

On President Rodrigo Duterte’s “War on Drugs”: Its Impact on Philippine-China Relations

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Abstract

This study looks into the “War on Drugs” of the Duterte Administration and how it impacts on the diplomatic relations between the Philippines and China. Although Philippine-China relations have been marred by the case filed by the former with the Permanent Court of Arbitration in relation to the territorial dispute of the two countries in the South China Sea or West Philippine Sea, this study contends that their relationship improved for the better as a consequence of Duterte’s “War on Drugs”. In carrying out his “War on Drugs”, Duterte came under barrage of criticisms from the West in which he became a pariah leader of sort. Consequently, he abandoned old friends and turned to China where he found a sympathetic ally.

Keywords: *war on drugs, diplomatic relations, President Duterte, peripheral realism, Scarborough Shoal*

1. Introduction

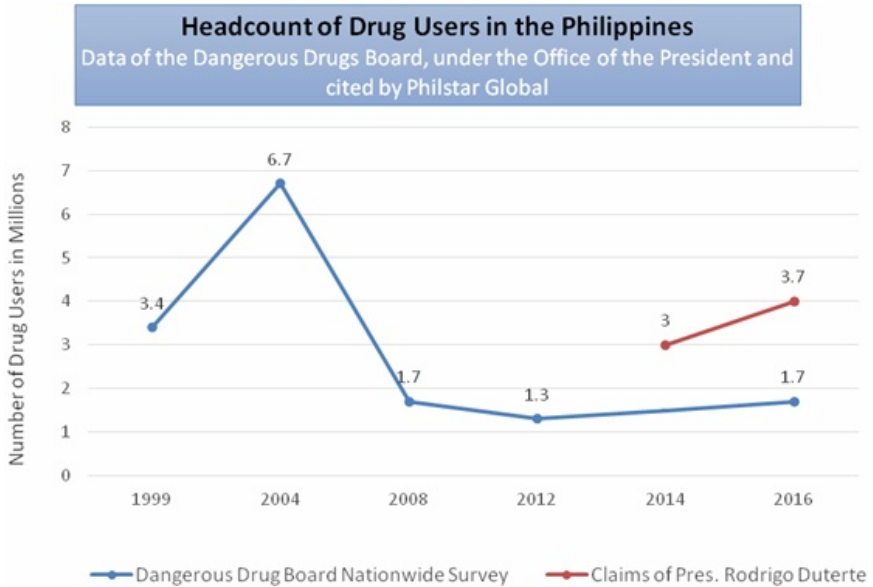
This paper explains the impact of Duterte's "War on Drugs" on the diplomatic relations between the Philippines and China. The level of analysis is the political actor, in this case the president of the Philippines Rodrigo Duterte, as the torso of the polity (Agpalo, 1973, in Jorge V. Tigno (ed.) (2018), see p. 154) who makes decisions within a sovereign locus, and undoubtedly has overarching effects as to how such a decision affects the Philippines' relations with other states particularly China. This paper contends that Duterte's "War on Drugs" although vehemently condemned by most countries and leaders in the West, contributed in certain ways to the cementing of a stronger bond of relationship between the Philippines and China.

The "War on Drugs" was unleashed on July 1, 2016, the day following Duterte's inauguration on June 30, 2016, as the 16th president of the Philippines. The timing says a lot about the president's actions vis-à-vis the illegal drugs problem in the country. It must be recalled that during his campaign sorties before the Philippine presidential election on May 9, 2016, Duterte had been "promising to end drugs within 3 to 6 months" (*Philstar Global*, 16 November 2018). So it is not surprising that the first thing he did as president was to implement his "War on Drugs". In order to support this policy, the Philippine National Police (PNP) issued and implemented Command Memorandum Circular (CMC) No. 16-2016¹ geared towards the effective implementation of the "War on Drugs". This memorandum circular sets the general guidelines, procedures and tasks in the conduct of the PNP anti-illegal drugs campaign (*Rappler*, 21/22 November 2017) and therefore serves as its governing document (*GMA News Online*, 11 October 2017). However, this memorandum circular has been the subject of a petition in the Supreme Court as it operationalizes the war on drugs (*Rappler*, 11

October 2017) which the Free Legal Assistance Group (FLAG), an association of lawyers, views as unconstitutional.

