

Article

Till Death(s) Do Us Part?: Policy “Design Trace” of the Philippine Anti-Illegal Drug Campaign¹

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Abstract

The many political forces in support for and against Rodrigo Duterte’s war on drugs present a key challenge in drug policy analysis. As a highly politicized issue, drug policy concerns include questions of economic development, security, human rights, and public health. How has the policy evolved in the last two-and-a-half years of implementation given these different concerns? What can policy tracing contribute in understanding the policy?

The article examines the policymaking process pertinent to the Philippine anti-drug campaign through a policy tracing technique. The study employed a qualitative research design using multiple sources such as chronological media review, informant interviews with policy implementers, elites, and experts, as well as document review of legislations and official documents.

The policy design trace of the Philippine anti-drug campaign reveals policy characteristics that are neglected. First, the policy has evolved into four distinct stages—and these policy iterations are largely responses to numerous implementation crises. The rebranding of policies was used to legitimize policies than improve policy values and learning. Second, changes in policy were only seen in the reorganization of police and supplementary guidelines for Oplan TokHang operations. Finally, the campaign operates within a police-centric framework despite interagency and whole-of-government approaches.

These findings provide an explanation as to why the campaign has been highly punitive and will continue to be so in the next years, despite the presence of alternative drug control interventions and policy positions.

Keywords

policy design trace, Philippine anti-drug campaign, Project Double Barrel, Oplan Tokhang, drug control policy

Introduction

The Philippine anti-drug campaign has attracted both scholarly (Bautista 2017; Boehringer 2017; Lasco 2018; Reyes 2016; Simangan 2017; Tigno 2018a) and legal (ANPU, INPUD, and HRDP 2016; Amnesty International 2017; Flatt 2018) investigations, primarily due to the increase in drug-related deaths and violence.² However, a public policy lens is needed to clarify the politics attendant to its decision-making, implementation, and feedback processes.

This article interrogates the evolution of the Philippine war on drugs in the last two and a half years of its implementation. The approach I use in my examination draws from a policy trace perspective, which is defined as a method to understand who contributed what, when, and why in policy processes. The approach also provides an underlying logic of transparency on how particular policies “come about, what assumptions underpin it, and who was involved and what ideas have cohered to make it” (Durose and Richardson 2015, 33).

Using this approach, I identify the different phases the Philippine anti-drug campaign has undergone. These phases include the identification of policy references, implementation features, and analysis on the causes and effects of policy iterations. I use multiple sources, including chronological media, and document review, as well as informant interviews, to carefully construct similarities and differences between and among policy phases.

This article comes in three parts. First, I begin by providing context to drug control measures in the Philippines, as well as the

rise to power of Rodrigo Duterte. Second, I survey relevant literature that explain the complex nature of drug control. I take note of the contribution of policy design trace among other frameworks to investigate dynamic policy environments such as the war on drugs. Third, I unpack the Philippine anti-drug campaign from a policy trace perspective. The four phases and evolutionary junctures of the policy are then discussed in detail. I conclude by providing some insights as to how information from policy trace can be used to navigate the technical and political boundaries of the Philippine anti-drug campaign.

Background

Policies that follow the “rhetoric” of a war on drugs exist in complicated policy environments (EMCDDA 2016) and often follow a top-down approach in implementation (Meija and Restrepo 2014). The Philippine anti-drug campaign implemented under the Duterte administration fits in this perspective. The campaign follows the Philippine National Police’s (PNP) Command Memorandum Circular (CMC) No. 16-2016 called Project Double Barrel. One of its most controversial features is Oplan Tokhang (an abbreviation of Visayan terms *toktok* and *hangyo*, meaning to “plead” and “knock,” respectively). The strategy involves knocking at doors of suspected people who use drugs (PWUD) who are then gathered and assisted to voluntarily surrender to local police officials.

First, it can be said that the campaign is a culmination of largely prohibitionist drug control measures implemented in the Philippines as early as 1908 (de Jesus and de Jesus 2013). In fact, despite key developments in policies spanning different administrations in the country, policy reviews and assessments point to a bias toward punitive action as primary drug control strategy (ibid.) The Philippines became the first Asian country to legally prohibit opium through a total opium ban in 1908 during the American period (ibid.) This was followed by the Harrison Narcotic Act of 1915 (Terry 1915); the Revised Penal Code of 1930 or Republic Act 3815; and Republic Act 2060, amending the Revised Penal Code in 1968, which collectively are directed toward control of opium, marijuana, and other illegal drugs.

Under the Martial Law years, heavier penalties for drug offenses were imposed with a maximum penalty of death for drug manufacturing through the Dangerous Drugs Act of 1972 or Republic Act 1972 (LawPhil Project 2002). The 1987 Constitution reduced death penalty for drug-related offences to reclusion perpetua. This was later repealed again through the re-imposition of death penalty law in 1993 or Republic Act 7659 by the Fidel Ramos administration, and was again abolished through Republic Act 9346 under the administration of Gloria Macapagal-Arroyo. In 2002, the Comprehensive Dangerous Drugs Act of 2002 or Republic Act 9165 (see Dangerous Drugs Board 2002) was enacted with a purview that illegal drugs are a threat to both the territorial integrity and well-being of the country's human resources. The same policy was in effect under the Benigno Aquino III administration where the National Anti-Drug Plan of Action was signed, calling for a balanced approach to demand and supply reduction. From 2002 to 2012, the most widely consumed illegal drug has been largely methamphetamine (*shabu*) and the percentage of communities affected by drugs rose from 17.98 percent in December 2013 to 26.91 percent as of February 2016 (Dangerous Drugs Board 2017).

