

CHAPTER III

DUTERTE'S CONTROVERSIAL POLICY

This chapter talks about Duterte's controversial policy of war against Drugs. Like the previous chapter, this chapter is also divided into sub chapters. It begins with Drugs statistics in Philippines. How drugs widely used in the country,, which was notorious as a heaven for drug dealers and drug users. On the last part of the chapter, it discusses domestic and international critics against Duterte's policy of war on drug and 'extra-judicial killing' that is considered as an action against human rights.

A. Drugs Statistics in the Philippines

The US State Department's International Narcotics Strategy Report 2016 (SNCR's name for Methamphetamine) classified shabu abuse as the most critical prescription issue in the Philippines as it rose as the country's most trafficked. The Philippines was also named as the country with the highest shabu use in East Asia according to the United Nations World Drug Report. Because of its geographic position, with its enormous coastlines and porous borders, the Philippines is an important transitional point. According to a report from the Philippines National Police, from 42,026 barangays in the country, 27 percent or 11,321 have been infiltrated by illegal drugs according to a survey from the Philippine National Police. Metro Manila is worse because of its drug problem was at 94 percent of the 1,611 barangays—almost 4 million of the Filipinos are now recognized as drug addicts (The Philippine Star, 2016).

Although drug users have been dominated by adults, drug users among high school students in 2015 significantly increased. The result from the Global-Based Student Health Survey in 2015 revealed it. 77.7% of high school students were reported to have used drugs for the first time before they even turned 14 years old (Philippine Statistics Authority, 2018).

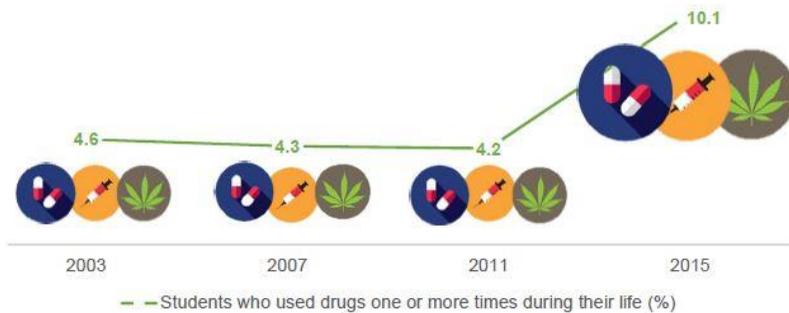


Figure 3. Drug use among high school students aged 13-15 years old in the Philippines: 2003, 2007, 2011, 2015 (Source: Philippine Statistics Authority)

The most dangerous drug in the Philippines remains crystalline methamphetamine. The most current drug consumers have seen an estimated 1.8 million drug users in the Philippines based on the latest Drug Use Survey conducted by the Dangerous Drug Board (DDB). With the exception of marijuana, crystalline methamphetamine has been the most commonly misused drug of the world, comprising approximately half (48.9 percent, 859,150 people).

Tabel 1. Trend in the use of selected drugs in the Philippines 2011-2015 Source: APAIC (2016)

Drug type	2011	2012	2013	2014	2015
Crystalline methamphetamine	↑	↓	↑	↑	↑
Benzodiazepine	↓	↓	↓	↑	↓
Cannabis herb	↓	↑	↓	↑	↓
Inhalants	↑	↓	↓	↓	↓

* Based on expert perception provided by the Dangerous Drugs Board (DDB).

↑ = Increase, ↓ = Decrease, ** = Stable, ● = Not reported

The majority of drug-related arrests and treatment admissions are also continued by users of crystalline methamphetamine. The use of ecstasy is minimal. Total of roughly 145 kg of crystalline methamphetamine was detected in

the Philippines between 2009 and 2012, compared to an annual average of 636 kg between 2013 and 2015. A large number of drug users in the Philippines are victims of polydrugs, in particular (APAIC 2016). While crystalline methamphetamine seizures may steeply increase, treatment acceptance, pricing and purity trends may reflect increasingly large-scale drug demand.

