

**Rodrigo Duterte's Strategy to Faces International Pressure by The United Nations
(Case Study: Duterte Drug Policy 2016-2018)**

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Abstract

After the election of Rodrigo Duterte as President of the 16th Philippines on June 30th, 2016, citizens of the Philippines and the world were shocked by the emergence of a drug policy launched by Duterte. This policy is terrible because it requires that the person is killed if involved with drugs. The emergence of this policy caused anxiety for the citizens of the world and there was a criticism of Duterte for the policies he made. By looking at the case the author tries to formulate a research question, namely, how do Duterte confront the international pressure given by the United Nations about his war on drugs policy. To research this research question, the author using the concept of struggle diplomacy and concept sovereignty of the state. The concept of struggle diplomacy is telling about how a state tried to maintain its own policy for the right of the country without influence from outside. And the concept sovereignty of the state is the highest legal power of the nation that makes and implements the law in certain regions and, as a result, is free from any other nation's power and equality with other nations under international law, so no outsider can intervention this policy.

Keywords: United Nations, Philippines, Duterte, War on Drug Policy.

Background

Distribution and use of drugs is an international problem that is very dangerous and very difficult to overcome it. All countries from developed countries to developing countries have some condition that drug trafficking has become a scourge for their countries. Especially, if it is a developing country like the Philippines. In 2008, the Dangerous Drug Board (DDB) conducted a national-scale survey to get a figure of 1.7 million drug user (Rappler, 2016). The Philippines has been the target market for the world's drug syndicates for a long time. These drugs continue to be smuggled into the Philippines from both air, land, and sea (DDS, 2015). Since the 16th Philippine

President was elected Rodrigo Duterte officially on May 9th, 2016, has brought progress to the Philippines in drug cases that are difficult to solve. During his campaign, Duterte always called for his promises to eradicate drugs in the Philippines and other criminal acts if he was elected.

On his proof in combating drugs Duterte began his action with the issuance of the Philippine National Police (PNP) Anti-Illegal Drugs Campaign Plan Project: Double Barrel or called Double Barrel Operation Plan (Oplan) by the Philippine National Police which was supervised directly by Duterte himself. Oplan Double Barrel itself was officially released on July 1, 2016, with an apparent goal to eradicate drug criminals during six months of Duterte's leadership (PNP, 2016). The program is called more effective in reducing crime rates. The Oplan Double Barrel or better known as the War on Drugs Duterte Policy left thousands of civilians dead within three months of the release of the policy. With the emergence of this policy, the 16th President of the Philippines got much criticism from various parties because the policy was considered too controversial.

The pressure is given for Duterte policy by the international NGO, organization, and public figure is in the form of opinions that won't change for Duterte War On Drugs policies. The United Nation assume that emerge of War on Drugs policy is a kind of action that breaks the United Nation declaration about human rights. So much criticism came to the 16th President of the Philippines, but that did not make Duterte stop the policy.

The criticisms given by various parties to the Duterte policy did not stop the policy. Duterte precisely stated that the War on Drugs policy would always be valid until the end of his leadership period. The majority of Filipinos accept and support the policies made by the Duterte. Most of them said that this policy was very effective in combating drug criminals. Although there are those, who reject the policy because it is considered irrational by putting aside human rights for the sake of the state.

From what has been described above, the policy of War on Drugs by Duterte is not merely euphoria because of the election of Duterte as president of the Philippines. The War on Drugs policy has various meanings for achieving the agenda. Moreover, the effort passed by Rodrigo Duterte is not easy to maintain the War on Drugs policy.

Theoretical Framework

The Concept of Struggle Diplomacy

On this case, the author uses The Concept of Struggle Diplomacy from Mohammad Shoelhi. Diplomacy is an essential instrument in the implementation of a country's national interests. Diplomacy is the primary tool in achieving national interests relating to other countries or international organizations. Through this diplomacy, a country can build an image of itself. Diplomacy is the practice of implementing negotiations between countries through official representatives. The state itself chooses official representatives without interference from other parties or other countries. Diplomacy between countries can cover the entire process of foreign relations, both as a form of foreign policy and related to its implementation.

