



## Transnational Crime and its Trends in South-East Asia: A Detailed Narrative in Vietnam

**Hai Thanh Luong**

Duy Tan University, Vietnam

RMIT, Australia

### Abstract

While implementing economic and political reforms to develop society and the economy since 1986, Vietnam has faced serious challenges to national security and social order associated with the complexities of transnational crimes (e.g., illegal drugs, human trafficking, green crimes and high-tech crimes). Additionally, as an uncharted territory in the field of criminology and policing, overall assessment of these crimes in Vietnam is still absent. Lack of knowledge and background on transnational crimes in Vietnam is considered one of the barriers to full understanding of the nature of cross-border criminals in comparison to other South-East Asian countries. This study analyses specific characteristics and modus operandi of transnational crimes in Vietnam by examining these particularly severe crimes. Findings show there are sophisticated cunning associated with flexible activities to avoid law enforcement monitors. Findings call for further research to inform policymakers and scholars.

### Keywords

Drug trafficking; environmental crime; human trafficking; law enforcement agencies; transnational crime; Vietnam.

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## Introduction

Rapid integration in South-East Asia has created new economic, social and developmental opportunities, but has also posed significant security challenges underpinned by transnational crimes. Regional integration is a leading cause of the expansion and diversification of transnational organised crimes (TOC), which have become genuine challenges for governments seeking to prevent the illicit flow of goods, people and money (Acharya 2014; Luong 2017a). Recent United Nations Office on Drugs and Crime (UNODC 2013) research estimated the global value of TOC at a staggering US\$1 trillion per year.<sup>1</sup> Of this figure, South-East Asia contributed around 10 percent, a conservative estimated of over US\$100 billion per year. Alongside terrorism, TOCs are most destructive in countries with a weak rule of law, where they can corrupt and even collude with law enforcement to commit crimes (Paoli et al. 2009; UNODC 2010; Williams 2013). The problem of TOC in South-East Asia is severe and consists primarily of drug trafficking, illegal migration, terrorism, money laundering, transnational prostitution, piracy, arms smuggling, credit card fraud and corruption (UNODC 2013; Acharya 2014). Some of the largest and most dangerous criminal organisations operating in the region are Chinese triads and the Japanese yakuza; meanwhile, smaller networks have also flourished in most regional states and established TOC activities (Broadhurst and Vy 2013). These groups have capitalised on officials' and politicians' corruption, and weak governmental institutions and law enforcement agencies (LEAs) to broaden their actions and increase their profits (Paoli et al. 2009; Williams 2013; Acharya 2014). This undermines new democracies and developing countries in South-East Asia, including Vietnam.

The *Renovation (Doi Moi* in Vietnamese) has brought a general increase in living standards in Vietnam.<sup>2</sup> Social and cultural factors have developed to ensure excellent quality of living for Vietnamese over the last three decades. However, while economic growth and regional integration create many positives, such as the increased mobility of goods, services, people and money, they also provide opportunities for TOC to threaten human security and challenge the rule of law in Vietnam. Further, the region's geographic nature and the process of improving infrastructure, communication and transportation, have increased opportunities for traffickers to operate transnationally. Specifically, the Association of Southeast Asian Nations (ASEAN) Master Plan and the Belt and Road Initiative of China will create borderless regions.

## Methods

As an uncharted territory in the map of criminology and policing at both the international and regional level, few publications have assessed the nature of transnational crimes and its trends and patterns in Vietnam from the *Doi Moi* until the present. Excluding criminologists who have been granted international or government scholarships at Western institutions to research their doctoral topics—such as wildlife trafficking (Tuan 2010), human trafficking (Hoang 2017; Nhien 2016; Phuong 2013), timber trafficking (Anh 2016) and drug trafficking (Luong 2017b)—there are limited studies in Vietnam that focus on TOC-related topics. The lack of reliable data and official statistics in Vietnam is recognised as a prominent obstacle to published research. Similar to the Chinese context (Jiang 2014), publication of information related to the death penalty that is articulated to 'particularly serious crimes' is not permitted,<sup>3</sup> except for in some Vietnamese-language media. Using secondary data of LEAs annual statistics, additional documents and analyses of government and non-government organisation reports, both systematic review and context analysis are two basic methods to implement this research. The main aims of this study are to: 1) briefly identify trends of TOCs in Vietnam; 2) compare these trends in Vietnam's context with other countries in the ASEAN;<sup>4</sup> 3) share recommendations with policymakers to assess the nature of possible threats from these TOCs; and 4) call for further research for policymakers and scholars to address the gap in the literature and highlight practical cases in this field in Vietnam.