There is no doubt then that Duterte invariably attaches great importance and urgency to the problem of illegal drugs. This can be mirrored in his Inaugural Speech on June 30, 2016, when he pointed out that “the rampant sale of illegal drugs is one of the problems that must be addressed with urgency” (*CNN Philippines*, 30 June 2016). As in some other parts of the world, illegal drugs use is also a serious social problem in the Philippines. Although data show that illegal drugs use declined over a five-year period from 2008 to 2012, it noticeably increased from 1.2 million in 2012 to 1.7 million in 2016. This can be seen in Figure 1 (from *Philstar*, which culled its data from the Dangerous Drugs Board (DDB), an office under the Office of the President). However, the increase in number of drug users, at 500,000 over a period of five years, is not as grave as what Duterte pointed out in his first State of the Nation Address (SONA) when he said that “based on data from Philippine Drug Enforcement Agency (PDEA), there were about three million drug addicts in the country two or three years ago and possibly 3.7 million now” (Students from UP, 2016). It must also be pointed out that Duterte used the term drug addicts as against drug users, the term used by *Philstar* (see Figure 1). As not all drug users are drug addicts but all drug addicts are drug users, Duterte’s pronouncement in his first SONA in relation to the number of illegal drug users becomes more problematic as it implies that the 3.7 million drug addicts, during that time when he made his SONA, need effective government intervention. With this, referring to the perception of the president as to the seriousness of the drugs problem, Quimpo (2017: 147) said that Duterte has blown it way out of proportion. On a similar note, Mendoza, Baysic and Lalic (2016) pointed out that around 27% of the 42,605 barangays² all over the country are affected by drugs, including the

Figure 1 Headcount of Drug Users in the Philippines



Note: The graph shows the number of drug users in the Philippines during a particular year and how the number changed over a seventeen-year period from 1999 to 2016. President Duterte calculated in his first State of the Nation Address (SONA) on July 25, 2016, that two to three years before he assumed office, the number of drug addicts were only 3 million and it increased to 3.7 million in 2016 (Source: *Philstar Global*).

Source: *Philstar Global*, 16 December 2016. Data from the Dangerous Drugs Board, under the Office of the President (cited by *Philstar Global*).

National Capital Region with 93% of its 1,706 barangays. Even with all these data, the prevalence of drug problem in the Philippines is still below the global average. It is said that “the country's drug prevalence rate of 2.3 percent is still below the global average of 5.2 percent

(*Philstar Global*, 16 December 2016). Nevertheless, the Duterte Administration consistently takes issue on illegal drugs and through concerned government agencies aims to attain an illegal-drug-free environment. For instance, one of the board regulations of the DDB, particularly Board Regulation No. 13, Series of 2018, seeks to establish and institutionalize drug-free workplace policies in all government offices, including the conduct of authorized drug testing for elective local officials and appointive public officers (*Philippine anti-illegal drugs strategy* 2018).

Duterte in many of his public appearances and pronouncements fearlessly pushes his "War on Drugs" as an important public policy. Concomitantly therefore, he issued Executive Order No. 15, with the title, "Creation of an Inter-agency Committee on Anti-Illegal Drugs (ICAD) and Anti-Illegal Drug Task Force to Suppress the Drug Problem in the Country" on March 6, 2017. This executive order clearly states that, "it is the policy of the state to pursue an effective campaign against the trafficking and use of dangerous drugs" (E.O. No. 15 s. 2017). To further highlight the seriousness of the drug problem in the country, Duterte again issued Executive Order No. 66, with the title, "Institutionalizing the Philippine Anti-Illegal Drugs Strategy" on October 29, 2018. The issuance of this executive order is a tacit recognition by the Duterte Administration regarding the proliferation of prohibited drugs and their precursor as a serious national concern (E.O. No. 66 s. 2018). This leads Bautista (2017: 3) to comment saying that his brutal drugs war has become the cornerstone of his administration. And so, using and iron fist, Duterte even "entranced the Filipino people – goading them to kill, to physically eliminate those who oppose their visions and justified deaths in the name of protecting the country" (Narag, 2017). Also, echoing one of his latest pronouncements after the police in Bulacan Province north of Manila netted about 32 drug

dependents who were killed after their so-called “One Time Big Time” operation which started at 12 a.m. on August 15, 2017, and ended at 12 a.m. the following day, Duterte said, “If we could kill another 32 everyday, then maybe we can reduce what ails this country” (*Manila Standard*, 18 August 2017). His support for the police even if they kill people in the name of doing their duty is beyond doubt when he said, “Do your duty, and if in the process, you kill 1,000 persons, I will protect you” (*Philstar Global*, 2 July 2016). Here is a national leader showing his strong support for killings in the name of saving his country from perdition.

This study will help in understanding the gravity of the illegal drugs problem in the Philippines and how its current leader, Duterte, deftly offers a panacea to the problem that definitely does not sit well with some leaders not only in the Philippines but also abroad. His handling of the problem in effect leads to a panoply of interpretations, regarding the concepts of justice and human rights. Because of the perceived injustice and violation of human rights supposedly committed by the State against the vulnerable members of the citizenry as a result of the “War on Drugs”, the task of diplomacy becomes both challenging and at the same time a walk in the park. Because of Duterte’s deft handling of the situation, the Philippines’ loss of longtime friends is somehow compensated by an improved relationship it gained with China. Although there had been numerous studies conducted in the past regarding the problem of illegal drugs, few if none dealt with the manner of how such problem is translated into a domestic public policy that somehow serves as a vital factor in the smooth and easy conduct of international relations with countries sympathetic to the Duterte Administration’s “War on Drugs” like China. This paper is a modest contribution to understanding such a situation.