Second, the campaign rests on Duterte's "tough-handed" persona and his high approval ratings, which is perceived by scholars as a case of penal populism (Curato 2017a). Prior to Duterte's election in 2016, his tough-on-crime persona was fostered in the span of 22 years as mayor of Davao City for seven terms (Domonske 2016). His popularity and notoriety grew because of the implementation of Oplan Taphang in Davao. This local anti-drug strategy has been documented by international human rights organizations such as Amnesty International (2017) as coinciding with the period where increase in drug-related deaths and violence in Davao occurred. Despite this, Duterte's presidential bid was successful enough to generate a "38.5 percent plurality of votes" (Heydarian 2017) in the last 2016 national elections by mirroring the solutions laid out in Davao as an ought to be panacea for the entire Philippines. Paul Kenny and Ronald Holmes (2018) note that support for Duterte and the anti-drug campaign remains resilient across class, gender, geographic and ethnoreligious groups, which is driven by Duterte's charismatic leadership and popularity.

Related Literature

Drug Control Policy and Research

Different academic perspectives have been used to interpret the Philippine anti-drug campaign. This section maps out current debates in the field of drug control policy and highlights the contribution of a public policy perspective, including policy tracing as a specific approach, from among the many perspectives already utilized.

The arena of drug control remains to be contested despite various United Nations (UN) conventions (i.e., 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances, and the 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances). Repressive policies implemented to deal with problematic drug production and consumption reflect most of these internationally agreed strategies. However, recent international guidelines also have recognized the prohibitionist model as a failure and posit the need for wide policy reform (Sampaio 2016).

Thus, one would often see two clearly opposing sides in the literature concerning drug control. One comes largely from an institutional perspective, suggesting that the international drug control regime is not a failure by virtue of its achievements (UNODC 2008) and influence on international relations and security (Buxton 2015). Diametrically opposed on the other hand are discourses from specialized fields that expose the failure of a war on drugs as being counterproductive, unfair, and harmful (Tokatlian and Briscoe 2010) as well as other unintended costs in public health, economy, and security (Keefer and Loayza 2010).

Of interest in the discussion are different transnational and subnational policy perspectives that animate the debate between institutional prohibitionism and anti-drug war discourses. For instance, from a security perspective, scholars argue that the law enforcement and security sector's involvement in, and protection of, the drug trade in the Philippines thrive because of the weak and misguided rule of law and absence of an accountable judiciary as early as the Ferdinand Marcos period (Kennert and Eligh 2019). As such,

the drug war has become a mechanism to boost police authority on the streets combined with opportunism and mindset for stoic obedience, thus resulting to hyperpunitive policing (Kennert and Eligh 2019).

From a sociological standpoint, the extralegal punishment of criminals, which has become a de facto state policy, represents humiliation and politicization of criminals. Sociologists use respective labels such as “spectacle of violence” (Reyes 2016) on how this approach intimidates others, and as “penal populism,” in which governing through killing remains popular even though it is ineffective as crime control (Johnson and Fernquest 2018).

Discourse on the policy’s political economy dimension helps explain why the poor pays the highest price as Duterte continues to enjoy high approval ratings. Arbie Baguios, Rebecca Kong, Larrissa Phillips, and Andrew Mahon (2019) analyze the political economy of the Philippine war on drugs and reveal that perverse incentives, combined with ineffective top-down and bottom-up monitoring, drive extrajudicial killings. From a strictly political science analysis, Matthias Kennert and Jason Eligh (2019) trace how Duterte’s drug war was used, not only by Duterte himself but also by his acolytes, as a militarized political weapon to attain and then retain national political power, rather than achieving a drug-free state.

A public policy perspective and research employing such lens to examine the Philippine anti-drug campaign remain scant. This is partly because the field of drug control policy (as a sub-area of public policy) and the analyses attributed to the field are variegated. In fact, the closest that one can get in the available literature on the subject matter is Jorge Tigno’s (2018b) work that outlines the current state of affairs of the campaign, raising issues and concerns intended to inform policymakers. Tigno (2018b) argued for the need to reframe the campaign as a social development issue and not as a war against suspected criminal elements using illegal drugs. The analysis was largely hinged on an examination of the operational framework of the anti-drug program first outlined in PNP’s CMC No.16-2016 “Project Double Barrel.”

Generally, the approach employed by scholars to analyze this subfield is called comparative policy analysis, which is described

as a “non-unified field of study” (Ritter et al. 2016, 40) and having “contributors not using same theoretical frameworks, methods or designs” (Burris 2017, 127). To illustrate further, even the colloquial use of the word “policy” may refer to many different things. This is also true in policy research where a lack of nuanced “researching” policy may lead to different analyses and findings. Thus, it is prudent to highlight two major perspectives aiming to define the correct application of policy research to drug control policy.

One is Alison Ritter et al.’s (2016, 42) classification of “5 ways in which policy is identified/measured and/or coded.” The taxonomy includes policy as a unit of study used for analysis along the line of “policy classification,” “policy index score,” “implied policy differences,” “data-driven policy coding,” and “descriptive policy differences.” The taxonomy makes an important distinction between research that examines a policy per se and research with policy implications.

This taxonomy has been widely used in different research projects. For instance, policy classification is represented by works that indicate presence versus absence of a type of policy such as market regulation either cross-sectionally (e.g., Cerdá et al. 2012) or longitudinally (e.g., Bachhuber, Brendan, Chinazo, and Colleen 2014). Meanwhile, a policy index score uses direct ranking from specific variables to establish categories among drug control policies (Lindblom 1959; Ritter and Bammer 2010). Studies under implied policy differences broadly characterize which policies are restrictive or permissive (e.g., McMorris et al. 2011). Data-driven policy coding uses, at large, nonpolicy inputs such as enforcement staffing or outputs such as arrest rates (e.g., Vuolo 2013). Lastly, a detailed narrative review of policy details is typical of a descriptive policy difference approach (e.g., Arraras and Bello-Pardo 2014).

