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## Asking the right questions on federalism

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The most contentious issue among all the proposed changes to the Constitution is the shift from a unitary to a federal form of government. Federalism has been a hotly debated topic in certain circles – academe, government, business, media. But the general public, I believe, is still ignorant of what this is all about. Unfortunately, many if not most of those who are engaged in the debate on federalism are themselves woefully ignorant about the details of this new structure. There is for example the misconception that there is only one type of federal form of government while the truth is there are several models.

A consultative committee has recently been appointed to serve as an advisory body to the House and the Senate who will decide on the final changes to be submitted to a plebiscite. While I am not familiar with all the 19 names that have been appointed so far, there are at least three who I believe are deserving because of their expertise on the topic.

Former Senate President Aquilino "Nene" Pimentel Jr. has been a strong advocate of federalism even when he was the founding president of PDP in 1982, long before this debate on federalism became public. Chief Justice Reynato Puno is an acknowledged legal luminary who has exhibited strong respect for a constitutional democracy. Dr. Julio Teehankee is one of the nation's leading political scientists. He was former dean of the DLSU College of Liberal Arts and remained active in the academe as political science professor in the same university.

There are still six vacancies on the committee. May I suggest that they add more women and at least a business sector representative from one of the major business federations like the Manage-

ment Association of the Philippines and the Makati Business Club.

I would like to strongly recommend to those who will be actually involved in the constitutional changes and those who are going to be active participants in educating the public to educate themselves by reading books especially about federalism. Those engaged in this debate on federalism should find the time to read books on the topic. Here are two books I would highly recommend to begin with:

"Debate on Federal Philippines: A Citizen's Handbook" by Eduardo Aranal Jr., Paul D. Hutchcroft, Gilberto M. Llanto, Jonathan E. Malaya, Ronald U. Mendoza, Julio C. Teehankee. Ateneo de Manila University Press, 2017. This book is divided into six chapters with a series of questions and corresponding answers. Among the questions raised are: Chapter 1: Background: Decentralization and the Local Government Code. What is Republic Act 7160 (Local Government Code of 1991) and what is the motivation behind decentralization? Has fiscal decentralization succeeded or failed? What have we learned from over 25 years of decentralization? How is federalism linked to decentralization?

Chapter 2: Rationale and Features of Federalism. Why pursue federalism? Why not just amend the local government code? What are the different models of federalism extant in the world today? What lessons can be learned from the American, Canadian, and German federal models? Which model of federalism fits the Philippines? Is federalism in the Philippines a "new" idea? Which form of government fits the Philippines best: presidential, parliamentary, or hybrid? What are the perils of the presidential system? What are the advantages of the parliamentary system? The hybrid model with a strong presidency – was that not what Marcos wanted?

\*FEDERALISM

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Chapter 3: Federalism Risks and Opportunities. Could federalism lead to a break-up of the country? Will federalism lead to more capture by political dynasties? Will dynasties proliferate even more under federalism? Will federalism lead to more corruption among local officials as what happened in ARMM in the 1990s? What are the specific risks of unintended consequences arising from federalism? How can poorer states support themselves?

Chapter 4: Evidence for and experience with federalism that works. What are the conditions for federalism to succeed?

Chapter 5: Day-to-day Governance Under a federal government. Where will sovereignty reside: federal or state governments? Will there be state constitutions and flags? Can state or local governments set up their own police force? How will taxes be collected and divided? Should there be more independent states under federalism? Which functions of the national government will be devolved? How will national elections be conducted? Who will preside over the conservation and preservation of tangible and intangible legacies and heritage? Is the Bangsamoro Basic Law (BBL) subsumed intact under federalism? What are the possible political divisions of the country under a federal system?

Chapter 6: Federalism in Context: Laying the Foundations for a Problem-Driven Process of Political Reform. What are the three major types of reform commonly considered by those who are seeking to change a country's political

system? What major principles are important to consider before embarking on processes of political reform? How is one to define whether a country is relatively more centralized or decentralized? It is commonly asserted that the Philippines has long been a highly centralized country. Is this really true, based on the historical record? How does the Philippines compare with its neighbors in its degree of centralization or decentralization? If the ultimate goal is to give more authority and responsibility to lower levels of government, why is there a need for central steering? If federalism requires strong institutional capacity at the national level in order to ensure effective central steering, what are the institutional requirements of federalism at the subnational level? "If federalism is the answer, what is the question?"

"Comparative Federalism: Theory and Practice" by Michael Burgess. Routledge, Great Britain, 2006. This book is described as a comparative approach to the nature and meanings of federation, a particular kind of state, and federalism, the thinking that drives it. It analyzes the "conceptual bases of federalism and federation through the evolution of the intellectual debate on federalism, the American federal experience, the origins of federal states and the relationship between state-building and national integration"; uses empirical studies on the USA, Canada, Australia, India, Malaysia, Belgium, Germany, Austria, Switzerland and the EU; explores the "pathology of federations - the failures, successes and the impact of globalisation"; concludes with an assessment of the federal theory.