2. Methods of the Study

This is a qualitative study. Data have been collected from and references made to books, journals, newspapers and Internet articles.

For the framework of analysis, this study uses Peripheral Realism Theory in international relations as explicated by Carlos Escudé. Since this study focuses on the improved diplomatic relations between the Philippines and China starting from July 1, 2016, when Duterte was sworn in as president to the present, as an offshoot of his "War on Drugs", the relationship of the two countries will be examined and explained based on the hierarchical division of countries in the interstate system – rule makers, rule takers and rebel states (Escudé, 2014) or states that command, states that obey and states that rebel (Schenoni and Escudé, 2016). Rule makers or states that command are those states which are also the principal rule breakers; they are the five permanent members of the UN Security Council and they have the capacity to destroy the world (Escudé, 2016). From this perspective it is clear that China being one of the five permanent members of the UN Security Council is a rule maker or a state that commands. And because of its economic performance, China has a newfound role as a global rule maker (Goodman, 2018). China is likewise a rule breaker that has the capacity to destroy the world and it does not always act in accordance with international law (Laurenceson, 2017). On the other hand, rule takers or states that obey are those majority of states who are forced to behave according to the rules (Escudé, 2014), obviously put in place and guarded for compliance by the rule makers. But before Carlos Escudé, the concept of rule taker at least at the personal level has been explained by Immanuel Kant when he argued that it is the people's duty to endure even the most intolerable abuse of supreme authority. The reason for this is that resistance to the supreme legislation can itself only be unlawful;

indeed it must be conceived as destroying the entire lawful constitution because, in order for it to be authorized, there would have to be a public law that would permit the resistance (Kant, cited in Corlett, 2003). In the interstate system, the Philippines is clearly a rule taker. In many of its dealings with other states in the interstate system, like its dealings with China, the Philippines is forced to behave according to the rules made by the rule makers.

3. “War on Drugs”: An Important Public Policy of the Duterte Administration

The illegal drugs problem in the country has been magnified when Duterte took the helm of governance. When he was inaugurated and subsequently assumed office on June 30, 2016, it was then when he unleashed his “War on Drugs”. This policy is the realization of his campaign promise as one of the presidential candidates in the May 9, 2016, national elections. In his campaign sorties, Duterte stood “on a platform of ending criminality in the country, including the illegal drugs trade” (*Rappler*, 24 July / 3 August 2017). Also, on the eve of Duterte’s May 9, 2016, election victory, he told a crowd of more than 300,000 that “you drug pushers, holdup men, and do-nothings, you better get out because I’ll kill you” (Human Rights Watch (n.d.), “Philippines’ ‘war on drugs’”). These statements are then the crystallization of what is today his “War on Drugs”. True to his verbal pronouncements he really showed his resolve to combat the illegal drugs problem. So he issued Executive Order No. 15 and Executive Order No. 66 on March 6, 2017, and on October 29, 2018, respectively, which give legal ground to his “War on Drugs”.

Following suit, government agencies mandated to carry out the task of mitigating the proliferation of illegal drugs like the DDB, PDEA and

the PNP simultaneously issued circulars and similar issuances in support to the president if only for the realization of such an aim for an illegal-drug-free Philippines.

It can be said that one of the factors which catapulted Duterte to the Philippine presidency is his hard and uncompromising stance against illegal drugs. In a survey conducted by Pulse Asia it was found out that "support for President Rodrigo Duterte's war on drugs is the majority sentiment among Filipinos" (Pulse Asia, 17 October 2017). Duterte shows to the people particularly to his supporters that stamping out illegal drugs is non-negotiable. For him, no amount of criticism can prevent the successful implementation of the policy as he shares in the grief of people who are victims of crimes by those who are under the influence of illegal drugs. For example, in one of his speeches before military troops on August 8, 2017, he said, "Filipinos are getting killed, I grieve for so many women raped, men killed, infants raped because of drug addiction" (*Al Jazeera*, 10 August 2016). In many other times, he is very much unrelenting. His strong stance against illegal drugs is apparent in many occasions wherein he does not mince words in telling the police to kill drug addicts. On July 1, 2016, a day after his inauguration as president of the Philippines while addressing police officers, he boldly told them, "If you know of any addicts, go ahead and kill them yourself as getting their parents to do it would be too painful" (*Time*, 26 September 2016). He is also unperturbed by the criticism accusing him that his "War on Drugs" actually just targets the poor who are in fact the victims of the policy. Apparently the president acknowledges this when he said, "Well, I am sorry. I have to clean up until such time the drug lords are eliminated from the streets" (*Inquirer.net*, 26 March 2017). Still, in carrying out his "War on Drugs", the president is not concerned with what other people will say about him or how people will rate him regarding the way he handles the illegal

drugs problem. In a reaction to the critics of his “War on Drugs”, he said, “You can rate me good, very good, excellent or very poor, and I don’t mind” (*GMA News Online*, 29 June 2017). Such a statement is an indication of how strong and unperturbed he is in stamping out the illegal drugs problem in his country.

