

**AN ANALYSIS OF LAW ENFORCEMENT AND THE CONTROL OF ILLICIT
TRADE OF TOBACCO PRODUCT AT BEITBRIDGE BORDER POST IN LIMPOPO
PROVINCE, SOUTH AFRICA**

by

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MINI-DISSERTATION

Submitted in partial fulfillment of the requirements for the degree

MASTER OF PUBLIC ADMINISTRATION AND MANAGEMENT (MPAM)

in the

**FACULTY OF MANAGEMENT AND LAW
(Turfloop Graduate School of Leadership)**

at the

UNIVERSITY OF LIMPOPO

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2020

DEDICATION

**This study is dedicated to my son,
Nkomotana Dikgang Malcolm Molatjana.**

D E C L A R A T I O N

I declare that AN ANALYSIS OF LAW ENFORCEMENT AND THE CONTROL OF ILLICIT TRADE OF TOBACCO PRODUCT AT BEITBRIDGE BORDER POST IN LIMPOPO PROVINCE,SOUTH AFRICA is my own work and that all the sources that I have used or quoted have been indicated and acknowledged by means of complete references , it has not been submitted before for any other degree at any institution.

Dibero Mina Molatjana

Full names

Date

ACKNOWLEDGEMENTS

I would like to express my deepest gratitude and appreciation to the following people for the valued contributions to this study.

Firstly, to my supervisor, Prof SK Mokoena, for his interest, guidance, knowledge and support throughout the course of this research project.

Secondly, to the SAPS, SARS and SANDF at Beitbridge border post for their willingness to provide valuable information at all times.

Thirdly, to Brigadiers Moloko Simon Sebola and Makama Fredrinah Huma, for all the sterling support during the study tenure.

Fourthly, to Ms Matlou Moloto for editing the manuscript.

Fifthly, I would like to thank everyone who made a contribution to this study, in some way or another.

Lastly and above all, I thank God Almighty for the abundant and overwhelming strength at all times.

ABSTRACT

The study explored the challenges faced by the law enforcement agencies on illicit tobacco smuggling across South Africa and Zimbabwe at the Beitbridge port of entry. Literature states that globally law enforcement agencies are faced with a huge challenge at the borders in controlling the trade of tobacco product: South Africa has no exemption on this matter.

This mini-dissertation analyses the effectiveness and efficiency of law enforcement and the control of illicit trade of tobacco product at Beitbridge port of entry. The lack of operation coordination strategies and workload within law enforcement agencies were fully examined with a view to come up with appropriate measures to improve control at research area.

The South African Government tobacco control policy has been in place since the early 1990's with legislative instruments requiring mandatory health warning labels on tobacco products, banning public and underage smoking. Porous borders and corruption of officials working at the boarders are the exacerbating illicit tobacco.

An explanatory qualitative method design was used in this study which helped to gather data to explain the phenomenon in more depth.

The chosen study area of this research is the Beitbridge port of entry which is situated in the far North of the Limpopo Province of South Africa.

A purposive sample was used in the study to select participants in the following law enforcement agencies, namely SAPS, SARS and SANDF. Improved working collaboration between SAPS, SARS and SANDF and other stakeholders will immensely benefit the society and government.

The qualitative study method was done in this research. The research sample was the law enforcement officers responsible for curbing the illicit trade of tobacco product in a multidisciplinary approach at the Beitbridge border post from the three departments, which are SAPS, SARS and SANDF.

The data was only collected from the South African side of Beitbridge not from Zimbabwean side. Thematic analysis was then used to analyse the findings. Permission to conduct the study was sought from relevant authorities, ethics of informed consent, confidentiality and voluntarily participation were utilised.

The following themes emerged during the data analysis: access to the border and also to the policies as well as to the members of selected departments working at the Beitbridge border post.

The responses from the findings were analyses based on the interview guide used to collect data. The respondents confirmed that though there are coordinated efforts to prevent, combat and detect illicit cigarettes there is a need for adequate resources like storage facilities, sniffer dogs and scanners at the border.

Based on the responses received, it was concluded that there is an existence of some form of coordination of activities relating to operations at the border within the law enforcement agencies responsible for curb illicit trade.

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CHAPTER ONE

INTRODUCTION AND BACKGROUND TO THE STUDY

1.1 INTRODUCTION

Globally law enforcement agencies are faced with a huge challenge at the borders in controlling the illicit trade of tobacco product (Marin, 2011). European countries often have a problem of illicit trade at their borders from Africa through the Durban harbour and Dubai. Illicit trade of tobacco product is a commercial crime that is prevalent worldwide. Lack of proper border control and porous borders affect the world wide economy. The Tobacco Control Act, 1993 (Act 83 of 1993) prohibits the smuggling of illegal cigarettes into South Africa, however it appears that tobacco regulations and related legislation such as Custom Excise Act, 1964 (94 of 1964) as amended are not implemented at most of the South African ports of entries especially at Beitbridge port of entry. This study aims to explore the challenges faced by law enforcement agencies such as, Home Affairs, South African Revenue Services, South African Defence Force and South African Police Service at the Beitbridge port of entry. The Beitbridge port of entry is a border between Zimbabwe and South Africa, situated about 12 kilometres from Musina town and 120 kilometres from Polokwane City. Beitbridge is the gateway from African countries into South Africa and situated at the far northern side of South Africa (RSA, 2016).

1.2 PROBLEM STATEMENT

Illicit trade of tobacco product is a serious concern in South African port of entries especially Beitbridge port of entry. Beitbridge is one of South Africa's border that is regrettably and undoubtedly porous (Manganyi , Rensberg, Zyl-Gous, Mbadlanyana and Salmon, 2015). Smuggling of Zimbabwean cigarettes and other related crimes such as human trafficking, smuggling of vehicles, drug trafficking occur on a daily basis. Bribery and corruption by officials from various departments, namely, Home Affairs, South African Defence Force, South African Revenue Services and South African Police Service in both South Africa and Zimbabwe are mentioned as contributing factors. Literature show that there is also shortage of personnel and resources, inadequate training, inadequate advanced proactive and re-active border policing strategy, and inadequate technological support utilisation are some of the predisposing and enabling factors (Tobacco Institute for Southern Africa (TISA), 2015; Qhobosheane, 2005). According to South African Revenue Services (SARS) most visible consequences of illicit trade in South Africa through Beitbridge is that South African Government has been deprived of an estimated +- R3.5 billion in 2014 from the fiscus, which is loss of fiscus since 2010 to March 2015 through excise and Value Added Tax (VAT) (TISA, 2015). This does not take into consideration any associated taxes payable such as company or personal taxes that have also been evaded. Based on the above, the study serves to investigate the challenges faced by the Law Enforcement Officers at the Beitbridge port of entry in combating the illicit tobacco smuggling across the border. Very little data in South Africa explain this phenomenon.

1.3 AIM OF THE STUDY

The aim of this study is to explore the challenges faced by the law enforcement agencies on illicit tobacco smuggling across South Africa and Zimbabwe at the Beitbridge port of entry.

1.4 RESEARCH OBJECTIVES

The objectives of the study serve as a guide to the research, and are summarised as follows:

- To determine the nature of operational coordination strategies used by law enforcement agencies at the Beitbridge port of entry;
- To assess the capacity and workload of law enforcement agents at the Beitbridge port of entry in handling tobacco trade across the border;
- To evaluate the nature of adequate facilities needed at the Beitbridge port of entry to effectively combat illicit tobacco smuggling across the border; and
- To make recommendations for the improvement of border control by law enforcement agents at Beitbridge port of entry.

1.5 RESEARCH QUESTIONS

The research questions for this study were formulated as follows;

- What are the strategies used by law enforcement agencies to coordinate operations against illegal tobacco smuggling across the border?
- Do the law enforcement agency well equipped and capacitated to handle their workload in manner that they are able to handle to handle illicit tobacco across at Beitbridge port of entry?
- Are the existing facilities adequate to assist law enforcement agencies to control illicit tobacco smuggling across the Beitbridge port of entry?

- What should be done to improve the effectiveness of law enforcement agencies in controlling illicit tobacco crossing Beitbridge port of entry?

1.6 SIGNIFICANCE OF THE STUDY

The findings of the study will be useful to all stakeholders at the identified point of entry on matters of policy-making and implementation. The study will be a stepping-stone for the empowerment of personnel in exercising control over crime related activities. This will be useful to the law enforcement agencies operating in the chosen study area since their responsibility is to control the illicit trade of tobacco products and other illicit products such as narcotics, rhino horns as well as precious metals. This will also improve the revenue collection at the said port of entry. Furthermore, other port of entries may benefit from the study because the findings may guide them on how to monitor ports of entry effectively with less illicit tobacco trade. Law enforcement agencies at the borders can be highly empowered by this study.

1.7 DEFINITION OF CONCEPTS

For the purpose of this study, it is necessary that the following concepts be defined in order to clarify the context within which they are used in the study:

- **Border Post:** Place that entails controlling and regulating the flow of people, goods and services borders in national interest and usually for the maintenance of peace and security. This is the responsibility of government that needs to be executed by immigration, customs and excise, as well as soldiers (Lamprey, 2013:2).
- **Tobacco product:** An Agricultural product of leaves of plants in the genus Nicotiana.

All species of *Nicotiana* contain the addictive drug nicotine, a stimulant and sedative contained in all parts of the plant except the seeds, which occurs in varying amounts depending on the species, and variety cultivated. Tobacco product can generally be divided into two types: smoked tobacco and smokeless tobacco.

