

THE POLICY DISCOURSES & POLITICS OF FEDERALISM

Maria Fe Villamejor-Mendoza 2017



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Outline

- The Policy Discourses of Federalism
- The Politics in the Policy System
- Prospects and Possibilities



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THE POLICY DISCOURSES

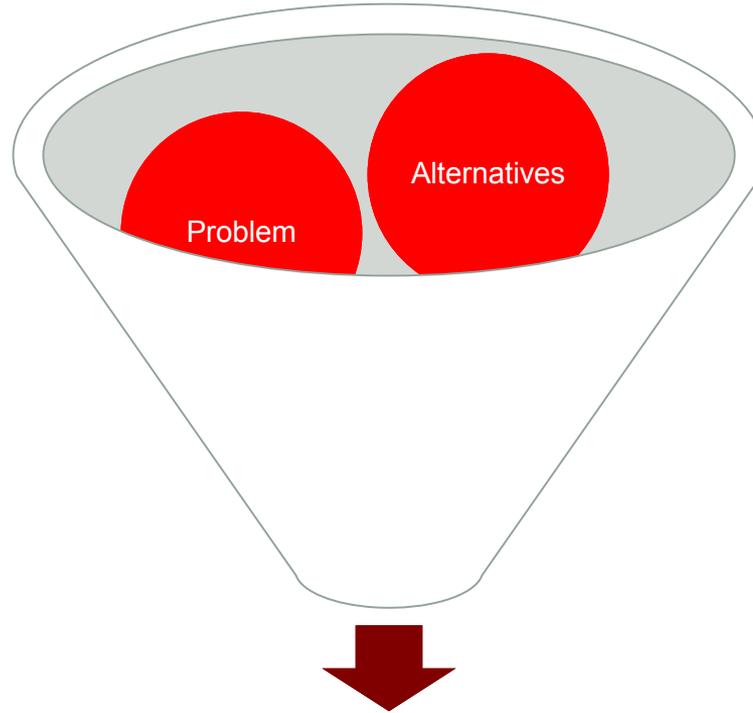


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The PAS in Policy Making



Public Policy

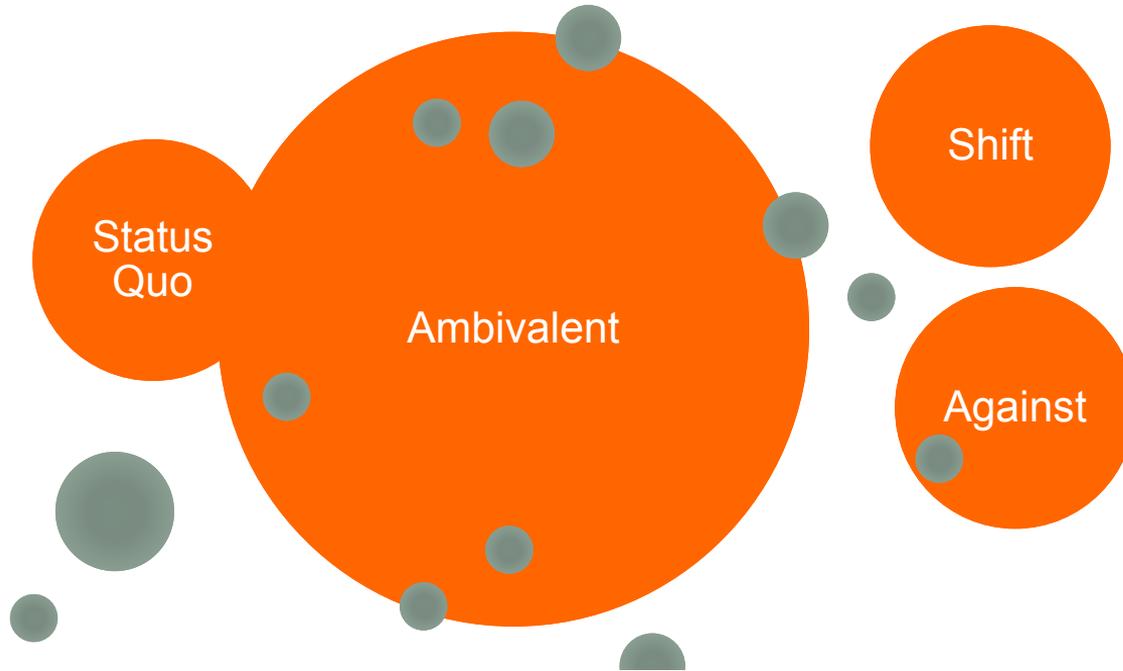
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The Seeming Policy Discourses