Amidst criticisms hurled at him while at the same time trying to project an image to the international community and the Filipino nation as a focused leader, Duterte is worried about the gravity of the illegal drugs problem in his country, lest it will slide into and become a narco-state. That is why he is determined to stamp out the problem of illegal drugs in the country by all means. Although his method of carrying out the policy is seen by members of the international community and some leaders in the country as against established norms and standards, still there is no trace of slowing down on drug pushers and users. The “War on Drugs” has only been briefly stopped on January 29, 2017, when Duterte announced the disbarment of police operations against illegal drugs and passing the authority of illegal drugs crackdown from the PNP to the PDEA. The disbarment happened when the president sensed that his “War on Drugs” is rearing an ugly head, after the death of South Korean businessman Jee Ick-joo. Jee was believed to have been kidnapped and murdered on October 18, 2017, by the police in the PNP headquarters itself in the name of illegal drugs war. However, the lull in the police operations in the name of the “War on Drugs” was only for a brief time, as it was again resumed by Duterte on February 28, 2017, after the PDEA reported that there was again a resurgence of the activities of people involved in illegal drugs one month after the policy was halted. By Duterte’s pronouncements, the “War on Drugs” must be carried out with determination and without regard even for international groups who criticize him of what he is doing. At one time he even chided human rights groups for getting in the way of his anti-drugs

campaign. Addressing them, Duterte said, "police should shoot if they obstructed justice" (Reuters, 17 August 2017). This statement from the Philippine leader generated sharp criticisms from media practitioners and it undoubtedly fanned the embers of contempt from people critical of his "War on Drugs".

As can be observed, the Duterte Administration places the responsibility of implementing the "War on Drugs" on the police. Interestingly, he already named Ronald M. dela Rosa as the Director General and at the same time Chief of the PNP even before assuming office as president of the country. Their close association can be traced back when dela Rosa served as the chief of the Davao City Police Office during Duterte's term as Davao City Mayor from June 30, 2013, to June 30, 2016. Rightly so, upon assumption of office, the first official action of PNP Chief dela Rosa was the issuance of Command Memorandum Circular (CMC) No. 16-2016 that undoubtedly reinforces Duterte's "War on Drugs".

4. Philippine-China Relations: From Distrust to Collaboration

At the moment, although the Philippines and China can be said to be enjoying strong and firm relations, their future interaction with each other remains to be anyone's guess. China's conduct of its relations with other countries is determined by the economic and political circumstances obtaining in the country vis-à-vis other states in the interstate system. Pye (1984: 107) said that trade became the main form of contact between China and the West. Interestingly enough, as its economy developed, the manner how its international relations is conducted also changes over time. And China of course cannot afford to ignore the reality in the global market. The country has to adjust. For China, as what Goodman and Segal (1989 (eds.): 132) pointed out, the

idea of closing doors and ignoring the global market economy seems unlikely and fruitless.

During the early 1990s China was not yet developed as it is today. Many Chinese, especially in the countryside, were poorer then. Glaringly, their poverty constrained them from doing things that would entail financial obligations on their part. Many people did not have the capacity to buy things they need much more to engage in recreation like travelling around for leisure. For instance, in late 1992, a man in his early 80s living in Yantai, Shandong Province, which is 18 hours away from Beijing by ordinary train had not gone to the capital yet since his birth. Asked why, he wryly but frankly answered that he had no money to make such a trip. According to him, a trip to Beijing from Yantai, if he has to stay in the capital for five days, will cost him his one-month salary as a building guard.³ Here is a Chinese poor as he is by certain standards, who had not yet travelled to his country's capital even if it is accessible by public transport. This could be an isolated case so to speak but China's economy was still in doldrums during the early 1970s. Townsend (1980: 7) pointed out that its estimated 1976 per-capita GNP of US\$340 places it among the poorer countries of the world. By this standard, China during the mid-1970s although already a permanent member of the United Nation's Security Council can be considered as a Third World country because of its poor economy. But then the good thing is that China's economy during the last quarter of the 1980s started to pick up. In 1987, the country's economy grew at a rate of 9.4% with industrial production up by an amazing 14.6% (Dittmer, 1989). China then was able to move out from the periphery for as what Carlos Escudé (2014) pointed out economic development may be the only way out of the periphery. Before attaining the economic status that it enjoys today China was then so prudent in dealing with other states, lest it be accused of bullying the weak countries, an actuation it dreadfully abhor.

