

AGAINST FEDERALISM

BY R. B. OCAMPO

FORMER DIRECTOR, LOCAL GOVERNMENT CENTER, AND DEAN ,NCPAG
(1/29/2017)

LECTURE'S AIMS

- TO ASSESS THE COURSE AND CONSEQUENCES OF THE SHIFT TO A FEDERAL INSTEAD OF THE PRESENT UNITARY FORM OF THE PHILIPPINE GOVERNMENT
- TO SHOW THAT IT IS A RADICAL SHIFT THAT IS LIKELY TO BE SELF-DEFEATING AND RISKS DISMEMBERMENT OF THE REPUBLIC
- TO ARGUE THAT THE UNITARY-PRESIDENTIAL SYSTEM IS BETTER THAN THE FEDERAL-PARLIAMENTARY ONE BEING ADVOCATED BY THE PRESENT ADMINISTRATION

MEANING OF “FEDERALISM” (FEDERALIZATION)

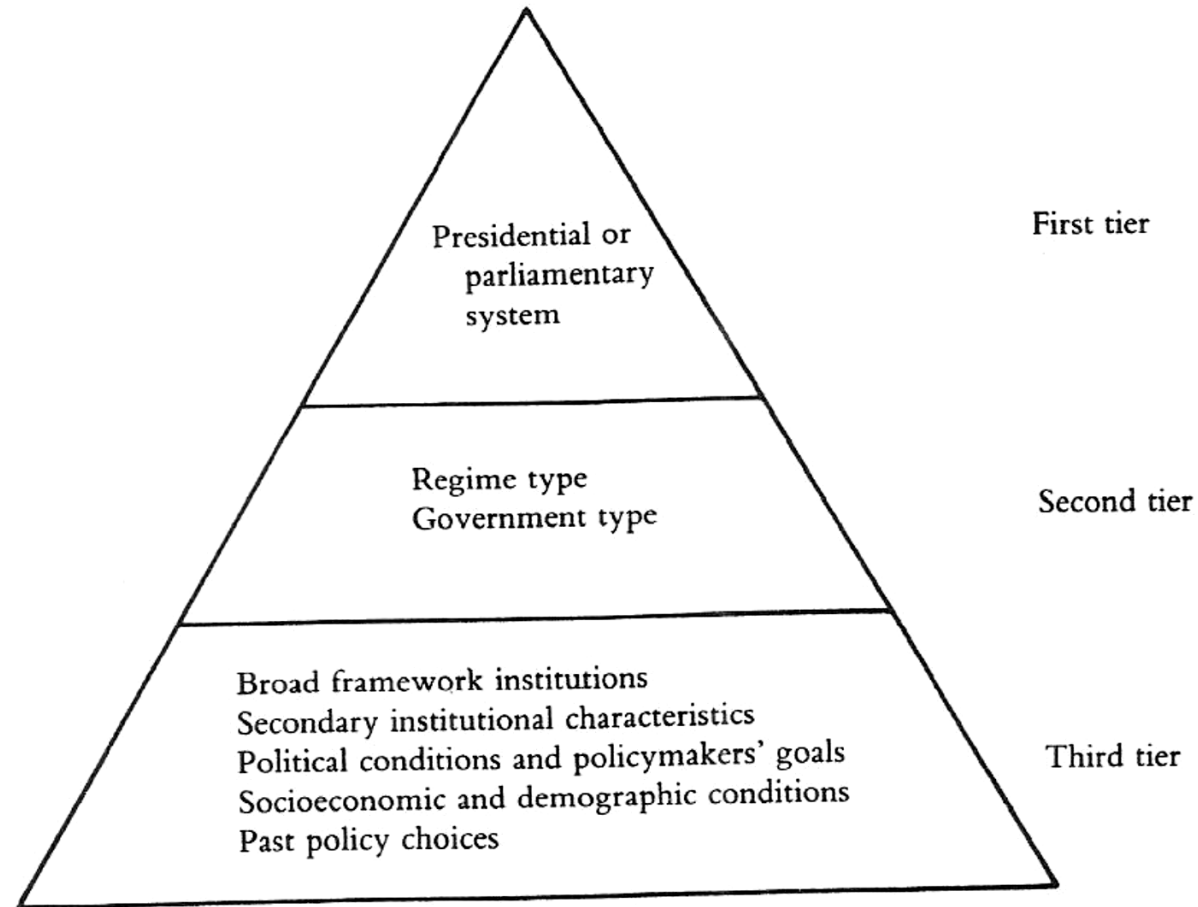
- THE NATIONAL GOVERNMENT SHARES ITS SOVEREIGN POWERS, FUNCTIONS, AND RESOURCES WITH THE 11-13 STATES TO BE CREATED ON TOP OF THE L.G.U.s
- VS. THE UNITARY SYSTEM WITH ITS SINGLE SOVEREIGN NATIONAL GOVERNMENT WITH THE LGUs AS ITS CREATURES, BUT TO WHICH IT CAN DECENTRALIZE BUT COME SHORT OF A CONSTITUTIONAL SHIFT TO FEDERALISM

