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# Corruption in the Department of Home Affairs as a threat to national security.

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# Corruption in the Department of Home Affairs as a Threat to National Security

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A research report submitted to the school of Public and Development Management, University of the Witwatersrand, Johannesburg, in partial fulfilment of the requirement for the degree of Master of Management (Public and Development Management).

## Supervisor: Professor Gavin Cawthra

## Submission Date: 16 August 2013

## ABSTRACT

The high level of corruption in the Department of Home Affairs (DHA), constituting a threat to National Security (NS), indicates that there are challenges facing South Africa (SA). This study examines this issue by focusing on one dimension – i.e. the Late Registration of Births (LRB).

This study explores corruption practices of some Home Affairs officials in helping citizens and foreigners to obtain birth certificates illegally via the LRB. The study further explores the implications that these corruption practices have for NS, due to improper movement control, as LRB could be used to fraudulently obtain documents that may be used by criminals or terrorist elements. The study also explores the key challenges posed by LRB.

Judging from the interviews held, there is a need to institute proper management of systems and movement control. The outcome from the interviews with five members of DHA, confirms that there is lack of, or no link to, the monitoring of both foreigners and South Africans in terms of their movements. To institute movement control, what is required is a a linkage of systems between the civic section, which deals with LRB and immigration centres, in order to facilitate the monitoring of movements by both South Africans and foreigners.

Literature indicates that there has been limited research conducted on the challenges facing LRB – hence the purpose of this research. The study investigates the reason for the lack of a collective approach to movement control by security agencies and other departments tasked to protect the South African identity, to prevent undocumented nationals from crossing the boarders into SA and illegally obtaining South African documentation via LRB.

This research is qualitative in design and approach and explores the existing challenges broadly, by paying attention to factors that could destabilise and pose a threat to NS.

This study recommends that the challenges faced by LRB, which are related to security loopholes, be identified in order to ensure that national, integrated movement control of both South Africans and foreigners is strengthened and that a working relationship between other departments, particularly those in the security cluster, is realised. In so doing, ways to promote, protect and strengthen cooperation within and between South African government departments are recommended. A culture of cooperation and resource-sharing, so that border and LRB security procedures are strengthened to ensure that security measures effectively detect, reduce and deter illegal migration, is one way of strengthening the working relationship between NS agencies and departments**.**

## DECLARATION

I, Bernard Mabeba, declare that this research report is my own independent work. It is submitted in partial fulfilment of the requirement of the degree of the Master of Management (Public and Development Management) at the University of the Witwatersrand, Johannesburg. It has not been submitted before for any degree or examination at any other University.

Bernard Mabeba

Date: 16 August 2013

## DEDICATION

This research report is dedicated to my late mother, Elizabeth Mabeba, my wife, Gaboile Mabeba and my son, Amogelang Mabeba, who will never forget the difficulties during the time that I was studying and yet were so supportive, even in the most trying of times.

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## ACRONYMS

| Acronym | Description |
|---|---|
| ANC | African National Congress |
| AU | African Union |
| DHA | Department of Home Affairs |
| DG | Director General |
| DIRCO | Department of International Relations and Cooperation |
| DPSA | Department of Public Service and Administration |
| HANIS | Home Affairs National Identification System |
| ICT | Information and Communication Technology |
| ID | Identity Document |
| JCPS | Justice and Crime Prevention and Security |
| LRB | Late Registration of Births |
| MCS | Movement Control System |
| NIB | National Immigration Branch |
| NPR | National Population Register |
| NS | National Security |
| PSC | Provincial Screening Committee |
| SA | South Africa |
| SAPS | South African Police Service |
| SADC | Southern African Development Community |
| SADCC | Southern African Development Coordinating Conference |
| SSA | State Security Agency |
| TI | Transparency International |
| UK | United Kingdom |

| | |
|---|---|
| UN<br><br>UNICEF | United Nations<br><br>United Nations Children's Fund |
| UNIVISA | National Instrument - VISA |

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# CHAPTER ONE: INTRODUCING THE STUDY

## 1.1 Introduction

The Department of Home Affairs (DHA) is a government department established in terms of section 197 of the South African Constitution, 1996 (Act No. 108 of 1996). The Department is mandated to establish and maintain a population register of citizens in the country and to keep and maintain a movement control system (MCS), detailing records of people departing from and entering SA.

Human movements constitute one of the key features of Southern Africa's political economy. The region has a long history of organised and informal cross-border human movements, which linked the regional economies together in what could justifiably be referred to as "a single regional economy". However, some challenges exist with regard to the immigration laws, which regulate and facilitate human movement through ports of entry (Matlosa, 2006).

Immigration laws impact strongly on the security, as well as the economic, social and cultural development of any country. It is a requirement for any country to develop and implement immigration laws that regulate and facilitate the movement of persons through ports of entry.

The Southern African Development Community (SADC) proposed that the universal system (UNIVISA) be used to regulate the movement of persons through ports of entry. However, this is one area that requires a certain level of security preparedness and enhanced communication if current information and communication technology (ICT) systems or structures at DHA offices, connected to borders and ports of entry, should be geared towards automation and the improved movement control of people.

The DHA has the primary function of managing and administering the South African population register and to oversee the movement control of people, moving both in and out of the country.

The DHA also has a responsibility to legalise foreign nationals who intend residing in the country, whether on a temporary or permanent basis, for tourism or for employment purposes. Clients receiving services from the DHA include South African citizens, potential foreign investors, tourists, economic migrants, foreign government representatives and other travellers. The South African border control

mechanism was established to prevent the illegal movement of people and goods, as well as other criminal activities across SA's international and borders.

The DHA is also tasked with regulating and facilitating immigration and to enforce the Immigration Act, 2002 (Act No. 13 of 2002). No person should enter SA unless cleared by an immigration official, whether entering by land, sea or air. There is also a regulation, pertaining to asylum seekers and the granting of refugee status in terms of international law, to which South Africa is signatory. Immigration Services represents the DHA at the Security and Justice Cluster, due to the crucial role it plays in ensuring that fugitives from justice, known terrorists and listed prohibited and undesirable people, as defined in terms of the Immigration Act, 2002 (Act No. 13 of 2002), are not allowed to depart from, or enter SA and, in so doing, compromise national or international security.

Given the responsibilities of the DHA of ensuring that movement control is monitored in accordance with the Immigration Act, 2002 (Act No. 13 of 2002), there are some officials who are taking advantage of the situation by corrupting the system. For example, they use other employees' passwords to grant people illegal IDs or to change ID numbers on the system.

The DHA is at the centre of security in SA, as it is plays a crucial role in enabling all South Africans to claim their citizenship, identity and dignity. The DHA also plays a role as the backbone of security within a developing state, with a greater responsibility of securing borders and providing service delivery. To achieve its development goals as a state, SA should have a secure record of all citizens and non-citizens who reside in the country. This facilitates effective planning and the allocation of resources, as well as meeting the needs of the country's citizens (ANC Policy Document, 2012).

It is therefore expected that the DHA should be in a position to realise its essential goals via a detailed and secure identification system that incorporates both citizens and non-citizens who live, work and/or study within SA's borders.

The identification system is crucial to a range of social, economic and cultural activities and ensures that the state is empowered to organise itself, plan for the future and protect its citizens.

The study aims is to explore the main challenges caused by corruption within the DHA by the illegal granting, to both foreign nationals and South Africans, of South African documents, such as birth certificates via the LRB, which could then be used at a later stage to obtain identity documents (IDs) and passports.

## 1.2 Background

The DHA is an organ of state established in terms of the South African Constitution, 1996 (Act No. 108 of 1996). The DHA operates in terms of the South African Citizenship Act, 1995 (Act No. 88 of 1995); the South African Passports and Travellers Documents Act, 1994 (Act No. 4 of 1994); the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992); the Marriage Act, 1961 (Act No. 25 of 1961); the Customary Union Act, 1998 (Act No. 120 of 1998); the Identification Act, 1997 (Act No. 68 of 1997); and the Civil Union Act, 2006 (Act No. 17 of 2006).

The Department has two primary functions. The first is to be the custodian of the identity of South African citizens and provide them with evidence confirming their status.

The second is to ensure the effective and secure management of immigration and facilitate the movement of persons through ports of entry. These primary functions are crucial to the security of the state and, if not managed accordingly, NS is likely to be compromised.

The DHA plays a decisive role in ensuring that South Africans have proper documentation, such as birth certificates, IDs, marriage certificates, death certificates and passports.

The Department furthermore plays a crucial role in enabling all South Africans to proudly claim their citizenship, their identity and dignity, and it is also central to facilitating security and service delivery.

However, the DHA is faced with the challenge of officials being bribed by both South Africans and illegal immigrants who want to obtain South African identification and related documents illegally. This has serious implications for the Department and the country as a whole, in terms of the country's anti-corruption interventions in areas such as the fraudulent issuing of birth certificates, marriage certificates, IDs, passports and death certificates. During his 2006 State of the

Nation Address, former President Thabo Mbeki warned that the illegal documents could be used for the following criminal activities:

- **Credit application:** Fraudsters use forged IDs to obtain credit illegally. As a result, it was reported that the country's local banks experienced a loss of R83 million between 2004 and 2006.

- **Motor vehicle theft:** False IDs are used to register stolen vehicles with traffic departments. Most of the stolen vehicles are then transported to neighbouring countries where they are sold illegally.

- **Insurance claims:** Fraudsters use false IDs to lodge insurance claims. This was reported to have cost the insurance industry R200 million in 2003.

- **Fraudulent marriages:** The DHA faces an increasing problem with regard to fraudulent marriages of South Africans to foreign people whom, it is alleged, collaborate with departmental officials to arrange "legal" marriages to South Africans, without the South Africans' concerned consent or knowledge.

- **Defrauding government:** Some citizens use illegal documents to access social grants, such as child grants, pension, and foster parent grants.

- **Terrorist activities:** Terrorists, using South African documentation in and outside the country, behave as though they were legal South Africans (State of the Nation Address, 2006).

DHA officials assist in making the entire process easier by issuing fraudulent South African IDs via LRB. Seventy eight cases of staff misconduct were reported during the first quarter of the 2011 financial year. According to the Director General (DG) of DHA, Mkuseli Apleni, 54 cases of corruption were already investigated. Apleni indicated that the investigation came at a time when the Department was aiming to ensure ethical conduct and adopt a zero tolerance approach to corruption.

However, the registration of births has its own complexities, as sometimes children are not registered at birth or within 30 days of birth taking place as per the regulation. This prompted the DHA to introduce a process of LRB, which is meant

to address the problem and ensure that births are recorded even after the prescribed period, as per the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992).

