16. Corruption in border administration

David Jancsics

INTRODUCTION

Corruption in border administrations is a unique form of corruption. A special combination of social and organizational factors makes these public organizations particularly prone to corruption. This chapter focuses on the main types of border corruption, the key factors, the most important variables, and the presumed relationships among them; in other words, classifications (what), explanations (why), and mechanisms (how) of corruption in border administrations. The chapter also attempts to integrate concepts from different disciplines, such as petty corruption, police corruption, workplace crime, informal networks, and brokerage, that are relevant to understanding the phenomenon.

Border administrations are typically the largest public-sector agencies, and their employees conduct transactions with more people on a daily basis than any other law enforcement organizations' personnel. For example, United States (US) Customs and Border Protection interacts with and clears into the US over 1 million people, on average, every single day (Homeland Security Advisory Council 2016). This indicates that a large number of border law enforcement officers might be exposed to corruption. The way in which border-protection activities are organized, especially the officers' exceptional administrative monopoly and broad discretionary power over the movement of people and valuable goods across countries, also contributes to higher corruption risks on the border (Ferreira et al. 2006; Klitgaard 1988).

Corruption in border administrations could significantly increase national security risks, a rather uncommon feature in other forms of corruption. In Germany, for example, more than 70 percent of illegal drugs seized every year can be attributed to detection by customs officers (Ferreira et al. 2006). Since organized crime groups are often involved in such illegal businesses, border corruption can be linked directly to the activities of crime syndicates more than any other form of corruption. Terrorist groups can also use smuggling channels and bribe border law enforcement officers in order to finance their organization through illegal trafficking or to physically relocate themselves and spread terrorist cells across countries (Chêne 2018).

Communities on both sides of the border are highly interconnected. For instance, 80 percent of the people living on the US side of the country's southern border trace their ancestry back to Mexico (Heyman & Campbell 2008). This indicates another interesting feature that border corruption is deeply embedded in local social structures on both sides and is a significant issue for public administration.

THE WHAT: CLASSIFICATION OF BORDER CORRUPTION

In most cases, borders between nation states are managed by formal government authorities. While crossing a border, people, vehicles, and goods must comply with the laws of both the

exit country and the entry country. The two main general functions of border administrations are national security and revenue collection: keeping undesirable goods and people out while collecting revenue and taxes on goods that are allowed in (Doyle 2011).

At official points of entry, authorities accommodate customs, immigration, and control-related activities (Zarnowiecki 2011). In most countries, the border areas between ports of entry are also patrolled by officers to prevent illegal border crossing. Yet there is a wide variation of how different states organize their border administrations. In some countries, these often overlapping tasks are carried out by one border control organization, while in many other nations each task is carried out by a special agency or department. These functions may also be organized under authorities such as police, military, or tax agencies.

Border-related illegal practices may manifest through various forms, including (1) bribery, or exchange between a border law enforcement officer (bribe taker) and client(s) (bribe givers) in order to facilitate the illegal physical movement of goods and people from one country to another; (2) misappropriation, or embezzling and stealing resources from a border administration agency; (3) nepotism, or selecting and promoting people within the agency on the basis of an existing relationship rather than on merit; and (4) illicit financial flows, such as money laundering, across countries (Chêne 2018). In fact, only the first form, bribery exchange, represents genuine border corruption, since this alone is related to physical movement of goods and people from one country to another and involves participation of border law enforcement officers (Jancsics 2019a). Other forms either do not require physical border crossing (e.g. money laundering) or are not border-specific. Although conducted by employees in border authorities, such non-border specific forms (e.g. embezzlement, nepotism, or fraud) may occur in any public administration.

In this analysis, border corruption is defined as an illegal exchange between two or more actors – an agent (bribe taker) and clients (bribe givers) – who may be individuals, firms, or organized crime groups. Although this chapter mainly focuses on corrupt deals between border law enforcement and clients, it is worth noting that other government personnel who work away from the border but have access to sensitive agency information (e.g. intelligence activity) may be bribed by actors who are interested in illegal movement of things across countries (Frost 2010). Moreover, employees of private companies (for example, staff from airlines, airports, or ports) may be also involved in border-related corruption (Koser 2008).