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Status Quo

- If federalism is the answer, what is the question? (UPSE 2016)
- If it isn't broke, why fix it? (Ocampo, 2017)
- Federalism may further entrench the power and authority of long established political clans, creating local fiefdoms insulated from electoral challenges
- Federalism may further weaken national unity and identity in states with strong regionalist and separatist tendencies leading to state disintegration (Rivera, 2016).



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Some Other 'Risks'

- Federalism may worsen regional and local economic disparities with different resource endowments and human capabilities.
- Problems of resource generation and sharing between the central government and states (Rivera 2016).
- And decentralization has made gains (Reyes 2016)



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Gains from Decentralization

- Grassroots empowerment and citizens' participation at the community level;
- Engagement of the private sector, civil society and people's organizations in public affairs;
- Cross LGU cooperation through innovations like the Leagues of Government Units
- Improvement of transparency at the local level;



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Gains from Decentralization

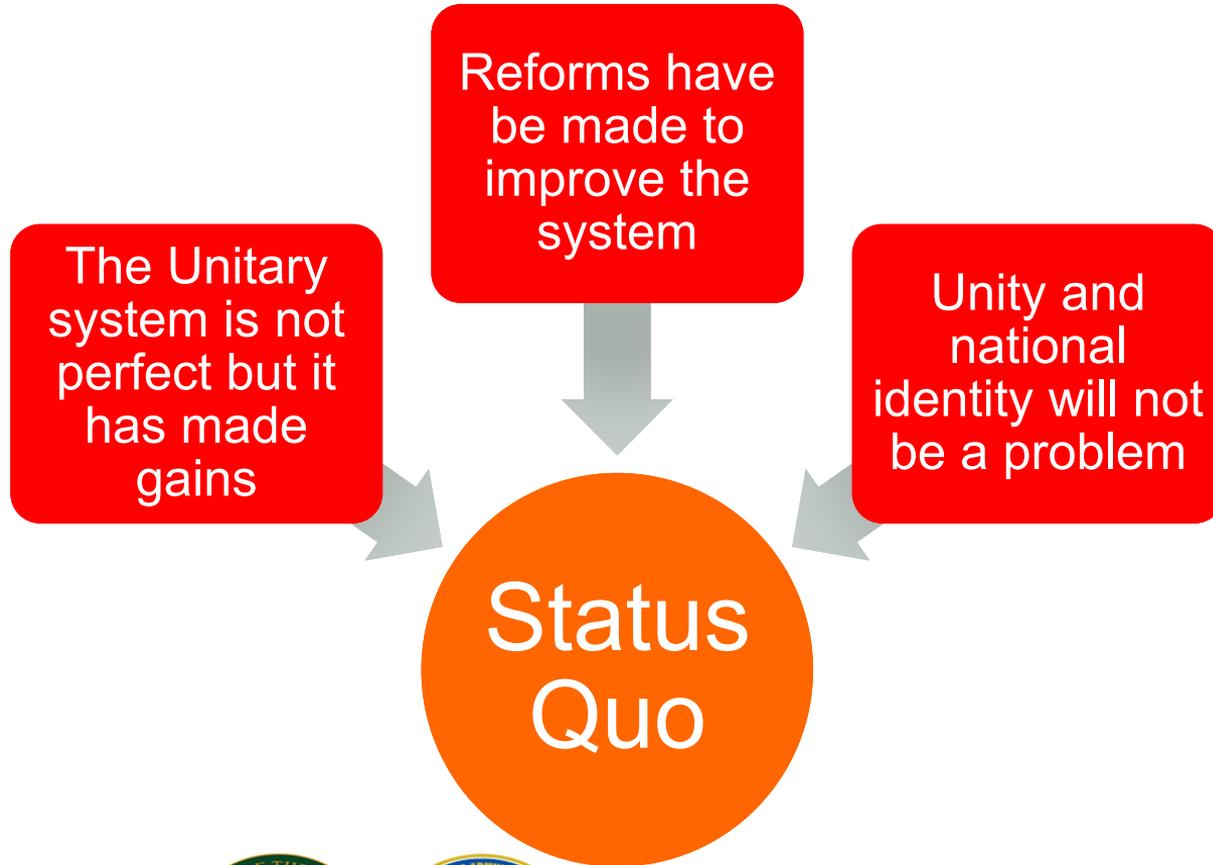
- Proliferation and recognition of good local government practices (e.g. Galing Pook Awards and Most Competitive City under NCC);
- Localized development plans in some LGUs;
- Emergence of women leaders among local officials (Mendoza 2016 as adapted from Reyes 2016).