The LRB process however, has its weaknesses and it allows for manipulation and false data to be recorded in the National Population Register (NPR). Once the data has been entered into the NPR, it allows for the fraudulent acquisition of birth certificates, which means that a person can obtain an ID and a passport fraudulently. This undermines both national and individual security in SA.

### 1.2.1 Possible Threat to National Security (NS)

The DHA pointed out that the effects of corruption within the Department had far reaching consequences in terms of NS. The unregistered South African IDs that are not included in the DHA database, issued to non-citizens and criminals within the country, pose the danger of the documents being allocated to terrorists.

This threat was revealed when the United Kingdom (UK) police arrested suspected Al-Qaeda operatives in London. Several of these operatives were in possession of South African IDs but they were not registered on the DHA's ID database (State of the Nation Address, 2006).

British security and intelligence officials raised the alarm in 2011, about the increasing risk of Islamic extremists using South African passports and using SA as a transit point and venue to plot their plans. Suspects flew from SA to carry out criminal activities in other parts of the world (State of the Nation Address, 2006).

The study takes note of the report by the Department's DG, Mkuseli Apleni, which indicates that the regional office for DHA, based in Pretoria, managed to crack down on fraud and corruption within its ranks, arresting 12 of its employees on 2 October 2011, with the assistance and support of the Hawks (a security agency that replaced the Scorpions). The Hawks report to the South African Police Service (SAPS) and deal with organised crime and corruption in the country. Furthermore, the police report from the Durban regional office of DHA, led to the arrest of six DHA officials and a marriage officer for fraud, following a police operation on 6 April 2011.

Captain Thulani Zwane reported that the arrests formed part of an ongoing investigation, aimed at rooting out fraud and corruption at Home Affairs, pertaining to the illegal issuing of South African documentation.

The report also indicated that the Home Affairs office in Umgeni was briefly closed, as the investigators moved from one office to another, confiscating documents and arresting DHA officials.

However, challenges also exist with regard to the country's borders. Some argue that there should be tighter control of illegal immigrants coming into the country. It is estimated that a record number of more than 300 000 people were deported from SA in 2007. The former Minister of Home Affairs, Dr Nkosazana Dlamini-Zuma, is reported to have stated that SA would not tighten border control, despite illegal immigrants entering the country.

The Minister supported the argument by indicating that economic migrants will always find a way of moving into areas where they should not be. She argued that the emphasis should be on managing facilitation of movement rather than tighter border control. By doing that, it will then be known who is in the country and what they are doing here (Hough, 2009).

Hough (2009) argues that tighter border control is, in reality, viewed as stimulating illegal migration and therefore not a viable option, because some of the Home Affairs officials are bribed to allow illegal immigrants to cross the border.

One may argue against Hough's contrasting point of view to that of the former Minister's. As the former Minister pointed out, the key to the solution is integrated systems of movement control to monitor foreign nationals without any hostility, but enabling DHA to establish who is in the country for how long and for what purpose. SA cannot avoid foreign nationals coming over the border and, in particular, those from the Southern region, which is in line with SADC's mission of improving relations between countries.

This study focuses on corruption within the DHA and on a process that is administered by the DHA's Civic Services Directorate. The Civic Services Directorate is responsible for recording, keeping and maintaining the NPR, which clearly identifies the total number of citizens in the country. All births, marriages and mortality records are kept and maintained by the Directorate, which is also

responsible for the issuing of birth certificates, IDs, death certificates, marriage certificates and travel documents to South African citizens.

Relevant to the study is the Births and Deaths Registration Act, 1992, (Act No. 51 of 1992). The Act enables all citizens to acquire the foundation documentation that ensures them their rights as South Africans in terms of the Constitution.

Chapter 2 of the Act reads as follows:

> [Notice of birth – (1) In case of any child born alive, or, if neither of his or her parents is able to do so, the person having charge of the child or a person requested to do so by the parents or the said person, shall, within 30 days after the birth, give notice thereof in the prescribed manner to any person contemplated in section 4 [sub-s (1) substituted by s. 4 (a) of Act No. 41 of 1995. (2) Subject to the provision of section 10, the notice of birth referred to in subsection (1) of this section, shall be given under the surname of either the father or the mother of the child concerned or the surname of both the father and mother joined together as a double-barrelled surname [sub-s (2) substituted by sq. of Act No. 1 of 2002. (3) Where the notice of a birth is given after the expiration of 30 days from the date of birth, the Director General may demand that reasons for the late notice be furnished and that the fingerprints be taken of the person whose notice of birth is given [sub-s (3) substituted by s. 4 (b) of Act No. 41 of 1995]. (3a) where the notice of a birth is given after the expiration of one year from the date of birth, the birth shall not be registered unless the notice of the birth complies with the prescribed requirements of a late registration of birth [sub-s (3a) inserted by s. 1 of Act No. 43 of 1998]. (4) No registration of birth shall be done of a person who dies before notice of his birth has been given in terms of subsection (1). (5) The person to whom notice of birth was given in terms of subsection (1) shall furnish the person who gave that notice with a birth certificate, or an acknowledgement of receipt of the notice of birth in the prescribed form, as the Director General may determine. (6) No person's birth shall be registered unless a forename and a surname have been assigned to him].

The founding documentation in this instance is the birth certificate, which legitimises the individual to be a South African citizen. In terms of this Act, it is also an obligation for parents to register their children within 30 days of birth.

Due to historical and socio-economic reasons, such as a lack of access to medical facilities and the legacy of Bantustans, some people had difficulties in registering

their children within the required 30 days and therefore they could not acquire a birth certificate.

It was against this background that the DHA introduced a process of the LRB. The regulations provide for registration of births outside of the stipulated 30 days. This was aimed at enabling individuals who are 15 years and older to be registered.

The intended policy outcome of the process is to enable individuals to register on the NPR, which provides data that can monitor fertility trends, population growth and population composition.

A United Nations Children's Fund (UNICEF) report (2005) also addresses the official recording of births or of people in a country, which allows for accurate statistical recording that indicates national demographic data.

The executive arm of government (the DG of DHA) delegates specific duties or powers to the bureaucracy (the staff/officials), in order for them to undertake various tasks in the implementation of policies. The transfer of duties to officials with administrative discretion may be used to capture economic gains unlawfully or receiving bribes by corrupting the system. This happens due to poor control systems and low levels of detection, thus rendering counter-measures ineffective.

A lack of vigorous monitoring mechanisms and weak punitive measures promote a culture of impunity, and thereby eroding the confidence of the public in the ability of the state to contain corruption (Blackburn *et al*, 2004; Klitgaard, 1998). This is particularly true within the DHA, when observing the high levels of corruption and the large number of officials under investigation for corrupting the system.

Corruption practices are not easily detected, since actions are performed in secret and players are cautious and secretive about their bureaucratic malfeasance. Wei argues that, "by the very nature of corruption (secrecy, illegality, variations across different economic activities), it is impossible to obtain precise information on the extent of corruption in a country, unlike, for instance measuring inflation" (Wei, 1998). This is evident in the long processes of investigation and in some officials getting away with corruption, because it is often impossible to obtain precise information and prosecute accordingly.

A change in policy should ensure that (economic) migration is effectively integrated into developmental strategies and planning and, in a sense, the South African government recognises the positive advantages of this.

SA, as part of the SADC, is faced with the realities of human movements, common regional citizenship and identity in Southern Africa. This is pointed out by Matlosa (2006) as follows:

> [*In 1992, the Declaration and Treaty that established the SADC adopted in Windhoek, Nambia, has a clear mandate of taking the agenda of economic coordination of the Southern African Development Coordinating Conference (SADCC) to that of deep economic integration and regional community. To this end, SADC member states have committed themselves to driving regional economic integration by adopting:*
>
> - *Deeper economic cooperation and integration, on the basis of balance, equity and mutual benefit, providing for cross-border investment and trade, freer movement of factors of production, goods and services across national borders.*
> - *Common economic, political, social values and systems, enhancing enterprise and competitiveness, democracy and good governance, respect for the rule of law and the guarantee of human rights, popular participation and alleviation of poverty.*
> - *Strengthened regional solidarity, peace and security, in order for the people of the region to live and work together in peace and harmony.]* (Matlosa, 2006).

The demanding task facing South Africa, within the context of globalisation, is to develop an overall international migration policy that seeks to manage migration rather than challenge it or let it happen on its own (Gigaba, 2009). Such a policy will assist with innovative ways of movement control of both South Africans and foreign nationals and ensure adherence to immigration laws.

## 1.3 Problem Statement

The DHA is mandated to establish and maintain a population register of citizens in the, as well as keeping and maintaining an MCS. The Department set out on a drive to include people on the NPR, which meant establishing the process of the of LRB in 2005, as an effort to enable people over the age of 15, who do not possess birth certificates and IDs, to register on the national population database.

However, due to a lack of stringent measures, the process of LRB was subject to manipulation, as it opened up space for fraudsters to acquire documentation fraudulently. This essentially means that non-South African citizens have access to crucial South African documentation, such as IDs, passports and birth certificates, resulting in an insecure national population database. What is not known though, is how the process is being manipulated and what the challenges, relating to the process, are.

## 1.4 Purpose Statement

The purpose of this research is to explore the challenges and weaknesses related to the process of LRB at the DHA. The study will also explore corrupt practices by Home Affairs officials, which resulted in the unlawful granting of South African documentation via LRB.

## 1.5 Research Questions

The underlying objective of the research is to explore how corruption within the DHA, in the issuing of South African identification documentation, could result in a NS threat. To achieve this objective, the process of granting South African identification documentation will be observed and analysed.

The following main questions will be asked in order to address the challenges facing the DHA, which result in corruption:

- What are the challenges and weakness related to the process of the LRB?
    - Follow-up question: Why was LRB introduced?
- **Sub-question:** How is the process being corrupted or manipulated?
    - Follow-up question: In which way is the process corrupted?
- **Sub question:** How can the security measures be improved or changed?

- Follow-up question: Do you think there are ways to close the loopholes in order to improve security measures against corruption?

## 1.6 Significance of the Research

The study will identify the gaps in the processes of LRB and the issuing of birth certificates. The identified gaps can be used by the DHA to improve the procedure pertaining to an application to obtain a birth certificate via late registration. The gaps can also be used by policymakers to strengthen security standards at the DHA.

## 1.7 Limitations of the Study

There will be possible limitation of information when approaching the interviewees. The challenge could be in getting access to key stakeholders and officials might not be prepared to divulge some information that could be declared confidential. Furthermore, people are generally hesitant to admit that they are involved in corruption.

## 1.8 Outline of Chapters

This research report comprises six chapters, namely:

**CHAPTER ONE: Introducing the Study**

This chapter introduces, and provides the background and context of the study. This section also contains a discussion on the mandate of the DHA, as well as on the process and challenges relating to births and the late registration of births. A problem statement, the purpose of the study and research questions are to be developed from the discussion.