Further analyzing border-related bribery by using two dimensions – the bribe giver (individual, informal group, or formal organization) and the collusive/coercive nature of the exchange – the phenomenon can be classified into six types, shown in Table 16.1 (Jancsics 2019a). Border-crossing individuals typically bribe an officer to turn a blind eye to an expired passport, overstay in a country, or small-scale smuggling of consumer goods, such as alcohol, tobacco products, or petrol. This is an ad hoc impersonal transaction where an individual tries to bribe whoever is on duty. Another coercive version of this type of "petty" corruption is when border law enforcement officers intentionally create situations in which the individual is "forced" to pay bribes. At the border, there is a significant potential for such extortion because officers have wide discretion to block people's or goods' physical movement. Border law enforcement officers often demand bribes for made-up offenses such as allegedly missing documentation, forms, or signatures. Another usual practice is when officers slow down border traffic and go back to normal pace only if they receive bribes from the travelers (Ndonga 2013; Wickberg 2013).

Table 16.1	Typology of border	corruption

Actors on the client side	Collusion	Coercion
Individual	Individual receives illegal advantages or	Individual pays to receive fair treatment
	avoids negative consequences	
Informal group	Informal group reduces risks derived from	Organized crime group coerces officers
	its illegal activity	into facilitating illegal activity
Formal organization	Trading company increases its official	Trading company pays to receive fair
	profit by using illegal means	treatment

A qualitatively different type of border-related bribery is when an informal group, often an organized crime network, can be found on the client side of the corrupt exchange instead of just an individual. This is often a recurring activity, based on some level of trust and strategic conspiracy between the corrupt partners. Here criminal syndicates intentionally develop relationships with officers, starting with gifts and small favors and expanding into more serious and regular smuggling schemes (US Senate Committee on Homeland Security and Governmental Affairs 2010). Take the case of local smugglers in Central America, who often cultivate friendships with customs officers and meet them on a regular basis; for example, the arrangement could be to meet bi-weekly to have drinks and arrange bribes (Galemba 2012). A coercive form of this type of corruption is when drug cartels deliberately develop dependency-based and unequal social relationships with border law enforcement officers. They target people that are vulnerable and prone to infidelity or drug or alcohol abuse and exploit such vulnerabilities (US Senate Committee on Homeland Security and Governmental Affairs 2010).

There are also border bribery cases when formal organizations – export/import firms or other companies moving their goods across borders – bribe border law enforcement officers to overlook overweight vehicles or undeclared goods, permit underinvoiced goods, speed up or skip inspection, permit traders to claim deductions for fictitious exports, issue import licenses or warehouse approvals without proper justification, or accept fraudulent value-added tax refund claims (Ferreira et al. 2006; Michael 2012). In a coercive version of this corruption type, officers can extort illicit payment from importers by, for example, threatening them with misclassification of imports into more heavily taxed categories unless they agree to pay a bribe (Dutt & Traca 2010).

THE WHY EXPLANATORY FACTORS OF BORDER CORRUPTION

Although many studies focus on the possible causes of corruption, I do not review this general literature here but instead discuss only the specific variables that might explain border-related corrupt activities. Multiple factors at different analytical levels can be identified. At a transnational level, a country's geographic position creates opportunities for border corruption (Velkova & Georgievski 2004). Several countries are located at the intersection of international transport networks which makes them attractive transit corridors for drug traffickers and human smugglers. For example, organized crime groups in the Balkans cooperate with criminals in the Middle East and Latin America while enjoying relatively easy access to a huge integrated market for illicit goods and services, the European Union. During this transit process these groups have to manage to cross multiple borders, and they often bribe border law enforcement to enable their illegal activity.