FEDERALIZATION IS HARD TO DO

- REFLECTS A FAITH IN STRUCTURAL CHANGE THAT MAY BE INADEQUATE IN VIEW OF THE OTHER INSTITUTIONAL FACTORS INVOLVED IN ECONOMIC AND SOCIAL CHANGE (ANNEX 1)

ANNEX 1

Figure 2. *Tiers of Explanations of Differences in Government Capabilities*



SOURCE: R. Kent Weaver and Bert A. Rockman, *Do Institutions Matter? Government Capabilities in the United States and Abroad*. Washington D.C.: The Brookings Institution, 1993: 10. "Federalism" is one of the "broad Framework institutions" in this conceptual scheme, with judicial review and bureaucratic strength and autonomy being the others. (p. 31-32).

FEDERALIZATION IS HARD TO DO

- **NONETHELESS, FEDERALISM IS TRULY A RADICAL MOVE TO CHANGE THE RULES AND RULERS OF THE GOVERNANCE GAME**
- **THE STATES WOULD ASSUME MANY OF THE FUNCTIONS, POWERS, AND RESOURCES OF THE NATIONAL GOVERNMENT, AND WILL LIKELY EXERCISE A VETO POWER ON THE LATTER'S DECISIONS AND POLICIES**

- **THE SHIFT WOULD REQUIRE CONSTITUTIONAL CHANGE – HARD TO PULL OFF, AND HARD TO REVERSE IF FOUND FLAWED OR FAULTY – “LOCKED IN” CONSTITUTIONALLY**
- **HARD ENOUGH TO DESIGN, BUT IF ADOPTED, IMPLEMENTATION MAY BE SLOWED OR DISTORTED BY INCREMENTALIST FORCES**

- **DIFFICULT BUT NOT IMPOSSIBLE TO PUSH THROUGH? THE ADMINISTRATION IS CONFIDENT WITH ITS HOLD ON CONGRESS AND SHIFT TO THE ASSEMBLY MODE OF CONSTITUTIONAL REFORM**
- **PRESIDENT DUTERTE HAS EVEN PROMISED TO LEAVE OFFICE MID-WAY ONCE FEDERALISM PASSES MUSTER**

**BUT THERE ARE ADVERSE FEDERALIST CONSEQUENCES
TO CONSIDER. HOW DAMNING THESE COULD BE
DEPENDS ON HOW RADICAL THE CHANGES WOULD
BE. THE “PIMENTEL MODEL” GIVES A GOOD IDEA OF
HOW HUGE THE INSTITUTIONAL CHANGES WOULD BE**

THE PIMENTEL MODEL

- THE FEDERALIST CONSTITUTIONAL PROPOSAL CONTAINED IN THE SENATE JOINT RESOLUTION (NO. 10) FILED BY SEN. AQUILINO PIMENTEL, JR. IN THE 4TH CONGRESS IN THE 2000s
- SEN. PIMENTEL WAS THE AUTHOR OF THE LOCAL GOVERNMENT CODE OF 1991, WAS A SENATE PRESIDENT, AND FOUNDER OF THE PDP-LABAN PARTY THAT HELPED ELECT PRESIDENT DUTERTE
- HIS FEDERALIST PROPOSAL IS STILL THE MOST COMPLETE AND LIKELY THE MOST INFLUENTIAL ON CURRENT DRAFTERS OF THIS CENTRAL INSTITUTIONAL CHANGE IN THE CONSTITUTION

THE MODEL'S TWO-FOLD AIMS

“MEANT TO ACCOMPLISH TWO MAJOR THINGS:

- “1. TO CAUSE THE SPEEDY DEVELOPMENT OF THE ENTIRE COUNTRY BY UNLEASHING THE FORCES OF COMPETITIVENESS AMONG THE STATES, AND**
- “2. TO DISSIPATE THE CAUSES OF REBELLION IN THE COUNTRY AND PARTICULARLY IN MINDANAO.”**