- **Tobacco industry:** Refers to the companies involved in the manufacturing of cigarettes, cigars, snuff, chewing tobacco and pipe tobacco. This comprises of those persons and companies engaged in the growth, preparation for sale, shipment, advertisement, and distribution of tobacco and tobacco – related products.
- It is a global industry, tobacco can grow in any warm, moist environment, which means it can be farmed on all continents except Antarctica (Glantz: 2000).
- **Illicit Trade in Tobacco Product:** Defined in article 1 of the World Health Organization's (WHO) Framework Convention on Tobacco Control (2003:4) as any practice or conduct prohibited by law and which relates to production, shipment, receipt, possession, distribution, sale or purchase including any practice or conduct intended to facilitate such activity (Allen, 2011).
- **Law enforcement agencies:** According to the Constitution of the Republic of South Africa (1996), law enforcement agencies refers to a list of agencies in the law enforcement in South Africa. Law enforcement in South Africa is the responsibility of South African Police Service, and South African National Police Force. In this study the law enforcement refer to South African Police Service (SAPS), South African National Defence Force (SANDF), South African

revenue Service (SARS) and Department of Home Affairs (DHA) as the law enforcement agencies responsible at Beitbridge Port of Entry.

- **Smuggling:** Illegal transportation of objects, substances, information or people, such as out of a house or buildings, into a prison, or across an international border, in violation of applicable laws or other regulations. Smuggling happens when certain items are banned in an economy or tariffs rates are so high that it is an incentive to smuggle more. The principle cause of smuggling is greed for wealth, ignorance and lack of nationalism. To import or export goods secretly, in violation of the law, especially without payment of legal duty (Lobo:2016).

1.8 RESEARCH METHOD AND DESIGN

An explanatory qualitative method design was used in this study. This is a design, which helped to gather data to explain the phenomenon in more depth (Creswell, 2015). A well-collected and well-analysed qualitative data is needed in order to clearly understand some of the underlying predisposing, enabling and reinforcing factors that could account for illicit tobacco trade across borders. Qualitative research method is important in that they capture the complexity of life, rather than trying to “reduce” this complexity, and the potential for gaining an understanding of what is going on in the situation, which the phenomenon is greater.

1.9 STUDY AREA

The chosen study area of this research is Beitbridge port of entry, and it is situated in far north of the Limpopo Province in South Africa. The Beitbridge port of entry is about 200 kilometres north of Polokwane, the Provincial Capital City of the Limpopo

Province. The nearest town from the Beitbridge port of entry is Musina which is about 12 kilometres (Republic of South Africa, 1998). It is a border between South Africa and Zimbabwe and is one of the busiest borders in the country, as it is a gateway from most of our African Countries into South Africa. Law enforcement agencies responsible at Beitbridge port of entry are South African Police Services (SAPS), South African Revenue Services (SARS), Department of Home Affairs (DHA), South African National Defence Force (SANDF) and other related agencies as well as the same departments on the side of Zimbabwean.

1.9.1 Population

All the Law enforcement agencies, in Beitbridge port of entry, only the South African side took part in the study. The population included officials from the South African National Defence Force (SANDF), the South African Revenue Services (SARS), the Department of Home Affairs (DHA), the South African Police Service (SAPS), travellers across the border and Tobacco dealers.

1.9.2 Sampling Method and Sample Size

Purposive sampling was used to select participants. Purposive sampling is known as a selective or subjective sampling, which is a type of non-probability sampling technique (Mack, Woodsong, Macqueen, Guest and Namey, 2005). Primary data were collected from people with knowledge and experience in the field of research subject, this enabled the researcher to draw and develop accurate and reliable data. Data collected until data saturation was reached (Polit and Beck, 2010). A total of 34 (N=34) respondents were identified to participate in the study, however the researcher could end up interviewing seven senior professionals at the border cutting across the three departments. The breakdown of the planned sample number is as follows:

10 = officials at Beitbridget border post

8 = officers at the Provincial Departments of the Law enforcement Agencies.

5 = travellers/traders from Zimbabwe to South Africa,

5 = travellers from South Africa to Zimbabwe,

6 = tobacco dealers and smugglers (mules)

Key informants were selected based on their positions and accountability.

1.10 DATA COLLECTION

Data collection refers to the use of measurement tools (for example, questionnaires or scales) to obtain data on a topic of interest from research subjects (Census Bureau US, 2010). One-on-one interviews were conducted using a semi-structured interview questions developed by the researcher. Questions differed according to sections ranging from practices, skills, policies and environment. On average, all interviews lasted for 40 – 50 minutes. All sessions were conducted in English, alternatively, *Tshivenda*, *Shangaan*, *Shona* and *Sepedi* to accommodate those who cannot understand English. The researcher posed questions in a neutral manner, listening attentively to participant's responses, and asking follow-up questions. Probes were made were based on the participants' responses. Interview appointments were made with key informants to conduct in-depth interviews during periods that best suite them to avoid interference with their duties. An arrangement was made with participants to use their offices or any convenient area in the case of travellers and tobacco dealers to conduct the interviews. Prior arrangements with other staff members or learners at Beitbridget border post from different law enforcement agencies to avoid interference. A voice recorder was used during interviews with the permission from participants to capture all spoken words. Field notes were taken during interview sessions to capture non-verbal information. The field notes and taped data were transcribed at the end of each day.

1.11 DATA ANALYSIS

Data from the in-depth interviews were analysed using the following steps:

- Each transcript was carefully read and notes taken of any interesting or significant theme.
- Constant comparative analysis was done through coding and selective coding to analyse data.
- Memo was done by writing up of similar ideas and meaning, creating codes and their relationship as analysis continued.
- Codes that are related to theoretical concepts were identified and kept together. After similar ideas are grouped together, a topic that best represents grouped ideas will be clustered and coded (Guest, MacQueen and Namey, 2012).
- Sorting and theoretical outline: Conceptual sorting of memos were done. The completed sorting process constitutes the first draft of the write-up.

1.12 ETHICAL CONSIDERATIONS

The study took cognisance and complied with all ethical requirements such as the following:

Right of privacy

The participants were informed of their rights relating to their participation in the research. They would be allowed the freedom to talk on the aspects considered or deem important, and thus ensuring that most important facts are covered in a broader scope. However, they were informed that they were participating in the process voluntarily and that whenever they felt that they want to withdraw they could do so at any given time. Permission to conduct the study was obtained from the relevant Ethics Committees and Departments involved.

Protection from harm

The researcher informed the participants about the nature of the purpose of the study before. The participants were assured that no physical or emotional harm would be sustained during the study. They were assured that whatever information provided in the study would not be used for prosecution or disciplinary against any participants.

Confidentiality

The researcher ensured participants that anonymity and confidentiality are properly maintained. The identity of the participants would be guaranteed. Where necessary a pseudo name would be used instead of the real name of the participant. The supervisor and a researcher would only access the recording equipment or notes taken during the interviews.

1.13 LIMITATIONS

The study focuses on the law enforcement and the control of illicit trade of tobacco product at the Beitbridge port of entry in the Limpopo Province. However, the researcher does acknowledge the fact that all the provinces in the country, do have ports of entry. This study has been constrained by both time and resources. It may not be possible, for example, for the researcher to physically visit all the ports of entry in the country, hence the researcher focused on one port of entry as a case study. The study could have been richer if this had been possible. The findings apply only to Beitbridge port of entry in Limpopo and may not necessarily be transferable to other ports of entry in the country.

1.14 OUTLINE OF THE RESEARCH

In order to reach the study objectives, the following framework of the research is formulated:

- (a) Chapter one entitled Introduction and Background to the Study provides an introduction and the problem statement, rationale for the research and clarification of key terms.
- (b) Chapter two entitled Literature Review comprises of the conceptual and theoretical framework of the study, in depth study of the subject of Law Enforcement and Control of Illicit Trade in Tobacco.
- (c) Chapter three entitled Research Methodology presents research design, philosophy, population, research tools, data collection and analysis techniques that were used to gather data for this particular study.
- (d) Chapter four entitled Research Results deals with presenting and interpreting the empirical findings and data analysis based on results of this study.
- (e) Chapter five entitled Conclusion and Recommendations comprises of the summary, concluding remarks and recommendations.

1.15 SUMMARY

This chapter has introduced the problem statement of the study. The chapter discussed the rationale for research questions. The chapter advanced the research objectives and definitions of terminology in the context within which are used in the study. In chapter two, a critical overview of related literature is provided.

CHAPTER TWO

REVIEW OF RELATED LITERATURE

2.1 INTRODUCTION

Chapter one outlined the general overview the challenge confronted by the Beitbridge border post on illicit trade of tobacco products. It further outlined the objectives of the study, definitions of concepts and the problem statement. Thus, this chapter entails the review of the related literature as giving a light on the historical and cultural aspects of illicit trade in tobacco product globally. Furthermore, the analysis of law enforcement and the control of illicit trade of tobacco product with specific reference to the Beitbridge Border post is given the attention it deserves. The literature review was not limited to South Africa only, but was expanded to other countries and the rest of the world. This would help the researcher to explore and generate new ideas and theories with regard to the research topic. As alluded to in chapter one, effective border management, illicit trade of tobacco products is not only a South African challenge at port of entries. It is a problem that cuts across the globe.

2.2 THE GLOBAL PERSPECTIVE ON THE TOBACCO TREND

Joossens and Raw (2011) examined cigarettes smuggling to illicit tobacco trade in 2011. These authors found that twenty years ago the main type of illicit trade was large-scale cigarette smuggling of well-known cigarette brands. They further stated that a change occurred as some major international tobacco companies in Europe and the American reviewed their export practices due to tax regulations, investigations and lawsuits by the authorities. This then resulted in other types of illicit trade emerging such as illegal manufacturing, including counterfeiting and the emergence of new cigarette brands, produced in a rather open manner at well-known locations, which were mainly intended for the illegal market of another country.

They concluded that the global scope and multifaceted nature of the illicit tobacco trade requires a coordinated international response, so a strong protocol to the Framework Convention on Tobacco Control (FCTC) is essential. They therefore argued that illicit tobacco trade is a global problem, which needs a global solution.