**CHAPTER TWO: Literature Review**

The chapter reviews literature on the process of LRB and linking it to the concept of NS.

**CHAPTER THREE: Research Methodology**

This chapter presents the research approach, as well as the research design of the study. This section also deals with the sampling techniques and proposes how data will be collected.

**CHAPTER FOUR: Data Presentation**

This chapter presents the data collected from the sampled DHA staff members. The sample population comprises individuals who regularly deal with the subject of the study, as well as those responsible for managing the process. This chapter will also provide perspectives and views about the LRB process and propose remedies for the challenges facing the process.

**CHAPTER FIVE: Data Analysis**

This chapter will analyse the data collected and arrange and organise the data into themes that occur frequently in the data.

**CHAPTER SIX: Conclusion and Recommendations**

Conclusions will be drawn in accordance with the data collected, presented and analysed in the study. The findings of the research project will determine the recommendations. Recommendations are essentially there to advise on how to improve the managing of the LRB process, as well as to propose amendments to be considered when reviewing the actual process.

# CHAPTER TWO: LITERATURE REVIEW

## 2.1 Introduction

This chapter reviews literature pertaining to the research area under scrutiny, which is corruption in the DHA or exploitation of the system that results in the issuing of illegal South African IDs. This exploitation of the system poses serious threats to NS.

## 2.2 Nature of Literature

The literature review will look at the following aspects: NS; the definition of corruption; corruption by officials and abuse of public office; what the process of issuing South African IDs entails; and how corruption in the issuing of illegal documentation by Home Affairs could be a threat to NS.

## 2.3 National Security (NS)

NS is the ability of a country to provide security for its citizens and is arguably the single most important factor of a State function. NS is defined by Louw (1978) as the condition of freedom from external physical threat, which a national state enjoys. This definition contains the words, “physical” and “external” and it therefore assumes that the threat can only come from externally and that the threat is military in nature. The definition also refers to the capacity of a state to survive as a political entity in the international arena; to protect and promote its national values; and to govern with the wellbeing of its people in mind. States need to constantly monitor NS threats and have counter-measures in place for purposes of protecting the interests of the country.

The post-Cold War period saw the development of a new way of thinking with regard to the concept of NS. NS now encompasses military and non-military issues. The end of the Cold War also saw the emergence of new threats in comparison to the actual period of the Cold War, where there was a balance of power and states were able to determine where the threat came from. Most importantly, states knew how to deal with such threats, as they would align themselves with one of the superpowers (Rengger, 2000).

Seemingly, military threats have since taken a back seat and there has been a proliferation of other threats, such as terrorism, infectious diseases and general security issues that transcend borders (Rengger, 2000). This alludes to the fact

that corruption activities, such as the illegal issuing of any country's identity documentation, may put such a country's NS at risk, should the illegal identity documentation be used for terrorist activities. Furthermore, such a country may be viewed in a negative light within the global community.

The concept has also moved towards encompassing the human security factor in NS. This new way of thinking argues that the state is sometimes a source of threat to its own people and sometimes even fails to perform its most important function of securing its people (Siko, 2000). This approach to human security does not seek to substitute the security of the state, but to complement it. Both human security and the security of the state are seen as mutually dependable (Siko, 2000).

This paradigm shift in conceptualising NS was broadened to include protection from other threats, such as a threat to the climate and the individual; and the climate and human security (Buzan, 1991).

Buzan (1991) also attempts to broaden the scope of security by stating that non-military concerns include political, economic, societal and environmental security issues that also, in effect, affect the security of the human collective. This is evident in the global warming phenomenon, as well as current attempts by the global community to protect the environment through green initiatives.

In summary, the concept of NS has certainly evolved, from it being solely focused on issues of military threats, to addressing military threats together with political, social, economic and environmental threats. Another dimension to NS is that, according to Siko (2007), it makes reference to the state, people, geographic regions and the global community.

The central argument, therefore, is that security is not only regarded as pertaining to military threats and there has been a paradigm shift that ought to include human security as well. The LRB is a cause for concern when it is regarded as a loophole that allows non-citizens to illegally gain access to crucial documents and therefore naturalises them to become citizens in a corrupt manner with the assistance of DHA officials. This "citizenship" enables non-South African citizens' access to all the benefits of citizenship and undermines the NPR of SA.

## 2.4 What is corruption?

Corruption may be interpreted differently, because it is relatively dependent on individual perception and social norms held by public servants and private companies. The complexity in defining the term arises because it is embedded in cultural, legal and social contexts. Even though this is the case, there are authors, Nye (1967: 416) is one of them, who defined corruption, and who perceived corruption as:

> Behaviour that deviates from the normal duties of a public role because of private (family, close private cliques), pecuniary or status gains; or violates rules against the exercising of certain types of private influence. These include such behaviour as bribery (use of a reward to pervert the judgement of a person in a position of trust); nepotism (bestowal of patronage by reason of an inscriptive relationship rather them merit); and misappropriation (illegal appropriation of public resources for private uses).

However, there are other definitions of corruption, of which the most common is that of the World Bank, that defines corruption as the “abuse of public or private office for private gains” (Governance and Corruption Baseline Survey, 2005: 11).

Corruption is caused by a diversity of factors, including poor governance, political instability, government reshuffles, a weak legislative system, a weak judicial system, bureaucratic red tape, inadequate compensation, greed and moral deficiency, as well as a lack of professional counsel (Kyambalesa, 2006).

Mauro (1997) presents evidence that implies that corruption distorts public expenditure away from growth-promoting areas (e.g. health and education) towards other types of projects (e.g. infrastructure at border posts) that are perceived to be less productivity-enhancing. The common thread among these definitions is the abuse of power or office for personal gain at the expense of the public.

Wei (1998) maintains that, because rural residents tend to have lower incomes than their urban counterparts, corruption biases the income distribution against the poor by diverting the needed resources away from the countryside, and thus perpetuating spatial inequalities. In fact, one can expect that corruption would aggravate poverty in cities, as well as in rural areas, as Wei maintains that poor

people do not only have less means to bribe officials, they also have less political power in general (Wei, 1998).

Public spending decisions are perceptibly and probably influenced by corruption when funds are allocated to sectors where opportunities to generate bribes are high. This is the case with a number of projects in the construction sector, while other sectors, such as the education sector, are neglected (Tanzi and Davoodi, 1997). This trend was also observed within the DHA.

Corruption is a crime of opportunity, practised mainly by those who know the weakness of the systems in the public service, where there is a danger that it could become institutionalised. It involves acts such as nepotism, extortion, transferring of public funds to foreign countries, patronage, money payments to “ghost” workers, “ghost” projects and “ghost” inspections, duty evasion, embezzlement, illegal diversion of relief and aid items, as well as over-invoicing and under-invoicing. According to the United Nations (UN) (2001), forms of corruption constitute of the following:

> [Bribery involves an exchange that improperly affects the actions or decisions of a civil servant. Embezzlement refers to theft of resources by persons entrusted with authority and control over anything of value. These can include civil servants and private individuals. Fraud is any behaviour designed to trick or fool another person or entity for one’s own or a third party’s benefit. Extortion is forcing a person to pay money or other valuables in exchange for acting or failing to act. This coercion can be under the threat of physical harm, violence or restraint.
>
> Abuse of power is using one’s vested authority to give undue preferential treatment to any group or individual or to discriminate against any group or individual. Conflict of interest is engaging in transactions or acquiring a position or commercial interest that is incompatible with one’s official role and duties. Receiving an unlawful gratuity, favour or illegal commission refers to civil servants receiving anything of value from others wishing to do business with the government. Favouritism is the assignment of services or resources according to family ties, party affiliation, tribe, religion, sect and other preferential groupings. Nepotism is a form of favouritism whereby an office holder, with the right to make appointments, prefers to nominate

his/her relatives for positions within people administration. Illegal contributions occur when political parties or the government in power receive money in exchange for non-interference with the entity or group making the contribution. It is closely related to bribery] (United Nations, 2001).

There is evidence in SA that some public servants practise nepotism as a form of corruption. The *Mail & Guardian* (2009) reported that opposition parties in SA are accusing the ANC of deploying ANC cadres who are without qualifications, simply because they belong to the party or are relatives of ANC party members.

People felt obliged to pay bribes to civil servants as a way to "motivate" them to commit crime or manipulate the system. This state of affairs was due, not only to civil servants' greed, but also to poor remuneration and working conditions.

In some emerging democracies, an attempt is made to level the playing fields after the demise of the illegitimate regime, by introducing legislation that promotes the employment of the formerly disadvantaged individuals and communities at the expense of meritocratic recruitment. This is the case in SA when one considers the effects of affirmative action and political deployment which, in some areas, have been disastrous.

While it is undisputed that corruption has become a global issue, it has particular damaging effects on the domestic environment of countries. In generalised terms, four types of negative effects of corruption can be identified:

a. **Macro – fiscal:** This includes lost revenue from tax and customs levies, licensing fees, traffic fines, etc. and excessively high expenditure as a result of corruption-loading and fronting on state contracts.

b. **Reduction in productive investment and growth:** The cost of corruption is particularly high for countries in great need of the inflow of productive foreign capital. International evidence indicates that countries with a higher incidence of corruption systematically have lower investment and growth rates and that public safety could be compromised by unsafe infrastructure.

c. **Costs to the public and the poor in particular:** Diversion of resources from their intended purposes distorts the formulation of public policy and the

provision of services. This is a result of bribe-extraction for the delivery of services, the poor quality of services, as well as poor access to services.

d. **Loss of confidence in public institutions:** Once services can be bought and public officials break the trust and confidence people have in them, loss of confidence in public institutions sets in. This undermines the rule of law, security of property, respect for contracts, civil order and safety and, ultimately, the legitimacy of the state itself (Department of Public Service and Administration (DPSA), 2002).

Corruption is an ailment that affects governments and organisations which, to a certain extent, renders governments and organisations not accountable and transparent, and also not predictable, and furthermore does not allow the people's participation in decisionmaking on matters that affect the people. "It hampers economic growth, burdens the poor disproportionately and undermines the effectiveness of investment and aid" (Governance and Corruption Baseline Survey, 2005: 11).

An example is the many tenders for service delivery that are rigged in SA and, ultimately, the citizens receive substandard service or no service at all.

### 2.5 Corruption by Officials and Abuse of their Public Office

There are two main causes of corruption, namely structural and individual. The ***structural causes*** involve the political system, history and culture, which influence a certain level of corruption.

#### 2.5.1 Corruption by Officials

There are officials, who are given certain powers – by the Executive (DG) – as well as the authority to perform certain tasks , mostly in the public sector, who are taking advantage of security loopholes in the system and who are involved in corruption activities.