The paper assesses only particularly serious TOC challenges in Vietnam. These concerns include drug trafficking, human trafficking, environmental crimes and cybercrimes. Other problems such as terrorism, corruption and money laundering have not been analysed due to practical reasons, including: 1) lack of availability of government data and specific statistics; 2) the dearth of practical investigations and applied prosecutions for crimes such as terrorism; 3) insufficient updated court statements that lead to data-collection difficulties (e.g., in money laundering cases); and 4) sensitivity of topics in the communist state (i.e., difficulty gathering data for corruption cases outside social media platforms).

### Drug Trafficking

Drug trafficking is perhaps the most severe TOC faced by South-East Asian states. Although there are no exact statistics on illegal drug transportation, every day, at least thousands of kilograms of narcotics drugs cross international borders via air, sea and land, delivered to drug dealers and drug users in this region (Coyne 2018; Windle 2016;).

Historically, production and smuggling of illicit drugs has been a significant concern in South-East Asia. The Golden Triangle, stretching across Myanmar, Laos and Thailand, has been recorded as one of the world's leading production centres of heroin for decades (Chouvy 2013; Coyne 2018). In recent years, drug trafficking has become more complicated in South-East Asia, with rapid increases in local consumption linked to growing affluence and social expectations, particularly with synthetic drugs and their diverse types, mainly in the form of amphetamine-type stimulants (ATS) and new psychoactive substances (NPS). According to the Drug Abuse Information Network for Asia and the Pacific and the UNODC *Annual Report Questionnaire*, statistics on the seizure, manufacture and use of drugs showed no evidence of decline in the expansion of the methamphetamine market. Seizures of ATS in 2006–2015 increased more than fivefold, while heroin seizures rose by only 75 per cent (UNODC 2017). For example, in 2015, in all six greater Mekong subregion (GMS) countries—Cambodia, China, Laos, Myanmar, Thailand and Vietnam—the trafficking of 287 million methamphetamine tablets represented a twofold increase from trafficking amounts in 2011 (UNODC 2017: 2). Further, several synthetic opioids, benzodiazepine derivatives and other NPS substances have increased in terms of trafficking since 2015 (UNODC 2017: 6). Unavoidably, this led to the greater complexity in drug use issues in South-East Asia than had been recorded in the past.

Close proximity to the Golden Triangle, porous borderlands with Cambodia, China and Laos, and a long coastline offer advantageous conditions for trafficking illicit drugs into and through Vietnam. Transit of illegal drugs via Vietnam has increased considerably over the last two decades. Statistics on seizures and drug-related arrests from LEAs confirmed that in the 1990s, Vietnam faced increased societal risks posed by heroin and opium. More seriously, ATS now present heightened challenges (MPS 2018a). Additionally, as a transit point, traffickers use Vietnam to ship drugs into Australia, Europe, West Africa, the US and beyond (Luong 2017a; MPS 2018a). UNODC (2012: 6–7) noted:

With effective opium poppy eradication efforts, it is estimated that as much as 95% of illicit drugs being transported inside Vietnam, for either transit or domestic consumption, have been smuggled in from neighboring countries [*China, Cambodia, and Laos*]. Cross-border and domestic drug trafficking relay on increasingly organized and sophisticated methods. The traffickers take advantage of the long and porous land borderline and the coastline. Heroin, opium and (ATS) are smuggled into Viet Nam across the north-western, central-northern and southern borders [*emphasis added*]

The UNODC regional office has continuously warned of the growing issues and severe effects of domestic demand and the black market in main cities in Vietnam. Drug trafficking remains a concern for the region and its neighbours, threatening social order in Vietnam, which has become a 'transit point' of illicit flows towards 'third countries'.<sup>5</sup> Vietnam faces the complicated situation of drug trafficking activities across shared north-west and central-northern borders with Laos, northern borders with China, and southern borders with Cambodia. Indeed, most of these areas are defined by high ranges or lowland tropical forests. It shares similar geographical and topographical factors with the borders of Cambodia, China, Laos, Myanmar and Thailand, which requires the support of the border liaison office (BLO) to ensure border control. Transport and travel between the two sides of the border is complicated. There is almost no motorised traffic, except for a few densely populated border-crossing points and it is confusing to consider the start and end points of frontier baselines between these countries (McCoy 2003; Chouvy 2013). Border region populations are diverse ethnic communities living in widely dispersed villages; they are mostly local minorities groups, such as Hmong, Thai, Muong and Dao, isolated from outsiders (Luong 2017a, 2017b). In terms of cultural inhabitants and historical factors, across these remote mountainous terrains, villagers produced a sizable proportion of South-East Asia's poppy crop in the post-*Doi Moi* until the early 1990s. However, this volume is not remotely comparable with borders of the Golden Triangle (Chouvy 2013; Windle 2016; Zhang and Chin 2015). The Golden Triangle borders are also populated by ethnic minority groups. In the Shan and Kachin states (Myanmar), communities have applied traditional techniques to cultivate poppies for a long time (McCoy 2003; Yawnghwe 2005). However, these poor minorities' peasants in Myanmar grow opium poppies as one of the main cash crops to provide food security and living costs (Yawnghwe 2005). Conversely, almost Vietnamese local ethnicities in the northern mountains cultivate crops for personal smoking and traditional treatments (Rapin 2003; Windle 2012;). Minimal opium is traded illegally as main cash crops by Myanmar local farmers, particularly after the government officially banned poppy cultivation and requested opium eradication in the mid-1990s (Windle 2012, 2016). Minimal education and the poor economy are considered push-and-pull factors that lead to consideration of participation in transnational narcotics trafficking (TransNT), not in growing the opium, but in acting as drug couriers.

