

CHAPTER IV

DUTERTE'S STRATEGY TO FACE PRESSURE FROM THE UNITED NATION ON WAR ON DRUGS POLICY

In this chapter, the author explains the strategy of President Rodrigo Duterte's in defending the War on Drugs policy which he released after serving as the 16th President of the Philippines despite criticism from various parties, especially from the United Nations. In answering the problem statement above the author uses the concept of Struggle Diplomacy from Mohammad Shoelhi and the concept of State Sovereignty. The author uses the concept of Struggle Diplomacy because this concept is needed when the condition of the country is precarious to maintain its position in fighting for the rights to regulate its internal affairs and avoid interference from other countries, and for Duterte's it is currently needed. The author also uses the concept of State Sovereignty, in which this theory explains the highest power within the country itself to regulate its internal sovereignty and external sovereignty. Besides, sovereignty is the most crucial element in a country. Without sovereignty, a region cannot be said internationally recognized country.

President Duterte's War on Drug policy raises pros and cons internationally. Duterte's received great support from the Filipino community as their leader at first until finally, they began to get tired of the policy, then added with international parties to give criticism to stop the war on drugs in his country immediately. Faced with two choices to continue or stop the War on Drug policy due to international criticism, Duterte's continued to choose to continue this controversial policy for two reasons. First, because eradicating drugs became Duterte's top priority as long as he became president of the Philippines second because the War on Drug policy has proven to be effective in reducing drug trafficking in the Philippines.

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

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

Based on this, President Duterte's declared an independent Philippine foreign policy, which aims to benefit from relations that are woven together with other countries such as China. That is why, the Philippines began to move away from the influence of the United States that did not support its policies, and the Philippines under President Duterte's began to approach China, which had expressed its support for the Philippine policy (Sindo News, 2016).

After the inauguration of Rodrigo Duterte's as President, Duterte's 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's 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's 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's 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's.

During his state visit to China on October 21st, 2016, President Rodrigo Duterte's 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).

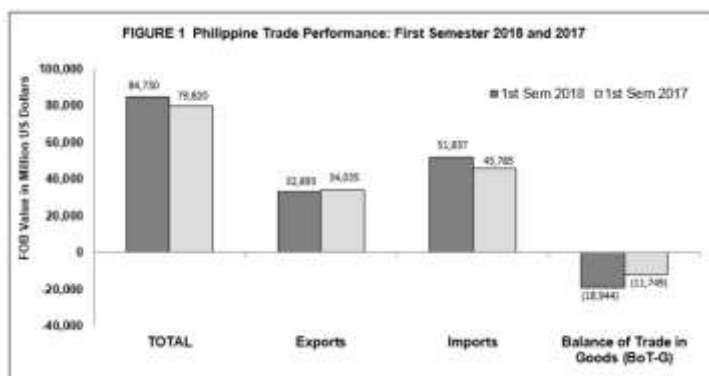
In the agreement, the two countries agreed to cooperate in various fields, including the South China Sea region. The two countries agreed to increase cooperation between each country. The collaboration by President Rodrigo Duterte's and President Xi Jinping continued with the signing of thirteen Memorandums 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).

From the number of agreements made, it was seen that President Duterte's, who had not even served for a year, had collaborated with China a lot compared to the previous President. This further reinforces President Duterte's foreign policy to enhance cooperation with China. Collaboration between the Philippines and China has a significant influence in the economic sector, such as an increase in trade cooperation, especially the export of tropical fruits in the form of bananas and pineapples from the Philippines. So far, the Philippines is a

supplier of 82 percent of bananas, and pineapple is 70 percent of the market share in China. In 2012, with the relations between the two countries heating up due to disputes in the South China Sea, Philippine fruit products such as bananas and pineapples had been complicated to enter the Chinese market (Metrovnews, 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 (PSA, 2018).