An equally important perspective that challenges this taxonomy comes from Scott Burris, (2017) who created an alternate taxonomy to accommodate not only differences of the explicit goal of the analysis but also who typically does research and from what theoretical perspective. He offered four different research concerns in drug control policy. This includes “policymaking studies,” (which he attributes to political scientists, “mapping studies” (which he claims

a province of lawyers), “implementation studies,” and “evaluation studies” (the last two a likely concern of specialists).

In terms of policymaking studies, Edward Herman and Noam Chomsky (2002) utilized media framing and agenda setting to analyze the pernicious role these bear especially in controversial drug control policies. Similarly, Lara Sampaio (2016) used the Advocacy Coalition Framework (Sabatier 1988) to reveal beliefs, consensus, controversy, and coalition-building in the adoption of policy alternatives in Brazil.

Mapping studies usually use transparent and reproducible methods to capture the evolution of policy and implementation (Anderson, Tremper, Thomas, and Wagenaar 2013; Tremper, Thomas, and Wagenaar 2010). Burris (2017) notes that an approach which uses clear scientific methods can also be used in evaluating studies of policies (Patrick, Fry, Jones, and Buntin 2016).

Under implementation studies, John Kingdon’s (2003) multiple stream model that analyzes policy action driven by “windows of opportunities” was applied by Simon Lenton (2004) to explain how the election of a new Labour government in Australia has served as a policy window for the changing of the legal status of cannabis. Evaluation studies which make use of technical/rational model in policymaking (Wheelan 2011; Bridgman and Davis 2003) become effective in issues with little political heat or tension, such as, for instance, in introducing new pharmaco-therapies in already established drug dependency treatments (Ritter and Bammer 2010).

While the taxonomies used by Ritter et al. (2016) and Burris (2017) are very different from each other, the utility for researches focusing particularly on drug war policies are clear. One is that Ritter et al.’s (2016, 41) taxonomy emphasizes policy in its totality to mean “a focus on the observable form, implementation, outputs and social construction.” Completing the puzzle is Burris’ (2017) reference to policies with no explicit policy form, which he refers to as a twilight zone, in which any practice that occurs regularly could be adopted as a rule in policy research. Taken together, I use the two taxonomies to highlight descriptive policy studies (Ritter et al. 2016) and “mapping studies” (Burris 2017) as important references to strengthen drug control policy analysis in policies considered to be in the twilight zone such as the Philippine anti-drug campaign.

Policy Tracing

I use Burris' (2017) concept of a twilight zone—denoting a conceptual difficulty for policy analysis of policies with no explicit policy form—as a conceptual handle to introduce the need for policy tracing.

Astrid Wood (2015, 392) defines policy tracing as identifying the plethora of ordinary practices of policymakers that forms the assemblage of learning. This often includes engagement with fellow practitioners, toolbox of solutions, and uneven movement of ideas and experiences that involves power and personalities. Policy tracing helps clarify policies with no explicit policy form.

I argue that among the typologies conceptualized by Ritter et al. (2016) and Burris (2017), descriptive policy and policy mapping approaches (both similar to policy tracing) are the most appropriate policy analysis approach to understand the Philippine anti-drug campaign. Burris (2017) argues that mapping policy is best approached as an empirical project, requiring the use of a transparent and reliable method to produce detailed observations of the apparent characteristics of policy that can be used in evaluation research. This means that while the goals of mapping or tracing a policy appear to be simplistic, the data generated can be used further for other drug control policy analysis later on.

This is exhibited clearly by how Øystein Bakke and Dag Endal (2010) used qualitative methods to observe and code in detail the key characteristics of draft national alcohol policies in four sub-Saharan countries. The results later on were used as part of a policymaking study of industry influence. Similarly, to expand the applications of policy tracing, Fadi El-Jardali et al. (2014) show that the policy-tracing technique could provide a retrospective analysis on particular policymaking processes, including development and implementation.

Methods-wise, policy tracing or mapping typically uses a case study approach and looks at a comprehensive and chronological review and analysis of a development of a particular policy (El-Jardali et al. 2014, 46). For instance, David McDonald, Gabrielle Bammer, and Courtney Breen (2005) used structural analysis (both cross-sectoral

and cross-level structures) to map formal institutions instrumental in developing the Australian Illicit Drug Policy. Additionally, McDonald et al. (2005, 12) argued that mapping institutional actors and actor involvement reveal the types of policy activity by actors such as involvement in consultation, coordination, advocacy, and being actual decision-makers. From a comparative strategy, policy tracing was also used by Caitlin Hughes (2006) in adopting a cross-national analytical-descriptive approach to examine drug policy development in Portugal and Australia. To understand what drives drug policy reform, the contribution of policy tracing was highlighted by Hughes (2006) to analyze how nations undertake and respond to evidence-based drug policy reform. Lastly, policy tracing can be used from a regional level to show interdependencies between international, European Union (EU), and national policies in six EU member states (Neicun et al. 2019). Jessica Neicun et al. (2019) argue that policy tracing can harmonize the goals of drug control policies.

Conceptually speaking, policy tracing used in the field of public policy is argued to also contribute to theoretical pluralism in addressing the problem of complexity in policy studies (Kay and Baker 2014, 2). Put simply, Catherine Durose and Liz Richardson (2014, 33) describe the approach as a means to understand who contributed what, when, and why in policy processes with an underlying logic of transparency on how particular policies “come about, what assumptions underpin it, and who was involved and what ideas have cohered to make it.” More substantively, Archon Fung (2004, 12) extends the idea that policy trace is important, not only in terms of accountability and continuous learning, but also in clarifying the deliberative and problem solving processes pertinent to policy development through detailed and contextualized documentation of assets and resources. In doing so, tracing makes it easier for actors inside and outside formal policy making structures to understand how a particular policy design has emerged over time.

