

Hai Thanh Luong

**Transnational Narcotics Trafficking across
Vietnam Borderland and Lao People's
Democratic Republic**

Doctoral Thesis / Dissertation

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List of Abbreviations

AIFOCOM	The ASEAN Inter-Parliamentary Assembly Fact-Finding Committee
AIPA	The ASEAN Inter-Parliamentary Assemble
ASEAN	The Association of Southeast Asian Nations
ATS	Amphetamine-type Stimulants
CCV	Criminal Code of Vietnam
CIPDRC	Criminal Investigation Police on Drug-Related Crimes
DTOs	Drug Trafficking Organizations
INCSR	The International Narcotics Control Strategy Report
Lao PDR	The Lao People's Democratic Republic
LEAs	Law Enforcement Agencies
M.O	Modus Operandi
MMR	Mixed Methods Research
MPS	Ministry of Public Security of Vietnam
SNA	Social Network Analysis
SODC	The Standing Office on Drugs and Crime of Vietnam
TOC	Transnational Organized Crime
TransNT	Transnational Narcotics Trafficking
UNODC	The United Nations on Drugs and Crime

Abstract

Close proximity to the major production zones, porous borderlands, mountainous frontiers and long coastlines offer advantageous conditions for trafficking narcotics. The illicit drug situation has become much more complex in Vietnam with the growth in amphetamine-type stimulants production and trade. Even so, empirical research and analysis of the organization and operation of transnational narcotics trafficking (TransNT) remains limited. The purpose of this book is to present the first detailed inquiry into the nature of TransNT across the border between Lao People's Democratic Republic (PDR) and Vietnam using an exploratory approach which draws upon qualitative and quantitative methods. In particular, the thesis presents findings from case studies of cross-border trafficking between Vietnam and Lao PDR in the period of 2003-2013 combined with interview and survey data from criminal investigation police and drug-related crimes officers (CIPDRC) from six border provinces who are directly and indirectly involved in investigating these cases.

The findings of this study indicate that drug markets in Vietnam are not controlled by monopolistic, hierarchical organizations or 'cartels'. The structures of TransNT entities operating across the Lao-Vietnam border are small, based on family ties and fellow-countrymen relations, are fluid and loosely organized. They are very adaptable and sophisticated with diverse modus operandi and multiple divisions of labour. This presents particular challenges to law enforcement agencies (LAEs).

This book questions to capacity of Vietnam's police to enforce the government's zero-tolerance anti-narcotics policy. The study highlights practical problems and specific barriers in combating TransNT. LEAs in Vietnam and Lao PDR operate without effective mechanisms to cooperate and share information. It is also the case that traffickers often have more

sophisticated equipment at their disposal to help them avoid arrest. Police forces work within national structures and yet are faced with the task of combatting transnational crime. This reality affects law enforcement capacity at a national as well as regional level, but Association of the Southeast Asian Nations member states have yet to establish effective structures for dealing with this non-traditional security challenge. Based on these findings, therefore, the thesis proposes recommendations to enhancing the effectiveness of LEAs in dealing with TransNT across Vietnam's border with Lao PDR.

CHAPTER 1: INTRODUCTION

Illicit drugs and drug-related crimes challenge the capacities of law enforcement agencies (LEAs) the world over. For developing countries like Vietnam, illicit drug production and trafficking, directly and indirectly, threaten social stability and economic welfare. Moreover, transnational narcotics trafficking (TransNT) negatively affect relations between Vietnam and its neighbours and the wider international community. An international anti-narcotics regime has emerged to criminalize and eradicate the trade in harmful substances, principally heroin, cocaine, cannabis and illicit amphetamines and methamphetamines such as “ecstasy” and “ice”. The *United Nations Single Convention on Narcotic Drugs* (U.N Convention 1961), the *Convention on Psychotropic Substances* (U.N Convention 1971) and the *Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances* (U.N Convention 1988) called for international cooperation to combat illicit drugs, but compliance and implementation at the national level has proven difficult, even for developed countries. While economic growth and regional integration bring many positives such as the increased mobility of goods, services, people and money, they also provide opportunities for transnational organized crime (TOC) groups to threaten human security and challenge the rule of law. In fact, drug trafficking entities take advantage of the globalization of transportation and communications technologies to build their connections and organize criminal operations across state borders. Criminals have transnationalized, but LEAs remain contained within national state structures which inhibit efforts towards transnational policing cooperation (Madsen

2012, 137, Williams 1998, 156). Furthermore, the development of a common global framework to address this trend, which is arguably the aim of the Convention Against TOC is complicated by differences in the cultures and modus operandi of organized crime entities in different geographical areas, and by differences in law and investigative approach of different national jurisdictions (von Lampe 2012, 182). Therefore, there is an ongoing challenge for LEAs to develop innovative methods of investigation and interdiction, and improve international policing cooperation to fight TransNT activities (Goldsmith 2012, Goldsmith and Sheptycki 2007).

This research found that the growth of TransNT into and through Vietnam is a consequence of a series of interrelated factors stemming from Vietnam's relatively recent economic modernisation, and the underdeveloped nature of Vietnam's law enforcement capacity. Narcotics present quick income-generating opportunities that are appealing to those "addicted" to a life of crime, and to people marginalised by their geography and ethnicity (Goldsmith 2012, von Lampe 2012). Drug trafficking usually occurs through distributed networks of small-scale producers who supply raw materials to drug dealers for sale to affluent young users in Asian metropolitan centres and countries in North America, Western Europe, Africa, and Oceania (Jenner 2014, Reuter 2014). Cross-border networks tend to have a fluidic structure with a sophisticated modus operandi from preparation stages to later stages of activity that enable the criminal networks/syndicates to achieve their goals. Patterns evidence similar practices to those employed by TransNT in Latin America, but TOC in the Asian region is a distinctive category (Roderic and Vy 2013, Chouvy 2013a). TransNT entities spanning the Vietnam-Laos border are different again from the Yakuza and Triad gangs that have traditionally characterized so-called "Asian Crime"

(Broussard and Teetzen 2013). To ensure criminal cooperation, localised groups in Vietnam are usually formed around bonds of kinship in one family, locality of birth and upbringing in the same village, as well as language and ethnic identity, which in turn has a major bearing upon organizational structure, internal relationships, and modus operandi of TransNT entities.