THIS WAS PART OF A KEYNOTE ADDRESS GIVEN AT A SEMINAR IN CAVITE ON APRIL 23, 2008.*

***REPRINTED AS “FEDERALIZING THE PHILIPPINES: THE FINAL SOLUTION WITH REASON,” *THE FUTURE OF LOCAL AUTONOMY: DECENTRALIZATION AND FEDERALISM*, ED. BY A.B. BRILLANTES, JR., S.A. ILAGO, & R.N. MONTES, JR., 2008: 7-13.**

“AN INVASIVE SURGERY”

- THIS WAS HOW SEN. PIMENTEL DESCRIBED HIS MODEL – TRUE IN ITS REDISTRIBUTION OF POWERS AND RESOURCES

RADICAL RE-ALLOCATION OF FUNCTIONS (READ POWERS)

- **38 TO 11 STATE LEGISLATURES AND 20 TO THE FEDERAL CONGRESS
(LISTED IN ANNEX 2 OF MY PAPER)**
- **THESE ARE NOT ALL “EXCLUSIVE” LEGISLATIVE JURISDICTIONS:
MORE THAN A DOZEN WOULD BE SHARED OR OVERLAP (SEE BOX 1)**

BOX 1. FEDERAL, SHARED, AND STATE LEGISLATIVE JURISDICTIONS

FEDERAL CONGRESS

- 1. National security and defense
- 2. The sole power to declare war ...
- 3. Foreign relations, treaty ratification
- 5. Customs and quarantine
- 7. Immigration, emigration, extradition
- 8. Interstate commerce and trade
- 12. Intellectual property & copy right
- 14. Grants-in-Aid to States
- 18. Cloning, genetic research & eng'g.
- S35. Registration of births, etc.; copies to NSO

SHARED

- F4. "Foreign trade but States may enter into trade relations with other countries ..." (S9, S10)
- S1. Public health, sanitation, hospitals, ... facilities except those established by Congress
- F6. "The federal currency, fiscal and monetary, system, taxation, budget and audit" (S5)
- F9. Federal public works and infrastructures (S7)
- S14. State's share of the national public debt
- F11. Federal air, sea & land transportation (S7)
- F17. Federal Penal System (S20)
- F13. Meteorology & standards of weights & measures (S28)
- S15. Courts for indigenous populations ...

STATE LEGISLATURES

- S4. Cadastral or land surveys of any kind
- S6. Fisheries, aqua-or-marine culture, swamps or marshlands ...
- S8. State public corporations and quasi- public corporations
- S11. Bankruptcy and insolvency
- S12. Trust and trustees
- S13. Compelling attendance of State & LGU officials in State proceedings...
- S18. Police over State offenses
- S16. Salaries, allowances of all State officials and employee
- S21. Inter-state transfer of accused and convicted persons

SHARED

20. Offenses defined in the Penal Code (S17)

S23 Mines, minerals, gas except those ... covered by acts of Congress

STATE LEGISLATURES

S22. Wild animals, birds, endangered species, state flora & fauna

S24. Water, water supplies, etc. within state boundaries

S25. Economic and social planning

S26. Social security, pensions, disaster relief & rehabilitation

S27. Cooperatives, microfinance, etc.

S29. Price control

S30. LABOR AND EMPLOYMENT

S31. SCIENCE AND TECHNOLOGY

S32. Free EDUCATION from pre-school... subsidized college and universities

S33. Libraries, museums... record than those covered by existing law

S34. Charities, charitable institutions

S36. Pilgrimages outside the republic

S37. Banning or regulating... tobacco, alcoholic drinks, including labels

SENATE JOINT RESOLUTION NO. 10, ANNEX 1 IN *THE FUTURE OF LOCAL AUTONOMY*, ED. BY ALEX R. BRILLANTES JR., SIMEON A. ILAGO, AND RAPHAEL N. MONTES JR., KONRAD ADANAUER STIAFUNG E.V. AND CENTER FOR LOCAL AND REGIONAL GOVERNANCE, NATIONAL COLLEGE OF PUBLIC ADMINISTRATION, UNIVERSITY OF THE PHILIPPINES: 2009: 131,148-152

SEE ANNEX 2 OF THIS PAPER FOR THE ORIGINAL LISTING. THE LETTERS "F" AND "STATE" PRECEDING THE NUMBERS INDICATE WHETHER THE FUNCTIONS WAS ORIGINALLY LISTED UNDER THE "FEDERAL CONGRESS" OR "STATE LEGISLATURE." AUTHOR OF THIS PAPER REARRANGED THE LISTING BASED ON HIS READNGS WHETHER THE FUNCTIONS ARE "SHARED" OR TRULY EXCLUSIVE EITHER TO THE FEDERAL CONGRESS OR THE STATE LEGISLATURES.

