time as two thirds of the 12 member states have ratified it. Only Zambia and Mauritius have ratified it thus far.

In response to the problems of extradition highlighted by Mukutulu Sinyani, it was argued that Article 4.2(F) of the SADC Protocol makes provision for the facilitation of laws and extradition between member states. Similarly, Article Six of the 1988 UN Convention can also be used as an extradition treaty and a mutual legal assistance treaty, thereby providing a valuable basis for international co-operation on drug-related matters despite the absence of multilateral or bilateral arrangements between states. If states were to sign and ratify the 1988 Convention they would be able to make use of these provisions to overcome such problems.

Article Seven of the SADC Protocol makes provision for the development, implementation and evaluation of policies; the establishment of mechanisms to co-ordinate, monitor and evaluate demand reduction efforts; the establishment of facilities for the treatment, rehabilitation and social integration of abusers; the establishment of employee assistance programmes; and the sharing and providing of information and research data on drug abuse, trafficking and demand reduction programmes. However, a lack of facilities continues to hamper these demand reduction aims. The most notable deficiencies include a lack of data on the extent and consequences of drug abuse, and a lack of meaningful and comprehensive drug abuse prevention programmes, treatment and rehabilitation facilities.

A number of initiatives aim to provide training within the region. These include a project to develop Drug Control Capacity in the Sea Ports of East and Southern Africa; a sniffer dog project for the detection of narcotics at ports and airports; a project to develop an internal drug law enforcement training capacity for South Africa with a view to enabling South Africa to carry out training in neighbouring countries; the incorporation of a drug abuse prevention element into an existing women's health research and intervention project, and the drug interdiction Training Project for East and Southern Africa.

However, of all the resources allocated by the UNDCP, Africa has the lowest implementation rate in the world. Programmes in Africa are performing badly when measured in terms of allocated resources and implementation rates, in the case of the UNDCP budget for 1994-95 for which Africa recorded an under-expenditure of

42.8%. As a result, Africa has received a reduced budget for 1996-97 - down from US\$12.7 million to US\$10.5 million. UNDCP regional budget resources are determined according to nine factors - the drug control situation in a country/region, government readiness to adhere to international drug control conventions, government efforts to develop and implement a drug control master plan, government efforts to establish a national focal point or internal co-ordinating body for drug control, sustainable and verifiable impact, the absorptive capacity of national institutions, the facilitation of additional external assistance, the use of resources in an efficient and verifiable manner, and financial constraints on states. Africa's lack of implementation is likely to cause a further decline in funding. Ironically, delegates from SADC countries are united in the view that resources and co-operation are lacking. However, proper project implementation would certainly make a difference to this situation.

In conclusion Steyn made four observations:

- Africa and the region need a realistic approach towards counterpart capacities to carry out functions or implement projects.
- The real needs of Africa should be investigated, identified and addressed.
- No projects can be planned or executed without the proper data on drug abuse and illicit trafficking.
- No project can be properly executed if the institutional capacity is lacking in a country.

It is, therefore, important that programmes focus on:

- strengthening basic drug control structures in the region,
- assessing the extent of drug abuse and trafficking in the individual countries,
- designing projects after taking into account the absorptive capacity of a country, and
- committing the region to the principle of equal partnership in the needs assessment of a country.

A concerted effort from the region to address the problem of illicit drug trafficking was called for. Significant steps would include the ratification of the three UN Conventions and the capacity to implement them. For this reason, the sustained under-utilisation of project funding is an important issue which needs to be addressed.

SADC Drug Control Development Strategy

Bjorn Franzen, the EU Adviser to the SADC, detailed the prerequisites for a successful drug control strategy, the main steps to be taken in the most important

sectors and some of the partners involved in the process.

There are three cornerstones to the development of national and regional drug control strategies:

- an accurate knowledge of the drug abuse, trafficking and production situation;
- a political awareness of the problem and a commitment to respond to it (including bringing lower level parties aboard); and
- a legal framework that allows the authorities to take appropriate action.

While these three components are often interrelated, the most vital element in drug control is that all relevant parties should focus on strategies to reduce supply and demand.

The main parties whose activities could bring about supply reduction (the prevention of production of and trafficking in illicit drugs) are customs and police authorities, the judiciary and in some cases coast guard, navy and army units. Since drug trafficking is a global problem, it is imperative that close co-operation is established between law enforcement authorities in neighbouring countries. It is equally important that the agencies, both nationally and regionally, are operating under similar and harmonised laws in order to achieve maximum results.

Drug demand reduction (reducing the abuse of illicit drugs) can be divided into three sectors: primary (creating awareness among those who have not yet started to use drugs), secondary (providing treatment and rehabilitation to those wishing to stop using drugs) and tertiary (the minimisation of the harmful effects of drug abuse on drug abusers). A close collaboration between supply and demand reduction actors and a full understanding of how they can and must complement each other's roles is one of the keys to a successful drug control strategy. The two should always be regarded as equally important. One should never be allowed to dominate the other, either in terms of financial or political support, as a balanced approach has been shown to be the only possible way to combat both the trafficking, production and abuse of illicit drugs effectively.

Other actors in the fight against drugs include the media, hospitals, NGOs and those dealing with HIV/AIDS, gender, environmental and youth issues. Drugs should be linked to these issues so as to develop a broad and comprehensive front to tackle drugs effectively. It is imperative that drug trafficking and drug abuse not be seen as separate problems handled by a few separate organisations or bodies.

In order to co-ordinate the activities of the supply and demand reduction actors, a national co-ordination body should be established in each country - within the framework of a law enforcement agency, a health-related institution or an all-encompassing framework, such as the Office of the President. It is important that all of the main actors have equal opportunities to influence the overall drug strategy of the country. In terms of this, reporting mechanisms should also be improved. A long-term measure could be the creation of a regional committee drawn from these

national bodies to co-ordinate the work at national level.

The objectives of the national co-ordination body should be the elaboration and implementation of a national Master/Action Plan for drug control. This Plan should provide an assessment of the present situation, which would address specific problems, estimate the impact of drug abuse in the country, and evaluate the nature and success of the measures currently applied. The latter, policy and strategies, should be analysed in terms of general features, approaches and links with the planning system, main objectives and specific strategies for each sector, details of activities by sector, resource requirements, financing and management, monitoring and evaluation, timetable of principal activities and possible technical co-operation. The process of researching and drafting a Master Plan has in itself contributed to increased awareness and prompted stronger commitment to tackle the problem in some countries. The elaboration of national drug control policies is necessary to achieve one of the objectives of SADC's Declaration and Treaty to '*achieve complementarity between national and regional strategies and programmes*'. However, a regional policy should, as much as possible, be preceded by national policy statements in the form of comprehensive master/action plans.

CRIME AND JUSTICE

The Extent of Drug Trafficking in South Africa - the Nexus Between Drugs and Crime

The Commander of the South African Narcotics Bureau (SANAB), Superintendent JJ Van Aarde, pointed out that South Africa has experienced a chronic drug problem with substances such as cannabis, methaqualone and LSD. However, with the advent of democracy and the opening up of the country's borders, a proliferation of international organised drug syndicates, a plethora of new drugs and an overall metamorphosis of the drug problem has become evident. South Africa has emerged as a haven for opportunistic international narco-traffickers, because of the strongly defensive and sometimes offensive measures taken by the industrialised nations, and also because of the narco-traffickers' desire to create and exploit new markets.

South Africa remains a major producer of cannabis, which is the most widely abused illicit drug in the country. A substantial portion is also supplied to the United Kingdom, Netherlands and other European countries. The cannabis eradication programme and the conducting of search operations in strategic areas have proved to be the most effective ways to curb the cannabis trade.

South Africa has the dubious record of being the world's largest consumer of methaqualone (commonly called Mandrax), while India continues to be the largest producer. The methaqualone trade is directly dependent on cannabis, because both of these drugs are smoked together as a 'white pipe' concoction. Although Mandrax retains the second position on the South African illicit drug market, a bottleneck situation is developing between Mandrax and crack cocaine. Mandrax abusers are complaining about the inferior quality of Mandrax, and as a result more Mandrax peddlers are switching to selling crack cocaine. Furthermore, a glut of superior grade cocaine and the consequent plummeting of prices to as little as R60,00 a rock, has made this drug grow in popularity at the expense of the once flourishing Mandrax trade.

Traditionally syndicated drug activity has become synonymous with the powerful Mandrax trade and these opportunistic syndicates have exploited the existing infrastructure and raw material resources to set up clandestine laboratories. Since 1995 SANAB has dismantled four clandestine Mandrax laboratories while the Mozambican authorities have located another one near Maputo. This indicates that the Mandrax kingpins have shifted their operations within the consumer market to reduce the production costs as well as the risk of being detected.

Prior to 1992 cocaine was considered a status drug, and was sold at exorbitant prices to the affluent 'white' communities. West African National (WAN) trafficking groups are predominantly responsible for the importation, wholesale distribution and the retail street sales of crack cocaine. Most of the cocaine found in South Africa originates in Brazil and to a lesser extent in other Latin American countries. Initially, South Africa was used as a circuitous route to send both cocaine and

heroin to the well established European and North American markets. However, through a well-orchestrated marketing strategy the trafficking groups have saturated the domestic market and succeeded in transforming South Africa into a fully fledged crack cocaine consumer nation. The effects of this drug in destroying the social fabric are tangible. The country must act decisively to prevent a crack cocaine explosion.