The stronger a country is regarding the level of progress and prosperity, the more trustworthy, valued and taken into account in the international arena that automatically supports a diplomatic effort. Diplomacy in its association is the practice of communication between countries in comparing the various interests of the problem, both those of two countries (bilateral) and many countries (multilateral). From various diplomacy, the author uses a variety of diplomacy Struggle as a reference in examining diplomacy carried out by President Duterte to survive under pressure from the United Nations in maintaining its policies. In its application, the author will explain the situation that happened and using the theory because the current situation that afflicts President Duterte is very suitable with the theory of diplomacy of the struggle. This could happen because of the condition of President Duterte who had to maintain the policy in order to build his country but received much criticism from several parties.

Concept Sovereignty of State

The sovereignty of a country over its land territory is fundamental as one of the conditions in the country, the sovereignty of a country is essential so that other countries do not arbitrarily enter the sovereignty of other countries. The philosophers argue that sovereignty is absolute power over a particular region. Absolute power over the region becomes the basis for the formation of the state (Radon, 2004). Sovereignty is one of the fundamental concepts in international law. In relations between countries, sovereignty also refers to the notion of independence and vice versa. An independent country is a state that is sovereign. A sovereign country is an independent country

and is not under the control of another country (Bartelson, 2006). Sovereignty underlies several rights recognized by international law such as; the right to equality, territorial jurisdiction, the right to determine nationality for the population in the region, the right to allow and reject or prohibit people from entering and leaving their territory, the right to nationalize (Hingorani, 1982)

Research Method

The method that used is an analytical description method, by collecting data and facts, then based on a conceptual framework arranged systematically so that it can show a correlation between facts with each other — data collection techniques with library research that uses data sources from reference books, articles, journals, internet data searches, newspapers, and magazines.

Result and Discussion

A. Duterte approaching China, the country that supported his policy

Since the presidency changed in the Philippines on June 30th, 2016, Rodrigo Duterte was officially appointed as the 16th President of the Philippines. Then since becoming President of the Philippines, Duterte reaped many controversies both domestically and abroad because of the policies made by him. President Rodrigo Duterte showed his determination to bring change to the Philippines. "Real change, this is the direction of our government," that is what President Rodrigo Duterte said when he was installed as president and was trying to realize it through every policy, both domestic policy and foreign policy.

After the inauguration of Rodrigo Duterte as President, Duterte began implementing his vision and mission towards the Philippines which he had campaigned before the election, one of which was in Philippine foreign policy. In its efforts to carry out its vision and mission, Duterte made a policy that was difficult to be accepted by all parties, and one of the parties who could not do so was the US. Then, President Duterte took action to move away from the United States and approach China in Philippine foreign relations. President Duterte's leadership then led to changes especially in the bilateral relations between the Philippines and China.

The leadership of President Rodrigo Duterte made changes in Philippine foreign policy, especially in fulfilling his vision and mission by re-orientation of the good relations approach

with China. We will look at the conditions of relations between the Philippines and China in the changes in the level of cooperation and conflict between the Philippines and China during the administration of President Duterte.

During his state visit to China on October 21st, 2016, President Rodrigo Duterte met with President Xi Jinping and held talks on relations between the two countries. As a result, the two sides acknowledged the bond of friendship between Filipinos and China for centuries and agreed to continue to make joint efforts to strengthen traditional friendship between the two countries. The Philippines and China also reaffirmed their partnerships and their shared aspirations to achieve development growth and be inclusive of their communities so that the two countries agreed and signed the Joint Statement of the Republic of the Philippines and the People's Republic of China (GOVPH, 2017).

In the agreement, the two countries agreed to cooperate in various fields, including the South China Sea region. The two countries agreed to increase cooperation between each country. The collaboration by President Rodrigo Duterte and President Xi Jinping continued with the signing of thirteen Memorandums of Understanding between the Philippines and China. A number of these MOUs increased cooperation between each country in the economic and security fields which further improved relations between the two countries (DFA, 2016).

In April 2017 it was noted that in trade relations between the two countries, China was still the Philippines' most abundant source of imports at 18.1 percent. Transactions were recorded at \$ 1,240 billion, down 9.0 percent from \$ 1,363 billion in April 2016. While revenues from Philippine exports to China reached \$ 501.20 million, an increase of 23.6 percent from \$ 405.65 million in 2016. In 2018 the total trade in merchandise in the Philippines reached up to \$ 84.73 billion in the first semester. This achievement represented a 6.2 percent increase from total external trade of \$ 79.82 billion in the same semester of 2017 with a total increase in imports of 13.2% from \$ 45.78 billion in 2017 to \$ 51.84 billion in 2018. On the other hand, total export revenues decreased 3.4 percent from \$ 34.04 billion in 2017 to \$ 32.89 billion in 2018.