In the same year, 2011 Elizabeth Allen reviewed the content of a booklet published by the International Tax and Development Centre (ITIC). In the overview, she concluded that however stringent the requirements on legitimate trade might be, one thing remains certain. As long as the illicit trade on tobacco products provides high profits at low risk and there is a ready market of consumers, criminals find a way to continue their trade (Allen 2011). Alderman (2012) argues that to combat illicit tobacco trade in the United States include the direct smuggling of tobacco products designated for export only into American domestic market, manufacturing tobacco products without a licence, buying products in one state for illegal resale in another, buying cigarettes on Native American territory for illegal resale to non-tribal members and buying from websites that do not charge taxes. He further states that smuggling tobacco products is highly profitable and the penalties for smuggling tobacco are lenient, which makes illicit tobacco trade a low-risk crime compared to the penalties for drugs and precious metals. He then recommends that to combat illicit tobacco trade, state, local, and tribal governments and health advocacy organisations need to cooperate at many different levels to support federal legislation and to increase anti-smuggling efforts in their own jurisdictions.

Alderman (2012) in his study concludes that illicit tobacco trade, which includes smuggling, bootlegging, and related tax evasion schemes as a major global problem, given the high profit potential and lenient penalties for tobacco smuggling;

this activity is often regarded as a low-risk crime by criminal organisations. It became clear that some Native American tribes are selling large amounts of cigarettes to non-tribal members; the unique status of Native American tribes creates many barriers to state enforcement. Although several federal laws address illegal tobacco trade, enforcement is a challenge and it requires complex coordination with many federal agencies. Local, state and tribal governments can help combat illicit tobacco trade by expanding local efforts to address this problem in their jurisdictions and by coordinating with and sharing information with federal enforcement agencies (Adderman.2012).

2.3 THE AFRICAN PERSPECTIVE

According to Okomu (2016), African countries are increasingly facing tasks of managing their borders in ways that secure their territorial sovereignty/integrity, ensure that they are bridges rather than barriers for cross-border cooperation and regional integration. They further have to prevent illegal entries and exiting of people and goods while allowing easy movement of goods and people, allow relatives to visit their next of kin while keeping away criminals, and facilitates tourists to easily cross while keeping out terrorists. He argued that the challenges facing African states to manage their borders are compounded by globalisation that is tearing down traditional borders through advancement in technology and transformation of international relations. Okomu, (2016) argues that in view of the fact that borders insecurity is to some extent a factor of lack of strategies and of weak state institutions, it follows that the first steps to enhance border security is through adoption of national border management strategies and building state capacities to manage their borders. He further states that although African boundaries are difficult for traded goods to cross and easy for cross-border crimes,

there are a number of concrete measures that can transform borders into secure areas where people earn decent living, states are not denied revenues, and nations coexist peacefully. He strongly argues that African borders are managed in ways that allow arms and criminals to freely cross, therefore poor or lack of management if these borders have been a major cause of national insecurity. In order to enhance African border security, a number of far-reaching measures must be undertaken. These then will include adopting appropriate legal and organisation frameworks, improving infrastructure and adequately equipping personnel and border posts, effectively exchanging information and data, improving conditions of local communities and integrating them into border management initiatives, and clearly demarcating international borders (Okomu.2016).

2.4 THE SOUTHERN AFRICAN PERSPECTIVE

The key to understanding the nature of illicit cigarette marketing in South Africa is the dynamics of its neighbouring countries in the Southern Africa region. According to the Tobacco Institute of Southern Africa (TISA) 2015, Zimbabwe manufactured cigarettes (60% in 2011) and Botswana manufactured cigarettes (1% in 2011) were the main sources of all the illegally traded cigarettes in South Africa. Other Southern African countries (Mozambique, Malawi, Lesotho, Zambia etc.) contributing 4% as at 2011. Contraband has been smuggled through the country through the porous borders of Limpopo, Mpumalanga, North West, KwaZulu-Natal (KZN) borders and even rerouting of contraband to Namibia and Democratic Republic of Congo (DRC). Cross border trading between South Africa and its neighbouring countries has been existent even before cigarette illicit trade. Ama *et al* (2013) explains the rising of smuggling as a response to cumbersome time consuming export regulations and regional price distortions. Nations like Zimbabwe, is one of the leading global producers of tobacco.

Economic hardships in recent years and the changes in ownership of tobacco manufacturing industries in Zimbabwe versus the strict tax controls of the South African government provide breeding ground for a parallel market of legally traded goods. Muzvidzwa (2005) mentions the high unemployment levels Zimbabwe faces pushes people into cross border trading as a form of employment and source of income. Illicit trade in cigarettes is done due to other enabling factors like demand in the South African market, higher prices and exercise of legal products. People in neighbouring countries face unemployment thus seek income in cross border trading. Mocamo (1999) claim that the net monthly income for cross border traders in Mozambique was estimated to be equivalent to four times that of formal employment. These factors push people to buy and sell goods across borders. There are more people willing to act as transporters or middleman of illicit items since the returns are higher especially in South Africa.

2.5 SOUTH AFRICAN PERSPECTIVE

The South African Government tobacco control policy has been in place since the early 1990s with legislative instruments requiring mandatory health warning labels on tobacco products, banning public and underage smoking (Republic of South Africa, 1999). Tobacco control has extended to significant increases in exercise tax and retail price of cigarettes every fiscal year. The aim of the South African Government is to reduce tobacco consumption, thus reducing the threats to public health smoking brings. Variations between different nations` tax and high price structures on cigarettes provide large and irresistible economic incentives for transnational smuggling (Basu, 2014). This view is shared by the South African tobacco industry (Blecher, 2010; Wherry *et al*, 2014) who argue that using tax to control tobacco usage actually fuels illicit transnational trade especially with the neighbouring countries like Zimbabwe

being one of the largest global producers of tobacco. The prevalence figures of illicit tobacco trading widely vary with overstated figures in Tobacco Company funded research and arguably understated figures with the rest of research. Blecher (2010) put the estimate that the illicit cigarette market occupied about 11.5% of the total tobacco market in South Africa by 2010. According to Lemboe and Black (2012), a tobacco company research in South Africa has an estimated illicit cigarette prevalence rate of 40 - 50%.

The Tobacco Institute of South Africa (TISA) (2012) estimated the incidence of illicit cigarettes to be about 25% of the total cigarette market. Furthermore, TISA (2015) put the prevalence of illicit cigarettes at 23% by 2014. This is evident, no matter how varied, that the South African Tobacco market has a huge appetite for illicit cigarettes, which in turn fuels the trade. Irish-Qhobosheane (2006) acknowledges that combating smuggling of commodities like cigarettes across the Zimbabwe-South African border is extremely difficult due to a number of factors. These factors range from the highly organised criminal smuggling syndicates, corrupt immigration officials, lack of personnel, adequate training and equipment for patrolling the border fence. The level of porosity at many African borders has made them easily penetrable by smugglers of contraband (Okumu, 2016). Concerted effort has been put by the South African government towards reduction of tobacco smuggling into the country. Regional cooperation through the Southern African Regional Police Chiefs Cooperation (SARPCCO) has reduced the incidence of cigarette smuggling across borders.

Concisely, porous borders and corruption of officials working at the borders are also exacerbating illicit tobacco. South Africa has made several policies relating to tobacco control and tax being put on tobacco products.

Furthermore, the price of tobacco products is even made higher because South Africa is trying to reduce the smoking in the country for health purposes. This creates a gap in the market of cigarettes as compared to neighbouring countries in particular Zimbabwe which is one of the largest global producers of tobacco.

2.6 CONTROL MEASURES

As border security is a global concern, South Africa advanced its security measures at the border in 2005, by establishing a Border Operational Coordinating Committee (BOCC), as a Border Management initiative on a non-statutory basis and under the principle of Co-operative Government in Chapter 3 of the Constitution of the Republic of South Africa. South African Revenue Agency (SARS) was the leading agency.

Various agencies are involved in the border control thus include: -

- Department Home Affairs; regulates and facilitates the legal entry and exit movement of persons across SA's borders and the sojourn of foreigners in the RSA.
- South African Revenue Agency (SARS); - Customs- controls the movement of goods across the border.
- South African Police Service (SAPS); prevent, combat, investigate crime, maintain public order, protect and secure inhabitants of the country and their property and uphold and enforce the law.
- Department of Health; controls and regulate cross border movement of medical medicaments and other health care products, prevent and control border transmission of contagious communicable diseases, mitigating any health risks associated with cross border movements;

- State Security Agency (SSA); collects, collates, and analysis information on security threats posed by the movements of people and goods across international borders.

There are more stakeholders involved in the BOCC, but for the purpose of this study the great emphasis was on those mentioned above as they have similar roles and responsibilities with the police. However, there is no single department with overall authority for the border post; different departments often have diverse priorities (Iris, 2005:4). Importantly, the said priorities need to be brought to the attention of the stakeholders in a coordinated manner, for the purpose of having a clear segmentation of duties. In July, 2015 the cabinet approved the implementation of steps proposed for the establishment of a Border Management Agency (BMA).

The BMA would manage migrants, customs, and land border line control service and effectively coordinate the service of all departments at the port of entry. The Department of Home Affairs will be the establishing institution of the BMA. It is the view of the critics that the more things are changed is the more things look the same. Despites, various changes made by South African government as to which institution should be responsible for border management, it remains the sole responsibilities of the South African Police Service, Visible policing, and sub-programme, Border policing provides policing of ports of entry and exit, in compliance with the SAPS legislative mandate to secure South Africa port of entry. Allis Hills (2015) confirms that border guarding is a policing matter in all respect, and that policing plays a defining role in conventional understanding of border policing. This notion is supported by the government's Medium Term Strategic Framework (MTSF) of the National Development Programme (NDP).

