

Transnational Environmental Crime and Some Issues Relating to Vietnamese Police Force in the Integration Period

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Abstract: *In the current stage of economic integration, transnational organized crime has become a global problem. Vietnam has implemented many policies to open up international economic integration as well as develop the country in all fields. By the time, Vietnam has got the great achievements for the country's economy, however, organized crime, transnational crime, especially transnational environmental crime, is becoming a challenge to Vietnam. Vietnam has become a destination for transnational objects to link or integrate cross-border environmental related activities with the purpose of making profits. Preventing and fighting against transnational environmental crime in the context of globalization and international integration is now especially important, contributing to ensure political stability and national development. Researching to find appropriate solutions to restrict and actively prevent, fight against transnational environmental crime is an urgent mission.*

Keywords: environmental crime, transnational crime, integration period, organized environmental crime, police force

1. Introduction

1.1. Identify the problem

Transnational environmental crime is a criminal act committed by a person or organization that has the capacity for criminal responsibility in many countries or in a country but has direction or control from another country; or related offenses which affect many countries, cause serious consequences violating the provisions of national and international environmental protection law and shall be punished according to the principle of territorial jurisdiction and International law. The object of transnational environmental crime is an intrusion into the regulations of Vietnam or other countries in the protection of the environment, the infringement of the purity, the nature of the environment, which is excessively permissible; encroaching upon the stability of the habitat that harms the lives and health of humans and species. Objectively, this is a dangerous behavior that harms the environment, human health and species.

1.2 Identify the law and policy

According to Article 3 of the United Nations Convention against Transnational Organized Crime, which was negotiated and passed in 2000 in Palermo, Italy; effective as from September 2003, transnational crimes show the following features: violations of environmental protection laws that have been implemented in many countries; The act of violation of environmental protection law is implemented in one country but the major part of the preparation, planning, direction or control of it is in another country; The act of violation of environmental protection law is implemented in one country but involved in a criminal organization in many countries; The act of violation of

environmental protection law is implemented in one country but has a great influence on another country.

In Vietnam, efforts in the fighting against transnational crime in general and transnational environmental crime in particular have been carried out by different departments with close ties. Vietnamese law specifically regulates offenses and acts of violation of environmental legislation, as defined in the Criminal law and Administrative offense law. Vietnam also participates in international treaties and conventions and defines responsibilities and obligations in the fight against transnational environmental crime. In particular, the main task assigned to the People's Police Force with the leading role, the core is the Economic Police force (anti-smuggling, cross-border trade fraud), the Environmental Police Force (crime prevention and crime against environmental, resource, food safety). In addition, there is a great and active coordination of the Vietnamese Customs Service (the Ministry of Finance) in coordinating the investigation of violations of cross-border goods across Vietnam by controlling the goods into the territory of Vietnam.

After becoming a member of the WTO, Vietnam has been integrating more deeply into the world economy, gaining many factors and conditions to ensure national security and maintain social order and safety. However, international criminal individuals and organizations will take advantage of Vietnam's integration and multi-lateral cooperation with other countries to carry out criminal activities in the Vietnamese territory or take advantage of the Vietnamese territory as intermediaries. Domestic criminals also strengthen links with criminals abroad to carry out criminal activities. Therefore, transnational crimes in general and transnational environmental crimes related to Vietnam have also tended to increase in both cases and severity, especially the activities of transnational organized crime syndicates.

2. Methodology

2.1 Statistical data collection method

Data collection, statistical data collection, systematic synthesis and statistical analysis based on criteria related to research issues: data on environmental cases and violation of laws and handling results in the period 2008 - 2017. On that basis, systematize data on the situation of handling of transnational environmental crimes and violations.

2.2 Comprehensive, analytical and comparative method

To conduct the analysis, analysis and comparison of data from the sources of forces such as Environment Police force; Department of Natural Resources and Environment; Department of Food Safety, Agriculture and Forest Product Quality Assurance... On the basis of that, the author assesses the actual situation of the situation related to the observance of the law on transnational environmental crimes.

2.3. Surveying and practical sample collection method

Studying and conducting statistical surveys at the Environmental Police Department, the Interpol Vietnam, the Environmental Police Department of the provinces and cities in Vietnam; the provincial police, directly involved in field of inspection and coordination, then, to inspect the observance of environmental law. The results of the survey are substantiated specifically for the research content.