Almost all traffickers use the remote hills and narrow pathways to evade LEAs' detection when transporting illicit drugs from Cambodia, China and Laos to Vietnam's domestic markets. Unlike in Myanmar, where local opium farmers pay taxation to official forces (*Tatmadaw*—national military) and unofficial groups (armed conflict organisations) to cultivate poppies before trading to middlemen (Chouvy 2013; Kramer 2015), ethnic groups in Vietnam are involved directly in collecting, concealing and transporting heroin and ATS prior to trade with traffickers who they do not know. Their only contact is through their drug lord's guidelines via mobile communication; they very seldom meet in person (Binh 2017; Kham 2016). Along these routes, many cases of heroin and ATS were illegally trafficked into Vietnam by ethnic minority groups living close to borders that have different pathways—narrow roads and dense weeds. With similar backgrounds, cultures and language, they find it easier to collude with Chinese and Laotian traffickers to establish small groups for trafficking illegal drugs from their national border areas to Vietnam (Tuyen 2017). Further, they maintain contacts with their accomplices through relatives and friends in Vietnam to facilitate drug shipments into Vietnam's borderland areas before spreading to other domestic markets (Luong 2017a; MPS 2018a). As one part of a local social network, they also create closed groups with international rituals that protect them and avoid infiltration of outsiders into their community. Further, most dangerous traffickers use armed escorts to attack strangers or local administrators (Binh 2017; Tuyen 2017). Unlike their counterparts in Latin America, who are extremely violent and often involved in drug-related homicides, Vietnamese drug trafficking groups consist mostly of minor businesses who take all possible precautions to limit investigation by and confrontation with LEAs or each other. Similarly, Chinese drug traffickers' (Zhang and Chin 2015) use of weapons and firearms against

LEAs only occurs in special operations. Violence is not a popular method, as it is less likely to ensure the success of transportation (Binh 2017).

### Human Trafficking

In recent years, among Asia and Pacific countries, South-East Asia is still considered a rapidly growing source of sexual and forced labour globally. There are no official statistics or data for regional and national trafficking of persons. The number and demographics of trafficking victims are difficult to calculate. These statistics are collected and provided by multiple organisations based on different definitions in terms of human trafficking, so the problem remains difficult to assess. In Cambodia, Thailand and Malaysia, human trafficking mainly comes in the form of sexual exploitation; meanwhile, forced labour is considered most prevalent in Indonesia (Keo 2014). Further, victims from these countries are detected in more than 20 countries in regions throughout the world, including Europe, the Americas, the Middle East, Central Asia and even Africa (Caballero-Anthony 2018; Hwang and Parrenas 2018). Particularly, the sexual exploitation of children in travel and tourism (SECTT) is increasingly becoming one of the most insidious concerns for many countries, such as Thailand and the Philippines. Additional countries are also now considered key destinations for those seeking to sexually exploit children: Cambodia, Vietnam, Indonesia, Laos and Myanmar (ECPAT 2016). The rise of the internet and mobile technology has been reported as one of key enabling channels to attract and seduce children, who are preyed upon by human traffickers through web-based games and social media. According to regional report of the End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT 2016: 35), although ‘no data is available to determine how many children are affected by SECTT in Southeast Asia’, the current situation in each affected country is becoming a widespread concern, given the dramatic growth of cases and victims.