Ecstasy and other designer drugs are spreading rapidly on the domestic market, particularly at rave parties and nightclubs. Ecstasy is imported from the United Kingdom and the Netherlands. Local narco-traffickers are engaged in bartering by exporting cannabis and in return being supplied with Ecstasy. Also, several local syndicates have started their own clandestine Ecstasy laboratories in different areas of South Africa. Although LSD is seldom seized, it is still very popular among the youth and in the nightclub scene.

According to Van Aarde, there is a definite connection between drugs and crime. The types of crime stemming from drug-related activities can range from petty crimes, violent crime, organised crime, immoral and economic crimes - there is no criminal activity that cannot be directly or indirectly related to drugs. However the SAPS has insufficient information to confirm the exact extent of crimes committed due to drug use or drug trafficking.

In terms of organised drug trafficking, crime is evident in the involvement of gangs in conflict and violence, intimidation, vehicle hijacking and theft, and corruption. Often gangs headed by drug kingpins clash with other rival gangs in their quest for ultimate control. Acts of dishonesty, cheating and robbery in the drug underworld also spark violent backlashes where incidents of drive-by shootings, the hiring of hitmen, assassinations, murder, torture and disfigurement are the order of the day. The intimidation of witnesses, police officers, other judicial officials and informants is also a powerful weapon in the hands of druglords to obstruct the course of justice and sow fear in society. In the case of vehicle hijackings and thefts, the vehicles are often taken to neighbouring countries where they are bartered for Mandrax tablets. Drug syndicates also breed corruption in all sectors of society, since infiltrating the higher echelons of government and the criminal justice system is generally the most effective method of securing their survival.

In terms of drug abuse, crime manifests itself in prostitution, crimes to finance drug habits and crimes committed whilst under the influence of drugs. The fragile social fabric of South Africa lends itself to a situation where people who suffer from poverty and other socio-economic hardships, resort to prostitution and related immoral crimes, in which drug abuse is a major factor. Either drug addicts resort to prostitution to fund their habits, or prostitutes resort to drugs to reduce the stress of their occupation. Offences such as housebreaking, theft and fraud are the most common examples of crimes committed to fund a drug habit. Crimes such as rape, assault and related violent acts, committed whilst under the influence of drugs, are common. The alarming increase in drug-related activity in South Africa has been accompanied by a corresponding upsurge in community resistance groups and vigilante activity. Conflicts between the vigilantes and gangsters have in themselves resulted in acts of murder, public violence and other violent crimes.

There is no quick solution to drug trafficking and abuse. The drugs problem comprises two main components, namely supply and demand. The main goals of any strategy to address this problem must be to reduce the supply or diminish the demand for drugs. To this end, Van Aarde called for a multidimensional approach, demanding multiprofessional assistance as an appropriate solution.

The Criminal Justice System in South Africa

Countering the use and trafficking of illegal drugs is a key challenge in South Africa according to Mark Shaw of the Institute for Security Studies (ISS). However, policing and preventing the use of narcotics cannot be isolated from the more general challenges of policing and preventing crime in the country.

South Africa has experienced growing levels of crime since the mid-1980s, and further increases have characterised the core period of transition to democracy - 1990-1996. However, the political transition has not brought with it a system of criminal justice which has immediately been ready to respond to these challenges. The institutions of the criminal justice system remain weighed down under a historic public perception that they are tools for enforcing the rule of the minority over the majority, rather than being instruments to deliver protection to all. The police in particular are too under-resourced and under-skilled to take on conventional policing functions in an adequate manner. Problems of morale and corruption also plague the police service and co-operation with the Department of Justice remains weak.

Structural improvements in policing are required in the medium to long-term to ensure a more accountable and skilled police service. That requires both a degree of decentralisation and centralisation of police functions. Decentralisation should aim to ensure greater accountability between street level patrol officers and the communities they serve (with a particular focus on elected local government). The centralisation of some functions should be considered at the national level to ensure less fragmentation of drug enforcement and greater co-ordination with the Department of Justice. In the longer term, serious consideration should be given to the establishment of a single national organised crime, narcotics and commercial crime enforcement body, where skills and resources can be pooled.

To date, state prevention responses have largely hinged around the formulation and implementation of the National Crime Prevention Strategy (NCPS) - a cross-departmental initiative to achieve better co-ordination on crime prevention. While the NCPS has yet to provide any concrete results, it is essential that any future national drug prevention strategy should fit within its framework. Indeed, given the linkages between drugs, alcohol and crime, it is critical to consider the problem within the same broad ambit as crime prevention. There is much to learn from the lesson of the NCPS - primarily, implementation has been weak in some areas given the failure to determine clear objectives and appropriate monitoring mechanisms.

Drug-Related Crime in South Africa - The Role of the Justice System

In his response to the papers by JJ Van Aarde and Mark Shaw, Advocate John Welch of the Transvaal Attorney-General's office provided an overview of drug-related legislation in South Africa and made some proposals for the improvement of the criminal justice system.

Given the importance of the 1988 UN Convention especially Article Two of the Convention, there is a need for a multidisciplinary approach. Not only should there be sound municipal legislation and good inter-relationship between law enforcement, the prosecution service and other role players, there must also be proper co-operative mechanisms to address the problem internationally. The 1988 UN Convention makes it clear that the eradication of illicit drug trafficking is a collective responsibility of all states and co-ordinated action within the framework of international co-operation is necessary.

Major offences which need to be addressed from a prosecution and law enforcement perspective include: all offences under the Drugs and Drug Trafficking Act, 1992 (No 140 of 1992); offences under the Medicines and Related Substances Control Act, 1965 (No 101 of 1965); criminal acts committed as a result of drug misuse; acquisitive crimes such as robbery, theft and fraud; violent crimes carried out in the course of drug trafficking; and offences in terms of the Proceeds of Crime Act, 1996 (No 76 of 1996). Legislation should not only provide for the criminalisation of these offences (as it now does), but more important to give effective powers to law enforcement and provide measures which alleviate the onerous task of prosecution of these acts.

In outlining the provisions and offences in terms of the Drugs and Drug Trafficking Act, it is pertinent to ask whether the mere possession of cannabis still ought to be a criminal offence, due to its widespread use and availability in South Africa. Due to the ruling that some of the provisions of the Drugs and Drug Trafficking Act are unconstitutional, other provisions are not being applied for fear of unconstitutionality. These and other factors continue to make it difficult to prosecute drug-related offences.

Welch agreed with Van Aarde's assertion that drugs constitute a major problem in South Africa. Not only is the country considered a major cannabis and Mandrax consumption area, but it is also seen as a major transit route for drugs being sent to other parts of the world. Although Mandrax is mostly imported from India, a number of local Mandrax factories have been established, and there is an alarming increase in the illicit use, manufacture and dealing in Ecstasy. Welch also stated that some 95% of organised crime case dockets passing through his office indicate the involvement of drugs.

A more holistic approach to complement the legal mechanisms which are already in place would require that government do the following:

- increase the effectiveness of law enforcement by ensuring that the SAPS is adequately resourced and trained;
- ensure effective co-ordination of law enforcement and related intelligence

agencies under a central drug authority which will be responsible for the development and implementation of the drug enforcement strategy;

- improve the capacity of drug law enforcement, investigation and intelligence to apprehend drug traffickers, seize drugs, counter money laundering and secure the forfeiture of assets derived from, traceable to, or intended for illicit drug trafficking;
- create multidisciplinary drug prosecution teams to secure the effective prosecution and dismantling of drug trafficking organisations;
- stem the influx of drugs by safeguarding the country's borders through effective control at the border posts, and increase interdiction capacity by upgrading customs control at all ports and airports;
- reduce domestic cannabis production through crop eradication and substitution;
- target those who import and/or illegally divert pharmaceuticals and precursor chemicals used in the clandestine manufacture of drugs;
- develop a partnership between the police and the communities through *inter alia*, visible and assertive community policing and by involving the criminal justice system in preventative strategies;
- break the cycle of drug abuse and crime by integrating drug testing, treatment and after-care, prison rehabilitation and education and supervised transition to the community - as an effective means of controlling drug use and recidivism to criminal behaviour;
- strengthen international co-operation to reduce drug flows and create a hostile environment for drug trafficking.

With the current levels of crime in South Africa, especially organised and drug-related crime, the time is probably ripe for drastic measures in the criminal justice system. These could include a different bail procedure, imprisonment without parole and a speedier process for finalising criminal cases. Welch proposed a criminal investigation and prosecution system based on the US Federal Justice system, since such a system ensures that a team of specialist investigators and prosecutors investigate and prosecute serious crimes. Not only could this ensure proper investigation and prosecution, but the problems most often encountered regarding jurisdictional matters might be overcome. All of the suggested measures would also send a clear signal to the criminal sector that the government is serious in its efforts to address this issue.