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Ambivalent

- Though there have been gains, there are still real challenges in implementing decentralization:
 - Mismatch between absorptive capacity of LGUs and their expanded responsibilities;
 - Underdeveloped financial capacity of LGUs and their continued dependence on IRA;
 - Continued dominance of the central government in supporting the bulk of LGU expenditures;



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- Disparity and concentration of government personnel in favor of the central government;
- Anti-poverty measures have not made a major dent;
- Political dynasties remain entrenched specially in the poorest regions (Mendoza 2016 as adapted from Reyes 2016).



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Ambivalent

- Federalism as “engine of prosperity”? Does Federalism make government more efficient, responsive, and democratic.
- This claim derives from two arguments: people have an exit option (migrating to better governed regions); and more opportunities for “novel social and economic experiments without risk to the rest of the country”.
- Federalism creates multiple veto actors that can check national government initiatives but these can be either progressive or conservative (Rivera. 2016).



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- Federalism is an ever-evolving dynamic system. It involves creation of rules on such matters as... and even after the federal system has been established, these rules can be continually renegotiated. Example: evolution of U.S. federalism (Hutchcroft 2016)



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Critical to the establishment of a federal system is developing rules on

- Delineation of boundaries (to establish viable units of local self-government)
- Determination of which government responsibilities remain at federal level and which are devolved to the states
- Democratic selection of national and local officials
- Territorial division of police and other security functions
- Division of responsibilities, from fiscal to judicial
- Auditing of fiscal practices, upholding anti-corruption standards
- National grants to impoverished areas; upholding minimal standards of health, education, & welfare (amid uneven success of states in adapting to a federal system)



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- What is the question or proposition? Is federalism based on faith, fiction or facts? Is it Federalization or mere decentralization or devolution?
- Federalism: Actually more accountable or intransparent, messy, clientelistic?
- Actual division & sharing of powers or mere exclusive power-sharing among elites?
- Gradual or radical shift to federalism? From above or from below



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There are also Fears to Federalism

- Secessionism; ethnocracy, “terror” of minorities over majorities
- Preservation of pre-democratic orders ❖ Undermining “one-man-one-vote” principle (over- representation)
Excessive ethnic veto powers
Incentives for corruption, patronage & clientelism
Devaluation of parliaments (executive federalism)
- Elite pacts instead of societal contract (Gruder 2017)



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- Symmetric or asymmetric? Ethnic, territorial, mixed federalism or mere autonomy?
- Dual (separate) or unitary federalism?
- Cooperative or competitive (no final judgment on development effects) (Gruder 2017)



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- Federalism is unknown to the Philippines; we do not have history nor tradition of federating
- Federalism will be difficult (Former SCJ Puno 2017)
- Will federalism bring change (PDI 2016)



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There are Pros & Cons (Rappler 2016)

Pros

- Locals decide for themselves
- More power over funds, resources
- Promotes specialization, competition
- Possible solution to Mindanao problem
- Decongestion of Metro-Manila
- Lessens dependence on Imperial Manila
- Brings government closer to people