From these collaborations, the Philippines expects increased employment for the community. Besides, it will further enhance good relations between the two countries that have long interacted in trade and understood the two regions. The increase in cooperation carried out by President Duterte further shows the seriousness of President Duterte who wants to build cooperation with

China, and the cooperation that was built is inseparable from the target in Philippine foreign relations, especially in the Philippine security and economy.

President Duterte's leadership then influenced the existing conflict between the Philippines and China, especially regarding the China Sea which had long taken place, and was the central conflict of the two countries which had not yet encountered a solution, related to overlapping claims of the Philippines and China in the South China Sea, declaring victory in on the part of the Philippines, based on UNCLOS 1982. However, the decision was unacceptable to China, which continued to insist on the South China Sea region it claimed. The Philippines under the leadership of President Duterte continues to strive to resolve the South China Sea conflict peacefully, by promoting and enhancing peace and stability in the region.

President Duterte chose to deal with the issue prioritizing rationality in his foreign policy. President Rodrigo Duterte chose to take a more friendly or friendly position with China. President Rodrigo Duterte chose to have a dialogue with China regarding the islands dispute in the South China Sea to normalize bilateral relations between the Philippines and China. The impact of the differences in policies made by President Duterte was seen in October 2016, when Filipino fishers were allowed to fish in the waters of Scarborough Shoal without being blocked by Chinese coast guards which were inversely proportional to the previous year.

Based on the above analysis It can be seen that the policy changes of President Rodrigo Duterte were very different during his reign compared to the previous government, these differences can be seen from domestic policies and had an impact on his foreign political policies and it can be said that President Duterte's leadership brought positive changes to relations between the Philippines and China. In his leadership, the cooperation between the two countries is increasing, and conflicts between the two countries can be minimized.

With the concept of diplomacy in this struggle, by making a new policy to improve his country when the situation is precarious, President Duterte's choice to continue his War on Drugs policy in the Philippines despite criticism from many international actors for violating human rights and other reasons, was a rational choice for Duterte for the citizens of the Philippines and his country. Narcotics infect many young people, if this problem is not resolved soon, the Philippines will have a more sinister future, because drugs have damaged their young generation. Then, Duterte's efforts to move closer to China were one of the most influential countries in Asia and also one of the

countries that supported Duterte's war on drugs policy so he could take refuge and get the power to be able to maintain his policies. Because China also believes that Rodrigo Duterte's policies are very effective in reducing the number of drugs abuse and user.

B. Duterte decided that the Philippines must leave the ICC

A lawyer from the Philippines named Jude Sabio has filed a complaint with the International Criminal Court (ICC) against the 16th Philippine President, Rodrigo Duterte. Sabio complained to Rodrigo Duterte to the ICC because he had repeatedly and continuously committed crimes against Humanity, and under his rule, the practice of killing other suspected drug criminals became best practice. Jude Sabio is a lawyer representing Edgar Matobato, a man who has testified in the Philippine Senate about the order to kill Duterte. Matobato was a member of one of the firing squads who carried out the order.

The testimony of Matobato and a member of the retired police force, Arturo Lascanas, became the basis of the complaint filed with the ICC. In the lawsuit, at least 11 senior government officials were also responsible for the killings. Philippine lawmakers explained that they did not find evidence of Matobato's testimony in the Senate and the president's aides Duterte called the testimony engineering. Nearly 9,000 people have been killed since Eduardo Duterte took office as president last year. Police claimed a third of the killings were carried out to defend themselves during a legitimate police operation. Human rights groups say, most of the remaining two-thirds of the cases are murders committed by citizens who work with the police, or by police who disguise themselves as ordinary citizens. The police denied the allegations. As a spokesman for Duterte, Ernesto Abella said that the security authorities had followed operational protocols and those who violated the procedure would be brought before the law. Ernesto also said that the report on the death toll in the drug war which reached 9,000 people was fake news.

The Public Prosecutor at the ICC office confirmed that he had received a complaint document. Salvador Panelo as presidential legal counsel once said that the complaint was only propaganda and doubted the ICC had jurisdiction. Moreover, Duterte said that he was not afraid and would not be intimidated, because he knew that the ICC did not have the power of law enforcement. If the ICC's decision is not complied with, the Court can only bring its case to the United Nations or the national judiciary in the country concerned. It was starting from the report that made Duterte examined by the ICC. The International Criminal Court (ICC) began examining complaints against

Philippine President Rodrigo Duterte regarding the war on drugs, which reportedly killed 4000 people since it was held in July 2016. ICC Chief Prosecutor Fatou Bensouda said the investigation was to determine whether Duterte had done crimes against humanity. The second point is whether the court based in Haque has jurisdiction to try this case and bring the suspect to the trial process. Bensouda said that the reported killings occurred in the context of gang warfare, but there were allegations that many of the killings were extrajudicial killings in police drug handling operations.

