

CHAPTER I

INTRODUCTION

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

In his speech on July 25th, 2016, in the State of the National Address (SONA), Duterte's said, that Duterte's will double his effort to eradicate the drug dealer and drug user. Also, he said that he would not stop until the last drug lord surrender or put it behind bars or under the ground (N.A, 2016).

On his proof in combating drugs Duterte's 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's 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's 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 War On Drugs policy by Rodrigo Duterte's is a controversial matter today. How not controversial, Rodrigo Duterte's ordered the police and military officers and asked the help of the general public to shoot dead dealers and drug users without having to go through the court. This policy arose because for Rodrigo Duterte's the Philippines became one of the countries that had serious problems with drug trafficking. Shabu and marijuana are drugs that are consumed by Filipinos (PDEA, The Philippines Drug Situation, 2013).

This War On Drugs policy has triggered much controversy over the value of human rights. Early on Philippine President Rodrigo Duterte's made this War On Drugs policy because he wanted to eliminate and eradicate drug crime in the Philippines. However, the implementation found several things that threatened humanitarian principles in the Philippines. This can be seen from how the security forces shot dead at the place of people who had links with drug networks.

The 16th President of the Philippines Rodrigo Duterte's received much criticism from various parties, the Non-governmental Organization engaged in the field of Humanity. Ann Fordman, Executive Director of the International Drug Policy Consortium, argued that criminal acts which in this case murder cannot be justified as an attempt to control the distribution of drugs.

The pressure that given for Duterte policy by the international NGO, organization, and public figure are in the form of opinions that won't change for Duterte's War On Drugs policies. As the president of US at that time Barack Obama in

ASEAN Summit in Laos 2017, says that if Duterte's does the wrong way to overcome the drugs crime, innocent people would be hurt and there would be unintended consequences that would not solve the problem (Samosir, 2016). The United Nation assume that emerge of War on Drugs policy is kind of action that breaks the United Nation declaration about human rights. Based on the United Nation declaration about Human Rights article 5 says that,

“ No one may be tortured or punished and subjected to cruelty, inhuman and degrading treatment” (Nation, 1998).

So much criticism came to the 16th President of the Philippines, but that did not make Duterte's stop the policy. Duterte's believes that drug crime is not a minor crime but a big crime that can destroy a nation. About 300 groups such as Human Rights Watch, Stop Aids and International HIV / AIDS Alliance and the United Nations signed joint letters addressed to the International Narcotics Control Board and the UN Office on Drugs and Crime which contained demands to stop the policy of War on Drugs by Duterte's. The deputy director of Human Rights Watch for the Asian region said that killing bookies and drug users without going through a proper legal process is not justified for efforts to control crime, and the International Drug Control must affirm the Philippine President about it. (Sullivan, 2016)

The criticisms given by various parties to the Duterte's policy did not stop the policy. Duterte's 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's. 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's is not merely euphoria because of the

election of Duterte's as president of the Philippines. The War on Drugs policy has various meanings for achieving the agenda. Moreover, the effort passed by Rodrigo Duterte's is not easy to maintain the War on Drugs policy.

B. Research Question

How is Duterte's strategy to face pressure from the United Nations about the War on Drugs Policy from 2016 until 2018?

C. Theoretical Framework

The author uses two theoretical approaches to answering questions in the research question. The author uses the Concept of Diplomacy and Image Theory:

1. The concept of Struggle Diplomacy

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.

Diplomacy is also defined as a relationship or relationship, communication, and relatedness. Also, diplomacy is also said to be a two-way interactive process between the two countries that is carried out to reach the foreign policy of each country (S.L, 1995). Diplomacy is a significant part to be used as a solution to seek a peaceful settlement. Although diplomacy deals with peaceful activities, it can also occur in conditions of war or armed conflict because the primary task of diplomacy is not only

conflict management but also the management of change and maintenance using continuous persuasion in the midst of ongoing changes (Watson, 1984).

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).

There are various types of diplomacy (Shoelhi, 2011), there are:

- a. **Bourgeois-Civil Diplomacy**, in resolving the problem this diplomacy prioritizes peaceful ways by using negotiation to achieve the goal or a win-win solution.
- b. **Democratic Diplomacy**, to solve the problems that exist, usually this diplomacy takes place openly and pays attention to the voice of the people.
- c. **Totalitarian Diplomacy**, this diplomacy is known as diplomacy which emphasizes the increasing role of the state or better known as the worship of patriotism and loyalty to any country of sacrifice. Moreover, this diplomacy is very popular and is often used when Italian fascism, Spanish fascism, and Nazi Germany.
- d. **Preventive Diplomacy**, this diplomacy usually arises when people are facing a precarious atmosphere that will emerge a significant conflict or war will arise.
- e. **Provocative Diplomacy** aims to corner the position of a country to raise the attitude of the international community to oppose the politics of a country.

- f. **Diplomacy of struggle**, this diplomacy will be needed if the country is experiencing a precarious situation to maintain its position in fighting for the rights to regulate its internal affairs and avoid interference by other countries. The concept of Struggle Diplomacy is similar to the theory of Political Power which was initiated by Machiavelli. Contents of Politics Machiavelli power is a wise ruler who should follow the path that is put forward based on the needs, glory, and goodness of the State.