One of the more effective approaches to control TransNT for law enforcement agencies therefore is to develop a deeper and broader understanding of group and network structures and modes of operation in the dynamics of organized criminal groups operating across national borders. However, conventional analyses of TransNT have not adequately examined the micro-processes of cross-border mobility and networking (von Lampe 2012, 187). This project therefore, also assesses a range of possible effective LEA responses, and proposes recommendations to improve regional cooperation in drug control between Vietnam and Lao PDR. This book draws upon an extensive body of literature and a wide range of analytical frameworks generated by research into TransNT in Asia, Latin America, Oceania, the United States (U.S.), and Europe, to formulate the first comprehensive study of the characteristics of TransNT, with a focus on organizational structure and modus operandi of TOCs, operating across the Vietnam-Laos border.

1.1. Background and statement

1.1.1. Background

In today's borderless world, transnational security threats and challenges are connected, and must be addressed at the global and regional as well as national level, and require governments everywhere to 'see, think, and act globally' (Flanagan 2001,

7, Flanagan, Kugler, and Frost 2001, 7). The illicit drug trade, primarily the trade in heroin, cocaine, and illicit amphetamines and methamphetamines, has grown substantially as an issue of major social concern in many countries, and will continue to undermine the rule of law at all levels (Fedetov 2016, INCB 2016). TransNT and organized crime entities therefore, present a persistent and significant threat to human security, which is defined here to include human health, welfare, social life, and individual freedom (UNGA 2016, Battersby and Siracusa 2009). As a result, TransNT has received the most attention from criminologists (Jenner 2014, 65, Dorn, Levi, and King 2005, 1), political scientists working in the field of international security studies (von Lampe 2012, 180), and LEAs in recent times (Andreas 2009).

Police cooperation was not, until relatively recently, a core priority for the Association of South East Asian Nations (ASEAN), even though national security concerns defined its agenda at its inception in 1967.¹ The Southeast Asian region is witnessing rapid economic and political changes, ensuing from the end of cold war confrontations and the incorporation into ASEAN of Vietnam, Lao PDR, Cambodia and Myanmar in the 1990s, and the adoption of market/export oriented economic policies. Globalization, across social, cultural, political, and economic spheres, to an extent creates a ‘borderless world’ with impacts on individual, local, national, regional, and international scales (Ceglowski 1998, Ohmae 1995, Steger, Battersby, and Siracusa 2014). Globalization’s observable but unpredictable impacts, caused by increased international interactions, and increased social and economic connections, all facilitated by the introduction of new technologies and the integration of regional

¹ Accordingly, in 1997, between the ASEAN’s members adopted the ASEAN Declaration on Transnational Crime at Manila, Philippine which recognized transnational crime’s threats and its specific types to impact on regional security, particularly with trafficking in illegal drugs.

transport and communications networks, facilitate more complex and extensive linkages between organizations – including criminal organizations. To contribute to the task of tackling transnational crime at a regional level, ASEAN proposed the Plan of Action on Transnational Crime in 1998. Accordingly, through the ASEAN Ministerial Meeting on Transnational Crime (AMMTC), the highest policy making body on ASEAN cooperation in combating transnational crime, and the ASEAN Senior Officials on Drug Matters (ASOD), the highest consultative forum to regional drug control cooperation, ASEAN states hoped to create an ASEAN “Drug Free-Zone” by 2015 (Sovannasam 2011). After a decade of steady decreases in trafficking and production, however, the illicit cultivation of opium poppy has risen each year since 2006 in Laos PDR and Myanmar and to a much lesser extent in the mountainous provinces of Vietnam (UNODC 2014d). Further, the emergent trends of Amphetamine-Type Stimulants (ATS) production and trafficking in ASEAN member states, including Vietnam, has further exacerbated challenges to drug control and suppression region-wide (AIPA 2014a, 2015b). As a result, it could lead to the failure of ASEAN’s efforts toward a ‘Drug Free-Zone’ by the end of 2015.

TransNT is not a hypothetical security threat because the human impacts of trafficking are becoming increasingly evident and significant in every world region. Illegal drug use does not only damage the sustainable development of the society and impact directly on the growth of the younger generation, but also becomes a potential factor to attract drug traffickers to respond to increased demand for the drug trade (Kramer et al. 2014, Reuter 2014). Such a complex mix of crime and security challenges requires a more sophisticated set of governance strategies to enhance effective coordination of LEAs through increased collaboration between countries.

Furthermore, in combating TransNT it is necessary that responsibility be shared and strategies consolidated into a law enforcement network (Hufnagel 2011, Coyne 2014, Lemieux 2010a). By doing this, LEAs can create a flexible mechanism for gathering and sharing information on TransNT networks and their modus operandi to render cooperation and collaboration more effective (Morselli 2009, Lemieux 2010b). Institutional and legislative measures, to be effective, however, must be based upon an informed appreciation of the nature of illicit drug production and trafficking activities. Various multilateral treaties so far have been concluded to coordinate the global efforts against the heroin and cocaine trade. This study therefore also presents an analysis of the obstacles and challenges faced by efforts to implement regional anti-narcotics regimes, particularly between countries with shared borderlands such as Vietnam and Lao PDR.