NONETHELESS, THE FEDS WOULD BE LEFT WITH FEWER IF NECESSARILY NATIONAL EXCLUSIVE FUNCTIONS BUT WOULD ALSO LOSE A NUMBER TO THE EXCLUSIVE FOLD OF THE STATES, INCLUDING:

- *CERTAIN NATURAL RESOURCES (STATE FLORA & FAUNA, WATER SUPPLY)**
- *ECONOMIC AND SOCIAL PLANNING**
- *SOCIAL SECURITY, DISASTER RESPONSE**
- *LABOR AND EMPLOYMENT**
- *SCIENCE AND TECHNOLOGY**
- *EDUCATION**

NO COUNTERPARTS OF THESE FUNCTIONS ARE LISTED OR HINTED AT IN THE ORIGINAL LIST OF FEDERAL FUNCTIONS


ADDITIONAL FEATURES OF THE RE-ALLOCATION

- NO PROVISION FOR INTER-STATE COOPERATION, ALTHOUGH THE FEDS WOULD HAVE SOME LINKING AND CONFLICT-RESOLUTION FUNCTIONS
- THE ONLY POSSIBLE COOPERATION VENUE WOULD BE AN EQUALIZATION FUND COUNCIL WITH 13 STATE-LEVEL AND 4 FEDERAL REPRESENTATIVES

- **NO MENTION OF REDISTRIBUTING THE FUND IN FAVOR OF THE LAGGING REGIONS**
- **SOME PROVISIONS MAY HARDEN STATE BOUNDARIES; PRESIDENTIAL TALK OF RECONFIGURING MINDANAO TERRITORIES TENDS TO REINFORCE THIS IMPRESSION**
- **CONSISTENT WITH THE INSTRUMENTAL AIM OF “UNLEASHING THE FORCES OF COMPETITIVENESS AMONG THE STATES”**

FISCAL FEDERALISM TO FAVOR THE STATES

- FISCAL-FINANCIAL RESOURCES FROM ALL TAXES AND REVENUES TO BE DIVIDED 30%-70% IN FAVOR OF THE STATES (21% OF THE TOTAL) AND THE LGUs (49%)
- REALLY HUGE GIVEN THE CURRENT 60-40 DIVISION BETWEEN THE NATIONAL AND LOCAL GOVERNMENTS ALONE

- **THE SENATE RESOLUTION ACTUALLY PROVIDED FOR AN 20-80 PARTITION BETWEEN THE FEDS AND THE STATES AND LGUs**
 - **ANOTHER SOURCE SAYS THE CURRENT DISTRIBUTION IS 80-20 IN FAVOR OF THE NATIONAL VS. THE LGUs**
- 
- A decorative graphic consisting of several parallel white lines of varying thicknesses, slanted diagonally from the bottom-left towards the top-right, set against a blue gradient background.

THE UPSHOT: A MUCH WEAKER NATIONAL/FEDERAL GOVERNMENT THAT:

- MAY DO ITS FEWER JOBS BETTER, BUT THIS IS UNLIKELY WITH MUCH LESS FUNDS, PEOPLE, EQUIPMENT, OTHER RESOURCES TO DO THEM WITH
- CAN HARDLY GROW BECAUSE RESTRICTED IN IN ACCESS TO GROWTH SOURCES BELOW THE STATES
- CANNOT DO A BETTER JOB, UNABLE TO MODERNIZE ITS ARMED FORCES, FOR EXAMPLE
- EVEN ITS INTERSTITIAL JOB WITH THE STATES, WITHOUT ITS OLD ECONOMIC, SOCIAL, AND PHYSICAL PLANNING AND FRAMEWORK FUNCTIONS

THE PIMENTEL MODEL WOULD FURTHER WEAKEN THE FEDS BY RELOCATING ITS LEGISLATURE TO THE VISAYAS AND ITS SUPREME COURT TO MINDANAO, MAKING IT HARDER FOR POLICY-MAKERS AND BUREAUCRATS TO NEGOTIATE, DELIBERATE, AND OTHERWISE TRANSACT ON A FACE-TO-FACE BASIS