Policing Drugs

Tom Callahan of the International Republican Institute (IRI) called for innovation and creativity to be applied to policing in South Africa. He focused on the themes of police morale and incentives, accountability and the overall timeframe for policing.

On the first theme of morale and incentive, it was argued that by their nature policemen/women fall into two categories - the hunter or the protector. The low morale amongst the SAPS can be attributed to the fact that the reward, incentive and training programmes do not tap into these hunter/protector instincts. As a result, individual policemen do not feel as though they are able to make a difference. Despite the current low morale amongst the police, however, this presents an opportunity for innovative action to build a very important sense of group and team work.

There is a lack of accountability among policemen because there appear to be no repercussions follow any indiscretions. Instead, discipline should be tightened and indiscretions should be rooted out. It is important to exclude offenders from the group. Currently, this is not happening; rather, pack/group instincts are being incorrectly channelled to protect corrupt officials. This should be reversed by training and efforts to stigmatise the offenders within the group.

The justice system cannot be managed from Pretoria, as the judicial capital is too distant and impersonal as opposed to policing itself, which is very personal and emotional. Centralised institutions frequently break down because of the lack of personal contact. For this reason, policing should best be dealt with by local level interaction to restore the sense of community and recognition that is sorely missing. Community building efforts are best able to determine what the vision, strengths, weaknesses and threats for the local police are, while at the same time local government can build the levels of accountability.

How innovative is policing in South Africa, given the timeframe and solutions required? While it is good to have an issue in the public eye, it has the disadvantage that much energy which should be used in planning new strategies is being consumed in face-saving operations.

Given the importance of drugs and crime in South Africa, an even greater responsibility rests upon policemen and prosecutors and the entire criminal justice system. Consequently, it is even more urgent to think creatively and to use all the resources available, including local individuals within the community.

RESEARCH AND POLICY

Drug Use in South Africa

Lee Rocha-Silva of the Human Sciences Research Council (HSRC) provided a detailed account of the nature and extent of drug abuse within South Africa. A wide array of policy-makers, service providers, academics and researchers are increasingly calling for the prevention of an expected increase in drug-related problems in South Africa. Studies have shown that:

- the general level of drug intake in a country is positively related to the prevalence of various chronic diseases (for example, HIV/AIDS, tuberculosis, cancer) and socio-economic impairment (such as crime, impoverishment, reduced worker productivity, unemployment); and
- an increase in the general level of drug intake and, consequently, in the level of drug-related problems often occurs in countries which are undergoing major socio-economic change.

Preventative planning and action in South Africa have generally been based on an inadequate information base, as comprehensive and especially integrated information gathering and interpretation have been largely neglected. Reporting on the Centre for Alcohol/Drug-related Research of the Human Sciences Research Council's national drug-related surveillance project, Rocha-Silva argued that this has facilitated comprehensive and relevant data gathering as well as integrated analysis and interpretation, which could provide a solid base for a rational and coherent preventative policy and its implementation.

The dearth of information on the use of drugs other than alcohol amongst adults in South Africa complicates the identification of areas of risk. Besides over-the-counter medicine (like pain-relievers), the drugs most commonly used by South African adults seem to be dagga, Mandrax (or a combination of dagga and Mandrax), snuff, cocaine, LSD, welconal, sedatives, tranquillisers, and heroin (indeed, the use of snuff, sedatives and tranquillisers seems to be particularly common among females). There is reason to believe that:

- the use of dagga, Mandrax (or mixtures of dagga and Mandrax), heroin and amphetamines is particularly prevalent among people who have become involved in the criminal justice system on non-drug-related criminal charges, and that
- the use of dagga is particularly popular in socio-economically poor communities and in regions such as the Western Cape, Eastern Cape, KwaZulu/Natal and Mpumalanga. The use of drugs such as Ecstasy seems to be increasing within the South African market.

Users of illicit drugs seem to tend towards regular use at least once a week, especially with regard to dagga and Mandrax. The same applies to intravenous drug use (IVDU). Not much is known about the extent of IVDU generally. However, available information seems to suggest that although IVDU is fairly uncommon, the opposite applies with respect to subgroups such as drug-using offenders and persons experiencing severe drug-related problems.

Particularly common reasons (at least among people of African cultural background) for using drugs seem to be that they alter the user's mood or that they make the user feel able to cope. Among people admitted to drug-related treatment centres, matters such as habit, lack of energy and sleeping problems seem to have particularly influenced their drug use in the time immediately prior to treatment. There is also reason to believe that solvent addicts in particular associate its use with getting 'high' and breaking the monotony of their daily life.

The findings of a 1996 study on the nature and extent of drug use among inmates of prisons, specifically with respect to the period before their incarceration, pointed to various drug-related individual and environmental factors that placed the offenders at risk of bio-psychosocial impairment in the period before they were imprisoned. The relevant research underscores that, before their incarceration, the offenders' way of life was generally characterised by prolonged high-risk drug taking, supported by a social environment and a psychological profile conducive to drug taking. Matters were generally complicated by fairly intense criminal activity and, indeed, a firmly entrenched lifestyle in which crime and drug intake were closely intertwined.

There was also reason to believe that the drug-and-crime lifestyle

- emerged from a context of pre-adolescent social breakdown, especially in terms of primary group relations, and
- was consolidated in the course of adolescence/early adulthood within the context of
 - psychosocial factors conducive to drug use,
 - pharmacological/neuro-behavioural effects of drug use,
 - sub-culture participation in criminal activity, including drug dealing, and
 - engagement in criminal activity (including drug dealing) to support drug use.

Most importantly, imprisonment did not interrupt drug use, but rather redirected pre-existing patterns.

A substantial proportion of young South Africans manifest a carelessness of risk with regard to the development of drug-related problems. Young people find themselves in a social environment in which there is a fair degree of social support for drug use, exposure to drug use and limited discrimination against drug use. These social factors seem to be generally strengthened by certain psychological factors, namely tolerance towards drug use, limited fear of discrimination against

drug use and a personal need for, or attraction to, drug intake. Acquaintance with and, indeed, actual use of drugs is seemingly not unusual among young people. Data suggests that a high proportion are prone to take serious risks in both drinking and drug-taking, as well as in sexual practices, which implies vulnerability to infection by HIV/AIDS.

AIDS-related prevention programmes should target people with relatively severe alcohol/drug-related problems in urban South Africa. Cognisance needs to be taken of indications that such people are behaviourally (specifically in terms of the nature of their alcohol/drug and sexual practices) at risk of HIV infection. Most important, special attention needs to be given to intravenous drug users - particularly the younger and female intravenous drug users - and to the use of unsterilised needles/syringes when injecting drugs, to the injection of the sexual stimulant, cocaine, and to the engagement of some women in prostitution. The latter are frequently inadequately informed about the nature, causes and transmission of HIV/AIDS, as well as about precautionary methods.

Available information points to a gradual increase in the prevalence of drug-related problems in South Africa. Since preventative efforts have not yet been able to claim risk elimination, risk reduction seems to be a realistic preventative philosophy, particularly in the light of wide disillusionment with uni-dimensional emphases in prevention. The multifaceted public health approach to risk reduction therefore presents itself as a viable option. A balanced combination of demand reduction (through education and socio-economic upliftment) and supply reduction (through control/law enforcement) should be the goal. The disappointing results of the vast sums expended on the drug war in the US, for example, has led several commentators to question the wisdom of the prohibition policy. However, doubts about 'diluted' or 'liberalised' law enforcement strategies regarding illicit drug use, namely 'decriminalisation' or 'controlled legalisation' have also been voiced from various corners. The expectation that legalisation of the sale of certain substances (such as dagga/marijuana) under certain conditions would 'neutralise' drug-crime connections, is considered too optimistic. This is because the decriminalisation philosophy seems to ignore psychopharmacological aspects of the drugs-crime/violence relationship, and findings that criminal behaviour and drug use arise from similar etiological variables acting in a mutually reinforcing manner.

Rocha-Silva called for a multilevel approach to prevention that operates on the primary, secondary and tertiary levels. She also proposed a community-oriented approach recognising that prevention/treatment involves a large number of very different roleplayers, all of whom must recognise problems and intervene effectively.

The reviewed databank underscores the importance of prioritising youth-oriented preventative programmes, programmes that 'disentangle' drugs-crime and drugs-violence connections, those that prevent or curb drug-related HIV infection, as well as programmes that give special attention to women without, however, neglecting men. Policy-makers/service providers should be reminded of the importance of accessible and acceptable specialised treatment to those who are experiencing comparatively severe drug-related bio-psychosocial impairment, including those who have entered the criminal justice system. Most important, the pervasive

manifestation of drug use and the obvious advantages of early identification and intervention underscore the need for locating preventative services within the broader context of providing appropriate help in South Africa. A truly community-based preventative strategy, in which efforts at demand and supply reduction are evenly balanced and closely linked, should be implemented since drug-related problems (as in drug-crime connections) emerge and are sustained within a context of differential social and economic opportunity. Effective control of these problems is thus inextricably tied up with the provision of educational and economic development opportunities. It is clear that drug-related preventative efforts will have to form part of a comprehensive initiative in which agencies in criminal justice, education, health, industry, labour and welfare work in close collaboration.