Bensouda will begin the process of investigating Duterte, who will spend several years such as collecting information about the crime that occurred. He will consider whether the crime is severe enough to be processed at the ICC trial. Moreover, whether the institution has jurisdiction to try the intended crime case because this can only be done if the legal system in the member country fails to try it. Because this examination by the ICC made Duterte angry. Duterte challenged the ICC to try him, and he was willing to be jailed in order to save the Philippines from crime and drugs. Duterte also considered the ICC to be hypocritical and useless after Bensouda voiced concern in the past year about anti-drug surgery that claimed many lives. Duterte also threatened to cancel the Philippines' membership in the ICC and called European lawyers as rotten and stupid.

After the examination of Duterte by the ICC, it was opened for five weeks regarding the deadly war on drugs policy of President Rodrigo Duterte, to look into whether crimes against humanity had been committed. Rodrigo Duterte announces that Philippines of its withdrawal from the International Criminal Court (ICC). Duterte said that the UN reporters tried to describe that Duterte was a cruel and merciless human rights violator and that the situation was exacerbated by the ICC's actions which created the impression that Duterte had committed a serious crime. Harry Roque as a spokesman for Duterte said that he also believed that there was a conspiracy between lobby groups and the United Nations and Duterte also said that the ICC was considered allied and intended to indict him. Duterte also said that the ICC lost a staunch ally in Asia. Duterte also did not implement the Rome Statute in the Philippines. Because according to him if the Philippines still implementing it, is very ineffective. Moreover, what made Duterte decide for the Philippines to leave the ICC because, since last February, ICC prosecutor Fatou Bensouda had opened a preliminary investigation into the complaint of a Philippine lawyer who suspected of unlawful killings during the Duterte anti-drug campaign. The statement was the court's first reaction to the Philippine withdrawal from the ICC. The Philippine drug war is thought to have caused crimes

against humanity. For this reason, Duterte announced that the Philippines had abandoned the ratification of the Rome Statute, namely the agreement that formed the basis for the formation of the ICC. However, such withdrawal only applies a year after

With the concept of state sovereignty, the state has the highest authority in determining the policy or direction of their government, without intervention from the state or other foreign actors. By continuing to carry out this controversial War on Drug policy, Duterte indirectly confirmed to the world about Philippine sovereignty. About his country is still sovereign and has its voice and power to reject all forms of outside intervention and do what is good for the country. Duterte's attitude was praised and increasingly received praise from Filipino residents, because after all this time, finally, a leader emerged who stood up to defend his people before the international community. President Duterte dared to fight big names in the international world such as the United Nations, the United States, and others to assert that his country's policies were his country's affairs, policies implemented by the Duterte government were none other than the satisfaction of foreign countries or other international actors. Moreover, with the way to get the Philippines out of the ICC so that no other actor can disrupt the policy.

Conclusion

Many things happened when the Philippines placed a former mayor of Davao city as the first Philippine President from Mindanao. Rodrigo Duterte gave birth to many controversies when he began his performance as the number one person in the Philippines. The War on Drugs policy is one that is highlighted not only in the Philippines but also internationally. He got the nickname "The Punisher" for his promises to arrest all drugs abuse and drugs user in the Philippines, imprisoning him and more extreme would kill him. Long before becoming president, Duterte had consistently said his goal was to eradicate drugs while still being the Mayor of Davao, and also in his campaign during the 2016 Presidential Election. When in Davao Duterte issued the Davao Death Squad as a form of drug and crime eradication in Davao, and when he rose to become a President, Duterte used the same method to arrest all drug dealers in the Philippines.

Philippine National Police Anti-Illegal Drugs Campaign Plan Project: Double Barrel, called Operation Plan (Oplan) Double Barrel was inaugurated on July 1, 2016, right after Duterte entered his first day as the Chosen President of the Philippines. This anti-drug project was targeted to eradicate drugs during the first six months of Duterte's leadership. Written in the inauguration

report, Oplan Double Barrel was formed by direct command from Duterte. He also told the police not to hesitate to kill the Bandar if they refused to be treated or take harmful impulsive actions.