EXISTING ADVANTAGES LIKELY TO BE LOST OR REDUCED

- ECONOMIES OF SCALE AND SCOPE FROM NATION-WIDE PERSPECTIVES AND ACTIONS
- ABILITY TO SET OR MAINTAIN INTER-REGIONAL TRANSPORT, COMMUNICATION, AND TRADE LINKS AND TRANSACTIONS
- TO REINFORCE COMPARATIVE ADVANTAGES AND COMPLEMENTARITIES AMONG THE REGIONS/STATES

- **TO PLAN AND IMPLEMENT POLICIES THAT PROMOTE COMMON VALUES AND STANDARDS WHILE RESPECTING AND NURTURING THE COUNTRY'S DIVERSITY**
- **ENOUGH CENTRAL POWER AND RESOURCES TO REDRESS IMBALANCES IN FAVOR OF LAGGING REGIONS AND COMMUNITIES**
- **A CENTRAL GOVERNMENT THAT CAN DRAW ON ITS CONSTITUTIONAL AND MATERIAL STRENGTHS TO KEEP THE COUNTRY INTACT AGAINST CENTRIFUGAL PRESSURES**

ONLY ONE PART OF THE MODEL WILL SUCCEED

- ONLY TOO WELL

- RATHER THAN ACCELERATING ECONOMIC DEVELOPMENT AND DISSIPATING REBELLION, ONLY THE INSTRUMENTAL AIM OF “UNLEASHING THE FORCES OF COMPETITIVENESS” MAY WORK, AS CUTTHROAT COMPETITION AMONG THE STATES
- THE STATES/REGIONS ALREADY AHEAD AT THE NEW STARTING LINE WILL SURGE FARTHER AHEAD, AT THE EXPENSE ESPECIALLY OF THOSE LEFT FAR BEHIND

- **ONE THING THE PRESENT GOVERNMENT AND ADMINISTRATION COULD WELL DO, BUT CAN NO LONGER DO UNDER FEDERALISM IS REDRESS INTER-REGIONAL AND OTHER IMBALANCES**
- **DISAFFECTION WITH DISPARITIES WILL FESTER AND FUEL SECESSIONIST SENTIMENTS, WHICH WILL BE FACILITATED WITH FEDERALIST RESOURCES**

THE RISK: DÉTENTE OR DISMEMBERMENT

- MICHAEL HECTER, A SOCIOLOGIST WITH THE UNIVERSITY OF WASHINGTON, CAUTIONS IN CONTAINING [REGIONAL] NATIONALISM* AGAINST JUMPING TO A GRIM PROGNOSIS LIKE MINE
- HE CITES EVIDENCE FROM OTHER COUNTRIES THAT FEDERALISM MAY CALM DOWN SECESSIONIST AGITATION - THE UK, SPAIN, BELGIUM, FRANCE, AND THE U.S. AND SWISS FEDERAL GOVERNMENTS
- BUT HE ALSO CITES RISKS OF FAILURE IN DEVOLUTIONIST AND FEDERALIST ATTEMPTS TO HEAD OFF SECESSION – THE COSTLY U.S. CIVIL WAR, THE USSR'S DISSOLUTION, THE CONTINUED AGITATION IN CANADA'S FRENCH QUEBEC AND SPAIN'S BASQUE REGION

*OXFORD: OXFORD U.P., 2000.

**IF THE LONG-LASTING USA IS OUR EXEMPLAR FOR
FEDERALISM, ITS OWN STUDENTS NOTE THAT EXCLUSIVE
POWERS HAD LONG BECOME A LEGAL FICTION SINCE IT
“MATURED” AFTER THE CIVIL WAR, AND THAT IT HAS HAD
DIFFICULTIES MAKING “CREATIVE FEDERALISM” WORK IN
NEWER POLICY AREAS LIKE ENVIRONMENTAL MANAGEMENT
(ANNEX 3)**

- **TO RETURN TO HECTER: “CENTRALIZATION IS STRONGLY ASSOCIATED WITH NATIONALIST REBELLION” – BUT THE BREAK-UP OF FEDERAL YUGOSLAVIA TRUMPS THE ROBUSTNESS OF THIS STATISTICAL PATTERN**
- **YUGOSLAVIA WAS THE MOST DECENTRALIZED IN HECTER’S SAMPLE BUT IN THE NEXT DECADE IT SPLIT INTO FIVE STATES AND USHERED “ETHNIC CLEANSING” INTO THE ENGLISH LANGUAGE**