At a national level, the length of the border and the number of ports of entry may affect the risk level of border corruption. A country's particular trade policy, such as higher tariff rates, may also create incentives for firms to engage in corruption (Fisman & Wei 2004; McLinden 2005). Yet the most important explanatory factors are related to the organizational and occupational structures of border administrations. The next few paragraphs focus on such organizational-level factors.

The structure of the organization and the actor's position within this structure create opportunities by providing settings where corruption might occur (Vaughan 1982; Jávor & Jancsics 2016; Graycar & Prenzler 2013: 28–9). A very unique opportunity structure, derived from the nature of the border operation, predisposes these administrations to an especially high probability of corruption. The most often mentioned factor is the combination of administrative monopoly and broad discretionary power of officers over valuable goods (Ferreira et al. 2006; Klitgaard 1988; McLinden 2005; Wickberg 2013; Ndonga 2013). The fact that relatively low-wage agents make critical decisions about whether individuals or valuable goods are allowed to enter a country may encourage officers to use such power for illegal private gain. Moreover, compared to average street-level bureaucrats, law enforcement officers deal with an especially high number of transactions on the border, which multiplies the opportunities for corruption (Parayno 2013). In many areas of public administration, technology has depersonalized the relation between public employees and private actors (e.g. online procurement), thereby reducing the risks of corruption. On the border, however, direct contact cannot be avoided because goods must still be physically inspected. The physical contact between potential corrupt partners creates further opportunity to initiate a corrupt transaction and/or develop a long-term corrupt relationship (McLinden 2005). An empirical study found that service history in border administration in the US was a strong predictor of different types of border corruption (Jancsics 2019c). Border law enforcement officers with very short service history were much more likely to be involved in drug-related corruption, while more veteran officers were instead prone to facilitate human smuggling.

The organization's geographic location and the distance between units can generate opportunity for unlawful behavior by creating structural secrecy (Vaughan 1982). The physical location of remote land borders creates "authority leakage," which makes it difficult for the upper levels or headquarters to supervise subunits (Tullock 1965; Gounev et al. 2012). It is even harder to monitor and supervise the activity of agents who do not work at stations but patrol the border between ports of entry (Balla 2016). Moreover, in isolated border areas, clients have limited opportunity to report abuse of power, which makes extortion less risky for corrupt officers.

The manner in which professional occupations are organized can also increase opportunities for corruption. The occupational structure of border administrations is very similar to other law enforcement organizations, especially police. In many countries, border control actually belongs to the national police authorities. In his classic work, Gerald Mars (1982) argues that two dimensions of the occupational process, the "grid" and the "group," indicate a predisposition to different forms of workplace crime. The grid dimension reflects strong or weak forms of formalization and control in the workplace, while the group dimension indicates strong or weak collectiveness among co-workers. Jobs are strong in the grid dimension when employees must follow many constraining rules and a well-defined ranking system, such as wearing uniforms, which can visually separate people and predetermine their responses to one another. These jobs often fix people in specific places, times, and modes of work. The second dimen-

			Group	
		Strong	Weak	
Strong Grid Weak	64	'Wolves'	'Donkeys'	
	Strong	Tight work groups	Isolated subordinates	
	Weak	'Vultures'	'Hawks'	
		Loose work groups	Individual entrepreneurs	

Table 16.2 Gerald Mars's dimensions of the occupational process

sion indicates that employees in strong group occupations frequently interact face to face and often form a mutually interconnected network. Here the work group has strong influence over even the individual's private life. Table 16.2 shows the intersection of these two dimensions, which creates a four-category classification of occupations. Mars gave different animal names to each category. I focus on "wolves," whose job can be characterized by both strong grid and strong group features. These occupations are based on interdependent and highly stratified roles. Mars's strong grid-strong group category can be applied to border administrations because wolves typically work in "total institutions" such as law enforcement, prisons, the military, hospitals, and oil rigs.