In 1909, the International Opium Commission convened in Shanghai to discuss the possibilities of affecting international agreements aimed at restricting the trade in narcotic drugs to the scientific and medical communities. This resulted in the Convention relating to the Suppression of the Abuse of Opium and other Drugs 1912. The next significant international efforts were made at The Hague in December 1911 with the Convention of 1912 to control the production, manufacture and distribution of opium, certain opiates, and cocaine, both nationally and internationally. This Convention, however, did not establish the international mechanisms necessary to detect, interdict, and enforce sanctions against criminal groups. Many more agreements were reached in subsequent decades with the aim of reducing drug

manufacture and trafficking.² Not until the U.N Conventions of 1961 and 1971 was careful attention given to controlling illegal drug production and use, but the scope was only for the transfer of narcotic substances used for medical and scientific purposes, into the black market. Though these instruments managed to garner much international support, their emphasis was mainly on the administrative regulation of the production and movement of the drugs themselves. In fact, they were not law enforcement conventions dealing with the trafficking of drugs or with sanctioning the ensuing profits.

During the 1980s, the international community intensified efforts to develop an adequate legal framework and effective law enforcement response to combat illicit drug trafficking. The most significant achievement was the 1988 U.N Convention, which provided strengthened mechanisms for extradition and the transfer of criminal proceedings, and tracing, freezing and confiscating the proceeds of crime. The cooperation against the illicit trafficking of narcotic drugs and psychotropic substances is set firmly within the established principles of international law by the provisions of Article 2, which asserts the principle of non-intervention in the domestic affairs of other states, outlaws the exercise of extra territorial jurisdiction, and provides a secure basis for the structure of mutual assistance. At least, it created a framework for enforcement that targeted the structure and members of ‘criminal organizations’ and ‘international drugs traffickers’ rather than individual offenders

² These include the Agreement concerning the Suppression of the Manufacture of, Internal Trade in, and Use of, Prepared Opium 1925; the International Opium Convention 1925; the Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs 1931; the Agreement concerning the Suppression of Opium Smoking 1931; the Convention for the Suppression of the Illicit Traffic in Dangerous Drugs 1936; the Protocol Bringing under International Control Drugs Outside the Scope of the Convention 1931 for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, as amended by the Protocol 1946 and the Protocol for Limiting and Regulating the Cultivation of the Poppy Plant, the Production of, International and Wholesale Trade in, and use of Opium 1953.

(Schloenhardt 2009, 16). However, the multilateral regimes to suppress TransNT did little to assist law enforcement at the operational level (General Assembly 2010, 2). One specific flaw that was not adequately accounted for, was the increasingly diverse and horizontal structure of criminal syndicates, or the growing nexus between organized crime, corruption, and money laundering (Mandel 2011, Williams 2001a).

To deal with these obstacles, some criminologists have called for new ideas to promote international law enforcement cooperation (Andreas and Nadelmann 2006, 7, Madsen 2012, 123). However, although existing international LEAs such as Interpol and Europol have been continuing to cooperate and collaborate in this battle, their functions and responsibilities were only to gather and exchange information (Fazey 2007, 757). For example, Interpol is not a police force and has no powers of arrest, search, or seizure, and can only offer advice or suggestions for the 190 members (Martha 2010, 114, Schondorf-Haubold 2008, 1720). Furthermore, the inability of law enforcement efforts to combat the networked trafficking of drugs, which “stems from a failure to understand fully the structure of these networks”, limits the capacity of LEAs to disrupt and interdict the shipment of illegal narcotics (Williams 1998, 154). Therefore, it is argued that a comprehensive and reflexive understanding of organizational structure and modus operandi of TransNT as a transnational social and economic phenomenon is the most effective way to build legal and institutional frameworks to facilitate cooperation.

Researching on TOC and its specific crimes has become an academic challenge with scholars since many last years.³ Notwithstanding, to comprehensively understand how or why those involved in criminal activity choose to cooperate or associate with other criminals as co-offending networks still requires deeper research in all world regions (Reiss 1988, 117, Weerman 2014, 5173, Heber 2009, 1). In particular, analysing the nature of drug trafficking groups based on their structure and operation is an attractive topic with many governments, policy-makers, and criminologists, particularly at Australia, Canada, China, Colombia, Italy, Mexico, the U.S., the U.K., and the Netherlands, (Vy and Lauchs 2013, Beittel 2011, Paoli and Reuter 2008, Matrix Knowledge Group 2007, Kenney 2007a). However, researching with LEAs, who are involved directly or indirectly in combatting TransNT, and may hold unique perspectives to identify distinct characteristics of TransNT networks, has not yet received much attention in practice, particularly across shared border areas (Nadelmann 1997, Andreas and Nadelmann 2006). Only knowledge generated in reports and statements by LEAs about illicit goods and movements have been reflected in their practical programs; meanwhile, deeper analysis of the structure and operation of entities used by TransNT networks to aid them, is entirely lacking (Andreas 2009, Andreas and Nadelmann 2006, von Lampe 2012)

In Vietnam, empirical research into organizational structure and modus operandi of TransNT is severely limited. Few Vietnamese or foreign scholars have researched the illicit trade in narcotics from other disciplinary perspectives such as a health or rehabilitative framework to drug users (Rapin 2003, Van and Scannapieco

³ Klaus von Lampe is considered as one of the unlimited contributors to raise this question and deal with it through establishing and designing his website with at least over 180 definitions of organized crime around the world (<http://www.organized-crime.de/organizedcrimedefinitions.htm>)

2008); drug policy in addict treatment (Vuong et al. 2012); legislative implementation by Vietnam of its obligations under the U.N Conventions (Hoa 2008); and suppressing illicit opium production and its intervention policies in Vietnam (Windle 2016, 2012). Additionally, some of reports of government, non-government organization, and LEAs have presented and analysed overall patterns and trends of illegal drugs in Vietnam in recent times. Notwithstanding, anything focuses on identifying and examining organizational structure and modus operandi of TransNT across the border between Vietnam and Lao PDR.