The ***individual causes*** are related to an individual's decision to be involved in corrupt actions. However, this is caused by human greed, which may also explain why corruption becomes a chosen alternative, as not all officials facing the same predicament resort to corruption.

According to Wei (1998), civil servant recruitment and promotion systems play a role in creating an environment that is either hostile or conducive to corruption. The moral character and quality of government officials are certainly another determinant of the extent of corruption in a country, particularly in government departments that deal directly with the public. Wei further states that weak democratic institutions and cynical attitudes towards the state allowed corruption to flourish, as the state withdrew or followed a long process to dismiss corrupt officials, due to its control over the political and economic spheres.

This is evident where most government officials, such as the former SAPS National Commissioners, Jackie Selebi and Bheki Cele, who were allegedly involved in corrupt activities, got suspended with full pay for a number of years. In some cases, when officials are caught for corruption and the cases against them are about to be finalised and they are about to be found guilty, said officials would resign or be “removed” from office to avoid being arrested.

Officials know and understand the rules and regulations that govern the way in which they carry out their responsibilities and are given certain responsibilities and the authority to perform the tasks entrusted to them in an honest manner. Some officials have the tendency to involve themselves in corrupt activities and abuse the authority that come with the position given to them.

Corruption by officials is influenced by mistrust and the desire to enrich themselves. Trust is a function of social capital and it is important for sustained and stable relationships, cooperation and the exchange of ideas.

Apart from moral considerations, there are economic distortions that arise from corruption. In tender processes, it is often found that the company awarded the contract did not offer the best price-quality-time combination but, due to patronage, is the preferred bidder. The end result could be an expensive outfit with a low grading unlike what the situation would have been if the normal channels were followed (Tanzi and Davoodi, 1997).

Corruption diminishes profitability of engaging in legal business and promotes anti-competitive and corrupt activities (Andvig and Moene, 1990). Corruption reduces the benefits public resources could have delivered to citizens, and thereby it

engineers mistrust of the public in governments (Heggstad *et al*, 2010). This is evident in the annual nationwide service delivery protests.

Trust is a “bases of building democratic values of accountability and civility based on openness, integrity, trustworthiness and authenticity” and, furthermore, trust is defined as the “confidence we have in individuals or institutions” (Hart, 2007). Trust plays a major role in building or destroying the cohesiveness of a community. If people do not trust one another, they cannot work together to achieve similar goals, and if they do not trust the government, they tend to destroy anything that the government tries to build.

Instead of working with political leaders for the good of the country, irrespective of the political party one belongs to or is affiliated with, people will show indifference, which can defeat even the best cause and which could result in a threat to NS.

### 2.5.2 Abuse of Public Office

Mutual trust between politicians and those who participated in elections is crucial and indispensable in making democracy work. (Hart, 2007), summarises this as that political trust is all about mutual trust [and] is crucial to political participation and the sustenance of democracy. The more the people trust democracy, the more they will participate in democratic structures (Hart, 2007). When people trust each other, in a society or community or in any institution, the system will function better, government will be more efficient and functional development will be faster. As a result, more trust may spark economic success.

The evidence from corruption practices shows that, if there is a lack of monitoring, supervision and sanctions, corruption is likely to continue at a high rate. If the authorities of certain institutions are weak in dealing with corrupt officials, the chances of catching the officials engaged in corruption tend to be low. Corrupt officials are able to continue to bribe their way out (Thomas and Meagher, 2004).

An example of abuse of public office is the much debated renovations at the home of President Jacob Zuma’s Nkandla home. Many believe that the President used his public office to influence funds being channelled towards the improvement of his private home. Blackburn *et al* (2004) cites another example where officials may use tax collection as rent by colluding with households to pay bribes in order to have their taxes reduced:

- among public officials themselves, and
- between public officials and households.

As a consequence, higher (bureaucratic) decisionmaking entails strategic brinkmanship, which produces multiple, frequency-dependent equilibriums. Both corruptors and corruptees gain in the long run while, on the whole, the government or the state suffers.

A school of thought from Wei (1998) subscribes to the idea that bribes often work as “grease” that can speed the wheels of commerce. In a country that is rife with bad and heavy regulations, the opportunity to offer bribes to circumvent bad government control is like deregulation.

Tanzi and Davoodi (1997) Illustrates five points with regard to the effect of corruption on government’s public finances.

I. Corruption tends to decrease the size of public investment because many items in public expenditure lend themselves to manipulation by high-level officials to obtain bribes.

II. Corruption skews the composition of public expenditure away from the operation and required, towards expenditure on new equipment.

III. Corruption steers public expenditure away from required health and education funds.

IV. Corruption reduces the productivity of both public investment and a country’s infrastructure.

V. Corruption may also reduce tax revenue because it compromises government’s ability to collect taxes and tariffs.

Corruption and bad management practices affect the nation’s wealth, channelling money away from specific projects and from the people who are most dependent on government for support. Studies around the world indicate how corruption can interrupt investment, restrict trade, reduce economic growth and distort the facts

and figures associated with government expenditure (Tanzi, Vito and Davoodi, 1997).

Corruption continues to plague too many countries around the world, according to Transparency International's (TI) 2011 Corruption Perceptions Index. The index shows some governments failing to protect citizens from corruption, be it abuse of public resources, bribery or secretive decisionmaking.

This being the case, corruption is sometimes referred to as the antithesis of accountability. Corruption questions the integrity of civil servants and their morality, as well as that of the people – whether they are working for the common good or their own good (Theobald, 1990).

## 2.6 Processing of South African IDs and Passports via the Late Registration of Births

The requirements for LRB include the following:

- An informant (a South African Citizen, who will attest that the person applying for an LRB is a South African national) in possession of a green bar-coded South African ID, must accompany the person applying for the LRB.
- Certified copies of the IDs of the parents.
- Two ID-size photographs of the person applying for an LRB.
- Documentary proof of previous application, such as:
    - an affidavit stating reasons for the late registration;
    - testimony as to the place and date of birth of the child;
    - the child's baptismal certificate;
    - a clinic card; and
    - a school report.

The DHA's legislation on late registration states that, if as person has not registered his/her child's birth within the prescribed 30 days, such person could still apply for the late registration of such birth. The person must, however, furnish reasons for the late registration of the child's birth. After such person has obtained the birth certificate via late registration, it will be easier to be issued with a South African ID and passport.

The database at the DHA enables government to have a population register. The population register must be comprehensive, accurate and secure. Births and deaths and any other changes to the prolife of the population must be recorded. Secondly, to secure a population register, new-borns must be registered within 30 days of birth. All citizens should apply for, and receive their IDs at the age of 16 and then they must take care of those IDs to prevent identity theft and fraud.

As part of the clean-up campaign, Minister Dr Nkosazana Dlamini-Zuma indicated that there was a need to minimise LRB, which is the biggest challenge facing the Department. “We need to change our birth certificate to [for example] include the details of the mother. The current birth certificate only reflects the name of the child and a number.” (*Mail & Guardian Online*, 2009). The Minister further said that another aspect of minimising the fraudulent issuing of passports and IDs was to issue IDs at high schools to children 16 years old and above.

### 2.6.1 Birth Registrations

Birth registrations are governed by the Births and Deaths Registration Act, 1995 (Act No. 51 of 1995). As part of the procedure, applicants wishing to register and to obtain birth certificates for their children need to fill in the DHA 288 and DHA 24 forms. These applicants are often the parents of the child. Birth registration enables the identification of all people in SA on the Home Affairs database, to ensure that a proper population register is maintained and that movement of South African and foreign nationals is controlled. A birth certificate identifies the child’s gender, race, citizenship and age.

UNICEF (2005) regards birth registration as the official recording of the birth of a child by the government. Dow (1998) also emphasises that birth registration is the state’s first acknowledgement of the child’s existence. This enables the child to obtain citizenship and allows the child rights and privileges. He further asserts that birth registration is also significant for the nation as, without effective registration systems and record-keeping, it cannot be determined how many people live within a country’s borders.

The Births and Deaths Registration Act, 1995 (Act No. 51 of 1995) requires children to be registered within 30 days of being born. However, the reality is that some parents are not able to register their children within this prescribed period,

due to socio-political issues. As a result, the South African government introduced the LRB to accommodate such children who cannot be registered within the prescribed period.

### 2.6.2 Late Registration of Births

Registering a child's birth through via registration will enable a person to receive a birth certificate for the child.

The author will discuss the outline and the process, as well as indicate where there might be problem area as stated at 2.6 of page 22.

The requirements for LRB include the following:

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- Certified copies of the IDs of the parents.
- Two ID-size photographs of the person applying for an LRB.
- Documentary proof of previous application, such as:
    - an affidavit stating reasons for the late registration;
    - testimony as to the place and date of birth of the child;
    - the child's baptismal certificate;
    - a clinic card; and
    - a school report.

The process for obtaining the LRB requires parents to be interviewed and have their fingerprints verified against the national database. The child's fingerprints are also taken for recording in the NPR if they are(15 years or above. The child is then issued an abridged birth certificate and may then apply for an ID (Birth and Deaths Registration Amendment Act 51 of 1992).

The first requirement in the LRB process is potentially problematic, as an informant could potentially be anyone, opening up a loophole for corrupt activities. The second requirement is also arguably problematic, as this process targets people of 15)years and older and, in the event that the individual's parents are deceased, the DHA is unlikely to know whether the individual is a South African or not. As a remedy to this, the process allows people to register with their clinic cards, maternity certificates or a letter from a school.

The above causes potentially difficulties, as such documents are not verifiable and staff members at the DHA are unlikely to know whether such a document is fraudulent or not, as they cannot compare it to any other document on their system.

The process has only one measure of control, namely the Screening Committee, which conducts interviews with the applicants and make the actual recommendations pertaining to the application. The concern is that these measures are not stringent enough and mostly rely on human intuition for the granting of birth certificates. Human beings are open to manipulation and a crucial document, such as a birth certificate that grants citizenship, cannot be judged only by four individuals who sit on the Screening Committee. There is a need for stronger checks and balances.

### 2.7 Corruption as a Threat to National Security

Corruption in general, if not managed or stopped, could threaten NS. Activities from various departments, which do not boast good governance, transparency and accountability, result in national violence and protests from communities – as is already happening almost daily in different South African communities. It is also known that some criminals take advantage of these protest actions and destroy valuable infrastructure. Some may even carry out terrorist activities to disturb or threaten NS (State of the Nation Address, 2006).

The former Minister of Home Affairs, Dr Nkosazana Dlamini-Zuma, raised the concern that corruption within the DHA had rendered South African IDs suspicious internationally. The Minister further went on to say: “We can no longer be sure whether the person in possession of an SA ID or Passport is truly a South African national” (Dlamini-Zuma, 2009).

