Framework for Debate on Federalism

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The Present Situation

- Congress gearing up for shift to federalism. Three main documents provide basis for working draft - Senate Resolution 10 by former Senate President Aquilino Pimentel Jr.; HR Resolution 8 by Reps. Aurelio Gonzales and Eugene Michael de Vera; and draft prepared by PDB-Laban Federalism Institute. Pimentel suggests 11 states with a Senate and a House with the Executive Department headed by a President and a Vice-President; Gonzales & de Vera, 18 states with a Senate and a House and a President and Vice President; and the PDP-Laban,, a parliamentary form but number of states still undetermined.
- Earlier drafts were Jose Abueva’s draft primer, and Dr. Salvador Araneta. Abueva suggests a federal structure with 11 states, while Araneta, one with 5 states.
- Primary reason for the shift – Present unitary structure has resulted in too much centralization and imbalance. The federal structure is expected to democratize wealth and power

Some Arguments: Pros and Cons:

Pros:

- A federal structure encourages pluralism or cultural diversity and empowers the people in the regions
- Promotes self-rule
- Even distribution of wealth and a more balanced development
- Separation of power
- Encourages collective leadership
- Offers opportunity for training local leaders for national leadership
- Decentralization in budgetary resources, with a larger allocation of IRA to the states
Cons:

- Probable domination by political dynasties
- Federalism lacks uniformity of state laws which may complicate business community
- May render poor regions poorer
- Overlap in jurisdiction between the federal government and the state
- Lack of capacity of local leadership
- Hampers creation of a national policy and neglect of national concerns
- May weaken unity and promote rivalries among regions
- Each state would have its own constitution, thus complicating the administration of justice
- Considerable bureaucratic costs; shift will involve expense of billions of pesos for the setting up of state governments.
- May create a bloated bureaucracy

The Way Towards Federalization

- Not to rush into the shift to federalism because if it fails, there is no turning back.
- Hold debates in each barangay, social or political clubs or on the media. The debates should not divide. Neither should they focus on the search for a common definition of federalism. For as an expert had said, federal systems around the world are not alike.
- Thus, the discourse should be on the analysis of differences and nuances of a particular structure.
- Not to adopt any particular country model, but to merely borrow what would suit our own cultural and social-economic and political conditions.

The US had adopted the federal-presidential system. Each of the 51 states has its own Constitution. Therefore, there are varying practices in implementation of controversial laws such as death penalty, abortion, etc. Germany has a federal-parliamentary system. The federal government has more powers than the State. In the United States, the State has more power than the national government.
• A “hybrid” type or federalization in phases (evolutionary) may be the answer. Thus, only regions which are ready would federalize first. The BBL can be a model, a template for federalism and we can learn lessons from its implementation.

• Historical and comparative analysis. Identify the major problems to be addressed, followed by an evidenced-based process of working out the solutions to these problems.

• Bring the issue of federalism to the people by engaging them in dialogues on the needed reforms – in institutions, values, resources that would make federalism succeed. Many do not yet fully understand the implications of federalism. There is need for them to understand terminologies like subsidiarity, asymmetric relationships, shared responsibility, etc.

• Do a comparative financial analysis of running a bureaucracy under our present unitary structure and that of a federal structure.

• Do a comparative financial analysis of running a bureaucracy under the unitary structure but with added reforms in local government to ensure more autonomy and financial independence.

• Monitor changes in the economic environment. Is the country and the regions too, moving towards improved economic development. What are the necessary conditions in bringing about social and income disparities?

• Hold nationwide consultations on federalism.

**Anticipating Future Demands**

• Our approach should be proactive. We must continually be on the lookout for unintended consequences and to anticipate future demands, risks, as well as events that may provoke tensions. Often, the tendency is to emphasize the physical requirements of federalism which are spatial or geographical and overlook the cultural aspects – religious, ethnic, relationships between these groups as well as among countries within the regions. Reforms will have be adaptive and flexible so that it can accommodate challenges such as territorial conflict, terrorism and extremism, migration, and climate change?
• While planning on this critical structural change, we should raise questions such as:
• How do we ensure the participation of lumads and other cultural communities in the shift to federalism?
• How about Sabah and conflict over the West Philippine Sea?
• What policies will be needed vis-à-vis planning the use of the new media and information and communication technology?
• How do we maintain quality and access to education?
• How do we ensure that the division and fragmentation of the country into autonomous regions would not erode national identity?
• What measures can we take to prevent secession?

Constitutional reforms must accompany the shift to federalism?

• Reforms should ensure a balance between strengthening sovereignty and partnership with the global community
• This will require a common understanding of multiculturalism – mutual understanding of human rights, justice, and the rule of law.