Sub-outcome 3, aims to ensure that South Africa's borders are effectively defended, protected, secured and well-managed to improved border security and management by addressing security threats and vulnerabilities such as illegal cross-border movements of people, goods and services as well as hostile elements that threaten the territorial integrity of the state and well-being of people. According to Manganyi, Janse Van Rensburg, Van Zyl-Gous, Mbadlanyana and Salmon (2015:41) the SAPS adopted the operational strategy based on the following: -

- Ensuring effective and efficient policing and security;
- Placing all SAPS resources under one command (centralised at national);
- Dividing port areas into sectors with 24 hours' operation in all sectors;
- Intelligence driven operations;
- Attainment of balance between trade and security;
- Development of investigation and intelligence capacity;
- Phasing out the detached duty system; and
- Introduction of rotation systems between ports of entry.

The strategies were developed to be implemented at all ports of entries in order to eliminate policing challenges, including the land borders.

In complementing border security measures, similarly the EU has set up European Border Agency (FRONTEX) in 2004, as a border management strategy (Marlin 2010:471). According to Jeandesboz (2008:5) it is responsible to coordinate operational cooperation amongst member state, especially from the realisation of joint operations. In addition, integrated border management goes beyond border checks and surveillance, and it embraces investigation of cross border crime and cooperation (Marlin, 20010:473).

It is a clear indication that the EU is serious in safeguarding its borders against terrorism attack and criminal organisation.

In the US, immediately after the September 11 attack, authorities intensified their border work (Shields, 2010:262). According to (Meissner and Kerwin, 2009:18) integrated border enforcement consisted of the US Department of Homeland and Security (DHS) AND Customs and Border Protection (CBP) were afforded the enforcement functions both between and at the port of entry. DHS and CBP were expected to systematically evaluate the effectiveness of their enforcement strategies and develop their own understanding of what is happening in the border enforcement. In this case there is a need to explore similar efforts in order to safeguard the South African borders in ensuring that the rights of all the citizens are protected. Another key factor that is useful for border management is the inclusion of border communities in the management of the border (Lampthey, 2013:3). The local community within the border usually has intimate knowledge of the terrain, the criminal syndicates, meeting places and other security issues. Some members of the criminal networks even marry local women in order to enjoy the social protection associated with being members of the community.

2.7 THE CROSS BORDER CRIME

Cross-border crimes are cause for concern at most of the borders, throughout the globe. In South Africa, cross-border crime denotes a range of illegal activities that involve the movement of goods and people across the borders (Manganyi, Janse Van Rensburg, Van Zyl-Gous, Mbadlanyana and Salmon, 2015:8). One of the problem areas for smuggling of illegal firearms into South Africa has been the international border between South Africa, Swaziland and Mozambique (Hennop, 2000).

According to Hills (2015:7) rising crime rates, terrorism, uncontrolled migrants, violence and instability appear to call for a policing response to border related problems. The movement of illegal foreigners in the country causes serious national threats.

The US, Government Accountability office report found that there were 55 000 illegal immigrants in federal prison and 296 000 in states and local lockup. Botswana's Police Service voiced their concerns about the involvement of illegal foreigners in crime. The Zimbabwean newspaper, Herald in 2015, September reported that illegal immigrants have been blamed for worsening crime in Botswana, with saying that at least 722 were arrested in the 2nd quarter of 2015. Illegal border crossing by the Zimbabweans are one of the major headaches facing South Africa, especially at the borderline. According to the defence web (2015) both countries agreed to strengthen the fight against cross border crime, using intelligence resources to the North and South of the Limpopo River.

2.8 TOBACCO PRODUCTION

According to the department of Agriculture, forestry and fisheries (2011) tobacco industry contributes more than R12 billion in excise duty and VAT to the government (excise duties) in 2013/14 marketing season. Private consumer spending on tobacco is approximately R12 billion per annum and more. Two classes of tobacco are produced in South Africa – flue-cured and air-cured tobacco. Flue-cured tobacco is mainly used for cigarettes and air-cured tobacco is mainly used as pipe tobacco, snuff and RYO (roll your own) cigarettes.

- Producing Areas

In South Africa tobacco is grown in five provinces:

Flue-cured tobacco is produced in three provinces namely the Loskop/Groblersdal and the Lowveld (Nelspruit and Barberton) in Mpumalanga; the Vaalwater and Sterkrivier areas of Limpopo as well as the North West Province Brits, Rustenburg and Marico areas. Air-cured tobacco is produced in the Eastern and Western Cape provinces, Limpopo and North West Provinces.

- Production

The total production of tobacco in South Africa is estimated at 142 000 tons comprising of 4 tons of flue-cured tobacco and 13.4 tons of air-cured tobacco. The total production of tobacco has decreased by 9 400 tons between 2004 and 2013. There are 186 tobacco growers in South Africa operating on approximately 4973 hectares of land. Similarly, the number of tobacco growers has increased from 170 in 2012 to the current 186 tobacco growers in 2013 (SA Agriculture, 2011).

2.9 BEITBRIDGE BORDER AND ILLICIT TRADE IN TOBACCO

Veranda Langa (2016) in ZimSitRep July 28, 2016 reported that ZIMBABWE's borders are still porous with people smuggling fuel and electrical appliances and tobacco, while others are said to be "jumping" the border, and illegally transporting stolen livestock. Those caught by security personnel in Botswana are severely beaten. The issues were discussed in the Senate on July 27, 2016 in a report issued by the Thematic Committee on Peace and Security on the state of the country's porous borders.

Chairperson of the committee Damian Mumvuri, told the Senate that the committee had got wind that the country's border posts had become porous, and were now conduits of smuggling, which was costing the country millions of dollars due to inefficiencies and operational deficiencies at border posts, particularly Beitbridge and Plumtree. The committee said there was so much smuggling at the Beitbridge Border Post of hazardous substances like fuel as well as human trafficking.

Zimbabwe Revenue Authority (ZIMRA) officials bemoaned the porosity of Beitbridge border post, which has seen a lot of goods going through the river and finding their way into the black market, and consequently a lot of revenue is being lost,” the committee report said. “The Committee was also informed that the border post is too close to a residential area which creates a lot of unnecessary human trafficking, as well as touts and vendors loitering around the border post. Infrastructure at Beitbridge border was said to be insufficient to cater for high volumes of traffic, considering some of the goods processed will be in transit to Malawi, Zambia, DRC and Mozambique.

“Month ends and public holidays are the busiest times. The movement is concentrated in the evening between 6 and 11pm until the early hours of the morning. Beitbridge border clears an average 450 000 travellers a month with the peak in December 2014 reaching 765 000 travellers. There are supposed to be various clearing points for the different travellers, buses, lorries, pedestrians and motorists but all this is currently being processed through one checkpoint which causes congestion at the border,” reads the report.

2.10 SUMMARY

This chapter considered the review of literature on illicit trade of tobacco product international, continental, national perspectives. Furthermore, the chapter provided a discussion on the control measures, the cross border crime, tobacco production and the Beitbridge border and illicit trade in tobacco product challenges. In chapter three, the research methodology used in the study is discussed.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 INTRODUCTION

As was previously alluded to in chapter one, Illicit trade of tobacco product is a serious concern in South African port of entries specially Beitbridge port of entry. Beitbridge port of entry is one of South Africa's border that is regrettably and undoubtedly porous.

The aim of this chapter was to describe the research methodology that was followed in this study. Thus the manner in which the data was collected, analysed and interpreted.

The research problem identified in this study was the growing trends of illicit trade of tobacco product that are taking place at the Beitbridge Port of entry. Illicit trade of tobacco product at Beitbridge border post forms part of transnational criminal activity because it happened between countries. According to Manganyi, Janse Van Rensburg, van Zyl-Gous, Mbadlanyana and Salmon (2015; 8) transnational crime denotes a range of illegal activities that involve the movement of goods and people across the border. Such movement of illegal goods and persons pose serious challenges to policing in the research area.

3.2 RESEACH METHODOLOGY AND DESIGN

According to Brynard and Hanekom (1997: 28) research methodology focuses on the process of research and the decisions that the researcher has to take to accomplish the research project. Research methodology has to comply with the principles of truth, validity and objectivity. Kumar (1999: 137) states that the concept validity is the ability of an instrument to measure what it is designed to measure. The reliability of an instrument refers to its ability to produce consistent measurements every time.

A research project can be conducted using quantitative or qualitative methods. The study is a pure qualitative research project. The study used the qualitative research method to attempt a reconstruction of facts according to the respondents' perspective. The study was conducted in the Beitbridge port of entry. As alluded on chapter one, the sample size of this study was 34 participants.

3.2.1 Qualitative research

Qualitative research is a systematic subjective approach used to describe life experiences and give them meaning (Creswell, 2003: 365). Its subjectivity is due to the fact that participants are able to express their feelings and view about their experience. The methods of data collection involves active participation by participants and sensitivity to them during the study. The researcher seeks to build rapport and credibility with the individuals in the study (Creswell, 2003: 181). Qualitative research takes place in a natural setting. The qualitative researcher often goes to the site, for example, home or office of the respondent, to conduct the research (Creswell, 2003). In this study, the offices of the above institution considered the natural setting as the Beitbridge port of entry for cross-border purposes.

Qualitative research is fundamentally interpretive. Brynard, Hanekom and Brynard (2014: 39) describe qualitative research as empirical research where the data are not in the form of numbers. The concern is with experience, as it is 'lived' or 'felt' or 'undergone'. Support for this statement is provided by Welman, Kruger and Mitchell (2005: 7) who argues that qualitative research concentrates on the experiences of human behavior. According to Bryman (1984: 78) qualitative research can be construed as a qualitative strategy that emphasises words rather than quantification in the collection and analysis of data rather than theories.

In addition, the qualitative researcher views social phenomena holistically (Creswell, 2003: 182). The selected methodology allowed the researcher to gather relevant and “rich” information by way of interviews, in which respondents had the opportunity to express their feelings on the water service in their respective municipalities.

