

The Rise of the Strongman, and his “War on Drugs” a pressing concern for International Human Rights Law

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Introduction

The world as we know it is embroiled in great upheavals both in political and economic spectrum. In politics alone we are seeing the rise of a breed of leaders with tough stand on both national and international affairs that believe that “Might is Right”. This breed of leaders have been tag by most commentators as the “Strongmen” from Russia’s President Vladimir Putin, Egypt’s President Abdel Fattah el-Sisi, Turkey’s President Recep Tayyip Erdoğan, Hungary’s Prime Minister Viktor Orbán, and the Philippine’s very own President Rodrigo Roa Duterte.

In a Time Magazine Article by Ian Bremmer last May 3, 2018 he wrote that we are entering the era of strongmen. To quote:

“In every region of the world, changing times have boosted public demand for more muscular, assertive leadership. These tough-talking populists promise to protect “us” from “them.” Depending on who’s talking, “them” can mean the corrupt elite or the grasping poor; foreigners or members of racial, ethnic or religious minorities. Or disloyal politicians, bureaucrats, bankers or judges. Or lying reporters. Out of this divide, a new archetype of leader has emerged. We’re now in the strongman era.”²

These strongman leaders with their various pronouncements have shown an explicit hostility to the concept of human rights.

In this paper the author will discuss that the rise of the “Strongman Leaders” is antithetical with the aim of human rights both in its local and international application. This paper will focus on the Philippines and its Strongman President Rodrigo Roa Duterte.

The Rise of the Strongman Rodrigo Roa Duterte and his “War on Drugs”

Rodrigo Roa Duterte is the 16th and current President of the Republic of the Philippines voted by 16,601,997 Filipinos as against 42.6 million Filipino voters. The vote the made former Mayor Duterte as the new head of the state is categorize by many as an “Angry Vote” due to the inability of the former Government lead by then

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² Retrived from; <https://time.com/5264170/the-strongmen-era-is-here-heres-what-it-means-for-you/> last accessed July 24, 2019

President Benigno “Noynoy” Aquino to deliver a good governance for the people of all walks of life.

Pres. Duterte has been well known since the first day of his presidency due mainly to his national policy of ridding the country of all drug pushers and drug user. The “War on Drugs”³ as he calls it, “Oplan Tokhang” for the Philippine National Police (PNP) and the masses.

“Oplan Tokhang” is simply Operational Plan “Tutok Hangyo” rolled out by the PNP after Pres. Duterte took office spearheading the dreaded “War on Drugs” in the Philippines. This police operation originated initially from the days when Pres. Duterte was still the mayor of Davao City and where the current PNP chief used to command the entire city’s police force.⁴ Essentially the Police operative will knock on a suspected drug trafficker or drug addict's home to persuade them to surrender and stop their illegal activities.

This relentless “Oplan Tokhang” have claimed thousand of life, this is in line with Pres. Duterte’s marching orders to arrest drug suspects and kill them if they “fight back.” As of June 30, 2019 in a report prepared by the Philippine Drug Enforcement Agency there are 5,526 drug suspects killed in operations, 7,054 "high value targets" and 681 government workers arrested while there are 2,367 cops dismissed due to involvement in drug related case.

But human rights groups dispute the government statistics. The Commission on Human Rights has said as many as 27,000 may have been killed in the name of the “War on Drugs”. The Philippine Alliance of Human Rights Advocates (PAHRA) has cited at least 12,000 deaths – including those allegedly killed by vigilantes.

Human rights groups and international bodies, however, have raised alarm over the lack of transparency from law enforcement agencies and lack of action over similar mysterious murders of drug suspects outside of police operations.

Numerous witnesses have claimed that police shoot suspects even if they aren’t resisting arrest. It doesn’t help that Duterte himself frequently calls on the police to “massacre” drug suspects and not to worry if they are accused of abuses since he will pardon them.⁵

³ War on drugs is a series of actions tending toward a prohibition of illegal drug trade. It is a campaign adopted by the U.S. government along with the foreign military aid and with the assistance of participating countries, to both define and to end the import, manufacture, sale, and use of illegal drugs.. This initiative includes a set of U.S. drug policies that are proposed to discourage the production, distribution, and consumption of illegal psychoactive drugs. The term "War on Drugs" was first used by President Richard Nixon on June 17, 1971, during which he described illegal drugs as "public enemy number one in the United States.". Retrieved from <https://definitions.uslegal.com/w/war-on-drugs/> last accessed July 24, 2019

⁴ Moreno, L. What is Oplan Tokhang retrieved from <https://www.quora.com/What-is-Oplan-Tokhang> last accessed July 24, 2019

⁵ Ranada, P. Duterte Promise Checklist: Major accomplishments, failures retrieved from <https://www.rappler.com/newsbreak/iq/235976-duterte-promise-checklist-major-accomplishments-failures> last accessed July 24, 2019

Last 2018 State of the Nation Address (2018 SONA) President Duterte rebuke his critics on the bloody “War on Drugs” by saying:

Let me begin by putting it bluntly: the war against illegal drugs is far from over. Where before, the war resulted in the seizure of illegal drugs worth millions of pesos, today, they run [into] billions in peso value. I can only shudder at the harm that those drugs could have caused had they reached the streets of every province, city, municipality, barangay and community throughout the country.