Compared to other countries in South-East Asia, human trafficking in Vietnam is not a new phenomenon. This issue arose at the beginning of the colonial regime, between the 1870s and 1940s (Lessard 2015). Lessard (2015: xiii) asserted that Vietnamese women and children were often kidnapped, stolen or tricked into a life of servitude, as they were forcibly removed from their families, homes and villages, and taken to China, where they were sold in markets in Guangzhou, Longzhou, Beihai, Hong Kong and Macau, among others. Most were transported to domestic Chinese markets via land, river and sea to become domestic servants, concubines of Chinese men or prostitutes in Chinese brothels (Lessard 2015: xiv–xviii). Currently, Vietnamese victims are not only trafficked to China. They are trafficked for sexual and labour exploitation across the globe, including to Malaysia, South Korea, Laos, Thailand, Saudi Arabia, Libya, Indonesia and the UK. Some are recruited through international marriages to move to Taiwan, Hong Kong, Singapore, Macau and South Korea (Phuong 2015; Hoang et al. 2018). For the former, among those victims, similar to Laotian and Cambodian cases, Vietnamese women are targeted to come to developed South-East Asian countries, such as Indonesia and Malaysia (Caballero-Anthony 2018). Others are often recruited as official workers via (un)registered companies that charge fees prior to pushing them into prostitution hubs in Thailand (Phuong 2015; Hoang 2017). Both Thai and Lao have ‘similar physical features and understand each other’s language’, which can assist Laotian sexual workers to move more easily into Thai society (Kneebone and Debeljak 2010: 136). For the latter, Vietnamese victims—‘mail-order brides’—are also linked to marriage migrants. According to Hwang and Parrenas (2018), many women from Latin America and Eastern Europe prefer contact, either voluntary or broker-bridged, with Western men for a domestic relationship. However, many Vietnamese women marry men in Singapore hoping to gain citizenship. Rural Vietnamese women, limited in knowledge and wealth, select Chinese men to marry to remain close to home, particularly with shared borderland areas in the northern mountainous villages. Others in urban areas also wed co-ethnic men in Western countries—such as Vietnamese brides who are members of the Vietnamese diaspora or *Viet Kieu* (Vietnamese language) (Nhien 2016; Stockl et al. 2017).



According to LEAs reports, 4,279 cases and 9,304 victims of human trafficking were identified between 2007 and 2016, with the number of cases increasing steadily over this period (Hoang et al. 2018; MPS 2018b). Two main concerns prevent and combat human trafficking in Vietnam on the domestic and international scale (the domestic market presents fewer concerns than the international market). Local trafficking in persons, particularly women and children, has changed remarkably. It occurred in only some provinces in the early 2000s, spreading to many other areas nationally more recently (MPS 2018b). Women and children are trafficked internally from rural provinces into the sex industry or domestic work in major cities (Phuong 2015; MPS 2016). Similar to Cambodian and Laotian women in remote areas (who have few viable employment options or rural farming opportunities), Vietnamese women are often encouraged to seek work elsewhere before becoming human trafficking victims (Kneebone and Debeljak 2010; Keo 2014; Caballero-Anthony 2018).

In the overseas market, Vietnamese women and girls, to a lesser extent men, are trafficked for sexual and labour exploitation to many countries. Vietnamese authorities and international scholars recently recognised that Vietnamese victims are destined for trafficking to both regional and foreign countries.

First, within regional areas, including GMS and ASEAN countries, the trafficking of women for sexual exploitation is increasingly occurring at three main cross-border routes where Vietnam shares borders with three states (MPS 2016; Hoang et al. 2018). These include the northern areas shared with China (accounting for more than 60 per cent of total human trafficking cases), central mainland areas (accounting for less than six per cent—Vietnam-Lao PDR), and the south-west region (comprising over 10 per cent of cases) at the Vietnam–Cambodia border (MPS 2016). However, the Ministry of Public Security argued that an estimated 85 per cent of identified cases involved transnational trafficking with multiple connecting foreign traffickers, particularly for cases in Thailand, Malaysia, Indonesia and Singapore (MPS 2018b). Recently, many Vietnamese children have become potential targets for SECTT for sex tourism in Thailand and Cambodia (ECPAT 2016; Hoang et al. 2018). Additionally, women and men considered victims of human organ trafficking, mostly kidneys, are trafficked to China (MPS 2018b). Notably, in severe cases, human traffickers spontaneously kidnapped victims for transport across borders (Phuong 2015; Nhien 2016; Viet Nam News 2016).

Second, on the international scale, apart from sexual trafficking, labour trafficking remains a prominent demand in Western Europe, Africa and the Middle East. Most traffickers use various modus operandi to intimidate, coerce and lure victims, including debt bondage, confiscation of identity and travel documents, and even threats of deportation (Phuong 2015; Hoang et al. 2018). Indeed, Vietnamese women are lured by fraudulent labour opportunities before being pushed into brothels in Europe (Phuong 2015; Nhien 2016). Some Vietnamese women are recruited through fraudulent marriages; upon moving to Taiwan, Hong Kong, Macau and increasingly South Korea, they are subjected to forced labour (including domestic servitude), forced prostitution or both (MPS 2016; Hoang et al. 2018). In many cases, human traffickers offered better-paying jobs without official contracts to avoid creating evidence. Further, these victims often cannot escape and report the crime to authorities because, while working in the sex industry, they are always with escorts who threaten them (Nhien 2016; Hoang et al. 2018). Therefore, for both sex trafficking and labour trafficking, LEAs investigation and intervention rates are often low due to barriers in bilateral or multilateral cooperation, such as a lack of mutual legal assistance or extradition regulations.