Wolves often live on or close to the premises at which they work; therefore, work, residence, and leisure overlap. Activities in one area are reinforced by cohesion in others, which makes them a highly collective "wolfpack" work group. Such phenomena can be seen in border corruption as well. For example, Ferreira and co-authors (2016) found that all male inhabitants of a small village in Russia close to the Ukrainian border worked at the customs office. They operated a major corruption network involving millions of dollars' worth of custom duty evasion. Across the globe it is not uncommon that other family members or even spouses are in the same "wolf" occupation or in the same organization.

Mars argues that for security reasons, teamwork and a high level of coordination are crucial and highly valued in the wolves' criminal activity. Corrupt border law enforcement officers also rely on division of labor, where every person's skill to organize workplace crime is used. The list of specialized activities necessary for border corruption includes organizing shifts, circulating information, falsifying paperwork, monitoring and reporting inside investigations, monitoring and punishing independently corrupt officers, doing fake cargo/vehicle inspection, redirecting and guiding illegal traffic to safe passages through the "green border," and calculating, collecting, and sharing illegal profit. For example, a crucial risk factor, especially in the case of ad hoc petty corruption with individuals, is the large amount of cash bribes the corrupt officers receive and have to carry while they work. In order to reduce such risk, they often entrust a colleague who is finishing his/her duty with the task of collecting the money and taking it outside the border station (Kardos 2014).

Such highly integrated informal networks of corrupt border law enforcement officers may allow them to deactivate an important anti-corruption tool, job rotation, or random job assignment (McLinden 2005). Corrupt outsider partners can be easily introduced to the newly assigned corrupt colleagues. On the border, the "organization of corrupt individuals" phenomenon becomes apparent after the corruption has already spread and taken root in the organization (Pinto et al. 2008). It is not rare that such collusion affects an entire local border station as a large number of officers organize themselves into collusive groups to collect bribes from clients (Pinto et al. 2008; Rose-Ackerman 1999, 51; Ferreira et al. 2006). For example, in 2015, after a police raid, 53 border law enforcement officers were indicted for corruption in Záhony, on the Hungary–Ukraine border (Magyar 2015). In these types of cases, officers do not hide corruption, or even boast that they can afford lavish consumption due to the bribe money they received. In this case, the Hungarian officers shared photos on social media with their colleagues from expensive vacations (Magyar 2015). This suggests that they perceived minimal risk of detection and sanctioning by the organization (Vaughan 1983: 76). Sometimes, key posts along smuggling corridors are even informally auctioned within the agency. For example, in Mexico, several senior drug enforcement posts were given to the highest bidder (Andreas 2009: 63). In Cambodia in the early 2000s, an approximate \$10,000 "concession fee" was required by future employees to secure a customs post (Ferreira et al. 2006). Similar practices were reported in Pakistan (Hors 2001).

THE *HOW*: SOCIAL AND ORGANIZATIONAL MECHANISMS OF BORDER CORRUPTION

Corrupt transactions, just like many other activities in our social lives, are coordinated by various mechanisms (Frances et al. 1991). In border corruption, there are two main areas where the actors' behaviors are coordinated: interactions between the border law enforcement officers and the client(s), and interactions between the officers and other organizational members inside the agency. Here I discuss the variation is such mechanisms.

Mechanisms between the Officer and the Client(s)

When border-crossing individuals bribe a border law enforcement officer, the corrupt deal is typically an impersonal act (market corruption), consisting of a transfer and an immediate counter-transfer between two strangers (Jancsics 2019b). The officer's main motivation for participating in this type of "petty" corruption is to collect illegal profit, while the individual client engages in market corruption to receive special treatment. In the coercive version of this type of corruption, the client engages in the illegal act because this is the only way he or she can reduce the cost (e.g. slow border traffic) created by the agent. In these market-type exchanges the "price" captures all relevant information and coordinates the actors' behavior(s) (Powell 1990; Jancsics 2019b). If benefits are high and/or costs are low enough to take the risk, the agent and the client will break the rules and participate in corruption. Since the actors' social contexts are relatively irrelevant in this situation, social norms play a limited role in coordinating their behaviors.

