Decentralization and Federalism in Context

Federalism as the Next Logical Step to Devolution

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Notes for Presentation at the Federalism 101: Examining the Economic, Social and Political Viability of Federalism in the Philippines

I am grateful to Dean Ronald Mendoza, PhD of ASOG of Ateneo and Dean Joan Largo of the SOLG of the University of San Carlos for the opportunity to be part of this very important forum.
To begin with, may I also suggest that apart from economic, social and political viability (as suggested in the Conference’s theme) we will also look at the

ADMINISTRATIVE VIABILITY OF Federalism
This morning’s paper and today’s CNN and BBC (23 October 2017) featured the continuing conflict in Spain and the Catalonia region: it pertained to the continuing demand for autonomy and independence
Also recently we saw news about the demands for KURDS in Iraq and Iran and be part of the Kurdistan

What do these and other similar developments mean to us as students and practitioners of governance and public administration?
Demand for Autonomy, Home Rule, Self Rule, and even Independence has been seen in many countries in the world today
STILL EARLIER,
SECESSION AND AUTONOMY AND BALKANIZATION
Balkanization

A geopolitical term, originally used to describe the process of fragmentation or division of a region or state into smaller regions or states that are often hostile or uncooperative with one another.

Also is used to refer to ethnic conflict within multiethnic states. It was coined at the end of World War I to describe the ethnic and political fragmentation that followed the breakup of the Ottoman Empire, particularly in the Balkans.
Balkanization, division of a multinational state into smaller ethnically homogeneous entities. The term also is used to refer to ethnic conflict within multiethnic states. It was coined at the end of World War I to describe the ethnic and political fragmentation that followed the breakup of the Ottoman Empire particularly in the Balkans. (The term Balkanization is today invoked to explain the disintegration of some multiethnic states and their devolution into dictatorship, ethnic cleansing and civil war.)
Separatism in Spain: Basque and Catalonia
Catalonia and Basque in Spain
• Catalonia is a region in Spain's northeast. Barcelona is its capital.
• For “independistas,” the fight for freedom has been a three-century project, one that can be traced back to 1714, when Philip V of Spain captured Barcelona. (Even today, pro-independence Catalanians insult Spanish loyalists by calling them “botiflers,” or allies of Philip V.)
• Since then, Catalan nationalists have consistently pursued some degree of autonomy from Spain. By 1932, the region's leaders had declared a Catalan Republic, and the Spanish government agreed on a state of autonomy.
• Catalans often complain that they contribute more in taxes to the Spanish government than they get back. In 2014, Catalonia paid about $11.8 billion more to Spain's tax authorities than it received.

• “The complexity of budget transfers makes it hard to judge exactly how much more Catalans contribute in taxes than they get back from investment in services such as schools and hospitals.”
Spain, still: BASQUE and DEMAND FOR AUTONOMY

The Basque Country has always maintained a very notable singularity. It has its own language, Euskera (or Basque), which is of pre-Indo-European origin and is spoken by over one-fourth of the population.

There is also a peculiar political-institutional framework, consisting of self-government through provincial parliaments, which has been historically respected by the Castilian monarchy (as well as that of France up to the 1789 revolution).
Kurdistan
Kurd Separatism in Iraq and Iran
Canada and Quebec

Québec’s demands before the 1960s focused mainly on defending provincial autonomy, which linked State non-interventionism with the protection of Québec’s traditional character. The Catholic church, guardian of Québec civil society, saw to protecting a people long isolated from modern ideas. Conservatism and defensive nationalism dominated Québec politics. It was more common at the time to speak of a French-Canadian society than of a Québec society or people.
SCOTLAND DEMAND FOR AUTONOMY

Scotland’s place in the United Kingdom, an issue since the Union of 1707. This did not extinguish the Scottish nation but created an ‘incorporating union’, in which the Parliaments of Scotland and England were rolled into a single British Parliament, but the governing institutions of Scotland otherwise left mostly intact. Demands for more Scottish self-government within the union. The compromise was an extensive system of administrative decentralization.
Irish nationalism asserts that the Irish people are a nation. Since the partition of Ireland, the term generally refers to support for a united Ireland. Irish nationalists assert that rule from London has been to the detriment of Irish interests.
Northern Ireland is still part of the United Kingdom, but has a substantial nationalist minority who would prefer to be part of a united Ireland. In Northern Ireland, the term "nationalist" is used to refer either to the Catholic population in general or the supporters of the moderate Social Democratic and Labor Party.