Since policy is a mechanism through which a practice (whether beneficial or harmful) is deliberately put into wide use (Burris 2017), it is imperative that any evaluation of a controversial policy such as the Philippine anti-drug campaign starts with a clear clarification through policy mapping. In the final analysis, I echo that policy tracing or mapping allows us to answer questions on how it is made, its characteristics, implementation, and impact. Burris (2017) claims

that this approach answers critical social questions that raise profound questions of social justice and welfare.

Framework and Methodology

The approach I use draws from models of policy trace, which is also referred to as policy design trace or policy mapping. Scholars agree that the identification of a policy design or a governance mechanism is one that needs to be specified (Weick, Sutcliffe, and Obstfeld 1999, 90) or at least be semi-structured (Brown and Eisenhardt 1997, 3) to keep the determination of design in a state that is neither too fluid nor too crystallized (Gehry 2004, 21). In response to this, a policy design trace is built based on parameters that focus on the (1) major actors initiating policy change, (2) inclusive timeline of events, and (3) changes in the overall policy design of Project Double Barrel.

The concern of the policy trace is to account for developments pertaining to Command Memorandum Circular No. 16-2016 also known as Project Double Barrel of the PNP implemented at the onset of the Duterte administration. Project Double Barrel sets forth general guidelines, procedures, and tasks of the police (PNP 2016) in the conduct of anti-drug operations geared to suppress crime and illegal drugs. The timeline of policy trace starts from June 2016 up to the most recent pronouncements as of January 2019, coinciding with the culmination of the research. Presidential pronouncements and memorandums, additional PNP memorandum circulars, and media reports were gathered to document the changes, adjustments, and developments in policy. Further analyses benefited from published news references with regard to the context, logic, and justification of major policy transitions both in the policy by the books and policy on-ground of Project Double Barrel. Additionally, to verify policy by the book from policy implemented on the ground, key informants were purposively selected to represent perspectives coming from policy elites, policy implementers, and policy experts.

Findings

The implementation and development of the policy are clustered into four phases representing chronological changes seen

in the following: (1) Project Double Barrel, (2) Double Barrel Alpha, (3) Double Barrel Reloaded, and (4) Double Barrel Wave 2. The period before the Duterte Administration is included to emphasize that as early as 2012, Davao has already implemented Oplan Tokhang and Taphang as localized anti-drug strategies. These strategies were used by Duterte to launch his presidential platform premised on his tough-on-crime persona. In between Duterte's election to office in May 2016 and his inauguration on June 30, 2016, a surge of drug-related violence and death, including voluntary surrender by drug suspects, were recorded across the country. The policy trace is presented in Figure 1.

Project Double Barrel (July 1, 2016–October 25, 2016)

While the concept of an all-out war on drugs is new in the timeline of drug control policies in the Philippines, the design of Oplan Tokhang as an operative strategy has been implemented in Davao City as early as February 3, 2013. Media reports refer to a Davao City Police (DCP) order by then Police Director Ronald dela Rosa to implement both Oplan Tokhang (Toktok Hangyo) and Oplan Taphang (Tapok Hangyo). Oplan Tokhang is a unique operation of the DCP office wherein police personnel visited houses of suspected drug pushers and users to persuade them to voluntarily stop their illegal activities. Taphang, on the other hand, is a strategy where massive assemblies of suspected drug pushers are conducted and are asked to surrender (Edge Davao 2013). Prior to implementation, then Davao City Mayor Rodrigo Duterte warned Barangay Chair Amilbangsa Manding “to get rid his area of drug peddlers—or else” (Fernandez 2013) through “Gikan sa Masa, Para sa Masa” (From the Masses, For the Masses) TV program. A Human Rights Watch (2017) report states that death squad killings, then known as “Suluguo sa Katawhan” (Servants of the People), started in mid-1990s during Duterte's second term as Davao City mayor.

While Filipinos during the 2016 national elections were aware of Duterte's tough-on-crime persona, the country came unprepared when Duterte turned the national police into his power base and as a quasi-private army to bring back national boss rule (Quimpo 2017, 147). This became evident when the Command Memorandum Circular No. 16-2016 called the “PNP Anti-Illegal Drugs Campaign Plan Project: Double Barrel” was issued on July 1, 2016 without any presidential decree or memorandum as point of reference; rather,