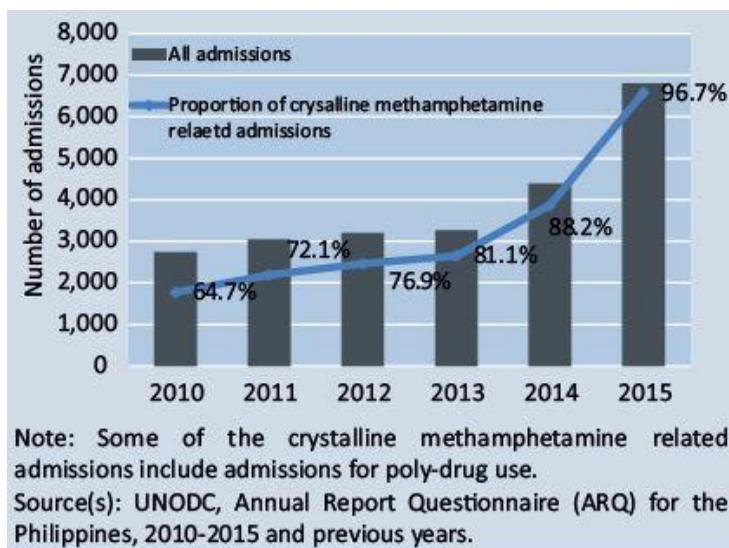


Figure 4. Number of person consuming crystalline methamphetamine 2010 – 2015. Source: APAIC (2016)

In 2016, almost 2.5 meters of crystalline methamphetamine, the highest quantity in the last decade, was seized, according to provisional national authorities estimates. The production of crystalline remains a problem in the Philippines, although in recent years, the number of dismantled manufacturing sites for crystalline methamphetamines in the country seems to decrease. Two laboratories, one in Cagayan and one in Masbate Province, were demolished between 2010 and 2015, with 25 production facilities producing crystalline methamphetamine. In 2016, 10 methamphetamines were

dismantled by Philippine national authorities, one of which was found outside Subic Bay in July 2016, a 'floating laboratory.'

Not only is methamphetamine produced in the country, but it is also being trafficked to the Philippines from other countries and regions. The development and trade by transnational organized crime groups of crystalline methamphetamine in China is a key concern. More than half (373 persons) out of 710 foreign nationals arrests in Philippine national bodies for drug offences, according to the Philippine national authorities, were Chinese citizens. The targeting of the country by Mexican drug trade unions since 2012 is also becoming increasingly concerned. For instance, three seizure methamphetamine incidents in the Port of Manzanillo, Mexico, totaling 600 kg between May 2014 and April 2015 are recorded, bound for the Philippines (APAIC 2016).

After the overthrow of the regime of Ferdinand Marcos, the crime in Davao was high and Duterte (Davao Mayor) more generally targeted against drug-related crime. His tenure as mayor was first questioned by the Philippines and international human rights organizations because, under the auspices of the Davao Death Squad, he was de facto assisted by extrajudicial assassins.

The Philippines has been the highest rate of methamphetamine abuse in all East Asian countries, according to the 2012 UN report. It appears that approximately 2.2 million in the Philippines between the ages of 16 and 64 used methamphetamines, which were primary option products for methamphetamine and cannabis. In 2015, One-fifth (the smallest statistical division in the Philippines) of barangays had evidence of drug use, drug trafficking or drug production; 92% of barangays in Manila provided evidence of this. The national drug enforcement agency reported in Manila, France. The drug trade and addiction were viewed as "major obstacles to the economic and social progress of the Philippines." (Council on Foreign Relations, 2016).

But the public attitude to Duterte's drug war is also ambivalent. For example, 85 per cent of those surveyed reported

in December 2016 that they were satisfied with the administration's campaign against legal drugs, and 88 per cent said that the drug problem had declined after Duterte was presided over, but 69 per cent said that extrajudicial executions were a serious problem, and 78 per cent said that they or someone they knew would become a victim of the drug campaign. Such mixed feelings suggest that the public opinion in this area varies considerably based on the context and the language of the questions. Ambivalence is often a clash of principles for individuals who want to enjoy the benefits of crime control without being tainted by experience or responsibility for extrajudicial killings.

Duterte was called the "best nightmare for the Liberal," and a "serial murderer" but remains highly popular in the country where he governs. His fans, often called "Dutertard," aren't simply unaware of demagoguery and disinformation. You truly believe that he takes care of your needs and that you are satisfied by his methods and inspired by his stories. Public support for Duterte is also embedded in the indignation, disappointment and impotence people feel towards Philippine criminal justice dysfunctions. So long as they believe that the justice system is broken, they certainly support the President's loud approach to social order problems (Johnson & Fernquest, 2017).