### **Environmental Crimes**

In 'Environment Crime: A Threat to our Future', the Environment Investigation Agency (EIA 2008: 1) classified international environmental crime into five broad offences: 1) illegal trade in

wildlife; 2) smuggling of ozone-depleting substances (ODS); 3) illicit trade in hazardous waste; 4) illegal, unregulated and unreported fishing; and 5) illegal logging and associated trade in stolen timber.<sup>6</sup> There is a lack of data and access to case studies in terms of ODS, waste and illegal fishing in Vietnam. Thus, this section analyses the first and last offences: illicit trade of wildlife and illegal logging, respectively. Wildlife trade, defined as ‘any sale or exchange by people of wild animal and plant resources’, involves the trade of live animals or plants for the pet and horticultural trades, or trade in a diverse range of wild animal and plant products needed or prized by humans, including skins, medicinal ingredients, tourist curiosities, timber, fish and other food products (TRAFFIC 2008: vii). Meanwhile, illegal logging and its related trade occur when wood is harvested, transported, processed, bought or sold in violation or circumvention of national or subnational laws (Miller et al. 2006: 5).

### *Wildlife Trafficking*

Five years ago, the United Nations Environment Programme and Interpol estimated that environmental TOCs reap approximately between US\$70 billion and US\$213 billion a year, but the real profits could be higher than reported (Nellemann et al. 2014: 7). Of this figure, illegal timber trade accounted for a minimum of US\$11 billion annually, while illicit wildlife trafficking is estimated to be worth US\$50–US\$150 billion a year (UNEP 2014: 25). Accordingly, South-East Asia is continually identified as one of the significant suppliers of wildlife for other countries around the world (UNODC 2010). One animal species that has attracted the most attention is the tiger. According to the World Wildlife Fund, the tiger population in the GMS, including Thailand, Vietnam, Cambodia, Laos and Myanmar, dropped from 1,200 in 1998 to 350 in 2010 (Thompson 2010; UNEP 2014). This is primarily attributed to the deliberate and large-scale illegal hunting of tigers for their body parts, mostly for use in traditional medicine.

Vietnam is reported to be one of the most biodiverse nations in Asia, with a variety of types living in nine biosphere reserves and two natural world heritage sites (CITES 2008). However, with 103 threatened and near-threatened species, Vietnam was also recorded tenth in the world in terms of endangered species by the Birdlife International Global Conversation Priority (Song 2010). Vietnam is facing a loss of biodiversity, which could have various effects: expansion of agricultural land and aquaculture; construction of infrastructure complexes, exploitation of forest and non-forest production, increased non-native species, and shifting cultivation (Song 2010; Sikor and Phuc 2011). Using wildlife as food, medicine and ornaments has become more common in Vietnam, consuming estimating approximately 3,700 to 4,500 tons of wildlife fauna per year, excluding aquatic species (CITES 2008: 1; UNODC 2015: 21). Further, trade of illegal wildlife species such as elephant and rhino is considered one of the most serious concerns in terms of impact on the biodiversity of Vietnam (Song 2010; Sikor and Phuc 2011). For example, many consumers believe rhino horn treats cancer; thus, they can be paid around US\$10,000 per kilogram (Guilford 2013; Global Financial Integrity 2017). According to UNODC (2015: 58), Vietnam ‘is a major destination country for rhino horn’. Some scholars assert that Vietnamese crime networks operate at the international level and enable the movement of rhino horn from Africa into Vietnam. Others suspected to be potential connectors between two countries operate this black market, which is similar to markets in Cambodia and Laos (Dijk and Spapens 2014; Dao et al. 2016). Apart from rhino horn, illegal elephant ivory trading has increased rapidly in Vietnam, which has become one of the largest markets in the world since the mid-2000s. Many consumers, particularly in cities such as Hanoi and Ho Chi Minh City, pay around US\$1,100 per kilogram for raw tusks for decoration and disease treatment (Vigne and Martin 2016). Although there is no published evidence for this, Vietnamese ivory traders are believed to be prominent in illegal ivory markets: ‘there may be no other country in the world involving the combined illegal imports of new raw tusks and illegal exports of the final ivory products to be as active as Vietnam today’ (Vigne and Martin 2016: 71).