1.1.2. Statement of the problem

The global synthetic drugs assessment of UNODC in 2014 recorded a rapid rise in seizures at many Asian countries, especially in the Southeast Asia region, and in particular, mainland China, where the amount of detected illegal methamphetamines has risen annually from 6 tons in 2008 to more than 16 tons in 2012, making up about 45 per cent of the total methamphetamine seizures for the region that year (UNODC 2014a, 20). ATS seizures have also increased in Thailand, from about 2 tons in 2008 to more than 10 tons in 2012 and in Myanmar from 0.1 tons to 2 tons. Meanwhile, LEAs detected and seized from 0.7 tons to more than 2.1 tons in Indonesia and between 0.1 tons and 0.9 tons in Lao PDR in the period of 2008-2012 (UNODC 2014a, 20).

The illicit drug situation has become much more complex in Southeast Asia, with rapid increases in local consumption linked to growing affluence and social expectations generated by the so-called ‘Asian economic miracle’ (Dupont 1999, Chouvy 2013a). Traditional producer and corridor or transhipment countries for

narcotics bound for Europe and the U.S., especially the Golden Triangle countries, Myanmar, Thailand and Laos, are now significant consumers of illicit substances, from traditional opium and heroin to illicit amphetamine-type stimulants (ATS) and variants (Chouvy 2013b, Kramer et al. 2014). At a regional level, the increase of drug users in Southeast Asian nations has been creating complex patterns and trends in drug use in recent years (INCSR 2013, 23). For example, based on primary data, Blickman (2009, 53) found the synthetic drug market in Southeast Asia expanded, and has changed rapidly because such substances are much easier to transport and can be more readily concealed; while opium and heroin use decreased between the mid to late 1990s. Synthetic drugs are an established part of youth entertainment culture in Asia as they are in Western developed countries (Kramer et al. 2014, 52). The increasing ease with which (in theory) anyone can become an ATS drug producer is a phenomenon of global technology advances, which are lifting the capacity of individuals to manufacture their own consumer goods, with pill presses likely to be superseded by 3D printing technologies in the near future which will further enable those wishing to produce their own drugs to do so (UNODC 2014d). Yet, illegal narcotics are sold to patrons at social and sporting events, in bars, nightclubs and other entertainment venues and, alarmingly, in increasing quantities to students at secondary school or university in Thailand, Myanmar, Laos, and Indonesia (Blickman 2009, 57, UNODC 2014a, 21-22). With respect to ATS trafficking in and through Southeast Asia, there is a considerable increase in trafficking by air along national and international routes such as from Malaysia to Brunei (UNODC 2012b, 45); the Islamic Republic of Iran to Indonesia (UNODC 2012b, 63); from South Korea into Thailand (INCSR 2013, 60); from Northern or North-eastern Thailand provinces

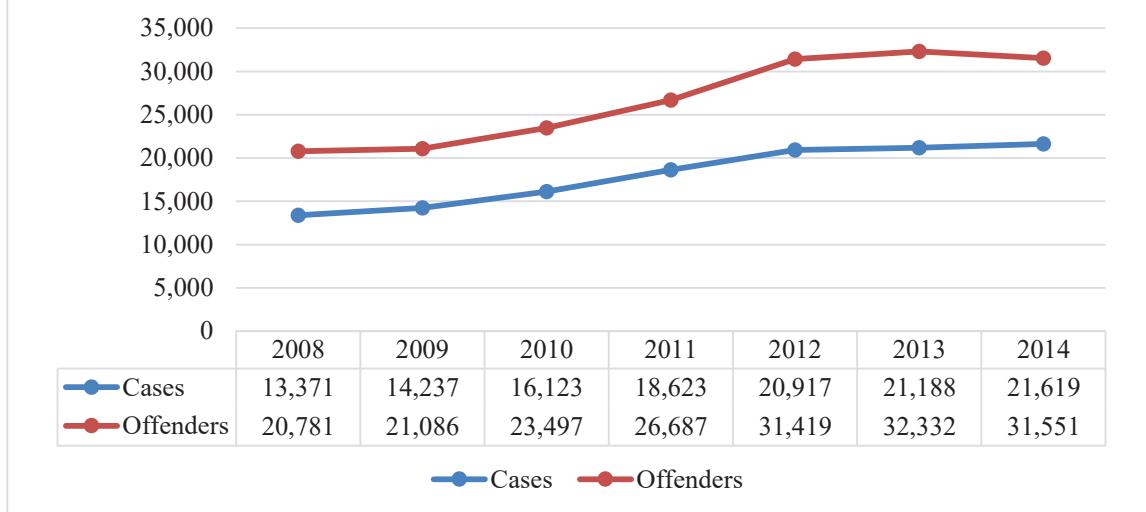
directly into Burma, or through Laos and/or Cambodia (INCSR 2014, 64). The flexibility, scope, and dynamic of the trafficking entities, of course, have been increasingly challenging to the capacities of LEAs (Kramer et al. 2014, Williams 2010, Mandel 2011).