This is why the illegal drugs war will not be sidelined. Instead, it will be as relentless and chilling, if you will, as on the day it began. These drug dealers know fully well that their business is against the law. They know the consequences of their criminal acts, especially when caught in flagrante delicto and they violently resist arrest. They know that illegal drugs waste away lives, dysfunctionalize families, and ruin relationships. They know that once hooked, addicts will die slowly --- slow deaths. And yet, they persist in doing what they do, oblivious to the terrible harm that they cause to the people and communities.

And when illegal drug operations turn nasty and bloody, advocates of human rights lash at—and pillory—our law enforcers and this administration to no end. Sadly, I have yet to hear really howls of protest from the human rights advocates and church leaders against drug-lordism, drug dealing and drug pushing as forceful and vociferous as the ones directed against the alleged errant [law] enforcers in the fight against this social scourge.

If you think that I can be dissuaded from continuing this fight because of [your] demonstrations, your protests, which I find, by the way, misdirected, then you got it all wrong.

Your concern is human rights, mine is human lives. The lives of our youth are being wasted and families are destroyed, and all because of the chemicals called shabu, cocaine, cannabis, and heroine.

Human rights to me means giving Filipinos, especially those at the society’s fringes, a decent and dignified future through the social and physical infrastructures necessary to better their lives. The lives and freedoms and the hard-earned property of every Filipino whose condition we wish to improve shall be protected from criminals, terrorists, corrupt officials, and traffickers [of] contrabands.

You worry about the present; I am concerned [about] both the present and the future. I worry about the future because I know what crimes can do to the youth of this country. If not stopped, crimes can make

*human cesspools of succeeding generations. I will not allow it to happen. Not during my term.*⁶

It is clear from his official pronouncement as cited above that he does not care what human rights is all about but as a “Strongman” leader he will do what ever he can in his power as the chief executive to get rid of all drug users and drug pusher even to the point of killing them, even if there would be “collateral damage”.

The Core of Human Rights is Human Life

The right to life is enshrined in Article 3 of the Universal Declaration of Human Rights (UDHR), which states that “*Everyone has the right to life, liberty and security of person.*” This means that nobody, including the Government, can try to end one’s life in an arbitrary manner. It also means the Government should take appropriate measures to safeguard life of every person by making laws to protect its citizen’s life and, in some circumstances, by taking steps to protect its citizen’s life if it is at risk.

The right to life is also enshrined in Article 6 of the International Covenant on Civil and Political Rights (ICCPR), “*Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.*”

The same Article also provides that “*When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.*”

Even the Philippine Constitution itself provides for a guaranty for the “Right to Life” of any person by stating that “*No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws*”⁷ This Equal protection of the laws is something more than an abstract right; it is a command which the State must respect, the benefits of which every person may demand (*Mill v. Texas*, 316 U.S. 400; *Strauder v. Virginia*, 100 U.S. 363).

It means that no person or class of persons shall be denied the protective mantle of the law, which is enjoyed by other persons or other classes in like circumstances, in their lives, in their liberty, in their property, and in their pursuit of happiness (*Moore v. Missouri*, 159 U.S. 673). The clause presupposes the enforcement of a law according to the regular methods of procedure prescribed; and it applies alike to all of a class (*Rubi, et al. v. Provincial Board of Mindoro*, 39 Phil. 660). It forbids the subjection of the individual to any arbitrary exercise of the powers of government (*Ibid.*).

⁶ Retrived from <https://www.philstar.com/headlines/2018/07/23/1836195/full-text-dutertes-2018-sona-speech> last accessed July 24, 2019

⁷ Section 1, Article III, 1987 Constitution

In this sense the law is clear from the International conception of UDCHR and ICCPR to the local but supreme law of the Philippine Constitution the “Right to Life” must be protected as the core of “Human Rights”.

Strongman Duterte and Human Rights in peril

Here comes the dilemma a Strongman leader that values “Human Life” rather than that of “Human Rights” with a marching order to kill all suspected drug user and pusher. He even emphasize that *“the families of people killed in his controversial war on drugs will not receive “justice”, rejecting calls from rights groups seeking redress for the thousands of deaths⁸”*. He even said that *“If you think that you can get justice simply because you lost somebody who’s a bullshit into drugs, I’m sorry to tell you I will not allow it⁹,”* in a speech on last June 12, 2019 during an Independence Day celebration.

Here we have a classic case of a leader who enjoys high popularity even if he kills his own people. We can only surmise that his representation as “Strongman” have diminished the value of human rights to the eyes of the people who should have asserted that the life of their fellow men is also valuable and should be protected.

In this sense “Human Rights” as we know it is in peril.

⁸ Retrived from <https://www.reuters.com/article/us-philippines-duterte-drugs/philippines-duterte-says-no-justice-for-families-of-drugs-war-casualties-idUSKBN1JF0AY> last accessed July 25,2019

⁹ Ibid.