When an informal group, often an organized crime network, can be found on the client side of the corrupt exchange, social bonds and some level of trust between the officer and the client(s) have been established. Instead of price mechanisms, these transactions are often coordinated by reciprocity, a universal social norm that can be found in almost all cultures (Graycar & Jancsics 2017). Reciprocity means lending resources to someone who then feels an obligation and therefore will compensate in the future (Peebles 2010). These gift-type transactions make social bond-based bribes a much safer form of illegal exchange for the participants than market corruption.

Beyond the obligation to reciprocate, other informal norms may also coordinate the interactions between the officers and the client(s). Many agents come from the border regions or surrounding areas where family ties and relations are very strong (Heyman & Campbell 2008;

Velkova and Georgievski 2004). For example, an earlier empirical study claims that in the US, 56 percent of border patrol officers and 89 percent of port of entry inspectors grew up in border counties (Heyman 1995: 272). This suggests potential kinship or friendship connections to people who are directly or indirectly involved in local smuggling activities (Gounev et al. 2012). In this case, powerful informal norms of the local community or the family network may facilitate the social bribe transactions. For example, a customs and border protection official in El Paso, Texas worked with his wife and brother-in-law in a drug-trafficking ring (Cobler 2016).

Corrupt clients do not always come directly into contact with border officers; rather, sometimes they have contact with intermediaries (Gounev et al. 2012). Brokerage is an informal mechanism by which disconnected or isolated actors can interact (Jancsics 2018). There are two different functions of brokerage: (1) middleman brokerage, when the broker facilitates the flow of goods or resources but remains in the middle of otherwise unconnected actors, and (2) catalyst brokerage, when the broker creates new connections by introducing previously unconnected people (Stovel & Shaw 2012). In border corruption, examples of both functions can be found.

In human smuggling, smugglers often act as middlemen between the bribed officer and the trafficked refugees or immigrants. They usually do not allow the two parties to connect. On the other hand, fellow social group members may act as catalyst brokers and introduce clients and agents to each other (Jancsics 2015). Since border officers often live in the same areas/ communities in which their work sites are located, informal relation structures outside and inside the organization can overlap and form a single social field. Therefore, it is possible that the corrupt officer, his/her colleagues, and their clients belong to the same social network. They socialize and even spend their leisure time together. This suggests that the same informal norms facilitate their behaviors. For example, in a well-publicized case, a colleague of a US customs and border protection officer in San Diego, California introduced him to a female smuggler, who ended up marrying him. She acted as his go-between during a decade-long corruption operation and introduced the officer to several other smugglers (Davis 2013).

There are border corruption cases where neither an individual nor an informal group but a whole formal organization is the primary and direct financial beneficiary of the corrupt transaction. These are "bureaucracy-to-bureaucracy" transactions, where both parties exchange organizational resources instead of private or community resources (Graycar & Jancsics, 2017). This collusive border corruption can be either ad hoc market corruption or social bribe-type corruption and therefore can be coordinated by either "prices" or reciprocity and brokerage. For example, in order to reduce the costs of border crossing, truck drivers or other representatives of a company – often with the informal support of their supervisors – may bribe anyone who is on duty to do things like overlook overweight vehicles or undeclared goods, permit underinvoiced goods, speed up or skip inspection, permit traders to claim drawbacks for fictitious exports, issue import licenses or warehouse approvals without proper justification, or accept fraudulent value-added tax refund claims (Dutt & Traca 2010; Ferreira et al. 2006; Michael 2012). As part of the cost of doing business, export/import firms even calculate how much should be paid as illegal bribery (Mathews 2015). Corrupt border officers also extort bribe payments from formal organizations. For example, they can threaten importers with misclassification of imports into more heavily taxed categories unless they agree to pay them a bribe (Dutt & Traca 2010). The most vulnerable representatives of formal organizations are truck drivers, especially those with perishable freight, who can be easily forced to pay bribes just to avoid an overnight wait at the border. There are many anecdotes from Eastern European countries that truck drivers keep handy several packs of cigarettes, high-quality liquor, or small bills in local currency while crossing multiple borders just in case they have to bribe coercive border officers.