The Illegal Narcotics Trade in Southern Africa: A Programme for Action

An effective approach to addressing the problems of substance abuse in the sub-continent will require giving attention to all drugs, including alcohol, tobacco, volatile solvents, over-the-counter and prescription drugs, as well as to the so-called 'illicits'. Dr. Charles Parry of the National Research Council (NRC) addressed four questions: Why is there a need for a new drug strategy or master plan in South Africa? What factors should guide the formulation of a new drug Master Plan? What components could be considered for inclusion in such a plan? What conditions are needed to support the implementation of a drug master plan in South Africa?

Parry noted that South Africa currently does not have an integrated drug control strategy or Master Plan, although the Department of Welfare's Drug Advisory Board is currently drafting a strategy document for discussion. An integrated national drug strategy or Master Plan is one way of organising collective efforts to reduce drug abuse. At least two factors highlight the urgency of creating a new response at this time: first, the increasing burden of harm associated with the abuse of illicit drugs and drug trafficking, and second, the changing global, regional and local environment.

The harm associated with drug use can be measured by the growing number of drug-related deaths, increasing crime and violence, declining school performance and the consequent economic costs, said to be between 0.5-1.3% of a country's Gross Domestic Product annually. For South Africa this would amount to R2.4 billion to R6.3 billion. A further motivation for formulating a drug Master Plan is the need to respond appropriately to the changing patterns of drug use and the supply of illicit drugs. At the global level, the drug scene has been extremely dynamic. Locally, reduced internal controls have led to an increased movement of people and goods which facilitates trafficking. This has in itself generated international and other pressure on government for policy changes to deal with these problems.

There are several factors that should guide the formulation of a drug Master Plan for South Africa: epidemiological and other research into groups at risk and possible future trends; an understanding of factors associated with drug use; the aims and specific objectives of such a Master Plan; a review of past and current initiatives to address substance abuse locally; an understanding of their strengths and

weaknesses; and international expert advice on approaches that are likely to be productive/unproductive.

The utility of epidemiological and other research into groups at risk and possible future trends, can be illustrated by the South African Community Epidemiology Network on Drug Use (SACENDU), a system to monitor drug use on a continuous basis, which has been set up initially in Cape Town and Durban. It has highlighted the dominance of alcohol, cannabis and Mandrax in both cities. The system integrates data across various sectors such as health, welfare, justice, police and education on a bi-annual/annual basis. The research suggests several possible changes in the drug scene, including a move away from the use of drugs such as cannabis and Mandrax towards crack cocaine, heroin and Ecstasy, especially by younger users; an increase in the availability of drugs; increasing involvement of youth in drug distribution; and changes in drug trafficking routes. It has also highlighted differences in treatment resources between the two cities, as well as possible limitations on access to treatment by disadvantaged sectors of society.

An understanding of the factors that contribute to and maintain substance abuse is also important in guiding policy formulation. Due to the fact that drug use occurs as a result of multiple, interacting factors, a drug Master Plan should ideally be comprehensive, focusing on issues at the individual, environmental, and even biological levels.

Further important elements in preparing an effective drug Master Plan are well devised aims and specific objectives. These need to be decided on following a consultative process. Most national drug strategies or Master Plans have the reduction of drug use and drug-related harm as their aim.

Past and current initiatives to address substance abuse locally should be assessed, not only in terms of 'control' measures falling under the jurisdiction of the Departments of Police and Justice, but also through welfare agencies such as the South African National Council on Alcoholism and Drug Dependence (SANCA), and other departments, such as Health and Education.

The strengths and weaknesses of current efforts to address substance abuse in South Africa were reviewed. On the positive side, the following were noted: recent legislative changes should make it possible for the country to accede to the 1988 UN Convention; SANAB has been restructured and staff have received further training from the US Drug Enforcement Administration; plans have been advanced to reduce the number of ports of entry; the 'I'm Addicted to Life' campaign has been implemented in schools; senior staff have been appointed in the Department of Health; the Department of Education's curriculum reform programme will address drug use; and the Drug Advisory Board is engaged in developing a drug strategy that incorporates young people. On the negative side, the resources for addressing substance abuse within the welfare sector have been declining. Also law enforcement efforts have been hampered by inadequate human and other resources. There are no overall national frameworks to guide intervention efforts, nor are funds dedicated for monitoring substance abuse trends over time or for programme evaluation. Finally, the primary health care system is not adequately addressing substance abuse problems.

Supply reduction, prevention, treatment and rehabilitation and research should be the primary components in a Plan, and they should be implemented at local, provincial, national and international levels. The conditions needed to support the implementation of a drug Master Plan in South Africa are increased political will, committed and empowered leadership, adequate funding, a dynamic and information-driven process, as well as recognition and support for persons working in the substance abuse field. On the question of increasing political will to address substance abuse, the Reconstruction and Development Programme (RDP) and in particular youth development, the government's macro-economic plan, the Ministry of Safety and Security's National Crime Prevention Strategy, the Department of Education's Curriculum 2005 initiative and the Department of Justice's Vision 2000, are all appropriate leverage points towards achieving this end.

Although a number of activities have already been set in motion, an overall national framework is still missing. The framework for drug policy formulation and implementation at the national level should be an hierarchical structure of line function responsibilities, based on three bodies responsible for supply reduction, demand reduction and policy and research evaluation. They would report to the Office of National Substance Abuse Policy, which would report to the Substance Abuse Advisory Council (with oversight from a Parliamentary Sub-Committee on Substance Abuse), both of which would report to the Deputy President's Office.

With respect to the Plan being information driven, information gathering should be extended across a wide range of different sectors. Within each focus area a clearing-house of local/international information on effective intervention approaches should be established. There is a need for ongoing information on substance abuse trends in terms of consumption patterns, negative consequences, initiatives and resources directed at the problem, as well as management-type information and the on-going evaluation of specific interventions and the Master Plan itself.

In conclusion, Parry argued that in the long term, a failure to address substance abuse adequately could jeopardise the attainment of real reconstruction and development in South(ern) Africa, which goes far beyond the provision of houses, toilets, water, electricity, and even schools and jobs. Part of the solution to substance abuse will come from macro-level development (indirect strategies). However, of greater importance is the policy process aimed at directly addressing substance abuse. Unfortunately this process appears to be proceeding in an *ad hoc* and fragmented manner. While advances are being made, particularly in the area of interdiction, the lack of real commitment across the political spectrum to addressing substance abuse, the absence of a well thought out (intersectoral) national drug strategy or Master Plan, the lack of dedicated and empowered leadership at the provincial and national levels to drive such a strategy, the failure to engage effectively grassroots structures in the process, and the apparent lack of commitment to putting adequate resources into research and policy evaluation are seriously undermining the country's ability to combat substance abuse successfully.

Lest We Forget

Responding to the papers presented by Lee Rocha-Silva and Dr. Charles Parry, Marcelle Christian from the South African National Council on Alcoholism and Drug Dependence warned that drug use in South Africa has grown to the extent that it could destabilise the country. In addressing this threat, both the supply and demand aspects of the drug trade should have equal weight in policy formulation.

No effective plan or programme can be initiated without adequate and accurate research, because any framework formulated on an inadequate base of research will lack the power to integrate the necessary intersectoral approaches. The framework proposed by Dr. Parry should be taken seriously, since it must be recognised that nothing can happen without a national framework. However, there is at present too much focus at the national level, and not enough at the local level.

Any campaign against the drug trade should not lose sight of the real point at issue, which is the harm done to people. Any investigation of the context within which drugs affect the population, or the provision of services, treatment and prevention, should bear the human cost in mind. Recognition of this fact could go a long way to ensuring a healthier balance in the resources allocated to demand and supply reduction efforts.

In describing the experience of the South African National Council on Alcoholism and Drug Dependence, Christian noted that in previous years South Africa had been protected from many drugs by its puritanical and patriarchal environment. However, with the opening up of South Africa, new drugs, such as crack cocaine, had arrived on the scene, but many treatment centres lack experience in treating and dealing with these drugs. There is a need to bring in experts who have the necessary 'product knowledge' of these 'new' drugs in South Africa.

Reflecting the increased need for drug treatment services, Christian noted that the admission profile of patients seeking treatment is changing. Previously some 97% of admissions were for alcohol abuse, but now drugs account for some 46% of treatment services required.

An immediate response is necessary to deal with this growing crisis. However, the drying up of funding for treatment and rehabilitation services represents a serious threat, due not only to the lack of facilities, but also to the loss of trained and experienced personnel.

Cannabis: An Industrial Use

Saliem Fakir from the Land and Agricultural Policy Centre (LAPC) examined the issue of 'cannabis' or 'dagga' as an industrial crop. Commenting on the papers presented by Lee Rocha-Silva and Dr. Charles Parry, he argued that the issue was how to move beyond fear to using understanding as a way of finding effective ways to tackle the drug problem in South Africa. Rocha-Silva had pointed to this in identifying the problem as existing on two levels: at the macro-level, the realm of State policy and national strategies, and at the micro-level, the level of individual

and societal context. It was this kind of insight that should inform a National Master plan.