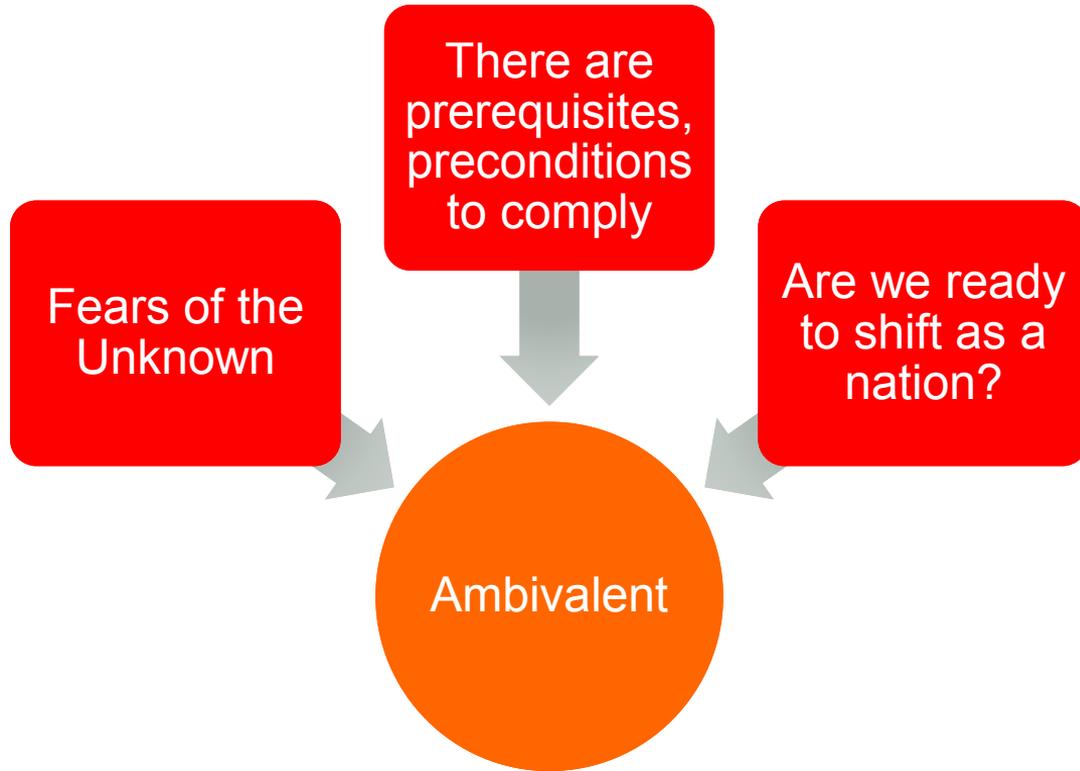
Cons

- Possibly divisive
- Uneven development among states
- Confusing overlaps in jurisdiction
- May not satisfy separatists in Mindanao

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Shift

- With federalism, we will bring development to all regions (Duterte 2016)
- Under the unitary set up in the country, we only had one center of power. To federalize is not only a “political” undertaking, it is also an economic effort to spread progress across the country (Pimentel Jr. 2008)
- ...the only way to bring about equitable development is for central government to share power-political and economic- with local governments across the nation (Pimentel III 2016)