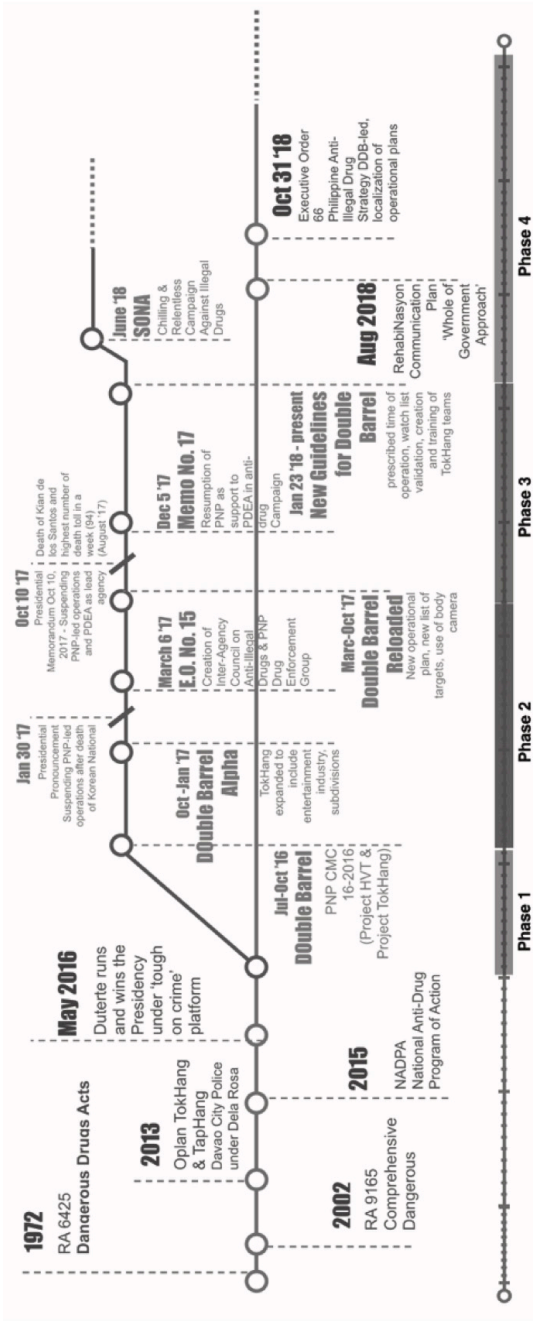


Figure 1. Policy Trace of the Anti-drug Campaign³

the circular used Duterte's pronouncement to get rid of illegal drugs as a policy reference. Oplan Tokhang was also refurbished from a police instruction to a nationwide government strategy under the concept of "double barrel." It is a two-pronged approach that aims to clear all drug-affected barangays across the country through no let-up operations against illegal drug personalities and drug syndicates: Project Tokhang for street-level personalities and Project HVT (high-value targets) (PNP 2016).

The Dangerous Drugs Board released three regulations a month after the implementation of PNP CMC No. 16-2016. This includes guidelines for a reward schedule for confiscated/recovered illegal substances in anti-drug operations (DDB Regulation No. 1 Series of 2016); guidelines in conducting barangay drug-clearing operations (DDB Regulation No. 2 Series of 2016); and guidelines on handling the voluntary surrender of drug personalities (DDB Regulation No. 3-2016). By September 2016, Davinci Maru, Karol Ilagan, Malou Mangahas, and Vino Lucero of the *Philippine Daily Inquirer* reported that Duterte has not signed any executive order to define his role for the war on drugs. The same article refers to an interview of the Philippine Center for Investigative Journalism with Ronald dela Rosa, where the latter claimed that the Oplan Double Barrel is PNP's anti-drug campaign plan and that an executive order is being drafted under the Office of the President that will create an Inter-Agency Anti-Drug Committee (Maru et al. 2016). In the same period, Presidential Proclamation No. 55 dated September 4, 2016, declaring a national emergency in Mindanao on accounts of lawless violence, was put in effect but did not refer nor cover the conduct of war on drugs.

Project Double Barrel Alpha (October 26, 2016–January 30, 2017)

Despite growing concerns over drug-related deaths in police operations and vigilante-style related killings, the PNP has expanded the scope of Oplan Tokhang to include schools, factories, subdivisions/condominiums, and the entertainment industry. The apparent reason for intensifying the PNP's Double Barrel campaign remained unclear but an *Inquirer* report stated that the Oplan Double Barrel Alpha launched on October 26, 2016 was meant to reset the statistics to encourage police operatives on the ground to do their

best and to further include high-value targets from the entertainment industry and the government in *tokhang* operations (Maru et al. 2016).

After months of intensified government crackdown, Duterte suspended, for the first time, the PNP-led anti-drug operations on January 30, 2017, following criticisms over the kidnapping and killing of a South Korean national. He called the PNP “corrupt to the core” and ordered the military and the Philippine Drug Enforcement Agency (PDEA) to take charge of anti-drug operations. The pronouncement was made in a joint command conference with the police and military where the PNP Anti-Illegal Drugs Group (AIDG) was also dissolved. Duterte further expressed his intent to establish a new “narcotics command” under PDEA. It was also during this pronouncement where he extended the drug war up to the last day of his term (Ranada 2017). As a result, the PNP was in a hiatus for about a month.

After nine months in office, Duterte, for the first time, issued an executive order directly pertaining to war on drugs on March 6, 2017. Executive Order No. 15 was issued for the Creation of an Inter-Agency Committee on Anti-Illegal Drugs (ICAD) with other departments and bureaus subsumed under PDEA as chairperson. The executive order stated that the drug problem is the “priority thrust of the government” and that the agency’s mandate is to “spearhead and coordinate the implementation of the National Anti-Drug Plan of Action (NAPDA) 2015-2020” (Office of the President 2017). On the same day, Duterte lifted the ban on PNP and relaunched the war on drugs, creating the PNP Drug Enforcement Group (PNP-DEG) headed by Senior Superintendent Graciano Mjiares (Ranada 2017). Duterte referred to the flooding of drugs back to the streets and the gains of the war being lost as imperative to the decision.

Project Double Barrel Reloaded (March 1, 2017–October 10, 2017)

Project Double Barrel Reloaded featured a new operational plan as a result of thorough studies as claimed by Quezon City Police Director Rhoderick Armamento (Mallari and Tubeza 2017). Dela Rosa also said that the project was overhauled to eliminate the participation of rogue policemen (ibid.). Other operational elements of the revitalized campaign include calls for the Catholic Church to join the campaign, the emphasis on command responsibility of local

police commanders, and the assurance that policemen involved in operations have clean records and unblemished reputation. Further, it was the first time that the idea of equipping operatives with a body camera was forwarded to guard against malicious criticisms and accusations of human rights violations, including a new list of target drug personalities subjected to strict evaluation of drug abuse councils.