China even in the past had been championing to be against injustice especially committed by strong countries against the weak ones. Because of this, it gained friends among the rank of the weak countries which it viewed as sharing with it the same predicament. Mao Tse-tung for example, knew all too well that Japan has to be contained if only to deter that country from occupying its immediate weak neighbours in Asia. With this, China being a victim of Japan's imperialism rallied round similarly-situated countries in order to send a signal to Japan that any future aggressive moves will be met with resistance. And China as Mao hinted will be a friend of similarly-situated countries. For example, Mao intimated in one of his interviews with Edgar Snow that China considers the Philippines its friend as it also suffered under the menace of aggressive powers (Snow, 1961: 87), obviously referring to Japan. And yes, the Filipinos were shocked by Japan's successful invasion and conquest of their homeland in 1941-1942 (Greene, 1957: 479). Apparently, Mao attached great importance to his country's relations with other counties who have also suffered the same fate his country suffered under the yoke of aggressive powers, including Japan. Indeed, Mao Tse-tung especially empathized with the Philippines who also suffered from Japan's harsh colonial policies after World War II. To some extent, China's foreign relations is dictated by what its leaders consider as favourable to China's national interest (Scalapino, 1980). During this stage of China's development, the country can be considered as a rule taker, to use Escudé's yardstick, as it was not yet a permanent member of the United Nations Security Council.

Looking back at China's international relations history, it pays pointing out that in the 1950s, its foreign policy can be said to be pragmatic and forward-looking. Although it aligned itself with the Soviet Union against the United States at the height of the Cold War, it arguably

did not consider ideology to be an important factor in its interaction with other countries. Considering that the Philippines was with the camp of the United States during the Cold War, still the country remained to be within the orbit of China's potential friends. China regarded the neutralist nations and diverse non-Communist but anti-imperialist groups as potential allies (Barnett, 1977: 8). The Philippines then aptly suits this description and was therefore a potential friend of China. On October 25, 1971, the United Nations General Assembly voted to admit China as one of the five permanent members of the United Nations Security Council (The Learning Network, *The New York Times*, 25 October 2011), taking over that prized position from the Republic of China which was then controlled by the Nationalist forces of Chiang Kai-shek. Four years later on June 9, 1975, the Philippines and China established diplomatic relations.

However, the Philippines like China had also its own domestic problems to contend with. Foremost of this is the problem of Communist insurgency that had been trying to overthrow the liberal government in the Philippines in favour of a Marxist-inspired one. With this development, the established legal government of the Philippines has always been suspecting that the Filipino Communists were supported by the Chinese Communists in their political struggle to attain a Communist state and a classless society. This state of events therefore puts a strain on the bilateral relations of the Philippines and China. Although Philippine-China relations have recently improved for the better, historically their relations have been marked by distrust and animosity. In other words, the past relationship of the two countries was not so good. For one, the previous successive Philippine administrations before Duterte's considered China as the patron and supplier of arms to the New People's Army (NPA), the armed wing of the Communist Party of the Philippines (CPP), said to be the Maoist descendants of the Huk

(Kim and Ziring, 1977) that seeks to overthrow the Philippine government in favor of a new state led by the working class (Stanford University, 2015). With this, there is a perception among some Filipinos that the NPA is sympathetic to the Chinese residents in the Philippines as a way of showing its indebtedness to the support it gets from China. Greene (1957: 484) for instance wrote that the Communist movement in the Philippines extended its support to the Chinese residents in the country. The perceived intervention of China in the domestic affairs of the Philippines, particularly as regards the Communist insurgency, serves as a constraining factor in the smooth conduct of relations between the Philippines and China.

Upon Duterte's assumption as president of the Philippines, his uncompromising stance about his "War on Drugs" cost him some valued allies but then the Philippines and China became closer. Their relationship transcended the great animosity the two countries have been nursing in relations to their territorial dispute in the South China Sea or the West Philippine Sea that was capped with the latter filing a case against the former in the Permanent Court of Arbitration (PCA) in The Hague, the Netherlands.

5. Philippine-China Relations during the Aquino Administration: Challenging the Rule Maker

Former president Benigno Aquino III was installed to office as the 15th president of the Philippines on June 30, 2010. The Philippine-China relations under his watch have not been so good. The spotty interaction between the two countries during the Aquino Administration is due to so many factors ranging from the shabby treatment of Hong Kong tourists in Manila during the 2010 hostage crisis to territorial dispute in the South China Sea or the West Philippines Sea.

It must be recalled that the Philippine-China relations suffered a setback in 2010 just barely a month and 23 days after Aquino's ascendancy as president when on August 23, 2010, sacked Senior Inspector Rolando Mendoza of the PNP took a bus with 25 passengers, mostly Hong Kong nationals, hostage in the vicinity of the famous Rizal Park in Manila. Eight Hong Kong nationals plus the hijacker (*South China Morning Post*, 12 April 2018) Inspector Mendoza himself were killed in the bloody siege. This incident became a major obstacle in the conduct of smooth relations between the Philippines and China in the days that followed. The anger on the part of the Chinese community regarding the Philippine government's handling of the situation has been blamed on Aquino's supposed lack of concern for the relatives of the victims. At one point the Chinese government insisted on an apology – but Aquino refused (Martelino-Reyes, 2015). The anger of some Hong Kong nationals associated with the hostage-taking crisis had been slow to die down. After the hostage crisis took place, Aquino was still haunted by this. For instance, he was confronted by some Hong Kong reporters in the APEC Summit in Bali, Indonesia, three years after the hostage crisis as they were trying to interview Aquino regarding this incident in 2010. As *Philstar Global* (8 October 2013) reported, the behavior of these reporters crossed the line from mere questioning to heckling.