"Nationalism" in this restricted meaning refers to a political tradition that favours an independent, united Ireland achieved by non-violent means. The more militant strand of nationalism, as espoused by Sinn Féin, is generally described as "republican" and was regarded as somewhat distinct, although modern Sinn Féin is a constitutional party committed to exclusively peaceful and democratic means.
There is something of a cultural and religious difference between Aceh and much of the rest of Indonesia. A more conservative form of Islam than is mainstream in most of Indonesia is widely practiced in Aceh. The insurgency in Aceh was waged by the Free Aceh Movement (GAM) between 1976 and 2005 in order for the province to be independent from Indonesia. The Indonesian state had designated it as the "Aceh Disturbance" (or Pemberontakan Aceh).
DEMAND FOR AUTONOMY

• Given the location of the province at the northern end of Indonesia, there is a widespread feeling in the province that leaders in distant Jakarta do not understand Aceh's problems and have little sympathy for local needs and customs in Aceh.
Maluku was part of the Dutch East Indies, a colony of the Netherlands, since its inception in the 18th century. Indonesian republicans included south Maluku as part of the independent Indonesia they declared in 1945. Indonesia's struggle to secure its independence lasted from 1945 until 1949. After international pressure, the Dutch acknowledged a federal Indonesian republic on 27 December 1949. In the first instance, the Netherlands only acknowledged the independence of Indonesia as a federation of autonomous states, of which one was South Maluku.
DEMAND FOR INDEPENDENCE

The main stronghold of the rebellious RMS group on Ambon was defeated by Indonesian forces in November 1950, while a smaller scale guerilla struggle continued on Ceram until 1962. The defeat on Ambon however resulted in the flight of the self-declared RMS government from the islands, and the formation of government in exile in the Netherlands. The following year some 12,000 Moluccan soldiers accompanied by their families went to the Netherlands, where they established a "Republic of the South Moluccas" government-in-exile.
Thai rule over the historical Patani region was confirmed by the Anglo-Siamese Treaty of 1909. However, until well into the 20th century, the government in Bangkok had interfered little, relying on local officials for the implementation of policies within the Patani region. This included an exemption in implementing Thai Civil Law, which had allowed Muslims to continue their observance of local laws based on Islam regarding issues on inheritance and family. However, by 1934 Marshall Plaek Phibunsongkhram set in motion of a process of Thaiification which had as its objective the cultural assimilation of the Patani people, among other ethnic groups in Thailand. His forced assimilation process and the perceived imposition of Thai-Buddhist cultural practices upon their society became an irritant for the harmonious relationship between the ethnic Malay Patani people and the Thai state.
CZECH AND SLOVAK REPUBLIC

With the collapse of the Habsburg monarchy at the end of World War I, the independent country of Czechoslovakia (Czech, Slovak: Československo) was formed as a result of the critical intervention of U.S. President Woodrow Wilson, among others.

The Czechs and Slovaks were not at the same level of economic and technological development, but the freedom and opportunity found in an independent Czechoslovakia enabled them to make strides toward overcoming these inequalities. However, the gap between cultures was never fully bridged, however, and this discrepancy played a disruptive role throughout the seventy-five years of the union.
MEASURES TAKEN TO ADDRESS DEMANDS

1992, Slovak calls for greater autonomy effectively blocked the daily functioning of the federal government. In the election of June 1992, Klaus's Civic Democratic Party won handily in the Czech lands on a platform of economic reform. Vladimír Mečiar's Movement for a Democratic Slovakia emerged as the leading party in Slovakia, basing its appeal on fairness to Slovak demands for autonomy. Federalists, like Havel, were unable to contain the trend toward the split.