B. A Controversial Policy of War on Drugs

Less than a year before the end of his term of office, President Benigno S. Aquino III ordered agencies to enhance the government's drug campaign. The President directed the implementation of a national anti-drug plan or NADPA through Memorandum Circular 89 issued on 17 December 2015, by all government agencies, offices, agencies, government-owned or controlled companies. NADPA outlines strategies, initiatives and services in order to eliminate and facilitate regional and international collaboration in the area of substance safety, supply and demand for dangerous substances, stroke and alcohol prevention.

The Dangerous Drugs Board (DDB), the national drug prevention and control body shall be responsible for overall

execution of this program. The circular also instructed the Duterte Department of Labor and Employment in the administration to ensure the enforcement of the programs and strategies for drug-free work in the private sector. The six-year of his governance, the Duterte's predecessor has tackled war on drug as described in the following figure that recorded just two weeks after Duterte's southtaking:

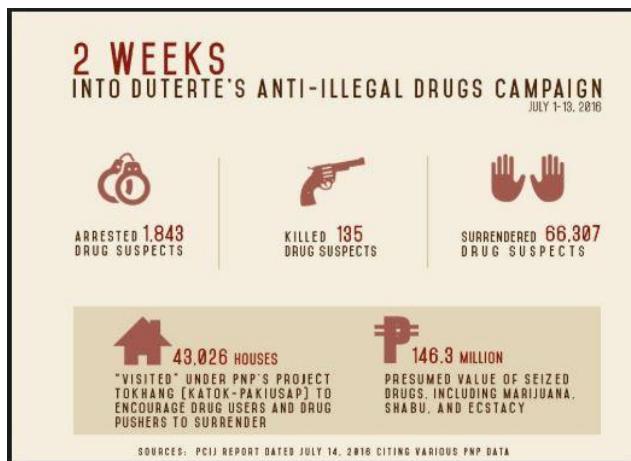


Figure 5. War vs Drug: six years of PNOy's administration.
Source: <http://www.gmanetwork.com>, 25 July 2016.

Duterte prepared a 'watch list' after becoming president. The local policemen and elected officials gathered drug suspicions' names. There were 600,000 to 1 million names in Duterte's multiple reports, including a total of 6,000 police officials, 5,000 local leaders and 23 mayors (New York Times, 2017). The "Operation Knock & Plead" (OplanTokhang) has targeted most of the people on this list and resulted in 687,000 people being transferred to police throughout the state, A further pressure on the already strained criminal justice system. Those who do not give up are more likely to be extra-judicially executed. Many of the people who surrender were made to sign a promise to stay away from drugs. Many of those who give up are required to sign a drug-free form. The form he signed, as stated

by a man who was methamphetamine addicted and gave up the day Duterte took office, the form he signed said: "If you're caught the first, second and third time, there are warnings and conditions. If you're caught a fourth time, we'll have nothing to do with whatever happens to you" (Johnson & Fernquest, 2018). CNN reported (as quoted on Virgin News, 2016), two months after Duterte took presidential office, more than 450 people killed in this drug war policy.

Approximately 5,000 drug addicts and drug addicts have been killed since President Rodrigo Duterte started the anti-drug war two years ago, according to the government's drug enforcement spokesperson, despite persistent foreign criticisms the efforts show no signs of slowing down. In the meantime, there has been continued strong support for Duterte policies across the country, with 88 percent of Philippines expressing support for the continuing drug war. Interestingly, 73 percent of those surveyed believe that extrajudicial killings are taking place, which indicates that many are in favor of Duterte's efforts to combat drogues, even if it means going beyond the law. Duterte has defied international calls for a halt to murder and dismissed his proposals as "weak" on violence and ignoring the situation. Duterte's killing on national TV has repeatedly been protested by human rights activists who have come to the communities to collect information about the victims. It is surprising that human rights calls on Duterte to put an end to the killings have proved entirely inefficient. He has repeatedly stated that Duterte, who previously stated that he' does not give shit on human rights,' claims that threatening narcotics dealers with murder is no crime. As many say, the Philippine legislators have slashed the Commission's budget for human rights (CHR) to just 1.000 pesos (about \$20) per year in a move that represents the direct response of human rights criticisms. 119 legislators supported the move and resisted it only by 32, showing how much support Duterte has in his own state (SSDP, 2017).