The most sensitive issue that defines the relations between the Philippines and China is their overlapping claims of territory in the Spratlys which the Philippines considers as part of its territory by virtue of the provisions of the United Nations Convention on the Law of the Sea (UNCLOS) which both the government of the Philippines and China ratified. China on the other hand claims that the Spratlys is part of its territory by historical rights (*Asia Blog*, 16 June 2016). It claims that the islands in the Spratlys have been “discovered” by the Chinese who have

therefore been going about the areas even long before the Philippines sets claim on the islands. And China is not keeping secret about its claim to the South China Sea or the West Philippine Sea for it even unilaterally drew what it called as nine-dash line encircling about 80% of the South China Sea or the West Philippine Sea. Quondam Chinese Foreign Minister Wang Yi said that, "the dispute over the sovereignty of some reefs in the Nansha (Spratly) Islands is a leftover problem of history and historical facts should come first in handling the dispute" (Kim, 2014).

The problem of the two countries with regard to their overlapping claims of territories in the South China Sea or the West Philippines Sea came to a head on April 8, 2012. That day during a routine patrol, members of the Philippine Navy aboard BRP Gregorio del Pilar sighted Chinese vessels in the vicinity of Scarborough Shoal believed to be fishing in the area, which many Filipinos consider as their traditional fishing ground. The Scarborough Shoal is not part of the Spratlys and this shoal is very near to the main island of Luzon in northern Philippines. It is just 230 kilometers or 124 nautical miles from the Philippines' Zambales Province but 650 kilometers from Hainan Province, the nearest major Chinese land mass. At that moment, the Philippine Navy tried to accost and later inspected the Chinese fishing boats and found poached contraband of rare corals, live shark and giant clams. In a few moments however, medium-sized ships of the Chinese Coast Guard came to the rescue of the Chinese fishermen. The immediacy of the appearance of the Chinese Coast Guard ships is an indication that such ships were just in the vicinity of the shoal. And in November 2012, because of bad weather, the Philippines and China agreed to pull out their patrol ships from Scarborough Shoal. The Philippine government pulled out its patrol vessels but China did not comply. Chinese patrol ships remained in the area then effectively controlling Scarborough Shoal and afterwards even prohibiting Filipino

fishermen from fishing in the area. This incident caused the Philippines and China's bilateral ties to plunge to a nadir not seen since the end of the Cold War (Heydarian, 2018). The Philippines and China, at least up to the end of former Philippine president Aquino III's term, remain at odds regarding their conflicting claims over Scarborough Shoal and some other outcrops in the South China Sea or the West Philippine Sea. Their claim over disputed islands and shoals remain unresolved (*The New York Times*, 18 June 2012) which is a constant cause of friction between the two countries.

Because of China's continued occupation of Scarborough Shoal the Aquino Administration filed a case – PCA Case No. 2013-19 – with the PCA in The Hague, the Netherlands, in January 2013. The Philippines accused China of encroachment into parts of its territory in the West Philippine Sea, as defined in the UNCLOS. The Scarborough Shoal has been occupied and controlled by China since November 2012. With its close distance to the Philippines, Scarborough Shoal is within its Exclusive Economic Zone (EEZ) as it is situated within the 200 nautical miles as provided for in Article 57 of UNCLOS. After almost three years of hearing the case in which China did not participate even once, the PCA issued its decision in favor of the Philippines on July 12, 2016, just more than a month after Duterte was sworn in as president of the Philippines. The decision of the PCA was a big win for the country but this was not pursued by the Duterte Administration. For Duterte, pressing forward even with the PCA decision in favor of the Philippines would be like committing suicide (*Philstar Global*, 7 June 2018). The PCA ruling specifically spelled out that there was no legal basis for China to claim historic rights to resources within the sea areas falling within the nine-dash line and that China has violated Philippine sovereign rights (*Inquirer.net*, 12 July 2016).

It is not a secret that the People's Republic of China uses force and intimidation to pursue its claim to the Spratlys. In fact, worried about the situation in the Spratlys, the defense ministers of Australia, Japan, and the United States issued a joint statement on June 3, 2018, conveying their governments' "strong opposition to the use of force or coercion as well as unilateral action to alter the status quo, and to the use of disputed features for military purposes in the South China Sea" (Yiallourides, 2018). China's use of force against the Philippines is manifested in the continued occupation of the Scarborough Shoal and the Mischief Reef in the Spratlys. Furthermore, China's unilateral drawing of the nine-dash line, encircling about 80% of the South China Sea where trillions of dollars in ship-borne trade passes every year (*The Philippine Star*, 6 June 2016), is also a show of force yet a violation of the provisions in the UNCLOS which both the Philippines and China ratified.