Qualitative research enables the researcher to explore the experience of cross border in relation to control of illicit trade. Within a holistic framework, qualitative research attempts to discover the depth and complexity of a phenomenon (Burns, 2000: 25).

According to Burns (2000: 24) the characteristics of qualitative research include the following:

- Involving a broad, subjective and holistic approach, that tries to understand and explain human behaviour;
- Being humanistic because it is research with people, rather than on people;
- Being naturalistic as it explains a phenomenon from the unique perspective of the respondent;
- Involving the qualitative researcher as the main instrument in the research process;
- Using data gathering methods that are usually unstructured or semi-structured interviews and observation; and
- Using data analysis which involves the individual interpretation of words and therefore interpretative as its focus is on words rather than on quantities.

Using the guidelines provided by the characteristics of qualitative research, the qualitative exploratory, descriptive and explanatory approaches were used. There was no intent to generalise the findings to a larger context (Burns, 2000). In addition, no research has been done to investigate the working relations between the law enforcement agencies within the port of entry under study.

Advantages of a qualitative research (De Vos, Strydom, Fouch and Delpont, 2002: 291):

- This approach is flexible. When a researcher notices a particular activity that may shed light on what is studied, the researcher may direct the research so that the activity is also studied; and
- Focus group interviews are a social oriented research procedure; they facilitate interaction between role-players and enhance the capturing of data generated by group interaction.

Based on the above advantages, qualitative research was hence suitable for gaining a rich understanding of the Beitbridge port of entry operations. In attempting to study this specific topic, a case study of the identified border in chapter one, the researcher deemed it fit that qualitative research would offer the best understanding of this topic. Furthermore, the qualitative method usefully allowed the researcher to explore and highlight the challenges confronting Beitbridge port of entry towards control of illicit trade. Moreover, it became easier for the researcher to access and collect data for addressing the study topic through various documents and observations in the study area.

Disadvantages of a qualitative research (De Vos, Strydom, Fouch and Delpont, 2002: 292):

- This approach is very laborious and time consuming, involving the researcher full-time for at least a matter of months. It is also expensive in terms of paying salaries of fieldworkers, who normally helps researchers with transaction;

however in this case, none of fieldworkers were used since the researcher is multi-lingual; and

- Recruiting the right people to participate in the interview poses many difficulties. The difficulty of gathering the right people in focus group interviews, especially when the participants have transport problems, has to be overcome.

The qualitative research methodology was utilised in this study to eventually be in a position to examine the operations as an important instrument for control of illicit trade.

3.2.1 Research strategy

Babbie (1998: 79) distinguishes three most common and useful purposes of research, namely; exploration, description and explanation.

(a) Exploratory research

Exploratory research could be regarded as a first stage in a sequence of study because a researcher may need to conduct an exploratory study to explore a new topic or issues on which little is known about. In this case, the researcher's goal is to formulate more precise questions that future research could answer. The exploratory research addresses the "what" question and as a result explanatory researchers find it difficult to conduct because there are no or few guidelines to follow (Babbie, 1998: 79).

According to Welman, Kruger and Mitchell (2005: 14), exploratory research is aimed at investigating the full nature of the phenomenon, the manner in which it is manifested and the other factors with which it is related. Burns (2000) indicates that exploratory studies are designed to increase the knowledge of the field.

In addition, exploratory research allows the researcher to explore the dimensions of a phenomenon, the manner in which it is manifested and other related factors (Babbie, 1998; Mouton, 2001: 76). The dimensions in this study are the level of illicit trade of tobacco products in Beitbridge port of entry.

(b) Descriptive Research

Descriptive research presents a picture of the specific details of a situation. This research will to some extent use a descriptive study to describe the importance of citizen participation accurately because there are highly developed ideas, presenting basic background information so as to get a detailed picture of the subject. This will enable the researcher to measure the subject and provide an accurate profile of it (Babbie, 1998: 80).

Furthermore, the researcher can define a descriptive research as a collection of accurate data on the problem to be studied (Babbie, 1998). According to Burns (2000), descriptive research is defined as a way of discovering new meaning, describing what exists, determining the frequency with which something occurs and categorising information. This is supported by Polit and Beck (2008: 237) who argue that a researcher who conducts a descriptive investigation observes, counts, describes and classifies. The descriptive research is ideal for discovering new meaning by providing an accurate portrayal or account of porous borders.

(c) Explanatory Research

The aim of the explanatory research is to indicate causality between variables or events (Babbie, 1998: 81).

Going beyond focusing on transformation as a subject, it is also useful to engage into explanatory research to explain the needs for transformation in the public service. This will advance knowledge about an underlying process suggested to transform the traditional way of working towards a more multi-disciplinary approach at point of entries.

Given the above, the purpose of the study was to mainly, qualitatively explore the control of illicit trade of tobacco product. To equally balance the purpose of the study, both the descriptive and explanatory research become ideal for discovering new meaning by providing an accurate or account of the challenges of porous borders. In short, the study used the combination of these three common and useful purposes of research in attaining its research purpose.

3.2.2 Types of research design

Babbie (1998) classified research designs into: experiments, surveys, qualitative studies, participatory actions research, evaluation and un-obstructive research.

3.2.2.1 Experimental Design

The experimental design is mostly associated with structured science in general. It involves taking action and observing the consequences of that action (Babbie 1998: 208). Experimental design is especially appropriate for hypothesis testing and also best suited to explanatory than descriptive purpose. In this study, the provision of experimental design was not used.

3.2.2.2 Survey research

Survey research may be used for descriptive, explanatory and exploratory purposes. They are highly used in studies that have individual people as the unit of analysis. Survey research, a popular social research method, is the administration of questionnaires to a sample of respondents selected from some population (Babbie, 1998: 232).

3.2.2.3 Qualitative Studies

The primary goal of using qualitative is defined as describing and understanding rather than explaining. The main concern is to understand social action in terms of its specific context rather than attempting to generalize to some theoretical population (Babbie, 1998: 270; Auriacombe and Mouton, 2007: 441). In this study, the qualitative method of research was used to gain an understanding of underlying reasons, opinions, and motivations in as far as the management role of the control of illicit trade is concerned. However, the research methodology of this study provides insights into the problem.

3.2.2.4 Participatory action research

This type of research is common to “grassroots development” interventions and encountered especially in the so-called Developing countries. Participatory action research can be used as a search to render development assistance more responsive to the needs and opinions of people. The researcher can be referred to as a change agent (Barbie, 1998: 314). The approach in this research involves all relevant parties in actively examining the current action together (which they experience as problematic) in order to change and improve it. Auriacombe and Mouton (2007: 447) argue that they do this by critically reflecting on the historical, political, culture, economic, geographic and other context which makes sense of it.

In this context, the researcher has used some elements of participatory action research in the study since participatory action research is one of the few research methods which embraces the principles of participation and reflection, as well as the empowerment.

3.2.2.5 Evaluation research

Evaluation research can be used to benefit the implementation and usefulness of social interventions, for example, the Reconstruction and Development Programme which do not form part of the case study. Evaluation research aims to test innovations to see how effective they are. This research may be used to identify neglected areas of need, target groups and problems within organisations and programmes. It can also be used to compare a programme. It can also be used to compare a programme with its original aims (Bless and Higson-Smith, 1995: 49). For the purpose of this study, the un-obstructive research was not used. However, the researcher saw it fit to explain it as it forms part of the classification of research designed as identified by Babbie (1998) and was mentioned above in this chapter.

3.2.2.6 Un-obstructive research

Un-obstructive research is a way of studying social behaviour without affecting it in the process. This method of research does not establish a direct relationship or interaction with the research subject. Therefore, the subject cannot react to the fact that he or she is being investigated (Babbie, 1998: 347). Auracombe (2007: 459) agrees with Babbie (1998) and argues that the un-obtrusive research method is a non-direct interaction research method. The information about the respondent is gathered without any records, published statistics, judicial records, election or census result, crime statistics and educational data.

Institutional publications, data published by private sector organisations, personal documents, biographies, historical documents and medical or other scientific records also form part of this type of recorded data. For the purpose of this study, the unobstructive research was not used. However, the researcher saw it fit to explain it as it forms part of the classification of research designed as identified by Babbie (1998) and was mentioned above in this chapter.

3.2.3 Research paradigm

As mentioned above, qualitative research was used in this study to understand the thoughts and opinions of managers of the Beitbridge port of entry. Their contribution to the study provide a basis for control of illicit trade of tobacco product. Leedy and Ormrod (2001) contend that qualitative research is used to answer questions about the complex nature of phenomena, often with the purpose of describing and understanding the phenomena from the participants' point of view.

It was important to choose an appropriate research paradigm and method of enquiry which was likely to produce a reasonable quality of data obtained in the research. Therefore, an interpretive, qualitative paradigm was necessary. Interpretive research is a communal process, informed by participating practitioners and scrutinised or endorsed by others. Phenomena and events are understood through mental processes of interpretation which are influenced by an interaction with social contexts (Henning, van Rensburg and Smit, 2004). Interpretative researchers assemble a comprehensive collection of records related to people, actions, context and the perceptions of participants to service as a basis for the inductive production of explanatory theory (Fox and Bayat, 2007). Bertram and Christiansen (2014) add to this argument by stating that for Interpretivists,

the purpose of social research is to understand the meaning which informs human behaviour. The Interpretivists hold the belief that there is not a single reality or truth about the social world, but rather a set of realities or truths which are historical, local, and specific and non-generalisation. Thus, researchers make interpretations with the purpose of understanding human agency, behaviour, attitudes, beliefs and perceptions (Bertram and Christiansen, 2014).