Mr Mavuso Msimang, the DHA’s DG in 2008, who was tasked to turn the Department around, confirmed that corruption within Home Affairs was a threat to NS (Home Affairs needs you, 2008).

On the global scene, South African identity documentation is a cause for suspicion, due to the manner in which such documentation could easily be manipulated. For example, the British security sector is concerned about the manner in which South African identity documentation is being obtained in a corrupt way, which creates

mistrust between South African and British authorities with regard to security matters (Home Affairs needs you, 2008).

British security and intelligence officials issued warnings on the increasing risk of Islamic extremists using SA as a transit point and location to plot their plans. Furthermore, the majority of these extremists, using South African territory, are found to be using South African IDs and passports.

Corruption is described as a “wicked” thing – i.e. a very bad and mischievous thing, as cited from *Corruption as a threat to international security and conflict resolution* (Hartelius and Borgenhammar, 2011).

There is need for the people to know that the economy is about them. Unless the people know the extent to which corruption affects them personally, they will not start acting to combat it. This lack of understanding can be attributed to ignorance about the after-effects on the country.

## 2.8 Conclusion

It is clear that corruption, via the illegal issuing of South African identity documentation, does pose a threat to NS – especially where a country, such as SA, is used by terrorist elements to plot and execute their activities. This puts SA at risk, since other nations may retaliate or impose sanctions against SA.

This chapter also outlined corruption via the abuse of office and power, which may result in mistrust of the government by its citizens, and hence pose NS threats in the form of protests.

# CHAPTER THREE: RESEARCH METHODOLOGY

## 3.1 Introduction

This chapter aims to outline the research method used in this study and to support the study, as well as the data collection strategies, data analysis, validity and reliability considerations.

This study uses material from a literature survey on corruption, NS and LRB. In addition, secondary data offers the following advantages: It is readily available; it is inexpensive to find; it alerts the researcher to potential problem areas; it helps to clarify research problems and hypotheses; and it can cover longer periods than other approaches (Ngwira, 2004).

Researchers will find reports of research studies in several formats – i.e. books, scholarly journal articles, dissertations, government documents and policy reports (Neuman, 2011). The researched information will be found via the techniques listed above and will facilitate the gathering of more information.

The study is qualitative in nature. It will seek to understand the research problem from the perspectives of DHA staff members, by means of data collected via interviews, as well as a literature review. Also included in this section is the research design, data collection methods and an analysis of data techniques. An explanation will be contained in each of the different headings, as well and a justification will be provided as to why such methods will be utilised.

## 3.2 Research Method

This research is explorative and interpretative in nature. It explores, in that small-scale research will be conducted into the challenges faced in the issuing of South African identity documentation illegally; and because it will ensure that the researcher adopts a more exploring stance by looking at ways and better strategies of addressing the challenges facing South African documentation security measures.

Of the two approaches used to collect information, namely qualitative and quantitative, this study leans more towards the use of the qualitative approach.

The qualitative approach, as defined by Leedy and Ormrod (2005), is concerned with developing social phenomena, that is, qualitative research helps us

understand the world we live in and why things are the way they are. This type of research seeks to answer the questions: Why, How and In what way.

### 3.3 Research Approach

According to Neuman (2011), the qualitative research method uses non-linear logic paths – i.e. there are no fixed steps taken during the research process. New data can be collected as the process unfolds, which also means new themes could occur along the way and be integrated into the study.

Neuman (2011) states that "a non-linear path can be highly effective in creating an authentic feeling for understanding an entire setting, for grasping subtle shades of meaning, for integrating divergent bits of information and for switching perspectives".

In qualitative research, there is not necessarily a single and ultimate truth to be discovered (Leedy and Ormond, 2005). In the context of this study, for instance, one is likely to discover that the perceptions of DHA management, with regard to the challenges facing the LRB process, might be different to those of the actual persons who actively utilise or manage the process on a day-to-day basis.

The qualitative research method is preferred for such a study as the problems inherent in the development of the LRB process, might be best understood from the context of human experiences, interactions and documentation in it natural settings. These experiences will be best collected using soft data, such as notes from interviews. Interviews with participants will allow for guidance, control of, and direction throughout the research project, as the process or path of qualitative research is not rigid. This approach also allows for different facets of the problems, associated with the LRB process at the DHA, to be unpacked.

### 3.4 Research Design

According to Gibson and Brown (2009), research design refers to particular approaches to research, such as experiments, case studies, ethnography and action research, whereas the processes of research design refer to the practice of working via a given focus pertaining to the research, as well as the generation of a research plan and design for that specific topic. The design element of research entails specifying analytical interests and establishing what kind of data is required to explore those interests, and how this is to be generated.

A case study design might involve a detailed exploration of a single case or of multiple cases. A “case” might be a person, an institution, a profession, a role or any other relevant comparative variable. The methods might involve interviews, questionnaires, focus groups, documentation analysis or any other research method.

In order to explore the challenges related to the LRB process, a case study methodology was applied wherein the process was analysed via interviews with staff members who are involved in the process. This approach will enable the author to understand the LRB process and the challenges related to it. The researcher visited DHA staff, particularly those who work with LRB directly, as well as with the public, while some senior staff members were interviewed as well.

The approach takes cognisance of participants’ perspectives within the context of their lives and makes sense of their subject reality, as well as adding meaning to it.

### 3.5 Sampling

#### 3.5.1 Purposive Sampling

This study used the purposive sampling method. Purposive sampling is a valuable sampling tool, designed for special situations. It is used in exploratory research or in field research. It uses the judgement of an expert in selecting interviewees or it selects cases with a specific purpose in mind (Neuman, 2011). Purposive sampling also aims at selecting possible research participants, because they possess certain characteristics, roles, opinions, knowledge, ideas and experience that may be particularly relevant to the research (Gibson and Brown, 2009).

#### 3.5.2 Interviews

The following steps were followed in order to conduct interviews:

- Participants were chosen for the interviews according to their rank.
- Junior and chief administrative staff members were chosen, since they work with the public directly from the Kempton Park Office.
- Juniors were interviewed at their offices after working hours, without any interruptions taking place.

- Two assistant directors were selected as supervisors. One was interviewed in the park after working hours, and the other during working hours at his office, but without any interruptions.

The assistant directors were chosen because they were demonstrating management skills as the heads of units and they supervised DHA officials in the LRB Section.

The sample size was as follows:

- Respondent A – Assistant Director at DHA
- Respondent B – Assistant Director at DHA
- Respondent C – Chief Administrator Officer at DHA
- Respondent D – Junior staff member at DHA
- Respondent E – Junior staff member at DHA

The following were the three research questions posed to DHA officials:

a) What are the challenges and weakness related to the process of LRB?
    - Follow-up question: Why was LRB introduced?

b) Sub-question: How is the process being corrupted or manipulated?
    - Follow-up question: In which way is the process corrupted?

c) Sub question: How can the security measures be improved or changed?
    - Follow-up question: Do you think there are ways to close the loopholes in order to improve security measures that cannot be corrupted?

### 3.6 Data Analysis

Data analysis includes the categorisation of data, the identification of patterns, as well as generalisations (Leedy and Ormond, 2005). Categorising data helps in clustering the data collected into meaningful groups. When the data has been categorised, the researcher can move on to identifying patterns and themes. Leedy and Ormond (2005) proceed to argue that, in terms of generalisation, conclusions from the study may have much broader implications. Mouton (1996), however,

suggests that generalisation in a case study is only limited to the case itself or to similar cases.

What is true for an individual working at the DHA head office in Pretoria, with regard to his/her perspective of the LRB process, might not be true for any other individual working at a Home Affairs office elsewhere. In effect, the author acknowledges that challenges related to the process of LRB may differ from office to office. But the sample at the Kempton Park Office of the DHA will provide pointers as to the challenges in the system and hopefully provide an opportunity for the recommendations to obviate the problem.

### 3.7 Conclusion

This research aims to explore specific activities related to a specific process within a specific department – hence the qualitative nature of the study. The author purposefully sampled key individuals within the LRB process, so as to gain an in-depth and a wider perception of the nature and extent of corruption within the DHA. Feedback from the sampled respondents will be categorised in accordance with the themes wherein conclusions and recommendations will be made.

# CHAPTER FOUR: DATA PRESENTATION

## 4.1 Introduction

Data presentation is a display of evidence collected. Findings are presented under each of the questions raised with all five interviewees.

Given the high level and sensitivity of security awareness of this study, the researcher used pseudonyms to protect the participants from any unpleasant consequences.

## 4.2 Presentation of Findings

The following are the findings of the interviews conducted with DHA officials in the Kempton Park Offices.

When asked about the introduction of LRB, the respondents replied as follows:

***Respondent A*** gave a short background to, and an explanation as to why LRB had been introduced in the DHA (interview, 08 October 2012).

According to ***Respondent B***, the DHA is the primary roleplayer in terms of processing LRB. ***Respondent B*** furthermore said that the DHA was responsible for ensuring that all South Africans were registered and captured on the DHA database (interview, 12 October 2012).

***Respondent C*** described LRB as a process of redressing the issue of all South Africans who had not been registered on the DHA population register, as well as by addressing the ignorance of most South Africans who had disregarded the former laws of apartheid, enforcing the carrying of an ID, wherever they went (interview, 15 October 2012).

***Respondent D*** explained that LRB was introduced in order to address the challenge facing some South Africans who did not have South African documentation, such as a birth certificate, an ID document and a passport for travelling purposes (interview, 16 October 2012).

***Respondent E*** responded in a similar way to ***Respondent B***, and furthermore added that this was to ensure that all South Africans would be on the DHA database (interview, 24 October 2012).

Below are detailed responses to specific research questions:

**(a) What are the challenges and weakness in the LRB process?**

***Respondent A*** gave a short background scenario and an explanation as to why LRB had been introduced in the DHA.

He said that, before 1994, most black people who stayed in rural areas in particular, and some in urban areas, were not registered on the Home Affairs population register. Most people avoided applying for ID books, thinking it would be easy for them to be arrested by the police during the time of apartheid. According to ***Respondent A***, this is why they have to apply via LRB so as to obtain IDs.

This respondent further said it was expected that, when as person was 16 years old, he/she was supposed to apply for an ID book. LRB had been introduced just before 1994, for the preparation of the first democratic elections in SA. The respondent explained the process of applying for LRB by saying that, if a child was 30 days old or older and without at birth certificate, then such person could apply for LRB.