2.4 Case study method

The author selected a number of locations and some typical cases. Surveying typical areas in Vietnam that related to transnational environmental cases fields such as: pollution by waste emissions, import and export field, wild animals, forest and nature field, hazardous waste, food safety... According to that, in order to study, survey and evaluate the practical issues of environmental protection in the current period.

3. Results, Discussion and Solutions

3.1 Results by forces

Resolving the situation of the fight against environmental crimes in Vietnam requires the great efforts of many different forces. However, the Environmental Police will assume a key function to control effectively the proposed solutions. The co-operation in the fight against environmental crimes includes not only national agencies but also organizations and countries all over the world. Facing this situation, the Environmental Police forces have coordinated with relevant agencies in Vietnam, other countries in the region, INTERPOL, ASEANAPOL, ASEANWEN, WWF, TRAFFIC, CITIES... to implement preventive measures. From 2008 – 2017, by the statistics on crimes and violations of food safety, natural resources and environment-related regulations in the period of 2008– 2017, the total of this period is 102,784 cases of crimes and violations. The trend is increasing year by year, higher year after year with complicated case characteristics. In particular,

the number of environmental crime cases involving foreign elements, transnational environmental crime accounts for a significant rate and cause the serious damage.

The total number of crimes and violations of transnational environmental law in Vietnam by functional agencies handled in the period 2010-2017 is 2558 cases with 2841 offenders. Thus, on average, there are over 250 cases of violations involving international factors, cross-border and transnational factors occurring in the territory of Vietnam or related to other countries. The number of incidents has been increasing year by year due to the policy of opening up international cooperation in all aspects of Vietnam, thus leading to the consequences of social order and security, especially transnational crime groups, organized crime.

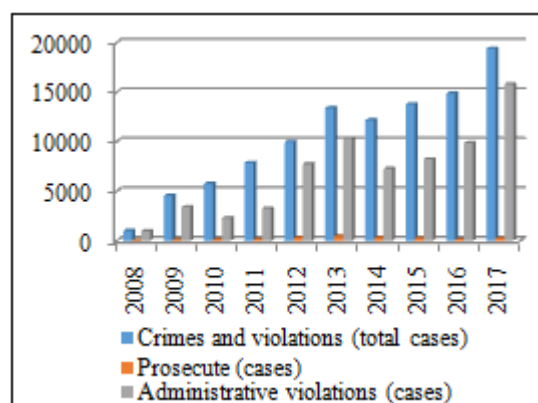


Chart 1: The statics of crimes and violations of food safety, natural resources and environmental in Vietnam 2008 – 2017

Source: The Vietnamese Environmental Police Force 2017

Comparing the statistics, the percentage of transnational environmental crimes with general environmental crime may not very high but in fact they caused serious consequences. According to a report by Interpol, Aseanapol, the Center for Combating Transnational Crime - The General Department of Police and the practice of the fight against Environmental Crime in Vietnam, it can now be divided into Transnational environmental crime groups in accordance with the criteria of the group of law offenses. Including: The group of trading behavior, using wildlife, endangered, precious and rare species; The group of trading, transporting and using forest products and wooden products; The group of trading Cross-border hazardous waste; The group of trafficking, transportation of trash, electronic waste and substances that deplete the ozone layer and cause climate change; The group of trading and transporting animal products and articles which threaten to spread dangerous epidemics to humans, animals and plants; The group of transporting transnational invasive alien species; The group of cross-border business, circulation of dangerous food, not ensuring food safety.

Transnational crime has continued to increase with the consequence of very serious and complex consequences. By Chart 3, the number of cases has continuously increased, and the number of incidents is always higher than that of the previous year. Compared with 2008, there are 87 cases and 97 offenders, and 457 cases with 501 cases offenders by 2017. Thus, in 2017 is 5.25 times higher than in 2008.

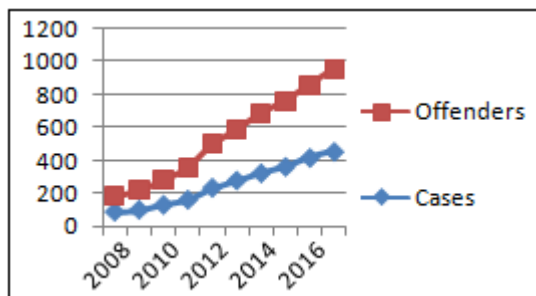
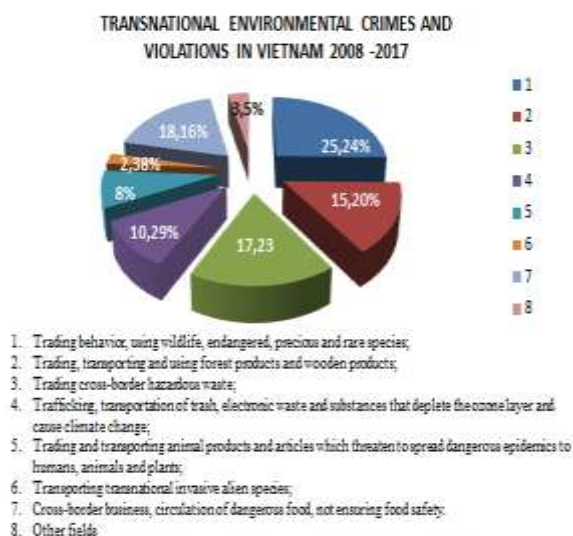