One needs to uncover the layer of complexity behind drug use, which differs in type depending on socio-economic background and demographic and cultural profile. This type of understanding, used to guide national drug policy-making, might suggest different strategies for different types of drug use and crime prevention methods. These might also define the degree of focus and energy that must be put in at different levels and types of drug use. Such a strategic approach is hampered by the fact that outside alcohol and tobacco abuse, there is little reliable information on other drug use in South Africa.

To what extent does the nature of South African society, given the environment of apartheid and the transition to democracy, create a climate of uncertainty and risk that also explains some of the increase in drug use in the country? The context of social change generates its own psychosis, creating a predilection for the abuse of narcotics as a way of coping. This would suggest that some of the remedies may need to be different from the conventional approaches to the drug problem.

There is a strong emphasis on enforcement. Is it not time to entertain the idea of decriminalisation, and making a distinction between 'soft' and 'hard' drugs? Fakir argued that this might, in the first place, remove an already severe burden on enforcers of the law and enable them to use the limited resources at their disposal in a focused way in other priority areas. Further commenting on Parry's call for crop substitution as a supply reduction strategy, Fakir noted if a substitution provides equivalent value or benefit it may work. The prohibition of 'dagga' actually works to the benefit of farmers, as they are presently getting a higher price for their crops on the black market. Also, substitution may reduce supply from one point, but does not preclude supply from elsewhere. If substitution can match the current value received from 'dagga' crops then there might be a point to be made, but the answer is unlikely to be as simple as that.

Ministers Kader Asmal and Derek Hanekom recently called for an investigation into the beneficial and commercial use of 'dagga' in South Africa, which has raised considerable interest among the press, policy-makers and researchers. However, the call has also had other results, such as a renewed interest in the 'dagga' debate (as to whether it should not be decriminalised). Decriminalisation helps two sorts of people. On one hand, those who wish to use dagga as an industrial product will be able to do so without breaking the law. The present prohibition restricts the development of dagga as an industrial crop, in part because it increases the cost of obtaining genetic material for the development of cultivars. On the other hand, those who wish to use dagga as a drug can take advantage of its development for industrial purposes to create wider acceptance for its use as a narcotic.

Fakir noted the precedents set by the use of hemp in South Africa. In 1995, the Agricultural Research Council was given permission to test as a pilot project the growing of hemp cultivars imported from Europe for industrial purposes. A permit to import these strains was given by the Ministry of Health. A pilot project was conducted at the Tobacco and Cotton Institute of the ARC. The Medicines Control Council (MCC) also has a policy on cannabis and has a number of cannabis

products, intended for health use, listed on its schedule of drugs. The MCC guidelines also point to the fact that if it is successful in clinical trials cannabis can be listed for medicinal use and can then be classified as a Schedule 8 drug. Hemp products are now being sold at two hemp shops in South Africa, one in Johannesburg and one in Cape Town. All of these products, however, are imported from overseas.

At the policy level, a strategy is required that does not get the issue of hemp production caught within an already polarised drug debate, since both camps have different interests at play. The key challenge to policy is to find a way of managing this contention and at the same time providing a framework that makes hemp production possible in two kinds of context: prohibition and decriminalisation. The following steps would advance the process:

- A public and political environment should be created in which the debate is opened up to test the prevalent public opinion on both dagga and decriminalisation, and to separate the industrial side of dagga production from narcotics issues and concerns. No strategy on hemp production can be developed if the public has not been informed and 'sensitised' to all aspects of the debate.
- Policy research which explores the various models or conditions under which hemp production can take place should be conducted. Because both camps tend to exaggerate positions, it is time for an element of realism to be brought into public arguments. Research will contribute in determining what is possible and what is not.
- Concrete steps can be taken only once the public has had the opportunity to participate. Fakir noted that he did not believe that in the current environment and with the degree of stigmatisation and polarisation that exists, hemp production as an industrial crop would be easily accepted or able to develop in any meaningful way.

In terms of the potential for hemp production in South Africa, a number of areas still require further investigation:

- What remains to be discovered about indigenous varieties and their potential for industrial use?
- Can exotic varieties can be successfully bred here? Experiments by the ARC do not indicate positive results, but these varieties may have to be tested elsewhere in the country.
- Can exotic varieties can be cross-bred with indigenous strains?
- What are the 'agro-conditions', agriculture policy support and kinds of markets necessary to take hemp from crop production to industrial products? None of these questions has been addressed sufficiently. It is assumed in many quarters that varieties available here lend themselves to industrial use, but this may not be the case.

- What is the extent of the time-lags likely to occur between research and development, and commercialisation? The country requires specialised research and dedicated funding into hemp production under South African conditions. The question is how much?
- What kind of infrastructure is needed for the agricultural and industrial side of hemp production, and does the country have all the necessary skills and capacity?

FINANCIAL CONTROL

Financial Controls - Key to the International Drug Trade?

In an examination of money laundering, Dr. Phil Williams, the Director of the University of Pittsburgh's Ridgway Center for International Security Studies, argued that as the activities of transnational criminal organisations and drug traffickers have grown more extensive, governments and law enforcement agencies have responded by targeting the profits of these groups. The logic of this strategy is that if their proceeds are removed, the incentives to continue their criminal activities will also disappear. Another reason for this enforcement strategy is that although money laundering can have positive multiplier benefits in some economies, it also makes macro-economic management more difficult, facilitates the accumulation of criminal capital that can be used to infiltrate licit business, encourages corruption and creates vested interests in the continued activities of criminal organisations.

'Going after the money' has become a high priority in the struggle against drug trafficking and organised crime and is seen in some quarters as offering more effective ways to attack criminal organisations than the traditional emphasis on interdiction of products or arrests of leaders. In spite of this emphasis on following the money trail as a way of countering and disrupting transnational criminal organisations, the advantages remain with the criminals. The global financial system provides many more opportunities than law enforcement can ever hope to forestall or block. Moreover, for a variety of reasons, especially electronic information and technology, the advantages accruing to the criminals are likely to increase rather than decrease in the next decade. Although anti-money laundering efforts remain an essential part of holistic strategies against drug smugglers and other transnational criminal organisations, expectations as to their overall effectiveness should be modest.

Challenging the traditional definition of money laundering (making 'dirty' money appear legitimate), Williams suggested that much of what is termed money laundering can be understood simply as the movement of money away from locations where it is vulnerable to seizure to more secure areas. In many cases, it is about the repatriation of profits from the host state of transnational criminal organisations to their home state. In other cases, such as Russia, it can involve movement outside the home country combined with conversion into a more stable currency. Drug traffickers and other criminal organisations have developed a series of highly specialised techniques to exploit the existence of a global financial system that has multiple points of entry, the capacity for extremely rapid transmission of funds, major disparities among nations in the degree to which banking and other financial transactions are monitored and controlled, the susceptibility of members of the licit financial world to bribery and corruption, the existence in many countries of parallel or informal economies that are outside government control, and the vast mass of financial transactions that avoid discrimination and, therefore, the prevention and control of illicit activities.

The standard three-stage view of money laundering: placement (putting it in the

system), layering (actions to obscure the paper trail) and integration (where illicit money is mingled with licit finance) is simplistic. In many cases, money has already been layered and even integrated before it goes into the financial system, or is transmitted through underground or alternative banking systems without a paper trail. Money laundering involves a constant struggle between the launderers, who seek the paths of least resistance and lowest risk, and governments and law enforcement authorities who seek to detect, disrupt, and prevent the completion of the laundering cycle. As a result, the money laundering industry is both innovative and highly dynamic. A number of broad trends in money laundering can be identified: the employment of specialists, movement of bulk cash, trade and free trade zones, non-bank financial institutions, cash businesses, electronic transfers, exploitation of offshore banking, new financial instruments, new banking practices, using states that are in transition and various combinations of techniques.

There are several ways in which governments and law enforcement agencies are trying to level the playing field. New regulatory efforts to counter money laundering have been adopted by an increasing number of states. The innovation lies in the criminalisation of money laundering *per se*. These developments at the national level have been accompanied by efforts to create a global regime against money laundering. The Financial Action Task Force (FATF) has played an important role in trying to ensure compliance with its recommendations among its members (through a mix of self-assessment and external evaluation) and to extend the principles embodied in these recommendations to other countries and regions.

Another way in which law enforcement is proving more effective is in the use of technology (computers and specialised software) to identify and track 'dirty money'. With the development of increasingly fast computer systems and more sophisticated software monitoring and detection capabilities, the ability of law enforcement to identify anomalies in trade and financial flows will be significantly enhanced. However, in spite of these improvements in the capacity for regulation and enforcement, the gap between the money launderers and law enforcement seems to be widening rather than closing. One of the main reasons is that, in spite of the efforts to develop a global anti-money laundering regime, the system as it currently stands consists of at least three very distinct tiers.

The first tier is states which have developed a legal and regulatory framework which treats money laundering as a crime in its own right, and which imposes implementing mechanisms such as 'know your customer' rules, due diligence requirements, thorough training and vetting schemes for personnel, effective data and monitoring systems and procedures for subsequent investigations, as well as legal provisions for asset seizure in the event that these investigations and subsequent trials result in convictions. It is not enough that there is a legal framework against money laundering however: these must be both the will and the capability to use this framework for prevention and control.