- **HECTER ALSO ARGUES THAT EXTERNAL RATHER THAN INTERNAL FORCES ARE THE DYNAMIC OF DISSOLUTION - EXOGENOUS SHOCKS LIKE MILITARY DEFEAT OR DEEP FISCAL CRISES**
- **OURS IS LIKELY TO BE SELF-INFLICTED BUT IT IS NOTEWORTHY THAT CHINA HAS PLANTED ITS BULLY BOOTS INTO OUR TERRITORY AND IS SO NEAR IT CAN STIR UP MORE TROUBLE IN OUR VULNERABLE REGIONS**

THE CASE FOR UNITARY GOVERNMENT

- **THREE PROFESSORS FROM BOSTON UNIVERSITY PRESENT THEORETICAL AND EMPIRICAL ARGUMENTS FOR “CENTRIPETAL DEMOCRATIC GOVERNMENT” (“UNITARISM” FOR SHORT)***
- **THE THEORETICAL ARGUMENTS, AGAINST THE USUAL FEDERALIST ARGUMENTS ON COMPETITION, FISCAL FEDERALISM, ETC. ARE SUMMED UP IN BOX 2 OF MY PAPER**

***JOHN GERRING, STROM C. THACKER, & CAROLA MORENO, “CENTRIPETAL DEMOCRATIC GOVERNANCE: A THEORY AND GLOBAL INQUIRY,”
AM. POL. SCI. REVIEW 99/4 (NOV. 2005) 567-581.**

Box 2. FEDERALIST ARGUMENTS PRO AND CON

(a) *Competition*. Federalists argue that federalism would induce healthy among states to improve their services, which would induce local residents to “vote with their feet” and move into better performing local units. Professor Gerring et al.* counter that the local government theory (Tiebout 1956) will face limits as many other push-pull factors motivate migration. Capital can cross borders more easily than humans, and capital competition could be a “race to the bottom” as excessive local incentives to outside investors reduce the local tax base and degrade the quality of governance. (Gerring et al. 2007: 5-6)

(b) *Fiscal federalism*. Subnational public goods and services can be better suited to regional and local circumstances through decentralization. However, such adaptation can be easier to achieve with administrative process rather than a constitutional change. A federal system is more rigid and not necessarily more adaptive than a unitary one. Fixed state boundaries, often historically and cultural determined, may not jibe with current realities and adjust with changing circumstances. They may inhibit inter-state actions to deal with externalities produced by a state. Central intervention and assistance needed in such instances can be hamstrung in a federal system. (Ibid.: 6-8. See Box 2, appended, on related difficulties of “environmental federalism” in the U.S.)

(c) *Veto power*. The veto points added by federalism make it harder to change central policies and therefore enhance “credible commitment” and citizen and investor confidence in the continuity of national policies. However, this federalist argument assumes that the status quo is favorable to policy continuity, but if it is not (for instance, if the existing policies and institutions are corrupt, inefficient, or poorly devised), the multiple veto points “will only serve to institutionalize a low-equilibrium trap.” An increase in veto points may drive out bad ideas but “it may also drive out good ones.” (Ibid.: 9-10)

(d) *Accountability*. Federalists argue that federalism enhances political accountability by bringing decision-making closer to the people where politicians are more attuned to local concerns. But whether federalism induces more local accountability is doubtful, since there may be discrepancies between the origins and impacts of policies and local perception of their benefit and cost incidence. Subnational economic policies may have national or external outcomes that local voters may not readily understand and properly attribute. (Ibid.: 10-11).

(e) *Size of the federal government*. Federalists contend that the central government should be smaller and impose fewer regulatory burdens on the market and civil society. Federalism may constrain government size in terms of aggregate revenue and expenditure. Unitarians, on the other hand, doubt whether small government is necessarily “a sign of good governance.... ‘Big government has both advantages and disadvantages.’” (Ibid.: 12).

SOURCE: John Gerring, Strom C. Thacker, and Carola Moreno, “Centripetal Democratic Governance: A Theory and Global Inquiry,” *American Political Science Review* 99/4 (November 2005) 567-581.