### **Timber Trafficking**

At least 80 per cent of all legal timber exports in the world came from South-East Asia in the 1990s (Schloenhardt 2008; Hughes 2017). However, the region has also faced illegal timber trade challenges in the last few decades, which have prompted a decline in old-growth forests (which now covers only 7 per cent of the world) (Schloenhardt 2008; Hughes 2017). Between 2000 and 2005, illegal logging is estimated to have affected at least 20 per cent of the global tropics, making South-East Asia one of the most biotically threatened regions (Hughes 2017). Many countries in the ASEAN were also recorded as having the highest percentage of illegal timber in terms of total harvested wood: Cambodia (90 per cent), Indonesia (60–80 per cent), Myanmar (50 per cent), Laos (45 per cent), Malaysia (35 per cent) and Vietnam (20–40 per cent) (Interpol and World Bank 2010). In the first global threat assessment on TOC, UNODC asserted that approximately 40 per cent of wood-based products from South-East Asia exported to the European Union originates from illegal timbers. The situation is similar in China, with around half of timber volumes imported from this area (UNODC 2010). Three years later, UNODC (2013) estimated the profits of timber trafficking from East Asia and the Pacific at US\$17 billion annually. This profit is even more attractive than that made by smuggling heroin and methamphetamine, around US\$16.3 and US\$15 billion, respectively. Needless to say, illegal timber trafficking has reached alarming levels in this area.

For timber trafficking, both Interpol and the World Bank (2010) considered Vietnam one of the top four most affected countries in South-East Asia (including Cambodia, Indonesia and Malaysia). Until the 1990s, which witnessed the particularly severe case of illegal logging known as *Tanh Linh* Forest, LEAs successfully prosecuted 40 defendants, resulting in a total of 225 years' imprisonment. This increased the awareness of the Vietnamese government (Sikor and Phuc 2011; Anh 2018). Studies have identified that ambiguous legal regulations and corrupt activities by the government and political economy of timber trafficking contributed negatively to this situation in Vietnam (Sikor and Phuc 2011; Phuc 2015). Similar to its two neighbours, Cambodia and Laos, in Vietnam, 'abundant advantages', such as weak forest governance and transparency and poor regulation, has increased the complexity of illegal logging in Vietnam (UNODC 2013; Phuc 2015; Hughes 2017). Further, corrupt officers from both neighbours 'provided' the right conditions for smuggling via international and national border checkpoints of Cambodia, Laos and Vietnam. Local porters have taken advantage of many unofficial small pathways and routes to transport illegal timber from one country to others. This has been aided by a lack of effective cooperation between border control authorities in these countries (Global Financial Integrity 2017; Anh 2018). All these factors contribute to the cycle of timber trafficking, with various layers and connectors in Vietnam, including residents, smugglers, traders, traffickers and corrupt officials (Anh 2018).

### **Cybercrime**

According to unofficial statistics, the projected losses caused by cybercrime will reach US\$6 trillion by 2021, up from US\$3 trillion in 2015 (Cybersecurity Ventures 2017). This affects individuals and governments. Asian-based users account for more than half of the world's internet usage; this is still increasing, particularly in South-East Asia (Chang 2017). With the rapid rise in internet users, ASEAN countries will likely become new targets for hackers and cyber criminals, due to the lack of internet laws and the diversity of participation levels (Chang 2017; Greenfeaf 2017). Yet, to date, there is no research on cybercrime in the region; instead, most data and statistics are extracted from commercial information security companies and organisations such as Symantec, AV-test and Trend Micro (Chang 2017; Greenfeaf 2017).

Meanwhile many eastern, southern and northern Asian countries have invested in and developed legal frameworks and strong enforcement to prevent and combat cybercrime. Almost all mainland South-East Asian regions, including Cambodia, Laos, Myanmar and Vietnam, have



relatively few institutions to fight cybercrimes. Cambodia is 'partly free' or Myanmar and Thailand are 'not free' to use internet;<sup>7</sup> however, no specific regulations have been implemented since 2014 and user awareness of cybercrime, particularly for social media and personal mobile technology, needs to be heightened (Greenfeaf 2017; Khidhir 2018). Vietnam's internet use scores are the highest of the 'not free' countries (76 out of 100). The nation legislated on cyber-information security and cybersecurity in 2016 and 2018. However, cyber-related crimes are still increasing in complexity and number. Thailand is also facing the potential risks of hackers and cyber-related crimes. Japan established the ASEAN Cyber Security Capacity Building Centre in Bangkok in June 2018 to train cyber security personnel and provide essential knowledge. The lack of a comprehensive, long-term strategy, weak infrastructure in technology and telecommunication, and insufficient human resources are considered the main barriers for countries to address cybercrimes. Thus, it is more likely that these countries will become targets and face extensive losses.

Vietnam's number of internet users is continually increasing. Additionally, with moves towards an e-government, many public facilities in Vietnam, particularly those using ecommerce and online payment systems, use the internet for e-tax, e-customs, import and export procedures, and e-business registration. With nearly 50 million internet users (around 52 per cent of the population), Vietnam is ranked 17th of 20 countries with the highest number of internet users in the world. According to the latest ranking published in March 2017, this has made Vietnam one of the top 10 countries most affected by targeted attacks, particularly between 2015 and 2017 (Internet World Stats 2018; Symantec 2018). The rapid boom of information technology, telecommunications and the internet also brought the threat of cybercrime in Vietnam. Notably, Vietnam has witnessed the growth of identity crime with increasingly more complicated and sophisticated modus operandi (Chang 2017; DHTCI 2018). There are two rising concerns in Vietnam: fraudulent online and illegal gambling activities.