Members of Czechoslovakia's parliament (the Federal Assembly), divided along national lines, barely cooperated enough to pass the law officially separating the two nations in late 1992. On 1 January 1993, the Czech Republic and the Slovak Republic (Slovakia) were simultaneously and peacefully founded.
In the Philippines

- Demand for Autonomy in Mindanao
- Mindanao Independence Movement
- Mindanao Dollar
- Mindanao Secessionist Movement: ML in 1972
- PD 1618
- ARMM
- BBL: Bangsa Moro Basic Law
- Federalism?
But we will expand the notion of federalism not only to address the concerns in Mindanao, but of all sub-national local governments clamor for autonomy as articulated by the Local Government Code of 1991 and earlier demands for autonomous local governments.
FEDERALISM IN THE PHILIPPINES
NEXT LOGICAL STEP AFTER DEVOLUTION
Stylized Continuum of Decentralization:
Degrees of Transfer of Powers and Authority
to Sub-national Levels

(Brillantes 2002)

Deconcentration  devolution  regionalism  federalism  independence
("otonomi")   ("merderka")
• This means, looking at readiness of the institutions
• This means looking at the capacities of these institutions
• This means looking at organization, management, bureaucratic, leadership aspects, which are all aspects of administrative viability
• We will argue that federalism IS administratively viable because administrative institutions ARE IN PLACE

• WE WILL BUILD ON HARD EARNED GAINS ESPECIALLY OVER THE PAST 25 YEARS SINCE THE IMPLEMENTATION OF DECENTRALIZATION IN THE PHILIPPINES
Who are federal?

**PRE-20TH CENTURY**
- United States (1789)
- Mexico (1824)
- Venezuela (1830)
- Switzerland (1848)
- Argentina (1858)
- Canada (1867)
- Germany (1871)
- Brazil (1899)
- Australia (1901)

**20TH CENTURY**
- Austria (1920)
- Germany (1948)
- India (1950)
- Malaysia (1963)
- Nigeria (1963)
- United Arab Emirates (1971)
- Pakistan (1973)
- Spain (1978)
- Micronesia (1979)
- St. Kitts and Nevis (1983)
- Russia (1993)
- Belgium (1993)
- Ethiopia (1995)
- Bosnia Herzegovina (1995)
- Comoros (1996)
- South Africa (1997)
Key Messages

• The shift to a federal system of government in the Philippines should be seen within the context of our continued search for the appropriate politico-administrative mechanisms and institutions that are responsive to our development needs.

• We can argue that federalism is the next logical step after devolution if placed within the context of empowering our subnational institutions/local governments which has been at the core of the arguments for federalism of Duterte, Pimentel and even Laurel.
Stylized Continuum of Decentralization:
Degrees of Transfer of Powers and Authority to Sub-national Levels

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Deconcentration  devolution  regionalism  federalism  independence
(“otonomi”)  ("merderka")
• WE HAVE TO BUILD UPON THE HARD EARNED GAINS OF THE PAST 25 YEARS: experience in phasing decentralization, defining and refining national-local relations, reinventing the role of DILG, developing capacities of both local and national, harnessing the role of the third sector

• Build on Administrative Regions: RDC – Administrative Infrastructure is in Place
Regions of the Philippines
(Autonomous Region in Italics)
The adoption of a federal form of government provides an excellent opportunity to implement the much needed reforms in local governance that have been proposed over the pasty several years. These include:

- Amalgamation and inter-LGU relations
- Continuous capacity building for NGAs and LGUs
- Barangay Reforms
- Sangguniang Kabataan Reforms
- Administrative reforms with the creation of a separate and deidcated department focussed on local governments by splitting the DILG into Department of Homeland Security and Department of Local Government
• Implementation of much need local and fiscal federalism reforms by addressing current LGU concerns on the devolution of finances suchs as reforming the IRA by including other factors such as poverty and performance and implementing the much needed fiscal reforms appropriate under a regime of devolution
Finally, Key Messages

• It is critical for all institutions (government, private, party, academic etc.) to continue the dialogue among themselves and come up with “minimums” under a federal set-up. We propose as a minimum devolution and autonomy of local governments taking off from the experience over the past 25 years.