The applicant needs to appear before a DHA official, accompanied by a parent if he/she is younger than 16 years of age. He/she must fill in forms of birth (BI 24/1-15), present an affidavit from a police station and a short explanation as to why the child does not have a birth certificate. A letter from a school could be accepted as a testimony or a letter from the local chief if the applicant is from a rural area, as well as a clinic card from the hospital or a baptismal certificate from the applicant's church or pastor. After being interviewed by an immigration officer, all documentation and application forms will be forwarded to the Civic Section of the DHA Head Office and, following all verifications, the applicant could be issued with a birth certificate (according to ***Respondent A***).

***Respondent A*** also indicated that most of these challenging cases are from rural areas in KwaZulu-Natal (KZN), the Eastern Cape, Limpopo and Mpumalanga. The challenge facing these regions was access to the DHA offices. He said that, even in urban areas, this challenge existed. He mentioned an example of a woman from Alexander, who was interviewed on TV and, by the age of -two she was still without a birth certificate and an ID book.

***Respondents B, C, D and E*** agreed with ***Respondent A*** with regard to the process of applying for LRB.

***Respondent B*** mentioned that the weaknesses emanate from the fact that there were no systems in place to verify whether the supporting documentation, such as clinic cards or baptismal certificates, was correct or fraudulent, which constituted a major challenge facing the DHA. According to ***Respondent B***, when an applicant is alone with a DHA official in the latter's office, without additional staff members present to interview the applicant, some DHA officials take advantage of the situation and try to bribe an applicant – especially if the applicant is a foreigner.

***Respondent C*** mentioned that, in some cases, where a child was not born in a hospital, particularly in rural areas, some parents take registration process for granted or are ignorant about registering the child. He added that some children get to the age of(12 without birth certificates, because their parents did not take the trouble to register them. In some cases, these children even reach this age without attending school. These children end up needing to go through the LRB to obtain IDs when they are older and are seeking employment. The respondent also added that some of these children are foreign nationals and their parents conspire with South African citizens to acquire South African identity documentation illegally via LRB, with SA citizens claiming that these children were their children.

According to ***Respondent C***, various DHA offices don't have an integrated system to avoid a situation where, if a person fails to register the child illegally at one DHA office, such person could simply go to another office and obtain registration.

According to ***Respondent D***, the biggest challenge facing the processing of LRB is the verification of documents – especially those from rural areas. Older people are unable to state their date of birth and even their children do not know their age, as most of them don't have any identification documentation of their birth. This respondent also mentioned that, since the systems cannot identify whether a person is South African or not, there are cases where foreign nationals are deported only after the applications have been processed and they were almost provided with South African identity documentation.

***Respondent D*** raised the challenge of security agencies not cooperating in terms of controlling and investigations. He indicated that when the SAPS arrest a

foreigner on suspicion of fraudulent documentation, they don't invite immigration officers to be part of the interviewing process and analysing the documentation. ***Responded* D** indicated that, since the police are not trained to verify documents, it is crucial for DHA officials to be part of the process.

***Respondent E*** also described the challenge of dealing with the elderly that are faced by the DHA. He explained that some elderly persons come to apply for LRB. However, when asked questions about the dates when, and areas in which they were born, they don't know. This happens, even when the elderly are accompanied by a member of the younger generation in their family unit, because the young persons also do not know such details. The DHA does not have a system in place to verify whether supporting documentation is fraudulent or not (according to ***Respondent E***).

***Respondent E*** furthermore stated that, another weakness, was to be found in the committee established to deal with LRB. This committee comprises only DHA officials and does not have members presenting the community, who may be in the position to provide such details as school or hospital information. Neither is there any member from the community present to confirm the applicant's authenticity and/or perhaps attest to the legitimacy of supporting documentation.

**(b) How is the process being corrupted or manipulated?**

***Respondent A*** described the process of applying for LRB as corrupt, due to the many loopholes in the DHA systems and processes. According to ***Respondent A***, corruption starts with members from the community, such as local chiefs, school teachers or principals and priests, who allow themselves to be bribed into drafting false and fraudulent details in the letters of proof that the applicant requires for the DHA.

Due to the workload of the DHA, officials don't take enough time to verify whether the supporting documentation is fraudulent or not.

***Respondent B*** mentioned that some DHA officials share passwords in order to process illegal identity documentation on the system, since supervisors do not monitor officials on a daily basis as expected by DHA procedures. ***Respondent C*** confirmed what ***Responded B*** had pointed out regarding the sharing of passwords.

Respondent D also suggested a similar point to that of Respondent A by indicating that members considered being of high standards from the community allowed themselves to be corrupted by selling letters from schools, priests with baptismal certificates, local chiefs and clinic cards as proof of testimony. According to Respondent D, manipulation is now controlled since the introduction of the committee which assesses this supporting documentation compared to when the DHA officials will do the application in their offices with just the applicant in presence.

Respondent E added that corruption and manipulation is a result of under-paid staff within the DHA working on a position a number of years, so they master the systems and know their loopholes. The DHA has established networks with members of the community who bring foreign nationals who exchange money for illegal SA documentation according to Respondent E.

**(c) Does manipulation of the processing of LRB have an impact on National Security? If yes, how?**

***Respondent A*** argued that security was compromised by registering illegal immigrants on the NPR via fraudulent means. This could result in the applicant committing criminal activities inside and outside the country, using South African identity documentation.

According to ***Respondent A***, such criminals (foreigners) will not take South African laws into consideration in terms of committing criminal activities inside or outside the country while posing as South Africans. He furthermore cautioned that not only foreigners commit such activities as illegal documentation, but that some South Africans fraudulently have more than one ID book and passport and use these in committing criminal activities.

***Respondent B***, pointed out that, having little knowledge of NS issues, he would not know the extent that criminal activities, committed in and outside the country by using fraudulent identity documents, could have on the country's NS.

***Respondent C*** declared that security matters were not her line of work nor did she understand the implications that corruption had on NS. However, she agreed with ***Respondent A*** on the issue of criminal activities, as it would be difficult for non-

South Africans, using fraudulent IDs to be identified, as they used more than one ID.

***Respondents B and C*** mentioned the challenge of foreign nationals crossing the borders into SA illegally and wanting to obtain South African documentation illegally by bribing some Home Affairs officials. In some cases, these foreign nationals pay old SA people to pretend to be their parents during the application process.

Both respondents made mention the weakness of border posts being understaffed, with some lacking even the most basic facilities to undertake effective border policing, such as facsimile machines; a consistent electricity supply; proper living quarters for police/customs/immigration officers; vehicles; and proper search and storage facilities.

***Respondents B and C*** further indicated that some of the illegal foreign nationals are from Zimbabwe, Asia and European countries, who come to SA seeking for business opportunities. Those who do not get employment, resort to criminal activities and start fighting with South Africans, which also destabilises the security of the country.

***Respondent D*** mentioned that NS, as he understood it, was a factor in the way that criminals use DHA documentation and commit criminal activities in other countries, where it would be concluded that these criminals, when arrested, were South Africans.

***Respondent E*** explained that security-related matters affected members of the community in such a way that they were at odds with foreigners, claiming that foreign nationals were taking their jobs and RDP houses without having proper documentation. This could lead to violence spreading across the country, as already experienced. There is also the allegation that fraudulent documentation may be used for car registrations, which could lead to traffic fines to these culprits not being paid. Furthermore, there is the risk of these people obtaining fraudulent driver's licenses.

**(d) How can the security measures be improved or changed?**

***Respondent A*** highlighted the need for an integrated system of immigration and civic service to monitor movement control of both South Africans and non-South Africans. According to ***Respondent A***, if the introduction of a Home Affairs National Identification System (HANIS) could be implemented, criminal activities could be limited. He furthermore explained that HANIS is a system connected to all major points, such as banks, insurance companies, movement control, buying houses, cars sales and clothing stores. The system could then pick up anyone carrying out fraudulent transactions for identification purposes. In addition, ***Respondent A*** indicated that the system could not be implemented as it was too costly.

He further mentioned that good governance and accountability should be enforced by the management of DHA.

***Respondent B*** emphasised the issue of monitoring by DHA supervisors and the accountability of officials, as well as no sharing of passwords by officials manning the systems as a way to combat corruption within the Department.

***Respondent C*** added that if DHA management could consider increasing the salaries of their officials, it could minimise corruption in the Department. She further suggested that the Department should upgrade the ICT system to integrate the border posts to the civic section, in order to monitor movement control in the country as a way of improving security.

***Respondent D*** suggested that the establishment of interview committees, when analysing supporting documentation and questioning an applicant as part of the verification of documents process, could go a long way in ensuring that all applicants received legitimate and legal documentation. She also suggested that the committee could comprise immigration officers, officials assisting the applicant and heads of offices, to ensure objectivity.

If the committee is not satisfied with the results, then immigration officers will visit the community in question to conduct interviews, so as to determine the truth about the details provided.

The Department should also consider conducting campaigns at schools and private companies on the risk of having foreign nationals, without proper identity documentation, in the country. What will this could do for country, was not necessarily to isolate them, but to let the Department register them as asylum seekers or give them refugee status. In this way they, could be controlled (according to ***Respondent D***). Furthermore, ***Respondent D*** suggested that, if the Department could consider linking to the Interpol system for confirmation of nationality, it could assist the Department in reducing fraudulent applications for ID documents.

***Respondent E*** suggested that, if security agencies, including DHA, could meet on a monthly basis to discuss new ways in which people were manipulating the system and how they could deter this by putting secure measures in place, it could assist the Department even further in combating corruption.

Furthermore, having an electronic system, which would check driver's licenses, for example, could have a person tracked by all databases, including movement control and the Civic Section, to confirm whether the person was South African or not. At present, there is a lack of communication between the agencies, working in the same field, resulting in the loss of valuable information on crime and crime syndicates, as well as a lack of trust between the agencies involved in border control at ground level, resulting in accusations of corruption.

### 4.3 Conclusion

The lack of management supervision, accountability and transparency within DHA are some of the major challenges/weaknesses facing the LRB application process. The respondents also emphasised the lack of proper communication channels between the DHA executive and junior staff members to discuss challenges that are encountered within the Department, as well as pertaining to the process and system used for processing documentation, and how some form of control could go a long way in fighting the scourge of corruption.

Security agencies are not cooperating in terms of dealing with corruption in the country, and neither with government departments and, more in particular, DHA. The sharing of information is particularly lacking among security agencies.

Furthermore, it is clear that some South Africans also assist foreign nationals in obtaining South African IDs illegally by defrauding the system.

# CHAPTER FIVE: DATA ANALYSIS

## 5.1 Introduction

This chapter presents the analysis that emerged from this research project. Findings are presented under each of the questions raised to the DHA officials. This research is aimed at understanding the challenges and weaknesses regarding corruption in the DHA, as a threat to NS.