Figure 5 Philippines Trade Performance: First Semester 2018 and 2017



Source: Foreign Trade Statistics of the Philippines: First Semester 2018

The People's Republic of China as the country's top trading partner in 2018 with total trade worth \$ 14.08 billion or 16.6% of total trade. Export receipts from China reached \$ 4.09 billion, while payments for imports worth \$ 9.99 billion, resulted in a trade deficit of \$ 5.90 billion, the most significant sales came from Electronic Products at \$ 2.35 billion or 57.3% of state exports. It is to China. Other manufactured goods were followed by total revenues of \$ 335.43 million or 8.2%. Import goods purchased from China consisted of Electronic Products worth \$ 2.00 billion or 20.0% of the country's total imports. Iron and steel followed by imports of \$ 1.37 billion or a share of 13.7% (PSA, 2018).

Figure 6 TOP Five Trading Partners of the Philippines: First Semester 2018



Source: Foreign Trade Statistics of the Philippines: First Semester 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's further shows the seriousness of President Duterte's 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's continues to strive to resolve the South China Sea conflict peacefully, by promoting and enhancing peace and stability in the region.

President Duterte's chose to deal with the issue prioritizing rationality in his foreign policy. President Rodrigo Duterte's chose to take a more friendly or friendly position with China. President Rodrigo Duterte's 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's 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 (Arihito, 2017).

Changes were increasingly seen when President Rodrigo Duterte's met with President Xi Jinping and held talks on relations between the two countries in the South China Sea region. The two countries agreed to increase cooperation between each coast guard to pay attention to the situation of the surrounding waters, and also pay attention to humanitarian and environmental principles in the South China Sea (DFA, 2016). President Rodrigo Duterte's and President Xi Jinping signed a

Memorandum of Understanding between the Philippine Coast Guard and the China Coast Guard on the establishment of the Joint Coast Guard Committee on Maritime Cooperation. This was followed up by a meeting held by the two countries in Manila to discuss the formation of the Joint Coast Guard Committee on Maritime Cooperation (Rappler, 2016).

In October 2016 President Duterte's canceled the joint US-Philippine naval patrol in the South China Sea, so not considered to provoke China (TribunNews, 2016). This continued with the EDCA policy carried out by the previous president Aquino III in 2014, to increase military cooperation with the US in the South China Sea to face China. President Duterte's on January 29th, 2017 decided to stop implementing the policy and will review it. This is because the construction of military infrastructure to be built by the US is considered to be at risk of destabilizing the region between the Philippines and China (TribunNews, 2016) as well as plans for President Duterte's to conduct a joint patrol between the Philippines and China in the Sulu Sea, which is also in order to suppress the Abu Sayyaf terror group in Mindanao so that it can improve the security of the region (CNN, 2017).

Based on the above analysis It can be seen that the policy changes of President Rodrigo Duterte's 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's 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's decided that 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's. Sabio complained to Rodrigo Duterte's 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's. 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's called the testimony engineering. Nearly 9,000 people have been killed since Eduardo Duterte's 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's, 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's 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 (DW, 2017).

It was starting from the report that made Duterte's examined by the ICC. The International Criminal Court (ICC) began examining complaints against Philippine President Rodrigo Duterte's 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's 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's, 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's angry. Duterte's challenged the ICC to try him, and he was willing to be jailed in order to save the Philippines from crime and drugs. Duterte's 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's also threatened to cancel the Philippines' membership in the ICC and called European lawyers as rotten and stupid (Tempo, 2018).

After the examination of Duterte's by the ICC, it was opened for five weeks regarding the deadly war on drugs policy of President Rodrigo Duterte's, to look into whether crimes against humanity had been committed. Rodrigo Duterte's announces that Philippines of its withdrawal from the International Criminal Court (ICC). Duterte's said that the UN reporters tried to describe that Duterte's 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's had committed a serious crime. Harry Roque as a spokesman for Duterte's said that he also believed that there was a conspiracy between lobby groups and the United Nations and Duterte's also said that the ICC was considered allied and intended to indict him. Duterte's also said that the ICC lost a staunch ally in Asia (The Guardian, 2018).

Duterte's 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's 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's 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's 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 (SP, 2018).

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's 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's 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's 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.