Yet since this market-type corruption is exceptionally risky exporters who intend to avoid tariffs on a permanent basis may seek out personal connections among border officers in order to make the bribe payment standard and corruption more predictable. Therefore, they prefer reciprocity-based social bribe exchanges when they can make corrupt business arrangements repeatedly with the same officers to impersonal market-type transactions. With this arrangement, mutual trust allows actors to conspire strategically. For example, days or weeks after a transaction, the partners can meet in a neutral place (restaurant, bar, hotel, or private apartment) to make the payment and schedule the next transaction. As an example of middleman brokerage coordination, exporters, interested in quick processing, may allow the forwarding agency to act as a middleman and bribe the customs officials (Velkova & Georgievski 2004).

Mechanisms between the Officers and Other Organizational Members

Border corruption is often a collective organizational activity, and informal norms coordinate corruption within the administration (Ashforth & Anand 2003). For example, agents often share the obligation of distributing the profits from corrupt practices with colleagues and superiors (McLinden 2005; Magyar 2015). People who do not follow these norms, such as those who work independently or are not corrupt, are often punished by the group (Mars 1982). Interviews with border agents confirm that corrupt officers start bullying those who are "not in" because they represent imminent risk for the groups' corrupt operation. Moreover, new employees on the force are usually asked after one month of service whether they "want to make a little money" (Magyar 2015).

Informal norms in a highly integrated workforce also prevent reporting of corruption. Covering up the illicit or illegal behavior of colleagues is a phenomenon empirically confirmed by police corruption research (Westmarland 2005; Chan 2003: 34). Such corrupt organizational subcultures help socialize non-corrupt new recruits into accepting corruption. However, people also enter border agencies solely for the purpose of being corrupt and taking advantage of the discretion they have as an officer (US Senate Committee on Homeland Security and Governmental Affairs 2010).

IMPLICATIONS FOR PRACTICE

This chapter has some implications for practice and provides policymakers with a tool to distinguish between different types of border corruption and to strengthen decision making regarding anti-corruption policies. Since officers in border control administrations work away from organizational centers or headquarters (e.g. night shifts, streets, entry ports, remote land borders, rural areas), frequently meet many outsider clients, and have considerable discretion in making decisions monitoring their activities, their situation is more challenging than in other public organizations. Yet some technological innovations such as body cameras and other surveillance systems tracking officers' movement with GPS might improve the effectiveness of monitoring.

Since one of the most powerful drivers in petty border corruption is the agent's rational calculation, maximizing the costs of corruption and minimizing the benefits are effective anti-corruption tools against market-type border corruption. Here punitive control techniques to detect and punish corrupt border law enforcement officers can be successful. Intelligence practices such as wiretaps, body microphones, or faked situations (sting operations) are well suited against this type of border corruption. Moreover, limiting the cash amount officers can carry might reduce the opportunities for accepting a bribe "on the spot." Finally, external whistleblowing might be an effective tool against extortion-type petty border corruption. Forcing individual travelers to get involved in a corrupt exchange despite their will may trigger disapproval and protest against extorters and a willingness to report corrupt officers.

It is more difficult to detect and curb social bribe-type border corruption because trust between corrupt partners allows them to effectively conspire for a long time. Here the level of trust is an important factor. If partners are connected only with weak social ties (lower-level trust), then asymmetric (top-down) penalties such as exemption from prosecution or lighter punishment imposed by internal or external authorities will increase the chance of (self-) reporting. However, if the partners are closely connected (e.g. friends or family members), informal norm systems facilitating the social relationship often clash or even supersede with formal rules and reduce the effectiveness of the threat of formal sanctions. Yet some techniques can deter the already arranged corrupt transaction or reduce the opportunity for conspiring in social bribe-type border corruption. Such techniques include prohibiting private cell phone use on duty; assigning duty locations, security lanes, or areas to patrol randomly; or limiting clients' options to freely choose border lanes.

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