- **DRS. GERRING, THACKER, AND MORENO ADD THAT IT WOULD BE EASIER FOR UNITARISM TO RE-ALLOCATE FUNCTIONS THAN FEDERALISM BECAUSE REGIONAL POLITICIANS HAVE COMPETING AGENDAS**
- **ON ACCOUNTABILITY, FEDERAL STATES ARE MORE LIABLE TO CAPTURE BY SPECIAL INTERESTS BECAUSE THEY DO NOT HAVE THE DIVERSE CIVIL ASSOCIATIONS TO COUNTER OFFICIAL CORRUPTION**
- **FEDERALISM TENDS TO FRAGMENT POLITICAL PARTIES INTO “WEAKER, MORE FISSIPAROUS NATIONAL PARTIES”**

- **THE TRIO'S EMPIRICAL, STATISTICAL ANALYSIS SHOWS THAT UNITARISM IS ASSOCIATED WITH HIGHER POLITICAL DEVELOPMENT (NOT ROBUST), LOWER CORRUPTION, AND HIGHER BUREAUCRATIC QUALITY**
- **UNITARISM CORRELATES NEGATIVELY WITH POLITICAL STABILITY, THE STATISTICAL RESULTS ARE INCONCLUSIVE FOR GOVERNMENT EFFECTIVENESS AND RULE OF LAW**

- **BUT MORE STRONGLY CORRELATES WITH ECONOMIC DEVELOPMENT, INVESTMENT RATING, AND HUMAN DEVELOPMENT (E.G. LOWER INFANT MORTALITY AND ILLITERACY RATES)**
- **THEIR CONCLUSION: THERE ARE THEORETICAL GROUNDS FOR DOUBTING FEDERALISM, AND STRONG EMPIRICAL EVIDENCE FOR UNITARISM; FEDERALISM MAY BE A GOOD WAY-STATION TO UNITARISM, BUT THE LATTER WOULD BE BETTER FOR MOST POLITIES IN THE LONG RUN**

I AGREE, BUT PART COMPANY WITH GERRING ET AL. WHERE THEY PAIR PARLIAMENTARY WITH FEDERAL GOVERNMENT

- THE PIMENTEL MODEL WOULD KEEP THE PRESIDENTIAL FORM, BUT THE DUTERTE ADMINISTRATION SEEMS INCLINED TO PUT PARLIAMENTARISM ON TOP OF FEDERALISM
- THE FEDERALISM-PARLIAMENTARISM COMBINATION WOULD PULL IN OPPOSITE DIRECTIONS - PARLIAMENTARISM WOULD COMBINE THE LEGISLATIVE AND EXECUTIVE BRANCHES, ELECT ITS LEADERSHIP INDIRECTLY AND THUS LESS DEMOCRATICALLY

**PARLIAMENTARY GOVERNMENTS HAVE
BEEN NOTORIOUSLY UNSTABLE, FALLING
WITH EVERY VOTE OF NO-CONFIDENCE –
HENCE, “GOVERNMENT OF THE DAY” –
WHICH IS WHY SOME COUNTRIES HAVE
TACKED ON A POPULARLY ELECTED
PRESIDENT AND OTHER STABILING
MEASURES**

THE MARCOS EXPERIMENT WITH PRESIDENTIAL-PARLIAMENTARY GOVERNMENT SHOWED THIS TO BE UNSUITABLE FOR US

- * WE DO NOT HAVE THE *DELICADEZA* FOR HEADS TO ROLL DUE TO THE MOST SCANDALOUS EMBARRASMENTS (OF ASSASSINATIONS AND UNEXPLAINED RICHES)
- * LEADERS CLING TO THEIR OFFICES AFTER BEING VOTED OUT OR GAINING NOTORIETY & INVESTIGATIONS FOR CORRUPTION
- * SHARP DECLINES IN POLL RATINGS DO NOT BOTHER GOVERNMENT LEADERS AND AGENCIES

**FOR ALL ITS FAULTS, OUR UNITARY-PRESIDENTIAL SYSTEM IS STILL BETTER,
AT LEAST IN BASIC DESIGN**

- **THE UNITARY FORM WAS PROBABLY ASSUMED TO BE APPROPRIATE TO ENCOMPASS THE NATURALLY AND CULTURALLY DIVERSE COMMUNITIES IN OUR ARCHIPELAGO OF MORE THAN 7,000 ISLANDS**
- **IT APPARENTLY OCCASIONED NO DEBATE IN FORMING OUR COMMONWEALTH AND REPUBLIC. A FEDERALISTA PARTY WAS ORGANIZED TO CAMPAIGN FOR PHILIPPINE STATEHOOD IN THE U.S., NOT TO FEDERALIZE OUR GOVERNMENT**
- **WE HAVE GROWN AS A NATION-STATE OF MORE THAN 100 MILLION PEOPLE BUT ARE STILL THREATENED BY CENTRIFUGAL FORCES WITHIN AND WITHOUT, AND SO STILL NEED UNITARISM, NOT A HOLE IN OUR GOVERNMENT**