6. The Duterte Administration: Following the Rules of the Rule Maker

The close ties the Philippines and China enjoy at present are a result of the impact of a domestic policy on diplomacy. China directly benefited from the falling out of the once-good relations between the Philippines and its Western allies after a constant exchange of words between and among them, as a result of Duterte's "War on Drugs" which many government leaders in the West view as a violation of the human rights of Filipinos. This then resulted in the withholding of financial grants, arm sales and other concessions to the detriment of the Philippines. As Duterte has been left with limited alternatives, approaching China is his most logical step to take as he became a sort of a pariah leader as a consequence of his "War on Drugs". As a diplomatic counter-assault, Duterte visited China to send a strong message to the West that he is not

that bad after all he has still friends in China, a powerful country that is a permanent members of the United Nations (U.N.) Security Council with veto power. Undoubtedly, the Philippines' friendship with China resulted in economic and military aid in favor of the Philippines.

China which is not a traditionally close friend of the Philippines suddenly became the country's new "big brother" as a result of the "War on Drugs". During Duterte's visits to China in April 2018, he exchanged official notes and signed investment pledges and other official agreements between him and China's leaders. As a tangible result of this state visit, China agreed to provide 3.8 billion Philippine pesos (US\$73 million) in economic and infrastructure assistance (Tiezzi, 2018). Furthermore, in the Joint Statement Between the Philippines and China⁴ released by the Department of Foreign Affairs in 2018, it can be gathered that "China reiterates its firm support to the Philippine government's efforts in fighting illicit drugs and drug-related crimes, and express willingness to strengthen cooperation in areas including combating the smuggling of illegal drugs and their precursor chemicals, intelligence sharing, joint investigation and operation as well as drug rehabilitation". The official statement from China expressing its firm support in fighting illicit drugs is in stark contrast to the criticism the "War on Drugs" generated from the West. Furthermore, Heydarian (2017) pointed out that "aside from dangling a multibillion-dollar development package, which includes a large railway network in Duterte's home island of Mindanao, China has offered to assist in the campaign against illegal drugs". To concretize its conciliatory stance towards the Philippines, on October 6, 2017, the Chinese government turned over 3,000 units of assault rifles as part of its continuing "military assistance gratis" to the Armed Forces of the Philippines (*Inquirer.net*, 6 October 2017).

President Duterte came to power as president of the Philippines by garnering 16,601,997 votes, over 6.6 million more than his closest rival, administration candidate Mar Roxas (*CNN Philippines*, 30 May 2016). Upon assuming office, he implemented his "War on Drugs" in order to end the country's supposed narcotics problem (*Vera Files*, 2017).

Plotting the Philippines' status in Escudé's hierarchical order of states in the interstate system under Duterte's watch, it is still a rule taker. It just transferred its loyalty and friendship from a close ally and rule maker itself – the United States of America – and this time to a new rule maker China. As Duterte himself said, "I am ready to cooperate with my new friends – China and Russia" (*Sputnik International*, 28 November 2016). Again looking at Escudé's hierarchical order of states in the interstate system, the Philippines is a rule taker willing to abide by the rules made by the rule makers and one of these rule makers is China.

During this Duterte administration, the Philippines is religiously obeying the rules set by the rule makers, especially the five members of the United Nations Security Council including China, in the light of its position in the hierarchical order of states in the interstate system being a rule taker. For instance, the Philippines dutifully followed the procedures of filing the case against China in relation to the Scarborough Shoal face-off between the two states. As a rule taker the Philippine is more than willing for a peaceful settlement of its conflict with China as reinforced by the pronouncements of Duterte when he said that he did not want to go to war that he could not win (*Inquirer.net*, 23 May 2018). Looking at the roles played by the states in the hierarchical interstate system, the Philippines aptly conforms to the role of a rule taker because those who defy the interstate hierarchy almost always lose (Escudé 2014). On the other hand, China which is a rule maker did not even attend once to face the judges of the PCA when the hearing of the case was in progress despite the fact that it is a permanent member of the

United Nations Security Council under which the UNCLOS operates and which itself ratified. Ignoring such dispute mechanisms qualifies China to be a rule breaker in Escudé's hierarchy of states. From this development, it is clear that states do not have the same rights. A few have the power needed to contribute to the establishment of interstate rules, while the great majority are forced to behave according to the rules imposed by this oligopoly (Escudé, 2014).