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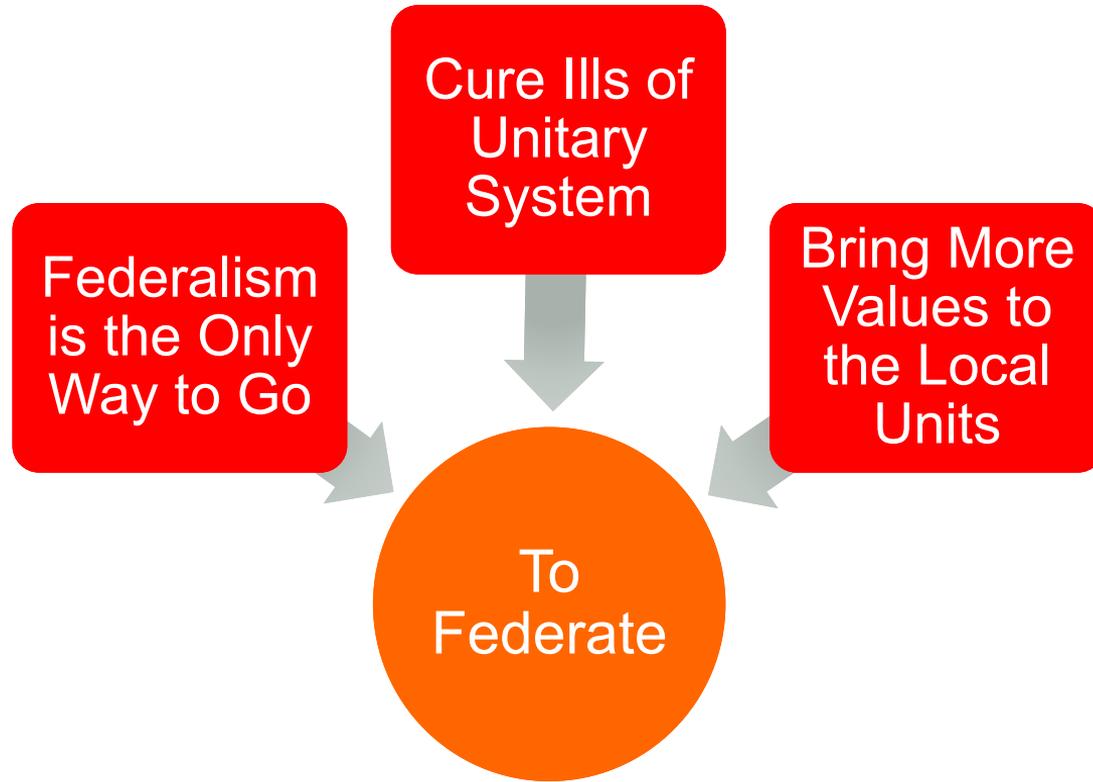
- The federal proposal will hopefully 1) Cause the speedy development of the entire country by unleashing the forces of competitiveness among the States, and
- 2) Dissipate the causes of rebellion in the country and particularly in Mindanao.
- It will hopefully provide a just and lasting redress for the centuries-old grievances of the powerless and the neglected sectors of society, like the Moro peoples of Mindanao and the Lumads (Pimentel Jr. 2016).



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Against

- Federalism will lead to the dismemberment of the Philippines; critically weaken the central government; will not promote equitable development but will promote inter-state competition and enable the better-endowed regions to scoot farther ahead of the others;
- For all its faults, the existing unitary system is better because it can redress imbalances in favor of lagging regions and rein devolved power back in if it is misused. It also incorporates a central division of countervailing legislative and executive powers that offers democratically processed and better-informed choices (Ocampo 2017).



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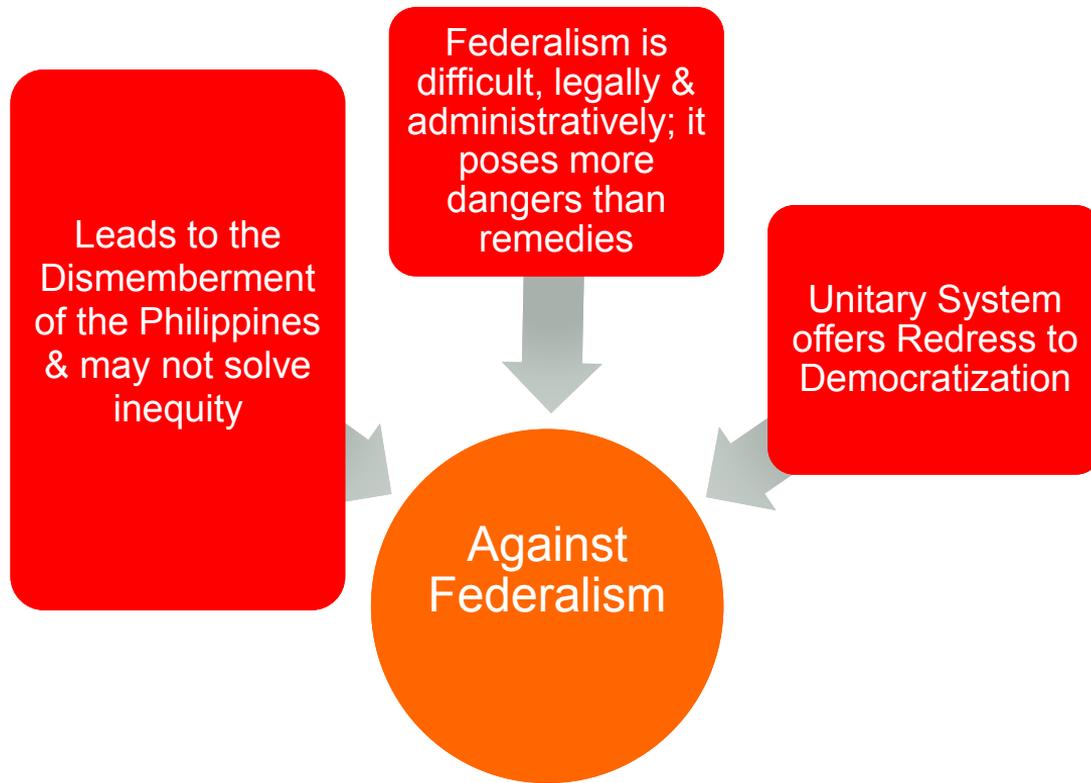
- Federalism poses legal & administrative difficulties (Puno 2017)
- It poses more dangers than remedies (Robredo 2017)