One of the purposes of the qualitative approach is interpretation. The researcher was able to gain insights about the nature of a particular phenomenon, to develop new concepts or theoretical perspectives about the phenomenon and to discover the problems that exist within the phenomenon (Leedy and Ormrod, 2001). Ontologically, the interpretive paradigm locates the participants in the study, as well as the constructs being investigated within the description of governance that facilitate the management of the borders (Du Toit *et al.* 2002).

3.2.4 Population and Sampling

According to Cooper and Schindler (2003) and Babbie and Mouton (2003), a population constitutes the entire collection of elements or groups in respect of which inferences must be drawn. Brynard and Hanekom (2006) define sampling as a technique employed to select a small group (the sample) with a view to determine the characteristics of a large group (the population). Thus, the target population in the study includes the SAPS, SARS, and SANDF.

Bless, Higson-Smith and Kagee (2006:100) consider a sample to be a subset of the whole population that is actually investigated by a researcher and whose characteristics may be generalised to the entire population depending on the nature of the study and type of sampling.

These authors further explain sampling as a technique used to rationalise the collection of information and to select the objects, persons or events from which actual information can be drawn.

Kumar (2005:164) adds that a sampling method is the process of selecting a few samples from a bigger group to become a basis for eliminating or predicting the prevalence of an unknown piece of information, situation or outcome regarding the bigger group. Purposive or judgmental sampling as one of the types of non-probability sampling was used in the study. Bless and Higson-Smith (2000: 92) note that this sampling method is based on the judgement of a researcher regarding the characteristics of the element of population. Babbie (2007:179) concurs by indicating that sometimes it is appropriate to select a sample on the basis of knowledge of a population and the purpose of the study. In addition, Babbie and Mouton (2009) indicate the importance of purposive sampling, including the availability and willingness of the participants to participate in the study as well as the ability to communicate their experiences and opinions in an articulate, expressive and reflective way regarding the subject under study.

In this study, the researcher applied the purposive sampling to select the desired number of various categories of law enforcement officers who play a coordinating role in their respective border control. A total of 34 respondents were identified to participate in the study, however the researcher could end up interviewing seven senior professionals at the border cutting across the three departments. The breakdown of the planned sample number was as follows: 10 = officials at Beitbridge border post; 8 = officers at the Provincial Departments of the Law enforcement Agencies; 5 = travellers/traders from Zimbabwe to South Africa;

5 = travellers from South Africa to Zimbabwe; 6 = tobacco dealers and smugglers (mules); Key informants are selected based on their positions and accountability. The inclusion of the participants in the study has been influenced by their managerial responsibilities and knowledge about the service delivery issues, in this case, water and sanitation (De Vos, Strydom, Fouché and Delpont, 2011).

During the empirical component of this study, the researcher used semi-structured interviews guided by a set of questions for all participants. An interview questionnaire was drawn up prior to the interviews. The advantage of interviews is that interviewers can ensure that all items on the interview schedule are considered (Bless and Higson-Smit, 1995). As a potential limiting factor, it should be noted that all of the participants were at various management levels.

3.3 DATA COLLECTION AND ANALYSIS

The study has made use of multiple data collection strategies in order to collect the necessary data. This includes the literature review, analysis of statistics already produced by others, official publications and correspondence discussion documents, official papers presented at workshops and conferences, speeches and debates, newsletters and pamphlets, newspaper surveys, theses and dissertations as well as material from the internet. These qualitative methodologies have allowed the researcher an opportunity to gain an in-depth understanding of citizen participation in a democratic society specifically looking at the case of service delivery.

Sources of data used on this study are both primary and secondary. **Primary data** refer to new data collected by the researcher directly from the respondent for the first time and include government documents, speeches and interviews.

This type of data is, therefore, only available upon solicitation in-loco at gathered at the research sites (Welman, Kruger and Mitchell, 2005:41; Burger, 1992: 51).

Secondary data refer to data that are already in existence and include books, journal articles and research papers. These data can be retrieved from sources such as databases or libraries (Mouton, 1996:25).

The data analysis collected through semi-structured interviews used a thematic content analysis. Braun and Clarke (2006) argue that a thematic analysis is a qualitative analytic method for identifying, analysing and reporting patterns (themes) within data. It minimally organises and describes data set in (rich) detail. However, frequently it goes further than this, and interprets various aspects of the research topic. Creswell (2003) asserts that an analysis in qualitative research consists of exploring the data, writing down ideas, and thinking about the organisation of the data in text segments or themes. Braun and Clarke (2006) further state that a theme captures something important about the data in relation to the research question and represents some level of patterned response or meaning within the data set. The following steps suggested by Leedy and Ormrod (2001) were followed when carrying out the thematic analysis in this study:

- Organisation of details about the case;
- Categorisation of single instance;
- Identification of patterns; and
- Synthesis and generalisation.

3.4 SUMMARY

This chapter briefly discussed the research methodology used in the study. An extensive usage of the qualitative methodology prevailed in the chapter.

Additionally, the chapter advanced discussions on the research designs, with a particular reference to narrative-comparative approach. This approach is useful to observe relationship between variables when this cannot be directly observed. The ensuing chapter presents the analysis and interpretation of the results of the study.

CHAPTER FOUR

AN ANALYSIS AND INTERPRETATION OF THE RESULTS

4.1 INTRODUCTION

Chapter three has articulated the research methodology undertaken in the study. This study was conducted within the qualitative paradigm. It further acknowledged the usage of descriptive analysis of variables and their impact in managing the port of entry in Beitbridge. Moreover, the approach used in the study was sufficiently discussed as exploratory, descriptive and explanatory.

The aim of this chapter is to present the research outcome of the study conducted. The outcomes relate to discussion guide that was used in data collection process. The research methodology applied in the study is that of qualitative, and targeted only the knowledgeable individuals in this subject, thus in order to get reliable data that can be validated and confirmed with ease. Content analysis was applied to analyse the collected data. As the study was based on the analysis of law enforcement and the control of tobacco product at Beitbridge Border Post, a number of members operating at the border from different departments responsible for law enforcement were targeted population. The border is linking South Africa with the rest of Africa and it is always a subject of interest with regard to cross border crimes. The border is regrettably and undoubtedly porous.

According to Manganyi *et al* (2015:11) security is a concern at Beitbridge border post, and such notion was also confirmed by members of different law enforcement departments when being interviewed, they raised their serious concerns related to criminal elements operating along and within the border post area including illicit trade of tobacco product as stressed out by the police since despite various changes made by the South African Government as to which institution must take responsibilities of the border,

But it remained the responsibility of South African Police Service, Visible Policing, and sub-programme, Border policing to provide for policing of the ports of entry and exits, in compliance with the SAPS legislative mandate to secure South African ports of entry. Hills (2015) confirms that border guarding is a policing matter in all respect, and that play a defining role in conventional understanding of border policing. South African Government ,like the United States and other European countries, introduced what is called National Interdepartmental Structure(NIDS) for border control to define and validate improved mechanism that would ensure effective border control (Hennop, Jefferson and McLean,2001) Within the NIDS there are other bodies like Border Control Operational Coordination Committee(BCOCC) in which the law enforcement departments, SARS, SAPS and SANDF can indicate that South African Police Service is playing the leading role in border control, working together with other law enforcement departments mentioned above. Control of illicit trade of tobacco product is also their responsibility, hence they were also interviewed.

The nature of the study necessitated the researcher to make use of purposive sampling in order to generate reliable data from the right sample. As this was a phenomenological study, interviews with participants were arranged prior, and at a suitable place that was convenient for the purpose. Leedy and Ormrod (2014:147) agree that phenomenological researchers depends almost exclusively on lengthy interviews with a careful selected sample of participants. This is made in order to ensure comfortability.

Such environment enables the researcher to obtain confidence of the participant, consequently to understand the experience of the participants better. Members from law enforcement offices, i.e. South African Revenue Services (SARS), South African Police Service (SAPS) and South African National Defence Force (SANDF) who participated in the study were selected based on their experience in the field of the problem to be researched as well as their availability and willingness. The data were analysed with the view to answer the research questions. The primary research questions posed in this research study were the following:

- The nature of coordination strategies used by law enforcement agencies.
- Capacity and workload of law enforcement agencies in handling tobacco trade across the border.
- Facilities needed to effectively combat illicit tobacco smuggling across the border.

4.2 DATA RESULTS

The interview guide was divided into two (2) sections, namely; Section A: Biographic Information and Section B: Objectives 1 – 4 of the study (See Annexure A for the Interview Guide).

4.2.1 Analysis of demographic information

The results of the study are presented in the form of charts, themes and to some extent the pictures are used to display the geographical area and the conditions under which participants are working. It illustrates the infrastructure, and the conditions under which the participants are working in detecting the illicit cigarettes at the border.

Figure 1 below reflects the gender of the participants. It is a well-known fact that organisations such as SAPS and SANDF are male dominant.

As such it is acceptable that the majority of participants will be males, though it was not the objective of the study to examine male versus female,

However, to illustrate the staff compliment at the border. The males are in majority at 71%, while their counter parts are in minority at 29%.