Doi Moi has brought about a general increase in living standards in Vietnam.⁴ However, while economic growth and regional integration bring 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 (Hai 2017, 2014a, 2015, 2014b). Furthermore, improvements in infrastructure, communication, and transportation have created new opportunities for traffickers to operate transnationally (Williams 2013, Williams and Godson 2002, von Lampe 2012). Additionally, taking advantage of the differences in legislative regulations and the limitations of border controls between countries, cross-border traffickers have been able to expand their range of illicit activities (Williams 2013, 2010, Morselli 2014). Figure 1 shows the rapid increase, both of cases (126,078) and offenders (187,353) related to drug trafficking in Vietnam in the seven years 2008 to 2014. One noticeable point from this figure is the number of cases and offenders involved in drug trafficking increases every year.

⁴ The Sixth Party Progress of Communist Party of Vietnam (1986) considered and firmed that the policies of *Doi Moi* consists of three inter-related fundamental pushes, including 1) shifting from a bureaucratically centralized planned economy to a multi-sector economy operating under a market mechanism with State management and a socialist orientation; 2) democratizing 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 community for peace, independence, and development.

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Figure 1: Drug-Related Cases and Arrests in Vietnam (2008-2014)



Source: the Annual Reports of Vietnam at the ASEAN Inter-Parliamentary Assembly Fact Finding Committee (AIFOCOM), between 2007 and 2014

Proximity to the Golden Triangle, porous borderlands, and a long coastline offer advantageous conditions for trafficking illicit drugs. Transit of illicit drugs through Vietnam has increased considerably over the last two decades (SODC 2013b, AIPA 2013, INCSR 2014, AIPA 2015b). Statistics on seizures and drug-related arrests from LEAs confirmed that in the 1990s, Vietnam faced increased societal risks posed by heroin and opium, and is more seriously concerned with ATS in the present time (UNODC and SODC 2012, 2, 4). Besides that, as a transit point, traffickers used Vietnam to ship the drugs into Australia (UNODC 2011b, 76), Europe, West African countries (UNODC 2013e, 56, INCSR 2013, 318) and the U.S. (INCSR 2014, 324).

The UNODC notes that:

With efficient 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 neighbouring countries*. Cross-border and domestic drug trafficking rely on increasingly organized and sophisticated methods. The traffickers take advantage of the long

and porous land borderline and the coastline. Heroin, opium and amphetamine-type stimulants (ATS) are smuggled into Viet Nam across the north-western, central-northern and southern borders. Heroin and cannabis are trafficked from Viet Nam into China. Inside the country, drug hot spots are mainly located in the cities (6-7).



Figure 2: Heroin flows to Vietnam and the rest of the Southeast Asia region from the Golden Triangle area (To be adopted by UNODC, 2013)

The above map (figure 2) gives an indication of the scope and direction of drug movements across mainland Southeast Asia, covering Vietnam's borderland and the borderland of its neighbours. Most particularly, amongst the borderland routes, Vietnam is grappling with the complex challenge of drug trafficking activities across the Laos's border in its North-west and Central-northern regions (AIPA 2010, 2012b, 2013, 2014a, 2015b, 2011). Alongside with the Vietnam-Lao PDR border region,

there are around 2,340 kilometres and stretches 10 Vietnamese provinces adjacent to 10 southern provinces of Laos (National Border Committee 2011, 2010). Most borderland areas between Vietnam and Laos are defined by mountain ranges or lowland tropical forests (National Border Committee 2010). Border region populations are diverse and are mostly comprised of ethnic minorities living in widely dispersed villages (Michaud 2009). Transport and travel between the two sides of the border areas is very difficult, and almost no motorized traffic can pass, except for at a few densely populated border-crossing points (Lintner 2008, Hoang 2007). Across this remote mountainous terrain, many villagers have exploited these conditions to produce a sizable proportion of Southeast Asia's poppy crop (Griffiths 2006, Michaud 2000a, UNODC 2013b). Ethnic minority groups, such as Hmong, Thai⁵ and Laotian Hmong are spread across nation-state borders, and some within these minorities have turned to commercial poppy cultivation to earn cash income (Rapin 2003, Michaud 2000b). These local minorities have traditionally grown poppy crops for self-use, for medicinal purposes and recreation, but cultivation expanded rapidly during the colonial era (McCoy 1972, 2003). As Rapin (2003, 2) and his colleagues in their fieldwork for a contextual analysis of the drug use and harm in six communes of ethnic minorities from Sonla, Laichau, and Laocai emphasize, the cultivation of opium poppies possess 'a body of mythical tales about the origin of the plant and the origin of the consumption of the substance that is extracted from it'. Consequently, it is also likely to become one of the potential factors used by traffickers for enlisting people from these groups into their TransNT activities.

⁵ This thesis does not mention Thai population of Thailand. Otherwise, Thai in this context is one of the ethnic minorities' groups of Vietnam's populated groups who are mostly living across the Vietnam's borderland areas, including with Laos borders.

Taking advantage of geographical features, forest trails, streams, and rivers across Vietnam's borderland with Laos, offenders use obscure trafficking routes to evade LEA's detection of the stockpile, transport, and trade of illegal drugs. Accordingly, as drug couriers, people from ethnic minorities use variable modus operandi and have become more flexible and unpredictable (UNODC and SODC 2012). For example, one official document of the Supreme People's Prosecution of Vietnam (SPP) released that between May 2011 and April 2013, LEAs in Vietnam investigated and prosecuted over 5,700 drug related cases and arrested more than 7,300 drug-related offences across Vietnam's borders with Laos, which accounted for approximately 17 per cent of total national drug cases (MPS 2014). Moreover, drug traffickers have armed themselves to resist capture by LEAs (SODC 2012, 2013b, MPS 2015). Along this route, many cases of heroin were illegally trafficked into Vietnam by armed criminal groups; especially ethnic minority groups living close to the borderlines between Vietnam and Lao PDR (Thanhniennews 2013, Rapin 2003, 80-81, Tuoitrenews 2013). Among them, some members of Hmong and Thai (Vietnamese nationality) local ethnic groups in Vietnam colluded with Laotian drug trafficker to establish syndicates and networks for trafficking illegal drugs across the border from Laos into Vietnam (AIPA 2012b, MPS 2012). Further, Laotian drug traffickers maintain contact with their accomplices/confederates through family relationships and friends in Vietnam, to facilitate drug transportation into Vietnam's borderland before spreading out into other domestic markets (Xuyen 2010, SODC 2012). Thus, it was created the complicated nature of drug trafficking' networks across the Vietnam and Laos' frontier zone, more particularly at international

gateways' checkpoints, economic corridors and unofficial pathways in the forest (MPS 2012).