In the second week of August 2017, the administration had the highest death toll in a week, totaling 94. This included the death of 67 people and the arrest of 250 people in Manila and adjoining provinces in what was referred by PNP as a “one-time, big-time” operation (Al Jazeera 2017). In the same week came the death of Kian delos Santos, a 17-year-old boy who was shown in a security footage being dragged by police shortly before being shot dead. This was contrary to earlier police reports claiming that delos Santos pulled a gun, which forced the police to open fire, as self-defense. The death of the teenager triggered a swell of public unrest for the unjustified killing. For Jose Manuel Diokno of the Free Legal Assistance Group, this was a significant development in that politicians agreed to have a senate hearing, an indication that politicians were becoming sensitive to public opinion (McKirby and Jorgio 2017).

On October 10, 2017, Duterte suspended, for the second time, the PNP’s lead task on the war on drugs through a presidential memorandum. This is the first time that the suspension of PNP operations came in the form of a presidential memorandum. Ruth Abbey Gita (2017) of *SunStar Manila* reported that the order came on the heels of controversial drug operations, which earned the public’s ire after at least three more teenagers were killed in drug operations. The memo directed all support bureaus to leave to PDEA all conduct of anti-drug campaigns and operations to bring order to the operation and precise accountability (Marcelo 2017). Thus, PNP’s drug enforcement group function has since been limited to drug-related intelligence gathering. PNP’s police visibility, however, was maintained as a deterrent to illegal drug activities.

New Operational Guidelines for Project Double Barrel (December 5, 2017–January 2019)

Ending a two-month hiatus, Duterte resumed directives for PNP and other law enforcement agencies to provide support to PDEA for anti-drug operations through Memorandum Order No. 17 dated December 5, 2017. The memorandum cited PDEA's performance being hampered by the lack of agents and operatives who can penetrate drug-infested areas. Further, a notable resurgence in illegal drugs activities and crimes were recorded since the PNP's hiatus. The new operational guidelines for Project Double Barrel was released by the PNP on January 23, 2018, prescribing proper conduct of all units in implementing anti-drug operations. It included a section on the use of body cameras and other gadgets to record all anti-drug operations and prescribed time of operation strictly from 8 am to 5 pm. The guidelines reiterated a one-strike policy and respect for human rights in police operations with a call for faith-based organizations to take part in *tokhang* operations.

The operational guidelines further divided *tokhang* operations into three phases of pre-*tokhang*, during, and post-*tokhang* operations. The new mechanisms prescribed the validation of the drug watch list by the PNP Directorate for Intelligence, and the creation and training of *tokhang* teams. Each four-cop team was led by a commissioned police, joined by a one member of local anti-drug abuse council and a PNP human rights affairs office representative or a civilian human rights advocate. Completion of the Biographical Profile Form was emphasized to be voluntary. Additionally, a referral mechanism to the Department of Health or the Department of Social Welfare and Development for rehabilitation was institutionalized, including local drug enforcement units for case buildup for those who refuse to surrender (Talabong 2018a).

The new operational guidelines released by the PNP aimed to redefine the public image of *tokhang*. Quezon City Police District Director Guillermo Eleazar said that police personnel responsible for *tokhang* will not be the same cops performing police operations (Lopez 2018). Commission on Human Rights Spokesperson Jacqueline de Guia welcomed the improvements in crafting tight guidelines for anti-narcotics operations, but not in the manner of conducting the

drug war; she also said that it is still premature to commend PNP's efforts at the campaign as "less bloody" since it was just implemented early this year (Talabong 2018b).

Analysis

Noticeably, there was no single comprehensive document until November 2018 that speaks of an "anti-drug campaign" policy of the Philippine government under the Duterte administration. What exactly is the policy that was implemented in the last two and a half years before the signing of the Philippine anti-drug strategy?

It appears that the Project Double Barrel of the Philippine National Police was in fact the most important policy to which all other policy development was anchored on. Based on informant data, most policy implementers use the terms Tokhang Wave 1 and Wave 2 to differentiate substantial developments in the police-led anti-drug campaign in the first three phases and the last.

The first three phases, as presented in the previous section are referred to as Wave 1 of Oplan Tokhang while the fourth phase as Tokhang Wave 2. Wave 1 is characterized by a lack of substantial and clear policy development. Moreover, most policy changes are reactive to implementation issues and controversies. The coverage period for Wave 2, on the other hand, intersects with more important developments in the operational guidelines of the anti-drug campaign including other government initiatives in support of the policy. This includes the repeal of Republic Act 9165 (Comprehensive Dangerous Drugs Act of 2002) to allow plea-bargaining arrangements for illegal drug offenders and the signing of the new Philippine Anti-Drug Strategy. Drug-related deaths, the use of a drug watch list, and the unending supply of illegal drugs however have become key realities for both waves of the anti-drug campaign and throughout the Duterte administration.

Table 1 summarizes the policy implemented, policy features, and the causes of iteration or evolutionary junctures of subsequent policies implemented from July 1, 2016 to January 2019.

Table 1. Iterations of the Anti-Drug Campaign

| | Double Barrel (July 1–October 25, 2016) | Double Barrel Alpha (October 26– January 30, 2017) | Double Barrel Reloaded (March– October 10, 2017) | New Operational Guidelines for Double Barrel (December 5, 2017) |
|--|---|--|--|---|
| Policy reference | PNP CMC 16-2016 | Executive Order No. 15- 2017 | No Memo, only press statements dated March 6, 2017 by Dela Rosa | Presidential Memo No. 17 (December 5, 2017) |
| Policy content | Conduct of no let-up operations against drug personalities and syndicates | Drug problem as priority thrust of government and implementation of NADPA 2015-2020 | Overhauled operations to eliminate participation of rogue policemen | Resumes directives for PNP to support PDEA in anti- drug campaign including New Operational Guidelines for Double Barrel |
| Policy features | Project Tokhang (street level personalities) and Project HVT (high- value targets) | Creation of Inter-Agency Committee on Illegal Drugs (ICAD); Re- launching of War on Drugs with PNP Drug Enforcement Group | Call for participation of Catholic Church and civil society organizations representatives and use of body cameras in <i>Tokhang</i> operations | Prescribing proper conduct of anti-illegal drug campaign; dividing operations into phases of pre, during and post TokHang |
| Similarities (Current iteration vs. former) | Project Double Barrel refurbished from Davao City Police Order—Oplan Taphang (February 3, 2013) | Second iteration is similar to implementation of Project Double Barrel approach particularly Oplan Tokhang operations | Third iteration is still similar to implementation of Double Barrel Alpha but adds human rights-based policing as principle through press statements | Fourth iteration operationalizes Human rights- based policing through new guidelines |