First, criminals often use the internet to appropriate properties with different approaches. Based on underground social media, in some cases offenders actively contacted potential victims to exchange information before stealing their credit card details to make a counterfeit card and buy goods from an online store. Others created private forums to lure customers into filling out application forms to obtain their data (VNS 2018; Asian Times 2018a). Similarly, Thai victims have become victims of 'online monetary frauds' such as fake eBay listings, after providing their banking details to scammers (Ghazi-Tehrani 2015: 8). Recently, DHTCI (2018) warned that TOC groups, created by many foreigners colluding with Vietnamese offenders, have called victims on the telephone to persuade them to transfer money. To do this, perpetrators design ecommerce websites for illegal businesses, such as discounted goods vendors, but send inferior products or smuggled or prohibited goods. Some fraudsters (foreigners) make friends with victims (Vietnamese), convince them they will send gifts and ask them to pay customs tax (Nghia and Binh 2014; Duc 2014). Offenders often change their modus operandi to avoid detection by LEAs; they develop a counterfeiting website to appropriate money from customers, who pay for goods but either do not receive them or are sent inferior products (Nghia and Binh 2014; Duc 2014; VNS 2018). Several cases were identified and pursued through cooperation between 52 of 63 provincial police departments, locating at least 12 fraudsters who scammed over 560 victims to appropriate US\$1.8 million (Asian Times 2018a; VNS 2018).

Second, online gambling activities are more complicated due to online collusion between locals and foreigners. According to LEAs of Vietnam, many Vietnamese individuals participate in foreign conspiracies, both regional and international, to set up gambling websites to attract gamblers (DHTCI 2018; VNS 2018). Vietnamese authorities have blocked hundreds of gambling websites, detected and investigated many cases, and arrested many gamblers (VNS 2018; Asian Times 2018a). When gamblers and police collaborate, TOC-run gambling and money laundering become more challenging. The most typical case to prove this involved investigation by the Phu Tho

Provincial Police Department and Ministry of Public Security. In 2018, they dismantled the most prominent online gambling syndicate, worth US\$426.3 million, and prosecuted at least 92 people, whose faced seven criminal offences under the *2017 Criminal Code of Vietnam*, namely organising gambling activities, purchasing fake invoices, money laundering, bribery and abuse of power (VNS 2018; Ba 2018). According to investigators, web portal *Rikvip/Tip.club* was an extensive network of 25 'tier-1 agencies' and nearly 5,900 'tier-2 agencies' with approximately 43 million account users since mid-2015 (Ba 2018; DHTCI 2018). Sadly, among offenders were two senior police officers in the field of anti-cybercrime; each could be sentenced to 5–10 years in prison (Asian Times 2018b; DHTCI 2018).

Contrary to more sophisticated operations of both e-fraud and online gambling, the professional capacity of LEA officers is limited because this is a new area in which Vietnamese police lack experience and skills (DHTCI 2018). Further, technical equipment is inadequate to combat cybercrime and there is no standard legal model among LEAs in Vietnam and their counterparts in the region. This hinders the speed and quality of cooperative campaigns to identify and arrest perpetrators (VLLF 2018; DHTCI 2018).

### **Instead of a Conclusion**

Although implementing dynamic regional integration policies creates huge economic benefits in Vietnam, these changes are also likely to provide opportunities for those who would exploit them for illegal purposes. Based on possible threats from illicit cross-border flows and practical challenges for LEAs, this article has identified *four* issues that require improvement.

First, due to the close proximity of the Golden Triangle and GMS (approximately 4,450 kilometres covering porous borders across Vietnam) LEAs encounter many challenges combating TOCs. Further, insufficiently patrolled borders, particularly with the BLOs model, create many advantages for traffickers.

Second, the professional capacity of LEA officers is inadequate to identify and prosecute TOC operations. Some LEAs may succeed in identifying small-scale networks involving drug couriers and human brokers (rather than drug lords and snakehead leaders), but remain limited in their abilities to combat green-related crimes and cybercrimes. Indeed, limited technical and human resources in these fields leads to less effective investigation and prosecution.

Third, the lack of an international and regional legal framework, especially bilateral treaties in mutual legal assistance and extradition between Vietnam and its neighbours, further compounds the challenges. Fourth, data-sharing approaches between Vietnam and its regional counterparts are outdated, with a number of practical limitations; whereas, the modus operandi of TOCs change frequently to avoid detection.