Stretching the Vietnam/Laos borderland, a number of TransNT groups integrate closely with local drug traffickers to store a significant amount of drugs so that they can then be trafficked into Vietnam whenever a suitable time is found (Cong an Nghe An 2013). Under professional reconnaissance and investigative profiles of the Criminal Investigation Police on Drug-Related Crimes (CIPDRC) of Vietnam, there are at least two main border crossing routes that are considered to be hot spots for drug trafficking. Firstly, the North-West route with particular provinces along the No.6 Highway and Laos border, involving Dienbien, Laichau, Sonla, and Hoabinh are where illegal drugs are often transported and traded between drug trafficking groups (SODC 2012). Accordingly, from Laos via the small trails and inter-district roads to the No.6 Highway, both shipments of ATS tablets and heroin have been frequently combined into one transportation timeline to transport to local drug markets in Vietnam (UNODC and SODC 2012, 16). Secondly, it is the Central-Northern route, taking in the five provinces of: Thanhhoa, Nghean, Hatinh, Quangbinh, and Quangtri which were identified as the main points to supply illegal drugs from Laos to Vietnam (Griffiths 2006, UNODC 2007b, MPS 2014). Moreover, the launch of the East-West Economic Corridor (EWEC) connecting Northeast Thailand, Central Lao PDR, and North Central Vietnam, known as the Asian Highway by the Eight Greater Mekong sub-region Ministerial Meeting (GMS) held in Manila since 1998 (ADB 2010), not only facilitates licit and illicit trade opportunities with these countries, but also paradoxically, creates opportunities for cross-border crime to be tackled more effecting (Giang 2012b, 78). The international border-gates and economic corridors

most at risk from non-traditional crime threats, especially TransNT, including Nam Kan – Nam Can, Nam Phao – Cau Treo, Na Phao – Cha Lo, Phoukeua – Bo Y, and Namon – Thanh Thuy (Cong an Nghe An 2013). Stricter policing of borders is one response to these crime threats in Vietnam.

1.2. Research purpose and question

1.2.1. Aims

The purpose of this thesis is to present the first detailed analysis of the nature of TransNT between Lao PDR and Vietnam. Applying “criminal network theory” and “crime script analysis” to Vietnam’s crime context, generalizations are made to form a unique conceptual framework about the organization and modus operandi of TransNT entities. To do this, the thesis draws upon findings from multiple case studies of cross-border trafficking between the Vietnam and Laos. Additionally, through analysis of the sharing of information by CIPDRC officers at provincial areas of shared borderland with Lao PDR, who are directly and indirectly involved these cases, the study distinguishes key characteristics of drug trafficking in Vietnam such as family ties and follow-countryman association relationships in the recruitment process of drug couriers and their associates. Yet, although the data collection and analysis focus only on TransNT cases in Vietnam, to some extent, its key findings contribute to knowledge about the nature of cross-border drug trafficking in the Southeast Asian region, with valuable comparisons to be made with cross-border trafficking in other world regions.

Alongside with analysis to distinguish characteristics of TransNT entities in Vietnam, this research also identifies practical challenges and specific barriers that

LEAs face. There are numerous difficulties for CIPDRC officers in combating TransNT, including lacking an effective mechanism for cooperating and sharing information between LEAs Vietnamese and Laotian, porous borders, lacking capacity for building cooperative instruments, limiting of LEA's contributions between two countries, and increasing the adaptable movements of transportation and goods in the region. These factors are considered as among the most specific concerns for both Vietnam and Laos in efforts towards combining with the rest of the ASEANs members and moving toward a Community in 2020. Particularly with the process of preventing and fighting TransNT networks, it is requested that cooperation and coordination between LEAs at both regional and national levels be boosted. Through these findings, therefore, this thesis will propose main recommendations to enhance the effectiveness for combating TransNT at Vietnam and Laos' border points.

1.2.2. Question of research

This thesis concentrates on TransNT operating across the Vietnam borderlands with Lao PDR. Reflecting the relatively under-researched nature of this topic area, at least in the contemporary era, the central question was necessarily very broad. The thesis asks "*What are the distinctive characteristics of transnational narcotics trafficking operating across Vietnam's border with Lao PDR? What specific challenges to Vietnam do they pose and how effectively can they be addressed?*"

In order to better understand this central question, two key sub-questions are addressed:

1. What are the distinguishable characteristics of organizations engaged in TransNT in Vietnam, with a focus on structure and modus operandi?

2. What are the law enforcement challenges and institutional obstacles to combatting TransNT and how can LEAs improve international cooperation to address these?