Duterte was operating on a "crime tough" platform that focused on a plan to offer bounties to drug lords, who were dead or alive. He vowed famously that during his early six months as a fugitive, he would kill 100,000 criminals and, when he took

office, urged Filipino people to go on the streets and kill suspected drug users and dealers, offering legal protection and incentives for those who did so. A number of groups have reported deaths in the area of 12,000, an estimate that Duterte and police dismiss as misleading, including the Human Rights Watch. According to Derrick Carreon, spokesperson for the Philippine Drug Enforcement Agency, about 158,424 drug personalities have been arrested so far in the national campaign confirming the death toll of 4,948 people to date. More than 500 government officials and nearly 60 police and soldiers were arrested on suspicion of drug connections. Despite international condemnation and two cases brought against Duterte by the International Criminal Court in Hague, he described the drug war as a victory. Duterte recently called on the Filipinos to fight corruption as well as to step up the fight against drug trafficking, saying that corruption and lack of effective legislation, such as the death penalty for drug offenders, have been working against them.

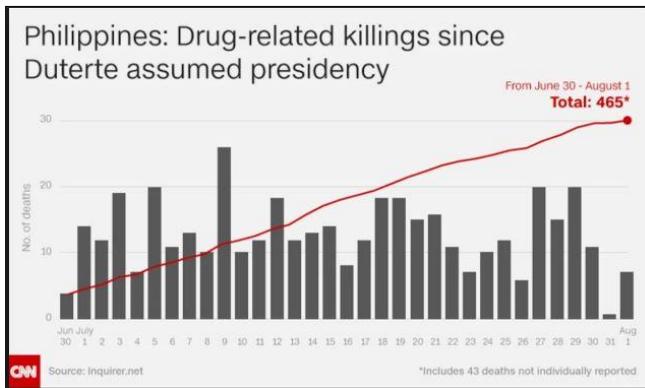


Figure 6. Drug related killings since Duterte assumed presidency.

Source:<https://www.virgin.com> (4 August 2016).

Throughout the campaign, Duterte vowed to create the same system and rules that he used for the Philippines in the City of Davao, where he has been mayor since 1988. He truly recognized that, in general, crime and drug lords in particular, he

would not be gentle and that his Presidency could become violent. That sort of blunt language, however, did not stop the people from voting for Duterte. In contrast to that, the majority of society unexpectedly saw him as the only presidential candidate (Panarina, 2017). However, the way in which the Philippine government informed the public of the drug problem perpetuates various misunderstandings which undermine efforts to effectively and sustainably resolve the problem of the drugs. Duterte, for instance, frequently confuses all groups of patients of all kinds-pushers, dependents, and casual consumers-and lumps them all together as perpetrators of violence despite the fact that only a small fraction of the use of drugs is troublesome (Channel News Asia, 2017). Duterte has begun to change public policies since taking office in ways that might have a major impact on the future. His anti-drug killing spree has gone wild with the country's already lax rule of law and prompted the International Criminal Court to conduct an investigation. The number of deaths was estimated at around 7,000 by the end of the first year of government (June 2017). This year it has risen between 12,000 and 20,000, the police saying just killed 4,000 people and the rest have been declared executed by extrajudicial means (Putzel, 2018).

Duterte had formed a socio-economic program of future national development. It included 10 main social and economic ideas. If implemented, they were promised to successfully improve general level of life in the country. Among those: maintaining high economic growth rate of the previous administration, lifting business restrictions for international investors and entrepreneurs, implementing a tax reform, funding infrastructure development, executing agricultural reform, promoting science, technology, education and so on. It was a well-balanced development program consisting exceptionally of righteous ideas. However, during his inauguration speech Duterte added to the up-given points a necessity to intensify the fight against crime and drugs, labeling those as the gravest dangers for the Filipinos (Panarina, 2017).