The second tier in the global system consists of offshore banking havens which despite efforts at regulation, continue to place a high premium on banking secrecy. In short, the 'offshore' banking tier remains resistant to incorporation within a global anti-money laundering regime.

The final tier consists of unregulated states - states of the Former Soviet Union as well as many in the developing world. Here joint ventures provide a particularly attractive avenue for money laundering by outside groups. The desire for foreign investment is so great that concerns about the source of incoming investment are secondary to the desire to benefit from that investment. Their real concern is not money laundering through their financial systems but capital flight. In these circumstances a vigorous fight against money laundering is difficult to motivate. Such a situation attracts 'dirty money' that moves to the place of least resistance and lowest risk. Even when these states desire to combat money laundering, their lack of knowledge and experience places them at a considerable disadvantage, because successful intervention is not simply a matter of will but also of capacity.

The anti-money laundering regime remains seriously incomplete and in these circumstances, money laundering will not be stopped. It will simply move from high risk areas or countries to jurisdictions in which the risks are lower. In short, unless there is universal adherence to norms of financial transparency, and a general adoption and implementation of laws and regulations directed against money laundering, these activities will simply continue to relocate from one venue to another.

Yet another problem is that although regulators and law enforcement can increasingly use technology against the launderers, the overall result of technological development is likely to be to the benefit of those who want to obscure the source, ownership and movement of money. The result is likely to be an increased gap between money laundering activities on the one side and control and prevention efforts on the other. It is more likely that the new opportunities for criminals will out-run the capacity of governments and law enforcement agencies to devise new mechanisms for monitoring and control.

A further difficulty is the problem of tacit connivance. This exists in large parts of the banking sector, where critical inquisition of potential customers - legitimate and illegitimate - will simply displace them to rival financial institutions. The same applies to real estate dealers and others. Connivance in money laundering activities at the re-investment stage of laundered money is simply an extension of much of the connivance at the earlier stage, but it also represents the point at which the money re-enters the legitimate economy, has multiplier effects, and provides benefits for those who are not connected to the criminal organisation. A fundamental difficulty facing law enforcement is the fact that money laundering (except for the source of the money) usually involves a series of legitimate activities within normal banking procedures and commercial transactions. In extreme cases, connivance can become collusion, as the rewards of criminal enterprise are extended to those members of the licit economy who facilitate laundering activities.

Money laundering is the offence while law enforcement is the defence, but asymmetries are evident in, among other factors, the amount of time required to launder money and to investigate such activities. The implication of the preceding analysis is that those asymmetries which favour the criminal, will far from diminishing, become more pronounced.

Money Laundering

Patrick Moulette, Secretary of the OECD's Financial Action Task Force (FATF), pointed out that while the theme of the conference was control of the illegal drug trade, it should be recognised that effective mechanisms to counter money laundering are undoubtedly an essential part of any anti-drug strategy.

Money laundering, and the implementation of measures to combat this phenomenon, constitute one of the most important issues currently facing the financial world. The problem of money laundering knows no national boundaries because criminals are continuously seeking to invest proceeds derived from their illicit activities in the global economy, thus posing a serious threat to the financial system of every country. Unless effective action is taken to deter and punish money laundering, serious crime - whether drug trafficking, illegal arms dealing, financial fraud or even tax evasion - will remain an attractive business proposition to criminals. Money laundering can only be addressed on a fully international basis, as international criminals will always locate the weakest links in the anti-money laundering chain. Therefore countries which have not yet put in place the necessary protective measures or where enforcement is lax, will find themselves attracting the business which properly regulated financial centres have firmly turned away.

There is no conflict between effective money laundering systems and policies to liberalise financial markets and economies. Comprehensive money laundering countermeasures will encourage, not deter, legitimate business. Citing a recent IMF report, Moulette argued that combating money launderers can help rather than hinder the economic development of a country, since reliance on short-term criminal money reduces confidence in the banks or the financial institutions involved in both national and international markets, which in turn damages competitiveness and, ultimately, the country's scope for growth.

It was stressed that the goal of the FATF evolved from the determination that steps had to be taken to protect financial institutions from criminal abuse. This determination was based on the following factors:

- the social responsibility to prevent drug traffickers from having free access to the global financial system in order to hide their illicit proceeds from law enforcement;
- the need to create an even playing field, so that those countries which act responsibly and institute measures aimed at preventing criminal abuse are not at a competitive disadvantage with those countries that have not yet acted to protect their financial systems; and
- the need of central banks, in an increasingly international market place, for some assurance that the safety and soundness of the private banks they supervise will not be corrupted by a lack of oversight in their trading partners.

In a set of forty recommendations, the FATF addresses a wide range of issues essential to combat money laundering divided into three main areas: the legal

framework, the financial system, and international co-operation. The most fundamental of these is the law, since it is impossible for law enforcement agencies to tackle money launderers if there is no law to enforce. Legislation to criminalise money laundering, in line with the Vienna Convention, should form part of the reform in legal systems. The FATF recommendations also address the role of the financial sector in the battle against launderers. The two key elements in this area are:

- the need for financial institutions to know their customers; and
- the need for them to report suspicions of laundering voluntarily to whichever body has been established to co-ordinate action against money laundering.

Banking confidentiality is a key element of any modern financial system, but it is universally recognised that there are limits to such confidentiality. The FATF recommendations provide an approach that balances the desire among financial institutions and their customers to engage in legitimate business against the need for effective action against serious crime. They also identify the respective roles of law enforcement, financial regulators and financial institutions themselves in achieving that balance. The recommendations also address international co-operation, because mechanisms for the exchange of information between countries are an essential element in any comprehensive system of countermeasures.

The recommendations establish general principles for combating money laundering rather than prescribing in great detail what should be done, thus increasing their global applicability. Since money laundering is a fluid, evolving phenomenon, the FATF decided in 1995-1996 that its recommendations should be revised to bring them fully up to date with current trends and developments and to anticipate future threats. The revisions included:

- Extending money laundering offences beyond narcotics trafficking (recommendation 4) to require each country to 'extend the offence of drug money laundering to one based on serious offences'.
- Extending the recommendations to cover financial activities undertaken by non-financial businesses (recommendation 9) - prompted by an increased use of professional money laundering facilitators, such as lawyers or accountants.
- Mandatory reporting of suspicious transactions rather than voluntary reporting (recommendation 15).
- Recommending that all countries should consider whether additional measures are required to prevent the unlawful use of shell corporations (recommendation 25).
- Expanding the recommendation dealing with customer identification (recommendation 10) to incorporate the concrete steps that institutions should take when they identify legal entities.

- Requiring countries to note the potential threat posed by new technologies and to adopt the appropriate measures to minimise this threat (recommendation 13).
- Subjecting bureaux de change (recommendation 8) to the same anti-money laundering laws or regulations as other financial institutions, even in countries where they are not subject to a formal regime of prudential supervision.
- Monitoring cross-border currency (recommendation 22) is becoming increasingly necessary, so countries should consider implementing feasible measures to address this issue.
- Controlling delivery (recommendation 36) related to assets known or suspected to be the proceeds of crime is a valuable investigative technique, both domestically and internationally. Greater recognition was given to the benefits of such a technique in order to encourage countries to support its use, where possible.

Moulette was of the opinion that by criminalising money laundering, implementing customer identification programmes, maintaining sound records, reporting suspicious activity, and adhering to the FATF's forty recommendations, financial institutions and governments can help decrease money laundering.

Another element of the FATF's mission is to promote the exchange of information and intelligence about/on prevailing trends in money laundering. FATF experts note that the most noticeable trend is the increasing use by money launderers of non-bank financial institutions and non-financial businesses relative to banking institutions. This reflects the increased level of compliance by banks with anti-money laundering measures. Traditional methods remain most popular, as is demonstrated by the increase in cash smuggling across national borders, and cash deposits followed by telegraphic transfers to other jurisdictions. In the non-bank financial sector, the use of bureaux de change or money remittance businesses to dispose of criminal proceeds remains the most often cited threat. The use of shell companies, usually incorporated in offshore jurisdictions, is another common technique.

A final component of the FATF's strategy is an external relations programme designed to support non-member nations or regions which combat money laundering, and offers the forty recommendations as a basis for doing so. Activities are oriented towards encouraging countries to enact measures based on the FATF recommendations and towards reinforcing this process, rather than providing training and technical assistance. The FATF also co-ordinates, to the maximum extent possible, all international and regional organisations involved in anti-money laundering efforts.

The ultimate goal of the FATF is the establishment of regional anti-money laundering groupings such as the Caribbean FATF and an Asia/Pacific group. Since 1991, the task force has had contacts with various countries in Southern and Eastern Africa. In October 1996, thirteen African governments (Botswana, Kenya,

Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Uganda, Zambia and Zimbabwe) participated in a Southern and Eastern African conference on money laundering. The delegates agreed to establish a regional FATF, subject to approval by their heads of government. The conference also agreed on the urgent need to enact anti-money laundering legislation based on the forty FATF recommendations and the commonwealth model laws.