Based on the findings, this thesis contributes to the cumulative body of knowledge on drug trafficking, particularly across borderland zones. It builds upon an expanding body of theoretical knowledge on the structure and operation of TransNT. TransNT is considered a typical form of TOC activity and thus, findings on the organizational structure and modus operandi of drug trafficking across the Vietnam's borderlands with Lao PDR can share approaches to understanding the nature of cross-border drug trafficking in the Southeast Asian area. The development of a conceptual framework will support LEAs in designing and applying their strategies to monitor, disrupt, and anticipate TransNT's activities. It will also help to illustrate barriers, challenges to combatting TransNT. To some extent, though this thesis is not focused on regional policy aims, recommendations and priorities are relevant to the respective law enforcement challenges of both Vietnam and Laos, and the Association of Southeast Nations.

1.3. Scope and definition

1.3.1. Scope of research

The thesis focuses on two groups, including Vietnamese and foreign accomplices who commit drug-related crimes in Vietnam under the definition of the crime of drug trafficking as stated in the Criminal Code of Vietnam (CCV). In particular, this study concentrates on transnational drug cases involving Vietnamese offenders colluding with Laotian groups to transport and trade illegal drugs through

Laos to Vietnam in the period of 2003-2013 with specific case studies. To answer research questions and achieve research aims, the study is governed and controlled by the following delimitations:

- Main illicit drugs markets

Lao PDR, bordering Myanmar, and one of three nodes of the Golden Triangle, had been considered as one of the largest opiate producers in the world, particularly of heroin. Besides that, the production of illicit amphetamine-type stimulants (ATS) have also been increasingly booming in Lao in recent years. Meantime, Vietnam is recognized as not only the destination route but also the transit point of TransNT to heroin and illicit ATS trading (UNODC 2012c, 6-7). Thus, the current study focuses exclusively on two these main illegal drugs, which are the most prevalent illicit drugs commonly trafficked across Vietnam's border with Laos.

Heroin

Heroin is defined as a semi-synthetic drug that is filtered from the opium poppy and belongs to the opiates group of drugs with various colours such as brown, white, and pink (UNODC 2011b, Glossary, xvii). According to UNDOC's data, Afghanistan maintained its position as the number one producer and cultivator of opium globally (2011b, 30), meanwhile, Myanmar reached second place for opium production worldwide (Paoli, Victoria, and Reuter 2009, 111, UNODC 2011b, 59). The heroin producing area of the Golden Triangle is central to the Southeast Asian drug trade (Chin 2009, 8, Zhang and Chin 2015, 58-9). Most heroin production of the Golden Triangle occurs in the Shan State and Wa State of North-Eastern Burma, extending to

Northern Thailand and the Hmong highlands of Laos to transport to Vietnam via Laos borders (Zhang and Chin 2015, 4, Chin 2009, 87, Kramer et al. 2014, 4, 15).

Synthetic drugs

According to the UNODC, there are two categories of ATS, namely 1) amphetamine-group substances including amphetamine, methamphetamine (methylamphetamine) and methcathinone; and 2) ecstasy-group substances such as MDMA (ecstasy) and its analogues (UNODC 2011b, 127). Differing with opium and coca plants, ATS production is mobile and adaptable and thus, ATS laboratories are frequently located in close proximity to illicit markets to meet ATS's high demand (UNODC 2011b, 146). Regarding the manufacture process, ATS is likely to be created in many forms such as powder, paste, liquid, tablets or crystals. In the Southeast Asia region, booming demand for and consumption of ATS is “an example of what can be described as ‘displacement’: a campaign against one drug (opium and heroin) [which] can lead to the rise of an equally or more dangerous substitute (methamphetamine)” (Blickman 2009, 52). At national scale, most ATS is smuggled into Vietnam from regional countries, including Cambodia, China, Lao PDR, Myanmar and Thailand; whilst in the meantime, there was investigation by national authorities of clandestine methamphetamine manufacture in domestic territories (UNODC and SODC 2012). Accordingly, in recent years, the ATS market in Vietnam has continued to expand and the drug has become second only in popularity to heroin and, especially favoured among younger drug users whose numbers have increased alarmingly (INCSR 2013, 2014).

- The operational challenges of policing in border zones

Regional borders are still commonly conceived as clearly demarcated lines drawn on a map that determine the extent of sovereign jurisdiction. However, in the post-colonial world especially, borders frequently impose ‘artificial’ divisions between people of shared ethnicity, including language, are recently determined and largely so by the interests of former colonial powers rather than by popular mandate (Andreas 2009). Social and economic ties across these borders between Vietnam and Lao PDR can be strengthened by a sense of cultural affinity and by residual extended family connections. However, these ties pose significant operational challenges to LEAs with regard to monitoring border and control immigration. Yet, differences in law and criminal procedure are two significant barriers faced by LEAs from both sides. Mutual legal assistance, although possible by agreement or memorandum of understanding, in practice has to overcome either political barriers or customs and manners of ethnic minority groups at the common borderland areas.

- The capacities of law enforcement agencies (LEAs)

Law enforcement capacity means the capacity to mobilise government agencies to enforce the laws of the land, apprehend offenders and prevent or deter criminal behaviour. Although there are four LEAs in Vietnam, namely the police, border guard, customs, and maritime force, this study focuses on analysis of the role and function of the CIPDRC as the most front-line forces to investigate TransNT cases across Vietnam’s borderland with Lao PDR. Their capacities and responses will be also explored in the analysis of the six selected TransNT case studies. On the other hand, lack of data collection from last three agencies (border guard, customs, and

maritime force) is a constraint for this thesis, as this limits scope to assess in depth the wider capacities of LEAs in Vietnam to combat TransNT.