FOR ITS PART, PRESIDENTIAL GOVERNMENT COMPLEMENTS THE UNITARY FORM BY HAVING A CENTRAL DIVISION OF POWERS, E.G. SEPARATION OF LEGISLATIVE-EXECUTIVE BRANCHES, A BICAMERAL CONGRESS, AND OTHER CONSTITUTIONAL MEANS OF DISPERSING POLITICAL, ECONOMIC, AND SOCIAL POWER AT THE CENTER

THE UNITARY SYSTEM EMBODIES A BASIC AGGREGATING AND CENTRALIZING FORCE – THE FUNDAMENTAL DYNAMIC OF STATE FORMATION - WHILE THE CENTRAL DIVISION OF POWERS PREVENTS THEIR CONCENTRATION

ALL THIS IS GOOD FOR MAKING AND DECIDING POLICIES WITH BOTH DELIBERATION AND DISPATCH. FEDERAL GOVERNMENT MAY BE BETTER AT MAKING AND CHANGING POLICIES FASTER, BUT IT WILL HAVE LESS TO DO AND FEWER RESOURCES TO DO IT WITH

**I HOPE THIS GRIM SCENARIO WOULD NOT ACTUALLY
TRANSPIRE. IT IS CONTINGENT ON WHETHER TODAY'S
CHARTER FRAMEERS WILL CHANGE THEIR MINDS OR DO
SOMETHING TO COUNTERACT OR MODERATE THE EXTREME
CHANGES AND CONSEQUENCES OF THE MODELS
DESCRIBED – LIKE PROVIDING FOR A MUCH STRONGER
FEDERAL GOVERNMENT WITH THE POWERS AND
WHEREWITHAL TO EFFECTIVELY REDRESS IMBALANCES,
RESTRAIN SECESSION, AND, WITH COOPERATIVE STATES,
RESIST EXTERNAL AGGRESSION.**

=====

Annex 3. “RETHINKING ENVIRONMENTAL FEDERALISM” IN THE U.S.

According to scholars of the “areal division of powers” in the U.S. federal system, the states had waned in power since the Civil War, and there has been a great deal more sharing of functions with the federal legislature and executive gradually moving “into nearly all the functional fields reserved for the states.” (Willbern 1959: 71). Today, the system has encountered difficulties in making the sharing of powers, “creative federalism,” work. The postwar experience with “environmental federalism” supplies an example.

In the earlier postwar period, the U.S. federal government enacted a number of landmark legislation on environmental protection while the states and local governments showed a capacity for initiative and innovation in this new policy area. But the ideas of “constructive sharing of authority” dear to the heart of federalism scholars eventually proved “difficult to translate into ... actual policy, particularly in the area of environmental policy.” President Clinton’s attempt, through a National Environmental Partnership System (NEPS), to give the states greater flexibility in the management of many state-administered federal environmental programs, for example, showed “few real gains,” with the federal Environmental Protection Agency itself resisting innovation. The succeeding Bush and Obama Administrations made little effort to revitalize the program. (Rabe: 46-7)

According to author Rabe, such a context was likely to shape the future role of states in environmental policy. Three additional developments are also bound to influence their role. First, the states’ likely insufficient fiscal resources to maintain core environmental protection functions and continue to consider new initiatives. Second, the dominance of Republicans in most states since 2010 and the departure of governors who had championed environmental policy innovations meant increased hostility toward and reduced state resources for environmental measures. Third, uncertainty about which state innovations would be scrapped by federal pre-emption in view of the many Congressional proposals for new federal legislation on climate change, air quality, chemical regulation, and energy diversification.

Rabe notes that “a more discerning environmental federalism might ... begin by concentrating federal regulatory energies on problems that are clearly national in character”; for example, on many air and water pollution problems that are cross-boundary concerns, versus indoor air quality and cleanup of abandoned hazardous waste dumps. He also suggests federal fees on long-distance waste shipments and on greenhouse gas emissions, more federal-state partnerships and sharing of policy ideas and environmental data, and federal encouragement of greater inter-state cooperation especially on common boundary problems.

SOURCES: York Willbern, “The States as Components in an Areal Division of Powers,” *Area and Power*, ed. by Arthur Maass. Glencoe, Ill.: The Free Press, 1959.
Barry G. Rabe, “Racing to the Top, the Bottom, or the Middle of the Pack?” *Environmental Policy: New Directions for the 21st Century*, 8th edition, ed. by Norman J. Vig and Michael E. Kraft. Los Angeles, CA: SAGE/COPRESS, 2013. 30-53.

= TAPOS NA PO. THANK YOU =