In conclusion, Moulette argued that the international community has firmly pronounced its opposition to money laundering and has provided the means to counteract the problem. Enhancement of the international co-operative effort is absolutely essential, because if nations fail to work together, the criminals will then exploit national divisions and differences. Since money laundering is not a static phenomenon, the best way to attack it is to promote the adoption, by all nations, of strict enforcement and regulatory regimes to prevent money launderers from shifting their business to countries with weaker controls. While the problem cannot be resolved within regional borders alone, the establishment of a Southern and Eastern African FATF would be, in itself, an important milestone in the effort to respond to the challenge in the region.

Money Laundering Measures in South Africa

In his response, Herman De Beer of Klynveld Peat Marwick Goedeler (KPMG) outlined the four major legislative measures aimed at combating money laundering and organised crime in South Africa. The International Co-operation in Criminal Matters Act (which provides for mutual provision of evidence, the execution of pending sentences and the confiscation and transfer of the proceeds of crime) and the Extradition Amendment Act are important tools in strengthening South Africa's ability to co-operate with other states in investigations of, amongst others, money laundering.

The Proceeds of Crime Bill (in effect since May 1997) allows for the recovery of proceeds obtained through criminal activities. It also establishes a prohibition on money laundering and imposed an obligation to report such activities. This Act is an important instrument in gathering pre-trial evidence, since it allows for the issuing of restraining orders and confiscation orders.

The Money Laundering Control Bill (which is expected to be presented to Parliament in the course of the 1997 session) imposes very wide obligations. These include the duty to identify, keep records and report on transactions. The Bill proposes the establishment of a Financial Information and Investigation Centre to investigate suspicious transactions and a Money Laundering Policy Board. The Act will also make it an offence where a person fails to act against money laundering.

De Beer felt that South Africa's anti-money laundering efforts would prove to be successful. He highlighted four characteristics of the South African measures:

- Money laundering has for the first time been identified as a crime. This will enable the police to prosecute more effectively.

- Legislation will ensure the creation of an environment which lifts bank secrecy.
- Financial institutions will be made to become the eyes and ears of the police.
- Money laundering and the proceeds of crime will be seen as one.

Acknowledging that South Africa is keen to participate in the global anti-money laundering regime, De Beer rejected the notion that the limited returns achieved by allowing money laundering should deter the country from throwing its weight behind the control measures.

The Reserve Bank and Financial Controls

The South African Reserve Bank (SARB) does subscribe to the FATF recommendations, as Hugo Stark of the SARB acknowledged. However, since *money launderers are thinking up new schemes every day, there is an urgent need for the research and concerns raised by Williams. It is essential for a country to prevent the misuse of its financial system by criminals, and the sharing of information is crucial in these efforts.*

Turning his attention to South Africa, Stark expressed the concern that recently there has been a dissipation of effort in the drive against money laundering in the country. Meetings designed to raise awareness of the issue started in 1995.

By August 1996 practical matters relating to the money laundering bill were finalised and yet, despite expectations that it would be passed in Parliament, no progress has been made. In October 1996 at a seminar on money laundering, a resolution was passed to establish a regional FATF. However nothing has happened. These failings may be attributed to the absence of a designated body at ground level with sole responsibility for money laundering.

The importance of reporting requirements, data collection and information sharing also applies to money laundering. At present there is little or no information on the extent of money laundering in South Africa. What is required is the establishment of one responsible body to oversee the process of developing anti-money laundering measures, even though there is still a lot of groundwork to be done. For instance, a central body will face problems in establishing ways to work with enforcement agencies.

According to current South African legislation, there is no prohibition on people bringing cash into the country, in fact they are welcomed. However, the draft money laundering legislation will require this to be reported to the central controlling body.

Stark expressed his support for the proposal that the central controlling body should be located within the South African Reserve Bank, acknowledging that the international community is often concerned by this choice of location but that it is the most practical and viable option in South Africa. Italy has its FinCen located

within its Reserve Bank, and Zambia proposed to do the same. The Reserve Bank could use its foreign exchange staff, who have the necessary experience and skills to carry out this responsibility. However, there has as yet been no final decision taken on the location of the body.

SUMMARY AND CONCLUSION

In his conference summary, the SAIIA's National Director, Dr. Greg Mills, highlighted ten issues:

- He noted Alfredo Miroli's telling point that 'we are all debating the same problems no matter where we are in the world - whether it be concerning drug supply or demand (including decriminalisation/legalisation) strategies. We were all here to learn and not to preach'.
- There appeared to be a fundamental divergence of opinion between the theorists and the practitioners regarding the efficacy of drug legalisation or decriminalisation strategies: the theorists seem more comfortable with the concept than those at the coalface. But as Martin Elvins observed, the issue of legalisation should arguably not be viewed as a zero-sum game, but rather as a continuum. In this regard, Mills argued that it could be useful to provide *greater in-depth research as to the impact of such legalisation/ decriminalisation strategies in places where they have been implemented: the Netherlands would provide a good starting point.*
- Mills noted that as Dale Lautenbach pointed out, it was clear that we are dealing with an extremely emotive subject, where the notion of a US\$17 billion 'war' against drugs in the US, while serving to cast the drug battle as a morality play, has led to a highly politicised debate, vulnerable to being led by the direction of votes and not effectiveness.
- The last decade has seen an upward trend in drug-related problems in South Africa which were reflected, *inter alia*, in alcohol-related traffic accidents and admissions to treatment centres. Negative trends currently discernible include usage by lower age-groups, and increased availability and consumption of harder drugs. These trends require monitoring. The conference had highlighted the considerable economic costs of drug usage. Estimates range from 0.5-1.3% of GDP, or R2.4-R6.3 billion in South Africa. As Marcelle Christian reminded the conference, the drug problem should not be dehumanised and depersonalised, as our concerns for the problem stem principally from individual needs for treatment and rehabilitation, and the effect on people's lives.
- Clearly *seizures of drugs inside South Africa (and elsewhere) represent only the 'tip of the iceberg'*. With the end of isolation and the opening up of South Africa's borders, the country has experienced a massive increase in drug-related crime. But as Minister Dullah Omar stressed, police statistics represent only 10-15% of the drugs flowing into the country. And as Superintendent Van Aarde noted, the spillover effect from South Africa's usage as a transshipment point to a consumer society has not yet been measured. He warned that if South Africa does not act decisively, it could be in for a crack cocaine explosion.
- The information-age has exacerbated and strengthened the nexus between

drugs and crime through, most notably, money laundering. This could be worsened by advances in Internet and other technology, including the use of so-called 'smart' cards. Corruption, trafficking, prostitution and other forms of crime go hand-in-hand with drug usage. In this regard, Mills recalled that the conference had heard that 95% of SAPS dockets on organised crime show that drugs are involved.

- With respect to possible policy responses to these developments, Mills offered a few comments on these at each of the international, regional and domestic levels, though acknowledging that these areas are clearly not mutually exclusive in terms of their domain:

At the international level the link between financial controls to prevent money laundering had been examined as a potentially pivotal means of controlling the international drug trade. Simon Baynham sketched the ever-mutating and sophisticated nature of the narco-trafficker in an industry worth around US\$500 billion annually (although like many statistics on crime generally and drugs particularly, this was a disputed figure).

Phil Williams argued that financial controls can play only a limited role in regulating or combating the international drug trade. This stems partly from a lack of information about how much criminals spend on operational costs; how much they reinvest; how much they spend on purchases and acquisitions; and from this, how much is left and where that amount goes - whether through laundering, licit industry or into savings. Money laundering, though clearly only one aspect of the narco-dealer's 'business', should be targeted given that it undermines financial institutions, but not because it is central to controlling the drug business.

However, Patrick Moulette contended that effective control of the illegal drug trade demanded control of money laundering as a core element. The combating of money laundering could also help to promote economic development. In countering money laundering, the need is to keep current technological and other trends under review, and to seek new partnerships. The 26 member-states of the Financial Action Task Force (FATF) seek new regional alliances, a development which is of obvious relevance to Southern and Eastern Africa as well as other areas of the world. In this regard, too, South Africa now has four pieces of registration before parliament that are relevant to money laundering and the proceeds from crime.

- In Southern Africa, it is clear too that despite great strides forward in the past few years, particularly with the signing of the SADC Drug Protocol, much more needs to be done to expedite regional co-operation (and not just in the matter of drugs). As was heard from Mukutulu Sinyani, co-operation particularly concerns the harmonisation of legal instruments (especially extradition) in the region. A number of calls were made by participants in the conference for all Southern African states to accede to the 1988 Vienna UN Convention, and, as Bjorn Franzen pointed out, there is a need for all member-states to ratify the SADC Drug Protocol.

On another aspect of the topic, given the clear linkages between money laundering, drugs and car-theft, there were calls for greater police-to-police co-ordination on this issue, as well as for region-wide computerisation. Mills suggested that perhaps there is a need for a clearing-house on regional information concerning drug usage, policing and drug flows.

- As Mark Shaw argued, the response of the state and its citizens is critical to the development and implementation of the National Crime Prevention Strategy. Political change in South Africa has not brought with it changes in the criminal justice system capable of successfully combatting crime generally, and drug-related crime specifically. Other state inadequacies, for example in the primary health care and welfare sectors, were also identified. In the criminal justice system - where reform is a priority - there is a need to develop both longer-term proactive strategies and short- and medium-term reactive strategies.