The war on drugs has been widely supported in the Philippines from all walks of life. Duterte's approval rating

was approximately 86 per cent, the national survey of Pulse Asia Research on presidential success and ratings carried out between September 25 and October 1. Even by some people who are concerned about these deaths, they support him in his stand on other topics as president. For example, the economic agenda is fairly scalable and focuses on economic inequality (Council on Foreign Relations, 2016). Duterte, speaking to Filipino's alarm about widespread drug use, was elected president on his promise to solve the drug problem in the country. Nevertheless, his plan, based on fear and law enforcement, was apparently false. Some said the drug war is spectacular, but its success was questionable, and official numbers are difficult to achieve. Despite promoting good will, Duterte's emphasis on prioritizing a punishing rather than rehabilitative approach to addiction proves to be short-sighted (New York Times, 2018).

Duterte's praise is not that his administration has shunned unpleasant facts such as that the Philippines is becoming a trans-shipment point for international drug trafficking, and that in the Philippines there are 1,8 million drug users. The involvement of politicians in the drug trade has also been courageously and legitimately identified by Duterte. Long before he came to the state, government officials were implicated in engaging or supporting drug trafficking, but previous presidents turned a blind eye. Duterte has also challenged health officials with their addiction to drugs to provide rehabilitation services and even to look into focused and effective public action. Paulyn Ubial, Philippine Health Secretary, declared the use of drugs to be an "public health problem" (Channel News Asia, 2017).

C. Domestic and International Critics against Duterte's Policy and Its Implication on His Presidential Perpetuity

The intensified drug war waged by the Duterte administration has attracted criticism, not only from domestic institutions, but also from international organizations, including the UN. While human rights organizations and legislators have spoken out against violence, Duterte has been quite active in not making the legislature either supervise or prosecute the war. In

the meantime, the United Nations Office on Drugs and Crime (UNODC) has voiced its concern about the surge in killings of suspected drug figures, noting that it is "not in line with the current provisions of international drug treaties" (Rappler, 2016).

Domestic and international attention was immediately drawn to the war on drugs. Senator Leila de Lima has tabled a bill calling for an investigation into the killing of drug dealers, backed by the Senate Committee on Justice and Human Rights. Unfortunately, its opposition in February led to her arrest on suspicion of collecting money from drug traffickers. Many see de Lima as the Duterte administration's first political prisoner. She remained a vocal critic even in prison of the Duterte government and was also awarded Liberty International's highest human rights award. In addition, The Duterte Government has been called upon by an increasing number of UN Member States and civil society groups, both inside and outside the Philippines, to stop the killings, but Duterte has dismissed all criticism. In September, his government refused the request of the UN Human Rights Council to take action on the killings. Some have hypothesized that Duterte's response could expel the International Body from the Philippines, a member of the United Nations Human Rights Council (SSDP, 2017).

The number of people from the "war on drugs" of Philippine President Rodrigo Duterte is rising every day. Although not the first national leader to tolerate violence and extrajudicial executions in the name of combating illicit drugs, Duterte would be wise to learn from history in Southeast Asia what is going on, and what has already caused more than 3,000 casualties under Duterte's rule, that contributes to strong international condemnation.

Both police operations have led to the loss of offenders or suspected criminals to avoid detentions or summary executions. Drug pushers and users willingly surrender in great numbers to the police and demand a toll on the already overcrowded country's prison system. There are not enough facilities of drug rehabilitation to accommodate many of them. In contrast to dominant domestic media, Duterte's war drug glossed Time Magazine reporting and became the names of top journals like

The New York Times, The Washington Post and The Guardian. Internationally, in contrast to other nations with supposedly worse political circumstances, such as in Venezuela and the southern Sudan, there is a perceptible sensationalism in the portrayal of the Philippines. Duterte's reaction to foreign criticism is exacerbating this poor image. If international institutions and western leaders criticized the government of Duterte for allegedly condoning the assassinations that took place, Duterte usually retaliates with double standards and hypocrisy. For starters, Duterte chided the UN for its failures in handling the Middle East and Africa crisis (Untalan, 2016).