• We have to avoid mis-information, and dis-information and even suggesting that federalism is the silver bullet. We have to manage expectations. It is an option and is the best logical option given the historical moment of devolution in the country.
• We have to be accurate with our data. Integrity of data should be a central concern.
• “medium is the message” : magic bullet???
• Continuous capacity building is imperative: driven by DILG-LGA (that will design and provide the framework) in partnership with local institutions including universities and colleges, governance hubs, and other providers (political parties, NGOs, Pos)
Since our theme is ROLE OF LOCAL GOVERNMENTS UNDER A FEDERAL GOVERNMENT,
As we have argued through the years, we will argue that Federalism must be framed with the context of Devolution
Why structural reforms that include federalism?  
*(Brillantes)*

- Excessive Centralization: horro stories of excessive centralization, corruption, etc.
- Unresponsive institutions
- Poverty, Corruption, Bureaupathology
- What we may need:
  - Need people participation and consultation
  - Localization
  - Home rule
  - DEMOCRATIZATION
Decentralization – people participation – can address these within the context of good governance

National – Local Power Relations

The Decentralization Continuum

Locating and Contextualizing FEDERALISM in the continuum
• Hence, Federalism as the “NEXT LOGICAL STEP” after Devolution
• BUT Will demystify federalism: greatest enemy of federalism is lack of information
• Build on what is familiar and what we have experienced
• We have to understand it
• 25 years of devolution
As early as 1992, we have said that “Federalism is the logical next step after devolution”

GMA EO on Federalism
Consultative Group of which we were part
Good Governance
Decentralizing the Bureaucracy
(Brillantes 2002)

National

de-concentration devolution de-bureaucratization

NGA LGU NGO/PO
Stylized Continuum of Decentralization: Degrees of Transfer of Powers and Authority to Sub-national Levels

(Brillantes 2002)

Deconcentration devolution regionalism federalism independence
(“otonomi”) (”merderka”)
Over the years, there have been general Issues and Concerns on Devolution

• National – Local relations
• Delineation of functions, responsibilities and powers
• Financial decentralization
• Inter-local cooperation
• Capacity building
Other Devolution Concerns

- Standard setting
- Inter-local cooperation
- Learning from devolution
- Health
- Agriculture
- Social services
- Environment
- Education: not devolved except for school buildings
• FEDERALISM stems from the Latin word “foedias” or “foederis”, -
• Meaning “a union and collaboration for the purpose of achieving common goals by autonomous and independent subjects and individualities”
<table>
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<tr>
<th>UNITARY SYSTEM</th>
<th>FEDERAL SYSTEM</th>
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<td>Sovereignty rests on the shoulders of the <strong>national government</strong>; all powers are held by a <strong>central agency</strong>. <em>(Example: The Philippines, Belgium, Bulgaria, France, The Netherlands, Japan, Poland, Romania, the Scandinavian countries, Spain, United Kingdom, and many of the Latin-American and African countries.)</em></td>
<td>In a <strong>federal system</strong> sovereignty is <strong>shared</strong> between the national and the local government units; <strong>powers are divided</strong> between a central government and several local governments. <em>(Example: Argentina, Australia, Austria, Brazil, Canada, Germany, India, Malaysia, Mexico, Nigeria, Russia, Switzerland, Venezuela and the United States.)</em></td>
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Jose Rizal, Our National Hero

"Absence of any great preponderance of one race over the others will free their imagination from all mad ambitions of domination, and as the tendency of countries that have been tyrannized over, when they once shake off the yoke, is to adopt the freest government, like a boy leaving school, like the beat of the pendulum, by a law of reaction the Islands will probably declare themselves a federal republic."
Aquilino “Nene” Pimentel Jr
Father of Local Autonomy and Decentralization in the Philippines
Prime Mover and Advocate of Federalism in the Philippines
Autonomy Federalism Nexus: Salvador Laurel, Former Vice President and Senator of the Philippines in 1989

“Federalism rests on the principle that the smallest unit of government knows what is best for its constituent needs. Decisions should therefore be made by the local, municipal, provincial, city or regional levels of governments, because they know best who need help and how to help them.”

On the Mindanao Issue: “I believe that plain and simple autonomy is not the solution to the secessionist problem. We must seriously consider a shift to the federal system under which greater autonomy can be given to the far flung regions that are now being neglected and left behind in economic development.”
“Federalism offers the best hope to our distinct minorities to be allowed self-rule. It is my submission that federalism is best for a nation characterized by diversity.”