The reactive, short-term strategies suggested include:

- new bail procedures
- imprisonment without parole for certain offenders
- speedier processing of criminal justice
- improvement of morale, incentives, accountability, resources and training for police at the station level
- increase in the number of detectives.

Longer-term proactive strategies include:

- the creation of a multidisciplinary National Drug Policy through which to increase the effectiveness of law enforcement through improved co-ordination and training
- the creation of standards by which the performance of police officers can be judged, and through decentralisation and the 'personalisation' of the process.

The need for a comprehensive drug 'Master Plan' which will be based in part on a thorough review of past efforts was underscored by Charles Parry. In this plan, there is a need for the conduct of diverse areas of research, including probably the need for an examination of the viability of crop substitution programmes, which itself contains many technical and social obstacles. However, the implementation of such a Master Plan will have to take place against a backdrop of many competing demands on state expenditure.

- In conclusion, Mills noted that the conference had covered a number of aspects of what is clearly a most complex problem, for which there is no

simple solution. However, the event had gone some way toward unravelling this complexity, and by drawing together activists, policy-makers, practitioners and academics from within South Africa and without, it might provide some realistic policy options.

In his final comments, Mark Shaw observed that drug policy and the prevention of drug abuse could not be separated from issues of governance including state control, capacity and policing. The importance of close liaison between all departments in discussions of the drug problem in South Africa needs to be more strongly emphasised, as governing by committee had been shown to have achieved very little, and capacity at provincial and local level was not strong enough.

Law enforcement and the policing of drugs cannot be separated from the restructuring of the SAPS. The difficulty of the transformation of policing (from apartheid to democracy) should not be underestimated, but restructuring must be undertaken so police can face the challenges of the global order. At present, crime prevention is in danger of getting a bad name, which could endanger the proposed national drug strategy.

On the question of resources, Shaw called upon those participants in the drug debate advocating particular solutions to highlight why the drugs problem should be receiving resources. He stressed that existing budgets need to accommodate competing demands and take into account how best to tackle their priorities and the costs.

In his concluding remarks, Simon Baynham noted a number of areas for further attention. The decriminalisation question needs to be answered, and legislation introduced accordingly. Third World solutions to the problem may aim at the legalisation of cannabis. There is also a need for liaison, harmonisation of laws, extradition and the provision of regional mechanisms to facilitate these. The apparent failure on the part of SADC to move forward in the quest for effective regional drug action was noted, as well as the need for improved inter-agency communication.

PARTICIPANTS

Dr. Simon Baynham is a SAIIA Research Associate and Senior Research Associate at Lancaster University's Centre for Defence and International Security Studies.

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Patrick Moulette is the Secretary of the Financial Action Task Force Secretariat based at the OECD in Paris.

Dr. Dullah Omar is the South African Minister of Justice.

Glenn Oosthuysen is the Researcher for SAIIA's Illegal Drug Trade in Southern Africa project.

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Mukutulu Sinyani is the official spokesperson for the Zambian Drug Enforcement Commission in Lusaka.

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Advocate John Welch is the Deputy Attorney General of the Transvaal Division of the Supreme Court of South Africa.

Dr. Phil Williams is the Director of the University of Pittsburgh's Ridgway Center for International Security Studies and Professor of the Graduate School of Public and International Affairs at the University.

ABOUT THE SAIIA

The origins of the South African Institute of International Affairs (SAIIA) date back to the Paris Peace Conference of 1919. In this fragile post-war atmosphere many delegates expressed a strongly-felt need for the establishment of independent, non-governmental institutions to address relations between states on an ongoing basis.

Founded in Cape Town in 1934, in 1960 the Institute's National Office and Library, containing arguably the most comprehensive collection on Southern African international relations, were established at Jan Smuts House on the campus of the University of the Witwatersrand. SAIIA's six branches countrywide are run by locally-elected committees. The current National Chairman is Dr. Conrad Strauss and the National Director is Dr. Greg Mills. The SAIIA produces a wide range of publications including *The South African Yearbook of International Affairs*, *The South African Journal of International Affairs*, *International Policy Update*, the *Occasional Paper* and *Bibliographical* series, as well as a number of specialised book projects.

The Institute has established a proud record of independence, which has enabled it to forge important links with leaders of all shades of opinion, both within South Africa and outside. It is widely respected for its integrity. The information, analysis and opinions emanating from its programmes often exercise an important influence on strategic decision-making in the corporate and political spheres.

SAIIA's independence is enshrined in its constitution, which does not permit the Institute itself to take a public position on any issue within its field of work. However, it actively encourages the expression of a diversity of views at its conferences, meetings and in its publications. Its independence is also assured by the fact that it is privately sponsored by its members - corporate and individual.

THE ILLEGAL DRUG TRADE IN SOUTHERN AFRICA

The South African Institute of International Affairs
5 - 6 June 1997, Jan Smuts House, East Campus,
University of the Witwatersrand

PROGRAMME

DAY ONE: THURSDAY 5 JUNE 1997

Opening Remarks: Dr. Dullah Omar, Minister of Justice

Session One: Drugs - An International Perspective
Chair: Dr. Greg Mills, South African Institute of
International Affairs (SAIIA)

Drugs: A Global Perspective and Overview
Dr. Simon Baynham, SAIIA Research Associate

American Strategies for Control and Demand Reduction
Dale Lautenbach, SAIIA Research Associate

Respondents:

- Dr. Elizabeth Joyce, Georgetown University: *Lessons from the European Union*
- Dr. Sreedhara Rao, Research Associate, Institute for Defence Studies and Analyses (IDSA), India: *The Asian Experience*
- Martin Elvins, Lancaster University: *Drugs and the State in a Global Network*

Session Two: Regional Perspectives
Chair: Mark Shaw, Institute for Security Studies (ISS)

Lessons from Latin America
Professor Alfredo Miroli, Under-Secretary for Prevention and Assistance of the Secretariat of State for The Fight Against Illegal Drug Trafficking and The Prevention of Drug Addiction, Argentina

Combating Drugs in Southern Africa
Mukutulu Sinyani, Drug Enforcement Commission, Zambia

Respondents:

- Bes Steyn, Deputy-Director: Science, Technology, Narcotics and Crime Prevention, Department of Foreign Affairs (DFA)
- Bjorn Franzen, Drug Control Advisor to the SADC Secretariat

DAY TWO: FRIDAY 6 JUNE 1997

Session Three: South Africa - Crime and Justice
Chair: Dale Lautenbach, SAIIA Research Associate

Drug-Related Crime in South Africa

Superintendent J.J. van Aarde, South African Narcotics Bureau (SANAB)

The Role of the Justice System

Mark Shaw, ISS

Respondents

- Advocate John Welch, Transvaal Deputy Attorney-General
- Tom Callahan, International Republican Institute (IRI)

Session Four: South Africa - Policy and Research
Chair: Glenn Oosthuysen, SAIIA

Drug Use in South Africa

Lee Rocha-Silva, Human Sciences Research Council (HSRC)

A Programme for Action

Dr. Charles Parry, Medical Research Council (MRC)

Respondents

- Marcelle Christian, SA National Council on Alcoholism and Drug Dependence (SANCA)
- Saliem Fakir, Land and Agriculture Policy Centre (LAPC)

Session Five: Financial Controls
Chair: Antoinette Handley, SAIIA

Financial Controls: Key to the International Drug Trade

Dr. Phil Williams, Ridgway Centre, Pittsburgh

Money Laundering: An International Campaign

Patrick Moulette, Financial Action Task Force (FATF), Paris

Respondents

- Herman De Beer, Klynveld Peat Marwick Goedeler (KPMG)
- Hugo Stark, South African Reserve Bank

Summary and Conclusion

- Dr. Greg Mills
- Mark Shaw
- Dr. Simon Baynham

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Glenn Oosthuysen was born in Durban, South Africa in 1970 and attended Glenwood Boys High School. He holds an Honours degree in International Relations from the University of the Witwatersrand and has a special interest in transnational crime, security and conflict issues affecting South and Southern Africa.

In July 1996, he was appointed as the researcher on the South African Institute of International Affairs' (SAIIA) *Illegal Drug Trade in Southern Africa* project, funded by the governments of Sweden and the United States. Previously, he had worked as the Researcher on the SAIIA *Small Arms Proliferation in Southern Africa* project, which was sponsored by the US Institute of Peace. He has published numerous articles on these subjects, including journal articles and book chapters, presented papers at local conferences/workshops, and contributes regularly to the local media. He is the author of a recently published study entitled *Small Arms Proliferation and Control in Southern Africa*, the result of his research within much of Southern Africa, including Angola, Zambia, Mozambique, Zimbabwe, Namibia, Botswana and Swaziland. In September 1997, he was invited by the United Nations Panel of Governmental Experts on Small Arms to make a presentation to its first regional workshop in Pretoria. In January 1997, he was appointed by the Minister of Safety and Security to a committee tasked with proposing a new policy for legal firearms control in South Africa.



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