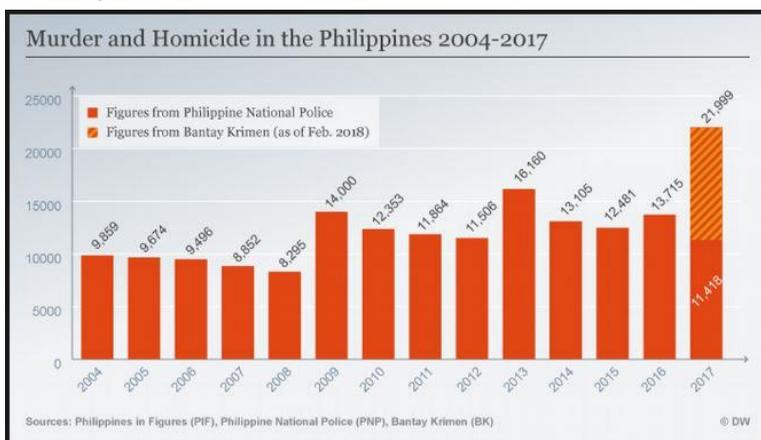


Figure 7. Murder and Homicide in the Philippines in 2004-2017.

Source: <https://www.dw.com>, 9 May 2018.

The Philippines has been embroiled in its worst human rights crisis since Ferdinand Marcos's dictatorship in the 1970s and 1980s, President Duterte. Initiated in June 2016 after taking office, his "war on drugs" claimed the lives of an estimated 12,000 mostly poor urban residents, including children. In February 2018, the International Criminal Court (ICC) started a preliminary investigation into the notorious crackdown on narcotics trafficking, which, according to the police, has left almost 5,000 suspects dead in shootings during drug raids since Mr. D took office. ICC's investigation resulted in Philippines'

withdrawal from International rights treaty (The Strait Times, 2018).

Duterte has blamed the West from the beginning of his term in office for his accusation of "war on drugs," allegedly involving extrajudicial killings. He firmly supported the "principle of non-intervention in internal affairs," justifying his anti-narcotics drive. He demanded full respect of the sovereignty of the country and right to establish the best drug elimination approach. Such arguments have culminated in Duterte's verbal reproaches of the US, the EU, and the UN, that he treated to a large extent as colonial bullies who have put on a sovereign nation their expectations and principles. His disgust for such 'foreign interference' contributed to his decision last March to withdraw the Philippines from the ICC. The declaration of a first investigation into the suspected crime against humanity committed by the president and his officials during the war on drugs in the country prompted him to resign (Taiwan News, 2018).

Table 2. Percent of death by region and by type of Incident within the region

REGION	No. of deaths	% of all deaths	% of killed in police operations in region	% of killed in non-police operations in region
NCR (National Capital Region)	2,000	39.8	49.3 ^b	50.7 ^b
I - Ilocos Region	224	4.5	21.9	78.1
CAR (Cordillera Administrative Region)	44	0.9	20.5	79.5
II - Cagayan Valley	141	2.8	25.5	74.5
III - Central Luzon	916	18.2	69.9	30.1
IVA - CALABARZON	517	10.3	64.0	36.0
IVE - MIMAROPA	11	0.2	72.7	27.3
V - Bicol Region	121	2.4	72.5 ^c	27.5 ^c
VI - Western Visayas	83	1.7	55.3	44.6
VII - Central Visayas	460	9.2	52	48
VIII - Eastern Visayas	65	1.3	52.3	47.7
IX - Zamboanga Peninsula	65	1.3	56.9	43.1
X - Northern Mindanao	70	1.4	47.1	52.9
XI - Davao Region	92	1.8	76.1	23.9
XII - SOCCSKSARGEN	106	2.1	80.2	19.8
XIII - CARAGA	73	1.5	50.7	49.3
ARMM (Autonomous Region in Muslim Mindanao)	33	0.7	87.9	12.1
Total	5,021	100.00	54.9	45.1

A group of U.N. rights experts called for an independent investigation on violations in the Philippines, including alleged extrajudicial killings during the government war on drugs, to be carried out by the Human Rights Council. "The scope and nature of the study violations" requested an extensive investigation in a statement co-signed by 11 independent experts, not linked to the United Nations (The Globe Post, 2019).

The Philippine National Police and their officers have regularly committed extrajudicial killings of drug suspects who have falsely claimed to be self-defense, according to human rights surveys. Police use weapons, spend weapons, and packages of drugs on victims ' bodies to engage them in drug activity. Masked gunmen who took part in the killings seemed to be working closely with the police, raising doubts about the government's argument that most of the murders were carried out by guards or rival drug gangs.