| | | | | |
|---|---|--|--|---|
| Differences (Current iterations vs. former) | Project Double Barrel compared to Oplan Taphang in Davao is implemented nationwide; Taphang was eliminated and Tokhang operations more pronounced | Operations in second iteration includes high-value Targets from entertainment industry, gated communities and government offices in response to criticisms that operations target the poor | Third iteration as effect of overhauled operations included strategies of “one-time, big-time” anti-drug operations | Fourth iteration with operational guidelines mandating the creation of <i>Tokhang</i> teams; validation of watch list by PNP Directorate for Intelligence; referral to DOH/ DSWD for rehabilitation |
| Cause of iteration/ evolutionary junctures | Project Double Barrel was implemented using policy reference to Duterte’s pronouncement to get rid of illegal drugs | PNP-led operations suspended following the kidnapping and killing of South Korean National in January 2016. “PNP Anti-Illegal Drug Groups replaced with PNP Drug Enforcement Group” | Public outcry from death of Kian delos Santos and high death tolls in August 2017. PNP-led operations suspended via Presidential memo for the second time and was replaced by PDEA | Continued public skepticism over police-led operations; resurgence of illegal drug activities and crimes; new guidelines aimed to redefine public image of <i>Tokhang</i> . |

First, the policy trace suggests that the four iterations are crisis-driven, brought about by police misconduct and failures in policy implementation. This has stirred public criticisms toward the policy. It is important to point out that crisis in this analysis refers to policy implementation failures that are perceived in its “objective” conditions (i.e., killings of minors in police-led anti-drug operations). This is opposed to the “social construction” of crisis, which is as well important to explore especially in populist discourses (Hay 1995; Stavrakakis et al. 2019) and in post-truth politics.

The traditional notion of crises in public policy is influenced by the idea of policy windows (Kingdon 1995), which describes how

policies are shaped jointly by problems, policies, and politics. Thus, crises are often conceptualized as “policy windows” that provide political space for policy revisions, iterations, and/or evaluation. However, what we see in the anti-drug campaign is a consistent pattern of policy adjustments to “legitimize” the policy in its procedural form (i.e., how it is implemented), not in its substantive elements (i.e., the policy tools and solutions deployed). Based on the policy design trace, it is evident that at least two implementation crises (killing of a South Korean national and Kian delos Santos) have resulted to a temporary suspension of police operations and a subsequent “repackaging” of the policy. To be specific, iterations in the policy that came after the two implementation crises are only seen in the reorganization of police forces (either by suspension of operations or the creation of another police command group) and supplementary guidelines for *tokhang* operations (by implementing specific measures on conduct of operations such as prescribed body cameras and the involvement of other nonpolice actors such as faith-based organizations).

Additionally, a look at public support on the policy reveals interesting insights. One, the past 11 survey results on the net satisfaction with the campaign has always been either very good (+50 to +69) or excellent (+70 and above) (Flores 2019). However, net satisfaction surveys have dips that coincide with the implementation. This includes a -11 dip from December 2016 (+77) to March 2017 (+66), following the death of a South Korean national. Additionally, a -15 dip was also recorded from March 2017 (+66) to September 2017 (+51) following the death of Kian delos Santos (Sandoval 2019). A recent survey by the Social Weather Stations asking respondents to evaluate human rights abuses in the course of the administration’s campaign against illegal drugs in the last three years reveals that 75 percent see abuses happening in the implementation of the policy (SWS 2020). Cleve Arguelles (2019) notes this contradiction from the populist publics themselves by arguing that support for the “policy has become increasingly fragile,” where doubts on the effectiveness of the campaign coexist with admiration for the president.

Further, the Philippine Center for Investigative Journalism’s (2017) report on drug war statistics note that while government officials do not deny the lives lost in the anti-drug campaign, the ensuing narrative from policy pronouncements point to a war waged mainly as a police operation with accomplishment/success pegged

on an ever-lengthening trail of bodies and victims. This observation neatly characterizes the policy trace where emphasis was given to police interdiction and operations deficit of solid baseline statistics, firm targets, and verifiable indicators of success. The problem is compounded by the populist characteristic of Duterte. This has enabled him to securitize the concern on illegal drugs to justify killings and violence (Quimpo 2017, 145). Problems of accountability are compounded by the fact that the widespread delegation of power and authority of the presidency allow the “attacks on liberal democratic institutions” (Dressel and Bonoan 2019), which is evident in the undermining of institutions of human rights, hype-presidential control on co-equal branches in the Supreme Court and Senate, and threats to press freedom (Asia Times 2017). All of these are elements of democratic backsliding (Dressel and Bonoan 2019) and democratic erosion (Curato 2017b) that constantly shape and renegotiate how Project Double Barrel is and will be configured.