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THE POLITICS IN THE POLICY SYSTEM



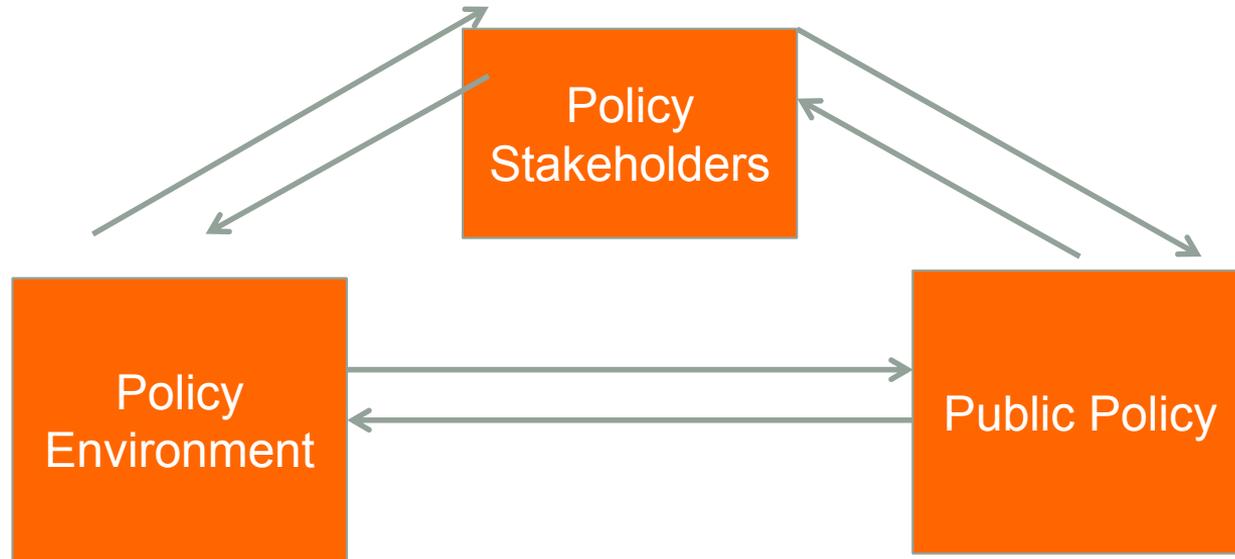
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Three Elements of the Policy System