To prevent and combat TOCs, the Vietnam government needs national strategies and related programs must address the four concerns outlined previously with specific aims rather than general provisions. For policymakers, drug control and human trafficking have already been included in national planning, Vietnam should identify environmental crimes and cybercrimes as new threats to build a separate strategy to manage these criminals. Additionally, to address cross-border trafficking between Vietnam and its shared borders, coordination and collaboration between Vietnamese LEAs and partnerships in ASEAN and GMS need to call for more comprehensive agendas and effective measures among heads of states. Data should also be updated and shared among LEAs in all countries. Further research should be undertaken by Vietnamese academics. By doing this, publications can shed light on the organisational structure and modus operandi of illicit TOCs and help LEAs address gaps in policing and beyond. Further, criminological networks in ASEAN such as the Asian Criminological Society, South Asia

Association of Criminology and Victimology and the Australia and New Zealand Society of Criminology need to collaborate. Again, this paper is the first to review the current situation of TOCs in Vietnam, with the purpose of informing audiences and further research with specific policies and strategies. Specifically, it advises addressing *four* obstacles, which requires international, regional and national contributions from policymakers and scholars.

*Correspondence:* Hai Thanh Luong, PhD, Institute of Research and Development, Duy Tan University, Danang 550000, Vietnam. Email: [luongthanhhai1@duytan.edu.vn](mailto:luongthanhhai1@duytan.edu.vn); Honorary Principal Research Fellow, School of Global, Urban, and Social Studies, RMIT University, 411 Swanston Street, Melbourne VIC 3000. Email: [haithanh.luong@rmit.edu.au](mailto:haithanh.luong@rmit.edu.au)

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- <sup>1</sup> Since 2013–2017, UNODC has not yet updated its annual cost estimates for TOC; Global Financial Integrity (2017) estimates TOC's annual average worth as US\$1.6–2.2 trillion.
- <sup>2</sup> The Sixth Party Progress of Communist Party of Vietnam (1986) confirmed that the *Doi Moi* policy consists of three interrelated fundamental pushes: 1) shifting from a bureaucratically centralised planned economy to a multisector economy operating under a market mechanism with state management and a socialist orientation; 2) democratising social life and building a legal state of the people, by the people, and for the people; and 3) implementing an open-door policy and promoting relations between Vietnam and all other countries in the world for peace, independence and development.
- <sup>3</sup> According to article 1, para 1, Decision No.01/2004/QĐ-TTg passed on 5 January 2004, all court documents, records, reports and statistics regarding the death penalty belong to the 'highly official secret level' of the People's Court.
- <sup>4</sup> ASEAN was established on 8 August 1967 in Bangkok, Thailand, by the first five members: Indonesia, Malaysia, Philippines, Singapore and Thailand. Brunei Darussalam joined on 7 January 1984, Vietnam on 28 July 1995, Lao PDR and Myanmar on 23 July 1997, and Cambodia on 30 April 1999, creating what is today's 10 member states of ASEAN.
- <sup>5</sup> Early in the 2000s, the Vietnam government passed legislation to proclaim the state's sovereignty and highlight the importance of establishing 'a strong border patrol strategy'. This system will be built across 25 borderland provinces of Vietnam shared with Cambodia, China and Laos, from Quangninh to Kiengiang, covering around 10,196 km, with the purposes of controlling national security and preventing TOCs. It was implemented in two main milestones, including the first period from 2006–2010 to beyond, and the second period from 2014–2020.
- <sup>6</sup> This classification of the EIA has been recognised by bodies such as the G8, Interpol, European Union, the United Nations Environment Program and the United Nations Interregional Crime and Justice Research Institute. These are:
- i. illegal trade in wildlife in contravention to the *1973 Washington Convention on International Trade in Endangered Species of Fauna and Flora* (CITES)
  - ii. illicit trade in ODS in contravention to the *1987 Montreal Protocol on Substances that Deplete the Ozone Layer*
  - iii. dumping and illegal transport of various kinds of hazardous waste in violation of the *1989 Basel Convention on the Control of Trans-boundary Movement of Hazardous Wastes and their Disposal*
  - iv. illegal, unregulated and unreported (IUU) fishing in contravention to controls imposed by various regional fisheries management organisations
  - v. illegal logging and trade in timber when timber is harvested, transported, bought or sold in violation of national laws (There are currently no binding international controls on the global timber trade except for an endangered species, which is covered by CITES).
- <sup>7</sup> According to Freedom House's Freedom on the Net 2017 scores, which assessed digital rights of 65 countries all over the world without Laos and Brunei in South-East Asia, Cambodia's freedom score was at 52 out of 100, with a lower score showing a higher freedom rating; meanwhile, Myanmar and Thailand are 63 and 67 respectively. The higher the score, the less free the country's internet.

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