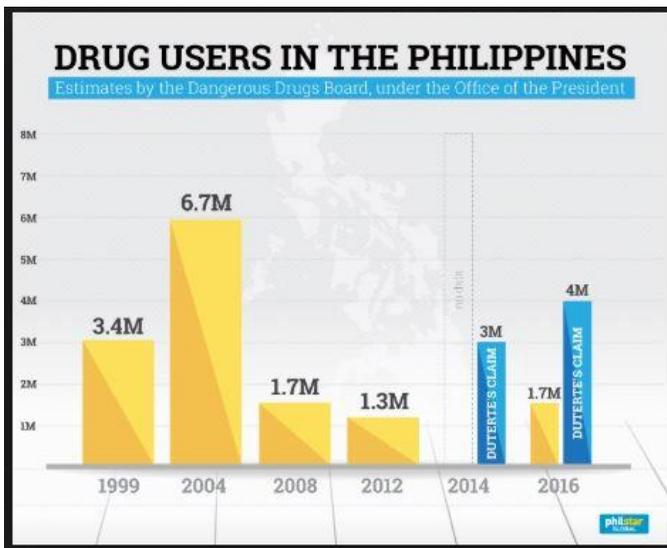


Figure 8. Drug Users in the Philippines.

Source:<http://www.skyscrapercity.com> (2017).

Pro-Duterte lawmakers, in 2017, tried in an apparent retribution for their attempts to check the anti-drogué drive the

removal of budget support for the Official Human Rights Commission. Faced with the growing international criticism, the Duterte administration has taken the "alternative fact" strategy of rejecting substantiated coverage of high death tolls linked to the "drug war" by human rights and media organizations (Human Rights Watch, 2018).

Duterte has also been 'accused' on intimidating national press and has forced an attempt to silence journalists. The Committee to Protect Journalists, a New York based non-profit organization also condemned the legal charges to journalists against his policy, calling them 'a direct assault on press freedom in the Philippines' (the Guardian, 2018). Duterte's pressure on media organizations critical of his administration has drawn condemnation from International Human Rights groups. The government's move has sparked an international outcry. The moves by the Duterte's administration come as the country prepares for the midterm elections, in which congressional and senate seats will be up for grabs (Nikkei Asian Review, 2018). In response to the international critics, Duterte withdrew the Philippines from international rights treaty. Duterte vowed that ICC is being utilized as a political tool against the Philippines and he added that the deaths were the result of police defending themselves, which is a justifying circumstance under Philippines' criminal law (The Straits Times, 2018).

The Duterte administration has grown to include criticism and political enemies in its "war on drugs." In an apparent retribution for leading a Senate investigation into drug war killings, Senator Leila de Lima has been behind bars since February 2017, in the name of politically-motivated charges against her. Duterte strongly condemned and threatened to dismantle the Commission on Human Rights. He repeatedly made a profanity-laden mockery over her failed efforts to secure an official visit to the Philippines for UN special rapporteur on extrajudicial killings, Agnes Callelamard (Human Rights Watch, 2018). Duterte remains invincible despite the criticism. The most recent Social Wetter Station survey showed that 74 percent of respondents were satisfied with their efforts to uphold the rights

of the government in their drugs campaign. Whether or not Duterte's drug war condones state-sponsored assassinations is doubtful, ongoing investigations and media debates have caused people to study the history of past presidents' extrajudicial assassinations. There were questions about how much these debates could encourage or deter murder, but they definitely made the world feel the presence that was once overlooked by those who support violence as a way to restore order in democracy (Untalan, 2016).

He defended it aggressively, particularly against foreign critics and organizations which, he claimed, do not care about his state. Duterte's drug war is his own policy initiative. But this furious defense will, in the long run, actually jeopardize his position. Duterte must consider increasing successful, softer best practices like the city of Bogota to achieve "drug free" status through multi-sector partnership and community recovery with zero deaths. (Channel News Asia, 2017). He also has to pay serious attention to the appeal of 300 NGOs who wrote to the UN calling for immediate action to stop violence and restore the rule of law (Virgin News, 2016), otherwise it will imply negative impact on his presidential perpetuity.