Kerlinger (1986), states that, to display the data is certainly important, but it is the interpretation of the data that is the *sine qua non* of the research. As such, this study includes data analysis as an important component of the research.

The challenges facing LRB go right down to DHA officials participating in fraud and corruption. The fraudulent issuing of South African travel and identity documentation to, especially crime syndicates remains a challenge for SA. Corruption continues to be a cause for concern to the DHA management. The issue is further exacerbated by the influx of foreign nationals from the African continent, Asia and European countries, in search of a better life in South Africa. This has been confirmed by the study.

The researcher observed a lack of monitoring and movement control of both foreigners and South Africans. To establish successful movement control, what is required first, is a linking of the systems between the Civic Section, which deals with LRB, and immigration centres, who are tasked with monitoring the movement of both South Africans and foreigners.

Border protection in Southern Africa and beyond, is now, more than ever before, a crucial issue. Fraud and corruption at border posts and in government departments, especially in the DHA, worsen the situation. In addition to this, increased trade and tourism between African countries call for an improved border infrastructure, bigger investments in identification and tracking systems and a more intense focus on border security and control (*SA Online*, 2011).

Such a move will encourage other countries to continue investing in SA without fear, since SA will be perceived as a safer country, which successfully monitors and controls movement of both foreign and South African nationals.

## 5.2 Research Analysis

Findings contained in this research are analysed as per the responses from the DHA officials. The analysis is grouped according to the questions asked.

### (a) What are the challenges and weakness facing the process of LRB?

Judging from the interviews, there is a need for proper management of systems and movement control to be in place. The outcome from the five members of DHA interviewed confirms that there is lack of monitoring of foreigners and South Africans in terms of their movement. To build movement control, what is needed, is to have a link of systems between civic section which deals with LRB and immigration centres to be able to monitor movement of South Africans and foreigners.

Given such circumstances, the reality is that foreign nationals are going to keep coming to SA to seek employment. As indicated, South African government through the DHA needs to focus its energy together with security agencies in proper managing the process of border security management.

Protecting SA borders with a view of keeping immigrants out of SA is not a solution, instead, SA needs comprehensive systems of migration, which will also facilitate and encourage the easier movement of people inside the country without them bribing DHA officials at the borders and Home Affairs offices.

Another challenge identified from the study, is that the issue of LRB occurred because of ignorance by most South Africans not wanting to apply for IDs during the apartheid era avoiding to be arrested by security agencies by virtue of having ID books. The study perceives that government missed an opportunity in this regard to educate the public properly on identity documents. Instead, government 'blindly' encouraged South Africans to get IDs so as to vote in the first democratic elections.

The study also indicated that the process affected mostly people staying in the rural areas, as they are the people who are mostly without IDs – not necessarily due to apartheid, but because some children were not born in hospitals and therefore did not receive clinic cards or birth certificates, which could also be attributed to distance and ignorance on the side of the parents.

The DHA system cannot confirm whether supporting documentation brought to officials for LRB applications is correct or not and officials were processing applications in a corrupt way by charging those who did not have the correct documentation and, as such, fraudulent documentation is being processed without double-checking by the third party whether such documentation is correct or not.

Both DHA officials and members of community, such as school principals, priests and local chiefs, allowed themselves to be corrupted by criminals and foreigners. This has been confirmed by the study, and it is suggested that security agencies need to work together to combat the problem of corruption.

The LRB is now, more than ever before, a crucial issue. According to the respondents, fraud and corruption in processing documentation by some DHA officials is increasing, since there is no measure to protect and improve the systems against the level of corrupt activities taking place in the country.

In addition to this, security agencies are working in isolation in combating corruption and in trying to arrest those who are involved in corrupting the system. The study does acknowledge this side of corruption by officials, but puts more emphasis on the need to link the DHA systems.

Given the existence of the many role-players involved, such as immigration officers, SAPS and the State Security Agency (SSA), each with a different mandate or focus, the study indicated that there are challenges related to fragmentation planning and uncoordinated ICT systems that do not communicate with one another – for example, from border control to the internal systems at Home Affairs – in monitoring movement control.

The study also obtained information from interviewees, that a large number of illegal immigrants are crossing the country's borders into SA from neighbouring countries and, more in particular, from Zimbabwe and Mozambique, as well as from countries further afield, such as Pakistan. It is suggested that Zimbabweans and Mozambicans cross the South African borders illegally and build houses/shacks to occupy. There is also the argument that they furthermore obtain RDP houses, especially in Limpopo.

The SADC proposed the use of UNIVISA a (National Instruments – VISA) This, however, is an area that requires a certain level of security preparedness and real-

time communication, as ICT systems or structures at Home Affairs offices connected to borders and ports of entry should be geared towards automation and this might well present challenges. The remedy is to implement the proposed Advance Passenger Processing System, which specifically determines who is en-route to SA at the border point of entry. This would require all participants and immigration officers from different countries to share information with each other, before a person crosses the border.

Those producing false documentation will be easily identified by the system, given the fact that the main focus will be on South Africans in particular. The system will assist those older South Africans by confirming their stay in SA without doubt, with the assistance of immigration officers and security agencies cooperating.

The study confirms that the border control situation, as pointed out by one of the respondents, between the immigration officers, SARS, SAPS and the SSA presents a huge challenge due to a lack of communication among them, as they only concentrate on their respective line function managers whom they report to and are accountable to, and who expect specific performance outputs.

The study notes that the infrastructure of the systems needs to be improved. Information technology and the sharing of information is required, and it should preferably be channelled into one system, so as to allow the various departments and, security agencies in particular, to engage with each other on the security breaches that they encounter.

Information needs to be shared – for example, with regard to passport number verification. It might be discovered that the name of the holder could be linked to criminal activities or illegal immigrants.

**(b) How is the process being corrupted or manipulated?**

The study notes that the process of LRB is being manipulated and corrupted by DHA officials, given the loopholes in the of internal systems of Home Affairs, while processing LRB applications. Regarding the verification of supporting documentation, according to information obtained from the interviewees, there is no follow-up mechanism pertaining to fraudulent documentation, such as letters from a school or baptismal certificates.

The situation is made worse by those corrupt officials who take advantage of those loopholes and exploit the situation and seek bribes from those who desperately want South African identity documentation.

When security is compromised by one department, such as DHA, in a manner which relates to security threats to the country, there is a need for more joint operations to be performed and it becomes crucial to improve coordination, collaboration and cooperation to combat illegal activities by illegal immigrants in the country. For example, when SAPS start to raid illegal immigrants, the immigration officers from Home Affairs are supposed to form part of a joint operation. It is therefore imperative to have sufficient resources, human capacity and technical equipment to monitor and improve movement control.

The efficient sharing of information between various border agencies, both internally in SA and between SA and other countries (that regard SA as a threat due to fraudulent travelling documentation) is imperative, ensuring the efficient and effective coordination of operations, incident-reporting and the correct response by higher authorities, as and when required.

The corruption and manipulation of LRB has actually encouraged foreign nationals to participate in seeking South African identity documentation in illegal ways, which constitutes a security threat to SA.

The LRB is a high-risk area, which needs robust processes and procedures that could eliminate fraudulent applications. This exercise is viewed or identified as of high priority, due to the high proportion of LRB that are viewed as fraudulent and therefore cause security concerns in the country.

The DHA realised the need to close the loopholes pertaining to the manipulation of processes regarding the issuing of, or applications for LRB. The DHA also observed that this process of manipulation and corruption is sometimes steered by under-paid DHA officials who seek to have an extra income.

Manipulation and corruption are also regarded as a result of a lack of motivation from managers who do not monitor their subordinates on a daily basis to ensure adherence to processes.

**(c) Does the manipulation of the processing LRB have an impact on National Security? If yes, how?**

The importance of the role of the DHA in SA involves security duties to ensure that all South African identity documentation is properly issued and registered on the NPR. Failure to apply for, and collect an ID book at the age of 16, creates opportunities for unscrupulous officials in the DHA to access these documents and sell them to individuals or organised syndicates who do massive damage to the economy and may even commit acts of terror and sabotage.

According to the ANC policy discussion document:

> "The aspect of abuse and fraudulent acquisition of SA identity/citizenship is made worse when citizens who have applied for IDs do not collect them at DHA offices. These uncollected IDs pose a threat to collective security since corrupt DHA officials sell these to organised crime syndicates.
>
> While immigration is about the enforcement of laws, rules and regulations, it is critical and of strategic importance that it be anchored and aligned to the promotion of economic development, job creation and trade investments in South Africa, within the SADC region, the African continent and the rest of the world.
>
> It is in the interest of South Africa that it should not abdicate its international obligations and its humanist approach. It is therefore imperative that a policy be developed that will seek to balance the need for economic, cultural and social development of the country against its security needs and the integrity of the SA state and society" (ANC 2012, March).

This research demonstrates how one aspect of this challenge could be addressed. Security must include the security of the country, communities and the people of SA, including the foreigners and immigrant communities who form part of SA. In so doing, the tendency of turning to Xenophobia could be curbed.

Creating a putative "community", which can result in nation-building, is central to the legitimisation of authority in the nation-state. Membership of this community pivots around the concept of citizenship, which constitutes the primary medium through which benefits to this community are conferred.

**(d) How can the security measures be improved or changed?**

The study found that LRB is a priority, as it is increasingly becoming a high security risk. The South African government, via the DHA, needs to build sufficient capacity to manage immigration effectively, which constitutes one of the challenges facing the country, and to develop coherent immigration policies and legislation. The management of migration has been largely based on legislative compliance and government should consider changing this.

There is a need to link security systems between Immigration at border posts and Civic Services, monitoring the movements of all South Africans and non-South Africans, to ensure NS and service delivery. The study also noted from some interviewees, that there is a need to introduce HANIS, which will enable the connecting or linking of security systems throughout the country, including banks, insurance companies, SAPS databases and the SSA.

The ANC policy document furthermore states that:

> "National security depends to a significant extent on the effective management of immigration. This begins with ensuring that all foreigners visiting or staying in South Africa are properly documented in terms of their identity, conditions of stay and the purpose of their visit or residence and it is also important to know where they are staying.
>
> As a security department, Home Affairs will contribute to achieving two overriding goals: national security and public safety. The DHA must also be driven by the need to perform its service delivery functions securely and efficiently to every South African, including the most marginalised and remote" (ANC policy document ,2012).

The study noted that there is a need for transformation at the DHA to enable the Department to deal with security-related matters by employing patriotic professionals who will be fully committed to serving and protecting their people, and be caring, responsive, effective and people-centred.

The ANC policy document furthermore states: "The department, through its immigration officers, should be able to work with other security agencies to improve and secure South African identity so that both foreign nationals and locals should

feel safe without discriminating against one another. Members of the community could also assist by reporting all those who are involved in corrupt activities, who should be exposed and reported to the police and other security agencies to protect South Africa" (ANC policy document, 2012).