1.3.2. Definition in this research

Definitions of key concepts in terms of TOC are contested amongst scholars, policy-makers, and practitioners. TransNT, as a sub-set of TOC, is a diverse category and there are inevitably numerous conceptions of ‘drug trafficking’. The current research adopts the definition of an ‘organized crime group’ as stated under Article 2 of the United Nations Convention against Transnational Organized Crime (UNTOC) to analyse the nature of TransNT and its scope. Accordingly, an ‘organized crime group’ is defined as:

...a structured group of three or more persons existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention in order to obtain, directly or indirectly, a financial or other material benefit.

This definition incorporates both structural elements and the objectives that organized crime groups aim to achieve through their activities. In the study, a definition of “trafficking” is also obtained from Article 3 of the U.N Convention 1988, which describes various activities that constitute the act of ‘trafficking’, namely:

The production, manufacture, extraction, preparation, offering, offering for sale, distribution, sale, delivery on any terms whatsoever, brokerage, dispatch, dispatch in transit, transport, importation or exportation of any narcotic drug or any psychotropic drug contrary to the provisions of the 1961 Convention, the 1961 Convention as amended or the 1971 Convention

In accordance with the scope of this thesis, producing, manufacturing, and extracting any narcotic drugs or any psychotropic drug are excluded due to lack of available data in Vietnam. The rest of the above activities are inclusive of offences examined in the research process. In particular, this study covers any illegal stockpiling, transporting, trading in or appropriating of narcotics or related activities cross Vietnam's borderland with Laos without discriminating for gender, nationality, or position. Accordingly, each of the above offenses will include several forms of criminal conduct, the execution of one of which is sufficient to be convicted of the drug-related crimes under Article 249, 250, 251, and 252 of the 2015 CCV. Depending upon the level of seriousness of drug-related offences, the severest punishment for trafficking illegal drugs, including the death penalty, will apply.⁶

1.4. Synopsis of the thesis

This thesis is organized into six chapters beginning with this introduction. Chapter two reviews the literature on concepts of TransNT, with a particular focus on the current state of research into drug trafficking activities within national, regional, and international perspectives. The literature review examines the cross-border concerns and their impact on TransNT issues. In addition, specific debates on the criminal network and its application in TransNT will be analysed in this chapter, with

⁶ On 21st December 1999, Vietnam passed the criminal code in 1999, with effect from 1st July 2000. Drug-related crimes are specified in Chapter XII with 10 charges, from article 192 to 201, of which there are 3 charges of the death penalty, including paragraph 4 of article 193, 194, and 197. However, the Resolution No.33/2009/NQ-QH12 of the National Assembly amended this Chapter with 2 changes, one does not apply the death penalty for organizing the illegal use of narcotics (Article 197) and other removed the crime of illegal use of narcotic substances (Article 199). At current time, one amended version of CCV passed on 27 November 2015, it divided article 194, the 1999 CCV, into four independent acts, including stockpiling (article 249), transporting (article 250), trading (article 251), and appropriating (article 252). Among of four criminal behaviours, the highest punishment – death penalty will be applied into the second and third one; meanwhile, the first and last one is life punishment if offender catches up with its relevant regulation in the 2015 CCV. This new CCV enforced as of 1st July 2016.

a particular focus on the structural organizational and individual roles and actors in the network. Accordingly, this chapter highlights issues with two practical typologies of drug trafficking entities, model based on organizational forms and model based on functions/tasks.

Chapter three outlines the research design and methodology. This chapter discusses the previous methods applied from criminology and criminal justice in relation to drug trafficking topic before introducing the current method in this thesis. To utilize the mixed method research exploratory design, the chapter describes the process of data collection and stages of data analysis through three phases, including the qualitative stage first, quantitative step second, and the synthesis of findings in the last section.

Chapter four presents the qualitative results of the study. The first section provides descriptive statistics as per the selected case studies. In addition, based on transcriptions of interviews with police officers, this chapter expands on the details that were identified in the individual case descriptions such as offender, related actors, age, role, drug quantity, and methods. These characteristics are also catalogued into two main themes, organizational structure and modus operandi of TransNT entities, which are components of a conceptual framework of TransNT in the Vietnamese context.

Chapter five analyses the quantitative findings of the study. Using the SPSS software version 23 to test Chi-square for independence, qualitative finding's themes regard to organizational structure and modus operandi of TransNT groups and networks in Vietnam will be gauged based on statistical data from survey

questionnaires. A key outcome of the finding will rank these factors in each core themes to reflect on the nature of TransNT in Vietnam under the CIPDRC cross the six Vietnam's borderland provinces with Laos' provinces. Combining these findings and other secondary data, some barriers, challenges, and its implications faced by LEAs will be also identified. Chapter six interprets the nature and structure of TransNT in Vietnam. It is derived by drawing comparisons between Vietnam's context and those of different nations from previous literature. Additionally, some recommendations and priorities are also mentioned to contribute to improving regional cooperation between LEAs of Vietnam and Lao PDR.

Chapter seven restates key findings and contributions to knowledge from this study. Furthermore, this chapter identifies limitations and outlines possible governance and law enforcement strategies to address the risks and the realities of TransNT that this thesis brings to light. It is evident that TransNT in Vietnam, particularly across Vietnam's borderland with Lao PDR, exhibits different characteristics in relation to drug trafficking to other well-known transnational criminal entities in Asia, namely the Triad in Hong Kong, the Yakuza in Japan, and the Mafia in Italy. With respect to structure and modus operandi of TransNT entities in Vietnam, this thesis finds fluidity, adaptation, and flexibility of movement, as key challenges to highly centralised, bureaucratic, and inward-looking law enforcement systems. This parallels in some of the ways developments in narcotics networks in Latin America without the existence of large and centrally coordinated "cartels". Without a more adaptive, outward-looking and better resourced approach, police forces, not just in Vietnam but across Southeast Asia, will struggle to stem the rising tide of drug and drug-related crime.