According to Machiavelli, a politician who thinks about the defense of his country once and also thinks about how to be the main human being, often appears as an unrealistic person. The primacy in the political field is the variety of ingenuity intended to conquer the enemy, deceive the traitors, maintain the unity and integrity of the people, defend and strengthen the throne of his power. If in doing all of that, a king needs to carry out acts of violence that conflict with humanity and do not need to feel guilty, because the power possessed is absolute power (Machiaveli, 1521).

- g. **Multi-Track Diplomacy**, diplomacy is diplomacy carried out by Indonesia where the use of all efforts on actors in the implementation of foreign policy.
- h. **Soft power Diplomacy**, diplomacy is used by emphasizing alternative ideas for solving problems through peaceful messages, not through provocation, agitation or cynicism.

In diplomacy, the negotiation technique itself is needed. Of course regarding needing people who are experts and smart in negotiating. Not only with negotiations, ways or strategies that can be done in achieving good diplomacy, but a country can also negotiate, sign agreements and so on. Diplomacy can also be done bilaterally or between the two countries or

multilateral diplomacy where there are several countries involved in the negotiations and negotiations.

Based on the explanation of the various diplomacy above, the author uses a variety of diplomacy Struggle as a reference in examining diplomacy carried out by President Duterte's to survive under pressure from 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's is very suitable with the theory of diplomacy of the struggle. This could happen because of the condition of President Duterte's who had to maintain the policy in order to build his country but received much criticism from several parties.

2. 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). The concept of state sovereignty is often also characterized by establishing the central political authority, between domestic institutions and international autonomy. In international practice, this can be seen from the recognition and collective actions of countries in resolving a problem involving the authority of domestic institutions and international authorities (Sheehan, 2006). Sovereignty is the primary source for establishing the law. Sovereignty is the source of authority which is at the highest level in the legal hierarchy.

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).

D. Hypothesis

Based on the concept used by the author to answer the problems that described above, it can be concluded that the Duterte's strategy to face pressure from the United Nations about War on Drugs policy 2016 – 2018, are:

1. By implementing The *Struggle of Diplomacy*, Duterte's stays away from those who opposed his policies and approaches those that support his policy. Duterte's decided to stay away from the US and approach China.
2. By implementing *Concept Sovereignty of state*, Duterte's decided that the Philippines to leave the International Criminal Court, so there will be none of the state, or any organization can interrupt the policy.

E. Research Objective

The purpose of this paper is to explain how Rodrigo Duterte's maintained the War on Drugs policy under the pressure of the United Nations.

F. Methods

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.

G. Research Scope

Since the presidential election campaign period in 2016, on the campaign, he once said that he did not want to lose his family, friends, neighbors, and everyone just because of drugs. He will do anything to overcome the drug problem, and in 2016 also the Oplan Double Barrel emerged or we better known as the Duterte's War on Drugs Policy, but not everyone can accept this policy. In 2018 the problem gets bigger, there were increasingly criticisms from various parties and Duterte's struggle during his leadership to maintain War on Drugs policy also amid intense pressure from the United Nations.

H. Systematic Research

In Chapter I is an introduction consisting of the background of the problem, the formulation of the problem, the theoretical framework, the hypothesis, the purpose of writing, the method, the range of research, and the writing systematics.

In Chapter II is the presentation of the policies and efforts of the Philippine government in eradicating drugs during the Rodrigo Duterte's era. The Philippines is known as one of the countries that high in the use and abuse of drugs in ASEAN. That is why drug trafficking in the Philippines becomes a national issue since then. That is the reason why Duterte's wants to eradicate the criminal, and he wants to make the Philippines clean from drugs. The strategy of Duterte's to eradicate drugs in the Philippines is making the war on drugs policy. This policy is sufficient to eradicate the use and abuse of drugs in the Philippines by eliminating them.

In Chapter III is a presentation of criticism given by the United Nations and also some NGOs working on behalf of

Human Rights towards the War on Drugs policy. President Rodrigo Duterte's war on drugs policy has caused many controversies both domestically and abroad. Because the war on drugs policy is the policy that indicates the existence of crimes against humanity. There are several allegations to President Rodrigo Duterte's that his policies indicate a violation of human rights. For approximately six months since Rodrigo Duterte's was chosen as the President of the Philippines, more than 7000 people were killed during the war on drugs operation. This policy is causing many people killed and makes people worry, and starting to give critics and threat toward the 16 Philippines President. Not just from domestic but also from an international organization that works for human rights.

In Chapter IV is the strategy carried out by Rodrigo Duterte's in dealing with United Nations pressure in maintaining the War on Drugs policy. Based on the concept used by the author to answer the problems that described above, it can be concluded that what strategies are carried out by Duterte's in the face of international pressure by the United Nations on the War on Drugs policy since 2016 to 2018. The strategies that carried out by Duterte's are, first by implementing The *Struggle Diplomacy* Duterte's stayed away from his allies who opposed his policies, and Duterte's approached the country that supported his policies. Duterte's decided to stay away from the US and approach China. Moreover, second, by implementing *Concept Sovereignty of state* Duterte's decided that the Philippines must leave the ICC, so there will be none of the states, or any organization can interrupt the policy.

In Chapter V is a conclusion that concludes the results of the study in answering the question in the research question by using the theory that has been described in the theoretical framework.