The above needs to be followed by a campaign of educating communities on the role and the importance of DHA in the country and seeking support from the community to report corrupt DHA officials and all those involved in corruption.

### 5.3 Conclusion

The above reveals that corruption within the DHA, as a threat to NS, cannot be fought by the DHA alone. Other security agencies and the South African community need to be aware of the negative consequences that could be brought about by such corrupt activities as assisting foreign nationals to obtain South African identity documentation illegally, and then cooperate with the DHA to curb the scourge of corruption within the DHA.

# CHAPTER SIX: CONCLUSION AND RECOMMENDATIONS

## 6.1 Introduction

The aim of this research project was to explore, examine and understand the key challenges pertaining to LRB processes in the DHA, which result in corruption as a threat to NS. There is a need to investigate the elements of security breaches pertaining to processing LRB by the DHA, while including other departments and security agencies that are linked together in dealing with the task of protecting South African documentation. It is important and imperative to design effective and integrated strategies of addressing these key challenges in order to mitigate the security threats and risks to SA. The findings from this study may be used as guidelines or as a benchmark (as referral) for policymakers, security agencies and operational security experts who are involved on a daily basis in ensuring that South African IDs don't fall in the wrong hands of criminals and terrorists.

An analysis of the process being operated within the Department revealed a number of weaknesses. These include the inadequate investigation of applications; the non-enforcement of policies; a lack of management supervision; limited monitoring and control; a lack of standardised processes; the presence of corruption and fraud; and a high number of document handovers.

There is overwhelming evidence that the process, established to facilitate legitimate claims for LRB, is being used to commit identity fraud, and illegitimate people obtaining South African IDs.

This chapter will identify possible solutions to the findings and make recommendations for additional study in those areas, which would require further research.

In establishing the challenges facing LRB in DHA, the study focused on two levels, namely senior management and junior staff members of DHA, when dealing with processing and management control.

## 6.2 Findings

Respondents from the DHA (officials) pointed out that there was no support from management pertaining to the challenges they were confronted with when

performing their duties pertaining to security gaps, while processing LRB for obtaining other South African documentation.

Furthermore, there is a lack of coordination and a collective approach between government departments in dealing with the level of corruption in accessing South African documentation illegally. It therefore important to have an effective and integrated strategy that will address the following challenges in accessing South African documentation via application for the LRB process:

- Corruption of officials
- Document fraud
- Lack of leadership
- Lack of cooperation and coordination
- Lack of efficiency
- Lack of resources
- Lack of information technology systems and poor management

Emphasis should also be placed on a collective and integrated approach between the DHA and other departments and security agencies, which will assist in turning SA into a safer and healthier environment. Therefore, the responsible agencies have to come forward with a plan and implementation strategy that will provide a positive and long-lasting impact on the lives of all people, and counter all security breaches related to LRB.

### 6.3 Recommendations

The DHA challenges require government to prioritise certain functions and classify those duties as part of a concern about NS, such as LRB, IDs and passports. The DHA also needs a holistic approach; a committed and integrated work force; sustainable efforts; visionary leadership; a healthy work ethos from all officials and departmental management, who should be able to, and capable of taking tough and unpopular decisions. From the findings of this study, a number of recommendations are proposed with a view to addressing the key challenges posed by corruption in the DHA as a threat to NS.

### 6.3.1 Analysis of Security Loopholes

One of the biggest challenges facing the DHA, is that the Department is a public department in terms of servicing millions of South Africans by issuing South African documentation. From this study it is observed that the DHA lacks the measures in place that ensure the effectiveness and/or efficiency of security control and security measures. The security measures start with border control.

As movement control is not linked to the DHA's Civic Section, it would still prove to be a challenge if LRB applications are done in the way as indicated by the above information collected for this study. DHA needs a new system of linking all applications to one database, including movement control and immigration laws, and which should be similar to those of other countries, in order to improve the monitoring of foreign nationals and South Africans visiting other countries.

To address the challenges posed by fragmentation, there is a need to consider an establishment that will be able to control movement measures upon people entering SA. The management of such an entry should have a plan and budget, and should conduct all operations related to border management. Such measures should also be transparent and there should be accountability to Parliament.

### 6.3.2 Regional Cooperation and Coordination

As pointed out in the ANC policy document (2012), SA experiences a great many movements of people in and out of the country. Given the importance of border control, SA needs to introduce a new way or new systems of movement control, as well as having bilateral and multi-lateral cooperation with other member states, facilitated by International Relations and Cooperation on behalf of government, with regard to border management. The strengthening of security measures will also improve relations with other regions and ensure that SA's borders are extended beyond South African territory.

### 6.3.3 Factors Pertaining to Reducing Corruption in the DHA

To deal with corruption by DHA officials, some of the recommendations are based upon information, obtained from interviewees, who are DHA officials themselves, as well as on some of the researcher's own conclusions, based on the findings.

- All officials, who are employed to process LRB, need to be vetted at the level of Top Secret and should be monitored every two years.
- Members of the SSA need to be part of the Provincial Screening Committee (PCS) when interviewing LRB applicants.
- Increase the salaries of officials processing LRB and those of DHA staff members as a whole, in order to reduce the temptation of fraud and corruption.
- Every five years, officials working with LRB, need to be moved to another section or have to be rotated on a regular basis.
- There is a need for electronically sophisticated systems, which cannot be easily manipulated by officials.
- Emphasising team work at working stations, in order to build trust in one another, so as to complement one another.
- There should be quarterly meetings for evaluating and monitoring in checking on how far decreasing the existing backlog of LRB has progressed.
- The DHA's Security Directorate, in cooperation with SSA, needs to draw up a programme of security awareness for all officials at DHA offices, as well as those people at border controls, and should include management, as well as emphasising the importance of birth certificates, ID books and passports.
- There is a need to allow all security agencies, including immigration officers, to make surprise visits at DHA offices and border control points.
- The DHA, which is participating in the security cluster, as well as in Justice and Crime Prevention and Security (JCPS), should report new tendencies of manipulating the LRB process.

### 6.3.4 Reducing Manipulation in the Processing of LRB

DHA management at office level needs to enforce the following actions as measures to counter the manipulation processes of LRB:

- Background verification is the responsibility of an appointed information verification officer at a regional office, and should include one SSA member to assist with verifying the information.

- The division of labour pertaining to each official needs to be clearly defined, in order to facilitate a process of accountability and transparency.

- The process should be clearly mapped and described to minimise any ambiguity and “dead ends”.

- At the beginning of the process – i.e. upon receiving an application from a client, its completeness, as per described procedure, should be ensured and then it should be forwarded to the Screening Committee.

- Ensure accountability for a proper screening process of LRB applications, responsibility for conducting individual interviews with applicants and parents, and making a recommendation regarding a decision about the application.

- By involving those staff members within DHA, dealing or working with LRB, there is a need to develop good relationships with, or cooperating with security agencies, which will facilitate the process of deciding how to identify fraudulent documentation.

- Staff members should be responsible for effective and efficient application administration, in-depth background verification and arranging interviews with applicants and parents on behalf of the Screening Committee.

- DHA staff should be performing fingerprint verification, signed by a verification officer, before forwarding them to Head Office.

- SAPS and immigration officers must work together to verify the documentation should the Screening Committee have any doubts about the applicant.

- Second interviews should be conducted after the verification of documentation, and these interviews must be done separately with the applicant and the parent on the same day, in order to avoid any information exchange about each other’s interview.

- If it is found that a case is fraudulent, a report should immediately be forwarded to SAPS and an immigration officer for further investigation.
- The gathering of information must include pre-school or crèche facilities that the child attended. The investigation at the primary and secondary school that candidates attended, as well as their employment history, should be done by a vetting officer.

LRB should not automatically lead to obtaining an ID. An applicant should first have to apply for a birth certificate, and thereafter submit an application for an ID. The applicant will no longer be required to collect documents from institutions, priests and schools. Instead, the immigration officer will be required to do a follow-up by finding out more about the life history of the applicant, which will then be checked and verified.

The above recommendations should be of assistance in closing the loopholes and ending the manipulation of the processes aimed at identifying fraud, and should help to safeguard the integrity of SA. They would provide a clear process for reporting cases where fraud is suspected.

### 6.4 Conclusion

The DHA should adopt a more pro-active role in dealing with security loopholes that result in corruption within the Department and, more in particular, in the LRB Section. It should concern itself with solving fundamental issues, such as processing of, and applying for LRB, rather than doing the work for only the sake of issuing a South African ID to a person, without checking systems that will improve standards at the Department.

The study concluded with the insights gained from the findings and recommendations,. A similar research project is proposed, but with a broader focus on respondents covering the level of corruption within the DHA, to propose ways of closing security loopholes in general that affect the Department.

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**APPENDIX A:**

**To whom it may concern:**

**Re: Research Report Questions**

This letter serves to confirm that Mabeba B, student number 485041, is a registered student for a Master's of Management degree at the Graduate School of Public and Development Management. As part of the requirements to complete a Master's degree (MM PDM), he has to submit a research report.

The research may include one or more of the following methods: Interviews, questionnaire studies, focus group discussions and a documentary analysis. The research will culminate in him writing his research report.

The following are the research questions:

(a) What are the challenges and weakness related to the process of the LRB?

- Follow-up question: Why was LRB introduced?

(b) **Sub-question –** How is the process being corrupted or manipulated?

- Follow-up question: In which way is the process corrupted? And do you think the staff members do that and that their supervisors will not notice?

(c) **Sub-question –** How can the security measures be improved or changed?

- Follow-up question: Do you think there are ways to close the loopholes in order to improve security measures and not to be corrupted?

We request your assistance with regard to data collection for research purposes towards his Master of Management degree. This information will only be used for research purposes and all the information discussed will be kept anonymous and confidential.

Regards

Mabeba, B. (Mr)

**APPENDIX B:**

The following people were directly interviewed on the relevant issues pertaining to the research report:

- Respondent A – Assistant Director at DHA
- Respondent B – Assistant Director at DHA
- Respondent C – Chief Administrator Officer at DHA
- Respondent D – Junior Staff Member at DHA
- Respondent E – Junior Staff Member at DHA

**APPENDIX C:**

The following are the research questions:

(d) What are the challenges and weakness related to the process of LRB?

- Follow-up question: Why was LRB introduced?

(e) **Sub-question –** How is the process being corrupted or manipulated?

- Follow-up question: In which way is the process corrupted? And do you think that the staff do that and that their supervisors will not notice?

(f) **Sub-question –** How can the security measures be improved or changed?

- Follow-up question: Do you think there are ways to close the loopholes in order to improve security measures not be corrupted?