Source: Adapted from Thomas R. Dye, *Understanding Public Policy* 3rd ed., 2014

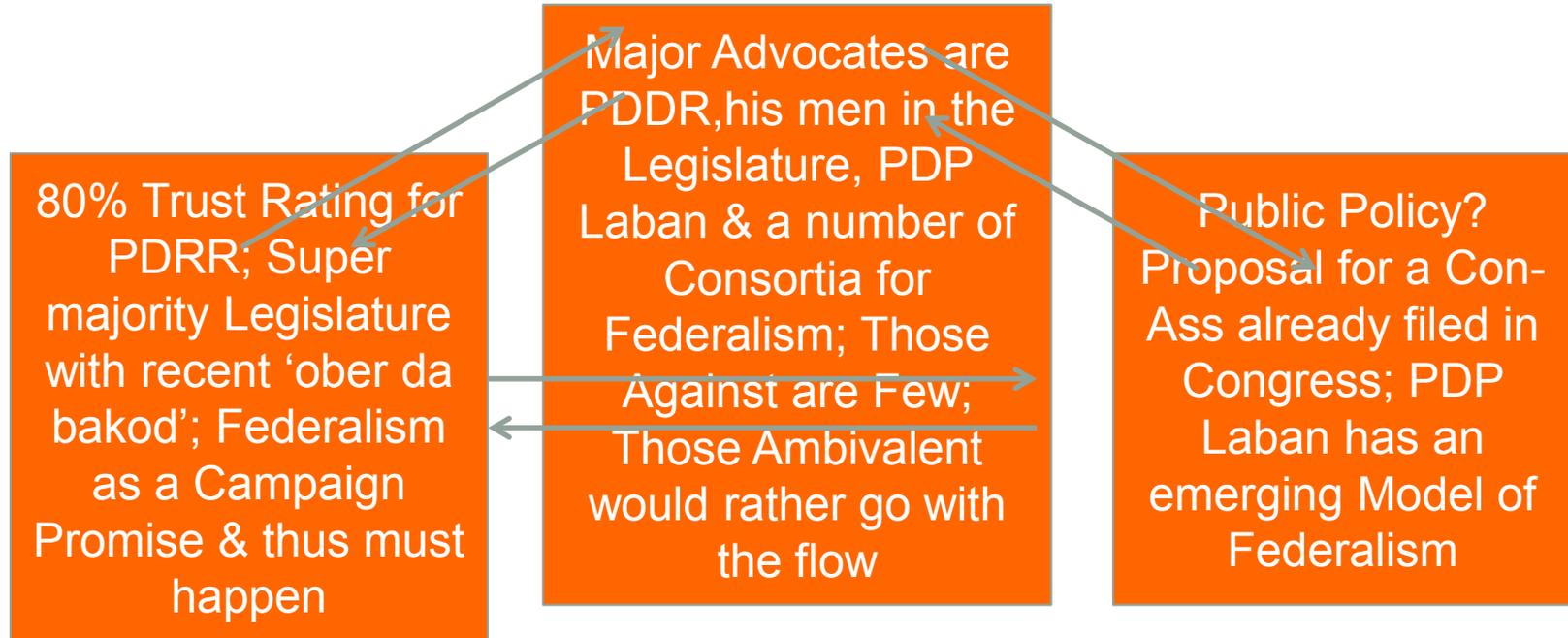


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Policy Environment

- A President-led advocacy with colluding factors of majority representation in most political institutions;
- “wait and see”
- Mostly muted participation of those who matter



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The Players in the Game

Pro

- PRRD, SP Pimentel III, Speaker Alvarez, PDP Laban, host of Federalism Consortia

Anti

- Ocampo, Puno, Robredo, The UP Department of Political Science



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Policy in the Works

- Charter change through a Constituent Assembly
- PDP Laban's emerging model of federalism