Second, despite undergoing four phases of iterations, the role of the Philippine National Police has remained vital and indispensable. This is reflected in presidential proclamations, memorandums, and orders, which point to the strong command of the president to the police. This presidential command translates, in effect, to the oversubscribed power of the PNP in anti-drug operations. The police remain to be a vital link in the implementation of the anti-drug campaign despite having been suspended twice in operations. This means that there is a grudging toleration and preference over the police despite initiatives for inter-agency work and whole-of-government approaches. This also implies that while iterations have been made in policy implementation, the core assumptions of the policy that espouse tough-handed anti-drug control measure remain the same. Therefore, the four iterations do not indicate a policy learning that Peter May (1992) characterizes as a policy redefinition that entails changes in goals, scope, and policy direction. Instead, these iterations were a mere rebranding of the campaign and represent only a low degree of instrumental policy learning. To illustrate, simple adjustments to implementation were made to preserve legitimacy and popularity of the campaign. It must be emphasized that value-based implementation of drug control, such as human rights-based policing and humane treatment of PWUDs, only remain in paper but not in the practice of policy.

What is interesting is that the Duterte administration maintains a high satisfaction rating (Reuters 2017) and public support for its anti-drug campaign (Pulse Asia 2017). This is not to say, however, that the approval rating of Duterte and public perception toward the campaign have remained steady over the years. Public skepticism on the campaign grew due to the controversial death of a South Korean national on January 30, 2017 and Kian delos Santos on August 10, 2017. The policy iterations of the anti-drug campaign were in response to these controversies and were primarily geared toward improving police-led enforcement. Ramon Casiple of the Institute for Political and Electoral Reform argued that much of the public criticism “does not impact on the President but it’s more on the police whose members were seen and perceived to be more involved in crimes and in the killings” (Reuters 2017).

Conclusion

The policy design trace of the Philippine anti-drug campaign reveals policy characteristics that are often neglected. One is that the policy has evolved into four distinct stages. However, policy iterations are largely responses to numerous implementation crises. The rebranding of policies was used to legitimize policy than improve policy values and learning. Second, changes in policy are only seen in the reorganization of police forces and supplementary guidelines for *tokhang* operations. Despite this, the campaign has neither become less punitive nor the centrality of police to the operations lessened. The campaign operates largely within a police-centric framework despite interagency and whole-of-government approaches.

Further, limitations on existing capacities of police, local government units, and health departments have been magnified without a national strategy or plan of action. It must be emphasized that the Philippine anti-drug strategy was only released two years after the implementation of Project Double Barrel. The Philippine Anti-Illegal Drugs Strategy (PADS) signed in November 2018 is set to redefine the campaign through a balanced and whole-of-government approach. One of its strategic objectives is to decentralize the anti-drug campaign by allowing localized anti-drug campaign plans. It recommends that municipal or city and provincial Anti-Drug Abuse Councils (ADACs) should have a permanent civil society organization

(CSO) representative and local PNP personnel involved in the formulation of respective local anti-drug strategy. This ensures that developments and implementation experiences in both CSO-led rehabilitation programs and police operations are integrated in the plan and that local government units work collaboratively with CSOs and PNP. Most recently, the Dangerous Drugs Board has designed a communication plan to help the public understand the government's strategies, which is called "Rehabinasyon" (PCOO 2018) through a whole-of-government approach, not only on enforcement, but also in rehabilitation and reintegration. The effect of this new policy redirection is yet to be seen as the legacy of Project Double Barrel rests on the policy's development.

Even with the release of PADS, no significant changes have been recorded with regard to Project Double Barrel. The new operational guidelines for Double Barrel implemented in December 2017 remain to be the same and continue in operation. Features of strong presidential support and police-led operations still result to a lethal mix of punitive police practices that remain to be a pattern in the Philippine anti-drug campaign. These important characterizations provide an explanation as to why the campaign has been highly punitive and why implementation problems ensue. This includes limitations on local government's and the health department's capacity as the numbers of voluntary surrenderees and those arrested continuously rise alongside death toll statistics.

If there is any consolation, the public health and developmental aspect of anti-drug control has been picked up more recently by policy experts and civil society organizations as important aspects that need a specific policy solution such as Community-Based Drug Intervention (see Hechanova, Alianan, Calleja, and Melgar 2018). This does not mean however that the arena for policy deliberation will be open to those who offer a rather different approach to drug control. Given the high approval rating of Duterte and the anti-drug campaign, the policy arena will be more likely open only to interests that complement, rather than challenge, the current policy. For better or for worse, it appears that drug-related deaths will continue as the policy evolves.

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Notes

1. This article is a product of the 2019 Philippine Journal of Public Policy Writeshop held on June 27 and 28, 2019.

2. As of January 2020, latest official data comes from the updated social cards for Real Numbers Briefing conducted by representatives of the Philippine Drug Enforcement Agency, Presidential Communications Operations Office, and the Philippine National Police last December 12, 2019. The death toll from the report is at 5,552 for drug personalities killed in official police operations (Luna 2019). This is heavily criticized by the Office of the Vice President in an ICAD Co-Chairperson's report (2020) noting that reliable baseline data is absent and a common process to track data across agencies is not yet in place (see Office of the Vice President of the Philippines 2019).

3. Timeline does not include developments from January 2019 to June 2020. This period covers important developments which include CMC No. 25-2019 PNP Anti-Illegal Drugs Campaign Plan "Double Barrel" (Revised 2019) released by the Directorate for Operations of the PNP. This CMC is the latest policy for the anti-drug campaign which refers to PADS as policy reference for a new campaign strategy with active participation of members of the community. Additionally, the period also includes the release of the Office of the Vice President's co-chairperson's report for the Inter-Agency Committee on Anti-Illegal Drugs on November 24, 2019. Vice-President Leni Robredo was appointed co-chair of the committee to supposedly evaluate the policy but was eventually recalled from the post. The report covers consultation and updates from November 6 to 24, 2019.

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