When Duterte was sworn in to office as president of the Philippines on June 30, 2016, the PCA had not yet issued its ruling of the case the Aquino Administration filed against China concerning the two countries' overlapping territorial claims in the South China Sea or West Philippine Sea. But when the decision was issued in favor of the Philippines, the Duterte Administration did not confront China about the ruling in its favor. Apparently, it is a question of timing why the Duterte Administration balked at the government's sweet win in the case it filed with the PCA against China regarding the West Philippine Sea issue that the previous Aquino Administration so vigorously pursued. Duterte was put in a bind because from day one he set into motion his "War on Drugs" that killed people in the process. The killings associated with his "War on Drugs" enraged the international community criticizing it as characterized by barbarism (Zhang, 2016) and violating the human rights of the Filipino people. Criticisms of the policy mostly come from the United States, the European Union and many countries as well as international NGOs in the West. Interestingly, China is quiet about the "War on Drugs" that is going on in the Philippines. In fact China expressed understanding of the government's efforts to eliminate illegal drugs (Mirasol, 2017). Duterte therefore found an ally in China and rightly so, he visited that country in October 2016 just barely five months after he was sworn in as president.

China promotes itself as champion of the weak states but then it wanders about to do as it pleases as seen in its territorial dispute with the Philippines disregarding established rules like the UNCLOS. Escudé (2014) clearly sheds light on this saying that the world out there is cruel and laden with double standards.

This time, China and the Philippines are closest of friends. Amidst the criticism that Duterte got from the West, China praised the Philippine leader on the way he protects human rights. China's ambassador to the Philippines Ma Zhaoxu even congratulated Duterte's administration on its "remarkable achievements" in protecting human rights and said Beijing supported his "holistic campaign" against drugs (Reuters, 8 May 2017). At the moment, the relationship of China and the Philippines is at its best since the two countries established diplomatic relations on June 9, 1975, all because of Duterte's "War on Drugs".

7. Summary

Traditionally, the relations of the Philippines with China are not that close as compared to the relations the Philippines has with its traditional allies in the West like the United States of America and the European Union. The relations of the Philippines with China have been marred by many issues foremost of which is the overlapping claims of territories in the South China Sea or West Philippine Sea. China, a permanent member of the United Nations Security Council, continues to flex its muscles in pursuing its claim to almost 80% of the South China Sea or the West Philippine Sea as enclosed within its nine-dash line. In January 2013, because of China's continued occupation of Scarborough Shoal that lies within the 200 nautical mile Exclusive Economic Zone of the Philippines, the country under the watch of quondam president Aquino filed a case with the PCA in The Hague, the Netherlands. Within the

stretch of the hearing of the case, China did not attend even once. On July 12, 2016, the PCA ruled in favor of the Philippines. Part of the ruling states that there is no legal basis for China to claim historic rights to resources within the sea areas falling within the nine-dash line and that China has violated Philippine sovereign rights. However, the newly-installed leader of the Philippines President Duterte did not follow through with this PCA ruling and let China at least respect the PCA decision.

The newly-installed President Duterte is embroiled in his controversial “War on Drugs” that has been vehemently condemned by the Philippines’ traditional allies in the West like the U.S. and the E.U. resulting in the falling out of their once robust relations. Duterte saw this as interference in the domestic affairs of the Philippines and so he distanced his country from these allies. To mitigate the effects of this diplomatic fiasco, Duterte started to engage with China even in the midst of the fresh court battle the two countries had at the PCA. With Duterte at the helm of governance, the Philippines became closer to China not seen before in the Philippine-China diplomatic history. Their engagement conforms to Escudé’s hierarchical categorization of states in the interstate system: the Philippines being a rule taker religiously toeing the line along orders by a rule maker state that is China.

Notes

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1. This circular was issued by the Philippine National Police (PNP) the day after President Rodrigo Duterte was inaugurated as president of the Republic of the Philippines on June 30, 2016. This was signed by Ronald dela Rosa, the Director-General of the PNP who was then the Police Superintendent of Davao City when Rodrigo Duterte was the mayor of the city from June 30, 2013, to June 30, 2016. Full text of the circular can be viewed at this link <<http://didm.pnp.gov.ph/Command%20Memorandum%20Circulars/CMC%202016-16%20PNP%20ANTI-ILLEGAL%20DRUGS%20CAMPAIGN%20PLAN%20%E2%80%93%20PROJECT%20DOUBLE%20BARREL.pdf>>.
2. The barangay is the smallest political unit in the Philippines coming after a municipality or town. A municipality or town in the Philippines is composed of several barangays. A barangay is headed by a Barangay Chairman. The word "barangay" originated from "balangay" which refers to a boat used by Austronesian people when they migrated to the Philippines.
3. This is based on a personal conversation with a man working as a building guard in Yantai, Shandong Province (山東省煙臺市), during my tour of China from December 16 to 21, 1992.

4. This joint statement released by the Department of Foreign Affairs of the Philippines was signed between President Rodrigo Duterte and President Xi Jinping (习近平) during the latter's state visit to the Philippines on November 20-21, 2018.

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