Chart 2: The increasing of transnational crimes in Vietnam from 2008 - 2017

Source: The Vietnamese Environmental Police Force 2017

The subject of crime is very complex, including many components. Popular nationalities include: Vietnam, China, Laos, Cambodia, Taiwan, Hong Kong, Myanmar, African countries with smuggling into Vietnam such as Kenya, Tanzania, Malawi, Nigeria, South Africa... The lines of operation are as follows: Asia - Vietnam route: China, Laos, Thailand, Malaysia, Indonesia, Myanmar...; Africa - Vietnam route; Airline; Border routes: Vietnam - Laos, Vietnam - China, Vietnam - Cambodia... Border areas focus on such behaviors: The group of trading and using wild animals, endangered and rare species; The group of trading, transporting and using forest products and wooden products; The group of transporting transnational invasive alien species; The group of trading, circulating dangerous and transboundary foodstuffs.



Source: The Vietnamese Environmental Police Force 2017

Chart 3: The statistics of translational crimes and violations in Vietnam from 2008 - 2017

Table 1: The category rate of translational crimes and violations in Vietnam from 2008 - 2017

No	Categories	Rate
1	Trading behavior, using wildlife, endangered, precious and rare species;	25,4%
2	Trading, transporting and using forest products and wooden products;	15,20%
3	Trafficking, transportation of trash, electronic waste and substances that deplete the ozone layer and cause climate change;	17,23%
4	Trading cross-border hazardous waste;	10,29%
5	Trading and transporting animal products and articles which threaten to spread dangerous	8,00%

	epidemics to humans, animals and plants;	
6	Transporting transnational invasive alien species;	2,38%
7	Cross-border business, circulation of dangerous food, not ensuring food safety	18,16%
8	Other fields	3,50%
Total all categories: 100%		

Source: The Vietnamese Environmental Police Force 2017

In the area: often associated with coastal areas, with sea routes: The group of trafficking cross-border hazardous waste; The group of trafficking, transportation of trash, electronic waste and substances that deplete the ozone layer... In the period 2010 - 2017, the areas associated with offenses and violations of the law on transnational environmental protection have been established: Carriage of rare, endangered animal and plant products through cross-border, road, air and sea transport through China's border gates, Laos, Cambodia ... The Environmental Police have effectively prevented the exploit of re-export regulations, which was the allowance for importing old equipment containing hazardous waste into Vietnam. Typically, Vu Hai Joint Stock Company (QuangNinh) illegally imported 63,040 tons of lead battery; The Cuu Long Vinashin imported transformers manufactured since 1960 in Korea, containing 7,000 liters of transformer oil (Polychlorinated biphenyl). In the field of forest protection, in 2016, the Environmental Police Force of NgheAn discovered the ring of trading rare wood from Laos into Vietnam, seized 48m³ of wood. Especially, it has formed criminal rings from Africa countries-Vietnam, Asia-Vietnam ... A number of typical cases have been discovered recently: 6.2 tons of ivory in container numbered EWU 1721884, housed in 114 different cartons, which are in different ages and are transported by MSC SENTOSA ship (Hong Kong), departing from Kenya (Africa) to Doan Xa port (HaiPhong); or more than 2 tons of South Africa ivory arrested in May 2014; The transport of 17 e-waste containers from Hong Kong to Vietnam was seized in August 2015, and recently was the importation of 08 containers of frozen chicken legs from Hong Kong to Vietnam in February 2016, Illegal smuggling of 5 tons of polluted food into Hai Phong port Vietnam...