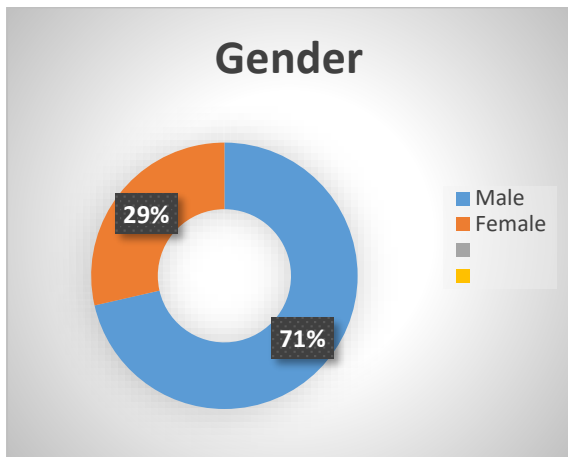


FIGURE 1: The image below presents the gender of the respondents

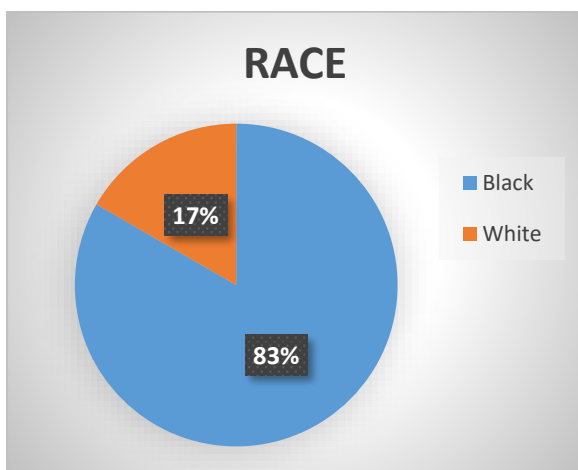


FIGURE 2: The image below presents the race of the respondents

Figure 3 below illustrates the number of years the participants have been working at the border. Years working at the border was used as a measuring tool to assess the experience, knowledge and skills level of the participants. There is a clear indication that participants have vast knowledge on curbing the illicit cigarettes at the border as 57% are having more than 20 years working at the border, while 29% have 11 to 20 years of experience at the border, while 14% represents those with 6-10yrs experience and no one was found with 0-5 years working at the border. It is probable that the results of data are valid and reliable.

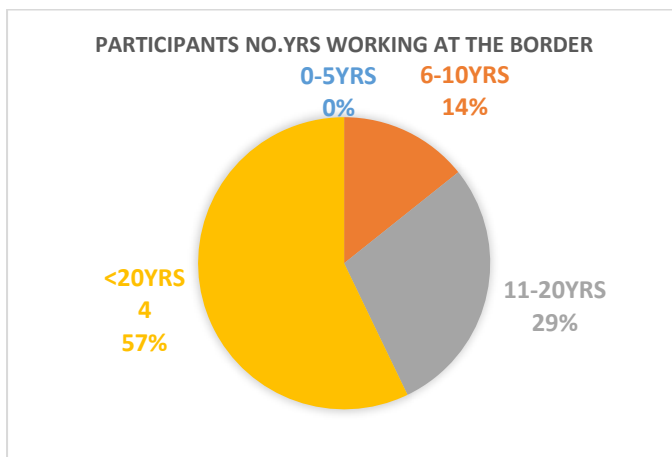


FIGURE 3: The image below indicates the number of years

4.2.2 Analysis of the responses

Question 1 (a) to (c), of the discussion guide were aimed at measuring the relationship between the law enforcement agencies at the border and nature of strategies they implement to curb the illicit cigarettes and how their efforts are coordinated.

The participants, confirmed that the South African Police Service, South African Revenue Services and South African Defence Force are collectively involved in preventing and combating the smuggling of illicit cigarettes at the border.

This is done through coordinated operations that aimed at detecting the smuggling of the illicit cigarettes at the border. Though the role of SANDF in Land border safety, there is coordination between these law enforcement agencies, however SAPS is responsible for the prevention, detect and investigate the smuggling of illicit cigarettes. Whenever there is a detection of smuggling of illicit cigarettes at Beitbridge Border Entry, SARS is responsible for weighing the goods intercepted suspects are detained, a criminal case will be registered and investigated at Musina SAPS until its conviction.

The respondents were able to outline the responsibilities of the SAPS at the border as oppose to those of other sister departments. They are well acquainted with the responsibilities of their fellow colleagues in other departments. The respondents were comfortable with the working relationship built amongst all the officials at the port of entry. When measuring the level of the relationships amongst various departments operating at the port entry; during an interview with the respondents, one may conclude that there is an integrated and coordinated approach in the fight of smuggling the illicit cigarettes at the border entry. The following are the responses given by the responses:

TABLE 1: COMMENT BY RESPONDENTS ON QUESTION 1

Q1 Nature of coordination strategies used by Law Enforcement Agencies	
a) Who is in charge of the control of the cigarettes smuggling across the border	
Respondent 1	SAPS and SARS working together
Respondent 2	TISA, SAPS, SARS and SANDF
Respondent 3	SAPS and SARS
Respondent 4	No one specific, SAPS responsible to prevent, combat and detect crimes at the border, while SARS SAPS responsible to detect and prevent crimes at the border and SANDF responsible for protecting the border line.
Respondent 5	SAPS
Respondent 6	SARS, SAPS and SANDF
Respondent 7	SAPS and SARS Custom
b) How are these work coordinated	
Respondent 1	SAPS and SARS members operating at the border work hand in hand
Respondent 2	Integrated search operations is done by SAPS and SARS
Respondent 3	The work is coordinated by SAPS and SARS

Respondent 4	Any recovery process flow is done in terms of organisational mandate i.e. SAPS
Respondent 5	Through search operations
Respondent 6	Whenever smuggling is detected, suspects are apprehended and criminal case is opened and registered
Respondent 7	All smuggling of cigarettes detected are reported to SAPS, wherein a criminal case will be opened.
c) What is the reporting system	
Respondent 1	Whenever smuggling of cigarettes is detected, SARS officer is called to weigh the luggage, and a case will be registered with SAPS and suspects detained at SAPS cells.
Respondent 2	Smuggling the cigarettes are detected through the assistance of the informers and hotline centre, e.g. 10111
Respondent 3	TISA and SARS are informed so that they may use applicable legislative framework for further evidence.
Respondent 4	Whenever the detection is made by SAPS, suspects are detained and SARS is informed.
Respondent 5	SAPS, through Crime Administration System(CAS)

Respondent 6	SAPS, through CAS and Operational Plan and Monitoring (OPAM)
Respondent 7	Suspects arrested are detained at SAPS, case opened and it is the responsibility of SAPS to take the case court until conviction.

Diagram 1 below reflects the illicit cigarettes intercepted at Beitbridge border post destined to South Africa for selling in black markets. Despite the fact that the cigarettes are health risk and do not comply with the South African Bureau of Standards, they do have serious impact on the economy of the country. According to Manganyi *et al* (2015) opening of the borders of the country raised a number of issues that extend beyond the trade, economic and financial matters, yet have an impact on international amity, which includes amongst others, the cross border crime, including piracy and smuggling of counterfeit goods as a concern.



DIAGRAM 1: ILLICIT CIGARETTES CONFISCATED

(Source: Researcher 2019.

Question 2 (a-c) measures the capacity and workload of law enforcement agencies in handling tobacco across the border. The questions were used to evaluate the capacity and the workload at the border, taking into consideration other crimes happening at the border to determine how effective the law enforcement agencies are in preventing, combat and detect the smuggling of illicit cigarettes. The respondents reflected how different crimes at the border are being managed. Although tables are mostly used in quantitative research, but due to the fact that content analysis is being used it was found appropriate that tables be used to describe the responses of the respondents. The responses were captured verbatim in the tables, exactly as mentioned by the respondents. According to Welman, Kruger and Mitchell (2011:221) content analysis can be described as a quantitative analysis of qualitative data. The following are the responses given by the responses:

TABLE 2: COMMENTS BY RESPONDENTS ON QUESTION 2

Q2(a) How many people focusing on the tobacco smuggling at the border	
Respondent 1	120 members posted at the border, majority from SAPS
Respondent 2	Only two members from the police focussing on smuggling of cigarettes
Respondent 3	No member is specifically posted for smuggling of cigarettes, all members posted at the border are responsible for the prevention and detection of smuggling of cigarettes and other products
Respondent 4	110 members from SARS
Respondent 5	120 SAPS members
Respondent 6	10 SAPS members per shift

Respondent 7	120 police officials deployed daily at the border post to fight the smuggling of the illicit cigarettes, From SARS an estimation of 17 members whereas it is not simple to identify the number of SANDF members because they are not posted specifically at the border posts but borderlines
b) How is the control of smuggling of cigarettes combined with other duties at the border	
Respondent 1	Conduct search operations addresses the detection and prevention of different crimes at the border like drug and precious medal smuggling from Zimbabwe to RSA.
Respondent 2	Interaction with other stake holders.
Respondent 3	It is effective since it forms part of crime prevention and access control in order to prevent or combat illegal smuggling activity.
Respondent 4	Prevention, combat operations for all different crimes at the border, however there are specific processes to be followed when smuggling of illicit tobacco is detected.
Respondent 5	Police and custom officials are deployed to address all different kinds of crimes happening at the border entry.
Respondent 6	All different crimes at the border are monitored including tobacco and drug smuggling as well as explosives.

Respondent 7	All resources deployed at the border focuses on the crimes at the border which includes smuggling of cigarettes
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Diagram 2 below displays the commercial explosives intercepted at the Beitbridge port of entry in one of the police sting operations. The explosives were from Zimbabwe, smuggled through the Beitbridge border to South Africa.

These types of phenomenon pose a serious threat to the security of the country.

There is evident that at most the explosives are used for bombing of ATMs and money safes and illegal mining in the country. The country is experiencing high number of the incidents of crime where explosives were used. Such incidents do not only rise crime statistics but also loss of lives and serious injuries to members of the public.



DIAGRAM 2: COMMERCIAL EXPLOSIVES CONFISCATED

(Source: Researcher 2019)

Diagram 3 below shows the illicit cigarettes intercepted at the Beitbridge port of entry destined to South Africa for selling in black markets. Despite the fact that the cigarettes are health risk and not comply with the South African Bureau of Standards, it also has a serious impact on the economy of the country.



DIAGRAM 3: ILLICIT CIGARETTE CONFISCATED

(Source: Researcher 2019)

This consignment of drugs hails from Middle East and was confiscated at the Beitbridge border while on the way to Gauteng where they should be distributed to the streets of South Africa, targeting the youth and affluent people of in the country.