After the Oplan Double Barrel was officially enacted, the world was shocked by the news of thousands of people killed by police operations carried out under the orders of Duterte. CNN international media reported that as of December 2016 5,927 people had been shot dead, the Oplan Double Barrel killed 2,086 of them while the rest were still under police investigation. Allegedly 3,481 souls were killed by armed persons unknown to a group or personal interests. This number surprised many parties, especially the state and international organizations that uphold the values of human rights. This War on Drug policy violates these values, by directly killing someone who is still a suspect without going through the right legal process.

International organizations have criticized few things in the humanitarian field such as the United Nations Commission of Human Rights (UNCHR), Human Rights Watch (HRW), Amnesty International, and others. The humanitarian organization criticized Duterte's policies and asked him to stop the Oplan Double Barrel immediately. These four things are:

- a. War on Drugs Policy legalizes the practice of extrajudicial killings or extrajudicial killings
- b. The fundamental right of an individual is deprived of the existence of an Oplan Double Barrel, and even a suspect has the right to defend himself and other rights
- c. Emerging new problems, namely the presence of dangerous armed persons and moving by the wishes of the interests of one group or individual
- d. Conditions of prisons that are not following international standards and are not suitable for the settlement of criminal suspects

Despite getting protests and criticism from internationally, it did not make Duterte give up his dream to see the Philippines become a country free from drugs. Many of these criticisms were not responded to by Duterte, or he asked international parties not to interfere in their domestic policy matters. There are two strategies that Duterte has to deal with the pressure exerted by international actors, especially the United Nations, in its efforts to maintain the war on drugs policy. Namely, getting closer to China as one of the strong actors supporting his policies and resigning from the ICC, with the Philippines coming out of the ICC will minimize interference from other actors.

Drug problems have become cancerous for Filipinos, especially the younger generation. From the results of the police operation, drug suspects who were successfully treated were young people who became the future of the Philippines. If drugs are not immediately eliminated, the future of the Philippines will undoubtedly get worse. Besides, drugs have many adverse effects if someone uses them. Drug users tend to commit criminal acts such as killing, stealing, and others to get drugs or protect these illegal drugs. Nearly 80% of criminals caught are Bandar or drug users. So, it can be concluded, and drugs make someone commit a crime that is detrimental to the other party. Duterte, since serving as the Mayor of Davao, has hated it, drugs and crime. That is the reason why eradicating corruption is the top priority of his government in the next few years.

Oplan Double Barrel can be said to be successful because, from 1 July 2016 to 31 December 2016, PNP managed to 1,143,896 people from all regions of the Philippines. A total of 47,922 people were arrested, 2,363 were killed in police operations. The police also managed to arrest drug abuse and drug users who are at the upper level of society, such as officials, people in business, and even in the police. Some of them surrendered on direct orders from President Duterte and received their sentences. Not only arrested drug dealers, but the police also succeeded in resolving cases of extrajudicial killings by armed men. These murder cases coincide when the Oplan Double Barrel takes place so that the community and the international community assume that the police do this. Even though in fact, of the five thousand more victims reported, only two thousand were killed by police operations, and they were drug dealers.

The people of the Philippines much-admired president Duterte's strong figure because Duterte had the strong political will for the welfare of his people. His influence is currently powerful in the Philippines, assisted by his strong character and firm stance, various policies that can develop the Philippines run, one of which is the War on Drug Policy. Oplan Double Barrel proved to be able to make one million Bandar and drug users surrender themselves to the police, successfully reducing crime rates and making the face of the Philippines a safe and comfortable place. This policy can bring the Philippines to a better condition, namely the Philippines which is free from drugs, for their next generation.

From the strategies that have been explained on chapter 4, it claimed that those strategies improve the international responses, like now some countries, become a supporter of this policy

since this strategies emerge such as Bangladesh and Sri Lanka. That country has supported the policy by implementing that kind of policy in their country.

If Duterte listens to international criticism then stops this War on Drug policy, drug problems in the Philippines will never be finished. One city and users who should surrender will continue to roam to influence more people to use drugs. The condition of the Philippines will get worse with drug problems and develop into more significant problems. The reason Duterte ignored criticism and suggestions from the international community was that Duterte was convinced that international solutions would not work. The solution to eradicating corruption with the human rights approach will not change the situation of drug problems in the Philippines. Therefore, Duterte still adhered to his version of the War on Drug policy which has been proven to be more effective in reducing drug circulation.