Chief Justice Reynato Puno
Former Chief Justice of Supreme Court
In his Inquirer column, Our system stinks
August 8, 2015
• In designing the Federal Government
• We take off from our experience of Autonomy
• We have to delineate powers and authorities between national and local governments
• Delineate states by building upon the administrative regions set up in 1972 under the IRP and PD 1
• Sustain gains under local autonomy
As in the experience of Devolution, it is Imperative to clearly delineate powers, functions and responsibilities including revenue and spending assignments

**Basic Features of Devolution in 1992**

• Transferred the responsibility for delivery of basic services (agriculture, health, social services, environment)

• Transferred regulatory powers to LGUs

• Increased financial resources to LGUs by increasing their IRA shares

• Lay the foundation for Entrepreneurial LGUs (private sector participation, BOT, bond float etc)

• Policy framework for NGO / PO participation in local governance
As in the experience of Devolution, it is Imperative to clearly delineate powers, functions and responsibilities including revenue and spending assignments.

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<th>Exclusive</th>
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<td><strong>Federal</strong></td>
<td><strong>(Federal Framework, State and Local Operationalization)</strong></td>
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<td>• Defense, foreign affairs, currency, justice</td>
<td>• Education</td>
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<td><strong>State and Local</strong></td>
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• One basic step in designing a federal government is delineating state boundaries
• But this experience is not new because we can build upon the administrative regions that were set up as early as 192 under the IRP
Bases for state/region formation including proposed number and grouping

- Let us build upon the existing administrative regions that have been there since the 70s as defined in the Integrated Reorganization Plan (IRP) and implemented by PD 1.
- These regional delineations have taken into consideration various factors including geographic and ethno-linguistic and historical factors. Note too that the selection of regional capitals were carefully done in the IRP and we could build upon them.
- Some reconfigurations have to be made (e.g., Negros Island) but essentially we have to build upon the administrative delineations as provided for in the IRP and improve upon them.
We can start and build upon our existing administrative regions that have RDCs since the 70s. Regional delineation is NOT NEW and we can learn from our experience in the past.
ELEVEN (11) STATES (PIMENTEL PROPOSAL)
THE REGIONAL GOVERNMENTS

• Creation of more politically and economically effective administrative structure based on 11 regions with its own Regional Government
Structure of the local government system including powers and authority

This is a golden opportunity for us to enact much needed local government reform to strengthen and deepen devolution. These reforms in local governance include the following:

• Local Government Finance and reconfiguring the IRA
• Amalgamation among local governments that would consider viabilities and capacities. We should take off from the Codal provision that encourages local government units to enter into various modes of cooperation to address certain basic local issues and concerns such as environment, local economic development, social services
• Take off from the various studies of devolution by the various sectors (especially health and agriculture) and define and redefine the role of the national /central government: framework setting, macro-goal setting, but implementation by sub-national units to be in accordance to the national framework.

• We must build upon Ambisyon 2040

• Re-examine the role of barangays as political units with elected officials and convert them into administrative units

• Reexamine the sangunian kabataan as an elected set of officials but include a representative of the youth sector in the appropriate bodies

• Re-examine the role of the DILG under a federal set-up. Its role could be recast in terms of capacity building, standard setting, monitoring and evaluation and assessment.
Next Steps: Continuous Capacity Building

- Emphasize the “locked in” and “indivisibility” provision in the constitution to prevent separation
- Emphasize the parallel decentralization of accountabilities to address arguments about further local elite capture under federalism
- Work with LGA LRIs and LOGOTRI network in information and education campaigns on Federalism
- Work with local educational institutions within the town and gown principle not only for capacity building but also, more importantly, monitoring, evaluation and assessment of performance
- Hubs of Governance of UNDP and PSPA: we can have local federalism institutes attached to LGA LRIs/hubs that would be provide much needed local data and statistics to provide empirical basis for policy making under the federal set up
Intergovernmental fiscal relations including distribution of taxing powers, revenue sharing, equalization and redistribution

- An opportunity to re-examine and revise the IRA: land area should NOT matter
- Study the Australian “Grants Commission” model that allocates the shares of the local governments depending on several factors including capacities and disabilities of local governments
- Design and develop an equalization fund / matching grant system
- (Build upon and implement recommendations of studies earlier done by PIDS – Miral and Manasan and Llanto - on local finance under a federal set up)
Governance HUBS with Multiple Roles & Products