DIAGRAM 4: DRUGS CONFISCATED

(Source: Researcher 2019)

Question 3 (a-c) measures the facilities needed to effectively combat illicit tobacco smuggling across the border. Taking into consideration the different types of crimes intercepted at the border entry, it is essential for the border to have adequate resources and facilities. Majority of the respondents acknowledged the available of vehicle scanner and storage of facilities at the border, however they are citing that they are inadequate, considering the methods used to smuggle the illicit cigarettes. The following are the responses given by the responses:

Q3 (a) What facilities do you have at the border	
Respondent 1	Only Vehicle scanner
Respondent 2	No storing and handling facilities
Respondent 3	None
Respondent 4	Only scanner inside the vehicle which is sometimes not working.
Respondent 5	None
Respondent 6	Vehicle scanner
Respondent 7	Storage facilities managed by SARS, one vehicle and luggage scanner
b) would you describe them adequate	
Respondent 1	Facilities are inadequate
Respondent 2	Adequate
Respondent 3	Inadequate since reliance is only on SARS storage and most of the time it is full.
Respondent 4	Inadequate as we don't have scanners on the side of RSA, and it causes us to leave some of the trucks to pass without being searched.
Respondent 5	Inadequate

Respondent 6	inadequate
Respondent 7	Inadequate, not enough storage facility
b) What facilities would you want to see at the border to assist in the control of tobacco smuggling	
Respondent 1	More scanning devices
Respondent 2	Dogs to sniff the illicit cigarettes
Respondent 3	Better searching facilities as well as sniffer dogs, Pits to check vehicles at the bottom.
Respondent 4	Scanning devices, dedicated information collectors, and dedicated information handlers communicating with other border posts and neighbouring countries
Respondent 5	Facilities to expose of the confiscated illicit cigarettes
Respondent 6	Scanning devices
Respondent 7	Enough space to restore the confiscated cigarettes and dispose them

Diagrams 5 and 6 below show how smugglers hide the illicit cigarettes within the truck, in order to avoid detection at the border post. The respondents are of a view that the available scanners and lack of sniffer dogs at the border they are not effectively detecting the smuggling of illicit cigarettes.



DIAGRAM 5: HIDDING PLACES OF CIGARATTES IN TRUCKS

(Source: Researcher, 2019)



DIAGRAM 6: HIDING PLACES OF CIGARATTES IN TRUCKS

(Source: Researcher 2019)

Diagrams 7 and 8 below reflect the quantity of the illicit cigarettes intercepted at the Broder post, which must be stored and be disposed of. Respondents are of a view that adequate storage facilities will required, rather than relying on one storage facility managed by SARS.



DIAGRAM 7: ILLICIT CIGARETTE INTERSCEPTED

(Source: Researcher: 2019)



DIAGRAM 8: SAPS OFFICIAL WITH CIGARETTE CONFISCATED

(Source: Researcher 2019)

4.3 SUMMARY OF RESULTS

The responses of the respondents were analysed based on the discussion guide used to collect the data. The research questions formulated in this research study were the following:

- What are the strategies used by law enforcement agencies to coordinate operations against illegal tobacco smuggling across the border?
- How equipped are the law enforcement agencies to handle illicit tobacco crossing at Beitbridge port of entry?
- Are the existing facilities adequate to assist law enforcement agencies to control illicit tobacco smuggling across the Beitbridge port of entry?
- What should be done to improve the effectiveness of law enforcement agencies in controlling illicit tobacco crossing Beitbridge port of entry?

The research questions were answered. The respondents confirmed that though there are coordinated efforts to prevent, combat and detect the illicit cigarettes, there is a need of adequate scanners, sniffer dogs and storage facilities.

It is the police's responsibility to ensure that there are collaboration efforts with all departments operating in the Beitbridge border in order to combat cross-border crimes, including smuggling of cigarettes.

It was confirmed by the respondents that the police are providing services at the border as required and that they are working hand in hand with officials from other departments. All the departments are operating at the border, executing different responsibilities and priorities, but they are complementing each other.

Luk Joossen and Martin Raw (2017) describe illicit trade as the outcome of classic demand and supply: demand smokers for cheaper or specific tobacco products, which are perceived as better quality and not available on the domestic market, and supply by legal and illegal tobacco manufactures looking for more profit, more sales, increasing market shares or to penetrate new markets, facilitated by corruption, the presence of criminal networks and a weak government enforcement capacity.

Research objective number 1: To determine the nature of operational coordination strategies used by law enforcement agencies within the Beitbridge port of entry

This objective was achieved, as the operational strategy of the SAPS at the border is to ensure effective and efficient policing and security in support of the objective of the SAPS as outlined in section 205(3) of the Constitution 108 of 1996.

The National Crime Prevention Strategy calls for all government department to work together to decrease the incidents of crimes, illicit trade of tobacco being part of and opportunities.

The responses from the respondents indicate that there is coordination of activities amongst various departments operating at border, providing policing functions at the border. In every post at the border there are officials from various departments providing different kind of services.

Research objective number 2: To establish the capacity and workload of law enforcement agents at the Beitbridge port of entry in handling tobacco trade across the border

This objective was also achieved; as there was determination made in evaluating the monitoring systems of the operational strategies. Based on the responses from the respondents there continuous evaluative meetings under the chairmanship of BCOCC which coordinate the functions of all departments providing services at the border. However, the effectiveness thereof, is doubtful as there seem to be some challenges relating to the handling of the scenes of crimes, but this might be due to human relations.

Research objective number 3: To establish the capacity and workload of law enforcement agents at the Beitbridge port of entry in handling tobacco trade across the border

This objective was also achieved; as there was an indication of lack of resource or equipment's such as scanners and storage facilities, which makes the detection of illicit tobacco difficult for the operatives during flooding of trucks at the border.

4.4 SUMMARY

This chapter presented the analysis and interpretation of the data collected from the officials of the law enforcement departments responsible for controlling illicit trade in the Beitbridge port of entry. The research questions as well as the objectives were also highlighted. Content analysis was used to present the results of the study. The results were presented in diagrams, figures and tables. The relationship between the Police, SARS and SANDF were analysed through themes, and tables were used in the entire reports. The research questions were answered and the research objectives were achieved. The next chapter presents conclusion and recommendations.

CHAPTER FIVE

CONCLUSION AND RECOMMENDATIONS

5.1 INTRODUCTION

The previous chapter has presented an analysis and interpretation of data, further presented findings in as far as the study entails. The aim of this chapter is to provide the summary, recommendations and the conclusion. The purpose of the study was to explore an analysis of law enforcement and the control of illicit trade of tobacco product at Beitbridge border post in Limpopo Province, South Africa. Control of illicit trade of tobacco product generally involve a multidisciplinary approach which refers to the control, regulation and policing of borders of the state, but it continues posing a biggest challenge to the broader border safeguarding efforts.

Partnership and collaboration are critical factors of the control of illicit trade of tobacco product, hence there is a multidisciplinary approach on law enforcement agencies at the borders in the country to curb this crime. The objectives of this research study was to determine the nature of operational coordination strategies used by law enforcement agencies within the Beitbridge port of entry; establish the capacity and workload of law enforcement agents at the Beitbridge port of entry in handling tobacco trade across the border; examine the nature of facilities needed at the Beitbridge port of entry to effectively combat illicit tobacco smuggling across the border and make recommendations for the improvement of border control by law enforcement agencies at Beitbridge port of entry.

According to Anderson (2013), “the border is a more broadly defined geographical entity, comprising elements of the natural and built environments that define the boundary and control passage across it”.

This study was conducted at one border post, which is Beitbridge the largest land border in the Country and is the gateway to Africa, even though the Province of Limpopo borders with three countries, which is Botswana, Mozambique and Zimbabwe, this border have been selected due to the high volume of traffic that makes it the busiest border crossing to the Sub Saharan Africa.

5.2 RECOMMENDATIONS

Following on from the research findings on chapter four, the following recommendations can be made from this study:

5.2.1 Recommendations One: Establishment of an effective security communication model.

This can be achieved by scheduling of stakeholder meetings that must be effective in sharing of strategic and operational information. Those meetings must be convened regularly and be monitored and evaluated.

5.2.2 Recommendations two: Development of a Beitbridge turn around policing strategy.

Training of law enforcement agency members responsible for control of illicit trade at the border. The training must be about legislation, Memorandum of understanding, policies and regulations. The strengthening of relationship between the law enforcement agencies. Mobilise the community being adjacent to the border through community policing projects. Building of capacity to combat illicit trade. Communicate the extent of the problem as well as success with the community through media.

5.3.3 Recommendations three: Mobilisation for resources from mother departments

A budget to be increased for the management of the borders. Increase the capacity of human resources in terms of forensic investigators, technical equipment's such as scanners and CCTV cameras. Improvement of infrastructure at the border.

5.3.4 Recommendation Four: For future studies.

The researcher recommends that future studies be made focusing on the impact of illicit goods on the economy of the country.

5.3 CONCLUSION

This covered the broad analysis of literature from various individuals operating at Beitbridge port of entry with specific reference to the responsibilities of law enforcement agencies in border management and cross-border crimes including illicit trade of tobacco products. There was also a review on the effect of corruption, inadequate personnel, training and equipment's as an impediment to the flow of work at the border of concentration. There is reason to believe that inadequate control by the Law Enforcement Officers at the Beitbridge port of entry may be facing huge challenges in combating the illicit tobacco smuggling across the border. South Africa need to improve border control of illicit tobacco in order to reduce the loss of revenue to the South African Revenue Services. This improvement can be achieved if the factors responsible for the situation at the Beitbridge port of entry need to be understood and rectified.

Finally, the study concludes that there should be stringent requirements on legitimate trade. As long as the illicit trade in tobacco products provides high profits at low risk

and there is a ready market of consumers, criminals will find a way to continue their trade. Therefore, it is more important for the government to prioritise the borders in fighting the illicit trade.

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