Figure 1: An arresting case of illegal smuggling ivory(2016)
Source: The Vietnamese Environmental Police Force 2016

3.3 Solutions

By time, the Vietnamese Government has try to fight against transnational environmental crime in the context of globalization and international integration. The Environmental Police force has made many efforts and initially limited, effectively prevented offenses and transnational environmental law violations happened on the

territory of Vietnam. However, in the coming time, it is necessary to continue to concentrate on the prevention in order to achieve more effective results. Within the scope of the article, we propose some solutions as follows:

Firstly, the Police force should take the initiative guidelines and policies to synchronously carry out political, economic, cultural and educational measures. Consolidating and perfecting the mode of economic management, social management, raising the people's intellectual level, minimizing the crime in general and environmental crimes in particular. Researching, proposing to build and fulfill the legal system relating to the fight against transnational environmental crime in the context of globalization and international integration. It is necessary to develop specific legal documents regulating in key areas of the environment...; Building and complete a system of legal documents regulating the international cooperation in the fight against transnational environmental crime. For example: the signing of judicial assistance agreements, criminal extradition treaty between Vietnam and other countries. Government should take initiative in signing cooperation agreements with other countries and international organizations relating to crime prevention and combat. There for, a legal corridor would be created to raise the efficiency of the prevention and combat against transnational crimes.

Secondly, stepping up the implementation of the national program on crime prevention and combat; bringing into practice the combined strength of all levels, branches, social organizations and the entire population in crime prevention and combat; Improving the effectiveness of state management on security order and safety in the field of environment. Strengthening the dissemination and education of law on environmental protection; Building a healthy social environment, through which, all levels, sectors and people raise awareness and responsibility in coordinating with law enforcement agencies in the fight against environmental crimes. Since, fighting against transnational environmental crime; Building "social security" posture as the foundation for the fight against environmental crime in general and the prevention of transnational environmental crime in particular.

Thirdly, strengthening the cooperation with the Police agency, the Ministry of Home Affairs, the Ministry of Public Security and the Ministry of Justice, where the environmental crime situation relating to Vietnam is complicated. Proactively participating in bilateral and multilateral cooperation frameworks, especially international law enforcement organizations and associations such as Interpol, Aseanpol, preventing crime agencies of the United Nations... Government should focus on a full use of the help of international relationship; Coordinating with other countries' Police in exchanging information and experiences on the prevention, detection and combat against transnational environmental crimes; Opening training courses and fostering officers in the fight against transnational organized crime.

Fourthly, collaborating with various sectors and agencies in transnational environmental crime prevention, such as the Ministry of Foreign Affairs, Ministry of National Defense,

Ministry of Planning and Investment, Ministry of Finance, Government Inspectorate, Supreme People's Procure, Supreme People's Court... in grasping the situation relating to the activities of transnational environmental crime: Reviewing and detecting loopholes and shortcomings in state management, policies and legal documents, so as to take the initiative in preventing and fighting effectively. Formulating inter-sectoral coordination in fighting against transnational environmental crimes, (such as providing information on illegal activities on environmental protection, complicated issues relating to the operation of environmental crime...). Therefore, all forces could actively prevent and fight to achieve high efficiency.

Fifthly, stepping up the task of grasping situation, actively assessing the situation and forecasting the development trend of transnational crimes relating to Vietnam. Fulfilling effectively the duties in preventing and investigating for the Police force, Custom force; Improving the capacity of investigating agencies as well as the efficiency of criminal investigation and handling. Intensifying the building of specialized forces in the fight against foreign-based crimes and transnational environmental crimes according to each professional line from the central to local level in order to actively prevent, detect and handle cases involved in foreign elements, transnational cases relating to Vietnam. Attaching importance to building a clean and strong force; Improving knowledge of foreign languages, informatics, knowledge of the profession, laws and international practices, at the same time, increasing investment in equipment and modern means. In order to meet the requirements of international cooperation in crime prevention and combat of the Police Force in general and the Environmental Police Force in the new situation.

4. Conclusions

The fight against transnational crime in general and the fight against transnational environmental crime requires the joint efforts of the Vietnam Environmental Police and other forces. It needs an effective prevention and investigating that requires effective international support and cooperation. The results achieved in the fight against transnational crime by the Vietnamese Police force in the past years have been very positive, contributing to ensuring social security, good implementation of the foreign policy and the cause of industrialization and modernization of the country. However, the global, regional and national situation continues to have complicated developments that will increase cross-border criminal activity, transnational crime, negative impact and impact and the stability, development of each country, including Vietnam. Vietnam looks forward to promoting cooperation in all aspects of the fight against transnational crime, including transnational environmental crime.

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