Products & Services

Data & Info Provider

Knowledge Generator

Governance Monitor & Analyst

Policy Advocate

Capacity Builder

Public Dialogues Convener / Host

Development Adviser

Products & Services

Researcher

Networker
## Governance-HUBS
### Luzon Universities

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<th>Region</th>
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| Ilocos              | University of Northern Philippines                                         | X  |   |   |   |    |    |
| Cagayan Valley      | Isabela State University  
                       | Cagayan State University                                                     | X  |   | X |   |    | X  |
| Central Luzon       | Central Luzon State University  
                       | Bulacan State University                                                     | X  |   |   | X |    |    |
| Southern Tagalog    | Batangas State University  
                       | Cavite State University  
                       | Romblon State University                                                     | X  | X | X |    | X  |
| Bicol               | Ateneo de Naga University  
                       | Bicol State University  
                       | University of Nueva Caceres                                                  | X  |   | X |   | X  |
| National Capital    | Polytechnic University of the Phil  
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                       | Ateneo School of Government                                                   | X  |   |   |   | X  |
## Governance-HUBS
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Revisiting Our Key Messages
Key Messages

• The shift to a federal system of government in the Philippines should be seen within the context of our continued search for the appropriate politico-administrative mechanisms and institutions that are responsive to our development needs.

• We can argue that federalism is the next logical step after devolution if placed within the context of empowering our subnational institutions/local governments which has been at the core of the arguments for federalism of Duterte, Pimentel and even Laurel.
• WE HAVE TO BUILD UPON THE HARD EARNED GAINS OF THE PAST 25 YEARS: experience in phasing decentralization, defining and refining national-local relations, reinventing the role of DILG, developing capacities of both local and national, harnessing the role of the third sector
The adoption of a federal form of government provides an excellent opportunity to implement the much needed reforms in local governance that have been proposed over the pasty several years. These include:

• Amalgamation and inter-LGU relations
• Continuous capacity building for NGAs and LGUs
• Barangay Reforms
• Sangguniang Kabataan Reforms
• Administrative reforms with the creation of a separate and dedicated department focussed on local governments by splitting the DILG into Department of Homeland Security and Department of Local Government
• Implementation of much need local and fiscal federalism reforms by addressing current LGU concerns on the devolution of finances suchs as reforming the IRA by including other factors such as poverty and performance and implementing the much needed fiscal reforms appropriate under a regime of devolution
Finally, Key Messages

• It is critical for all institutions (government, private, party, academic etc.) to continue the dialogue among themselves and come up with “minimums” under a federal set-up. We propose as a minimum devolution and autonomy of local governments taking off from the experience over the past 25 years.

• We have to avoid mis-information, and dis-information and even suggesting that federalism is the silver bullet. We have to manage expectations. It is an option and is the best logical option given the historical moment of devolution in the country.
• We have to be accurate with our data. Integrity of data should be a central concern.

• “medium is the message”

• Continuous capacity building is imperative: driven by DILG-LGA (that will design and provide the framework) in partnership with local institutions including universities and colleges, governance hubs, and other providers (political parties, NGOs, Pos)
CONTINUOUS REFORMS

ARE IMPERATIVE!
Build on Hard Earned Gains
Federalism as Next Logical
Step, Indeed.
Governance Framework for Reform

(Brillantes 2017)

Communication

INSTITUTIONS
Political / Administrative

VISION
Ambisyon 2040

Behavior Mindsets

Leadership Phronetic

Citizen Engagement

GLOCALIZATION

COOPETITION
Thank you
Mabuhay ang Ateneo de Manila University
Mabuhay ang University of San Carlos
Mabuhay and Mandaue Chamber of Commerce and Industry
Mabuhay and Konrad Adenauer Stiftung
Daghang Salamat!
As a Final remark, may we invite you to the international conference of the Philippine Society for Public Administration that will feature, among others, public administration and governance reforms – including decentralization – in the Philippines and other parts of the world.

Visit our Website Philippine Society for Public Administration for details