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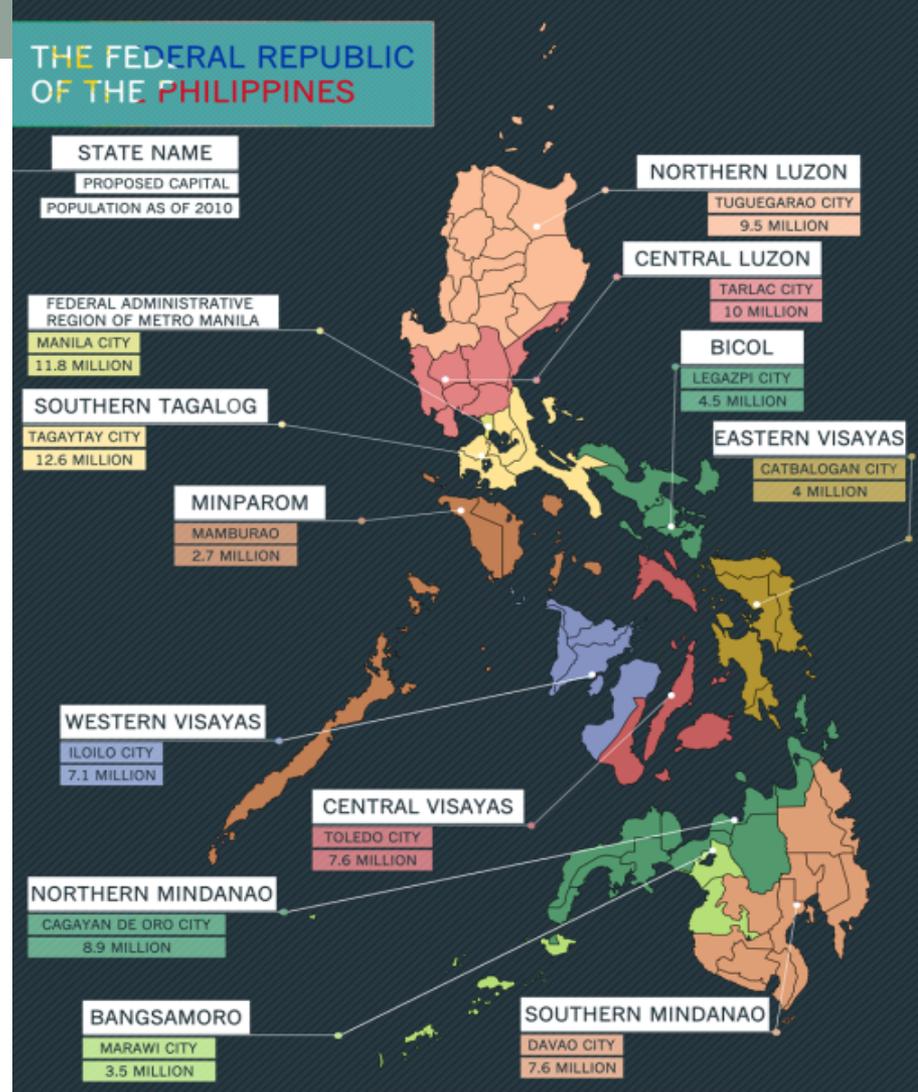
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PDP LABAN MODEL OF FEDERALISM

- Semi-Presidential Federal
- 2 Constitutionally established orders of government primarily accountable to its respective electorates:
 1. Federal Government
 2. Regional Government (includes our current local governments)
- Each level of government has its particular jurisdiction

THE REGIONAL GOVERNMENTS

- Creation of more politically and economically effective administrative structure based on 11 regions with its own Regional Government



DIVISION OF POWERS

- **Federal Power** - concerns the entire nation
- **Regional Power** - basic service to the people
- **Shared Power** - basic service that is best provided under a national standard
- All residual powers are retained by the Federal Government but may be delegated to the regional governments

POWERS OF THE FEDERAL GOVERNMENT

- Defense
- National Security
- Foreign Policy
- Currency, Banking, and Monetary Policy
- Customs and national taxation
- International Trade



POWERS OF THE REGIONAL GOVERNMENT

- Responsible for the development of the region and for providing basic services to its constituents such as:
 - Regional Planning, Land Use and Development
 - General Supervision of Local Governments
 - Housing
 - Water Supply, Sanitation and Sewage
 - Waste Management
 - ▶ Fire Protection
 - ▶ Road Traffic Management
 - ▶ Irrigation
 - ▶ Hospitals, Clinics and Day Care Centers
 - ▶ Education Infrastructure
 - ▶ And many more



CONCURRENT OR SHARED POWERS

- Law and Order, and Police
- Administration of Justice
- Education (Basic, Higher and Technical)
- Energy
- Sustainable Use and Management of Natural Resources
- ▶ Labor Relations, Benefits and Standards
- ▶ Social Security
- ▶ Health Policy and Standards
- ▶ Price Control and Product Standards
- ▶ Social Welfare and Development
- ▶ And many more



SELF RULE, SHARED RULE, SUBSIDIARITY AND SOLIDARITY

- **Principle of Subsidiarity** - addressing problems at the level of government closest to the problem
- **Principle of Solidarity** - where the welfare of each component unit (like the Region) is the business of all the other component units by making sure that the basic services rendered to the people are more or less of the same quality and standard in whatever part of the country.
- In the name of Solidarity, there shall be a program for “Fiscal Equalization”

SEMI-PRESIDENTIAL SYSTEM OF GOVERNMENT

- PDP Laban proposes a hybrid system for the Executive-Legislative Set-up
- We adopt the advantages of the parliamentary system while respecting our preference for a President at the helm
- Under this system, we will have a President and a Prime Minister

PROSPECTS & POSSIBILITIES



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Prospects

- Charter Change in 3-4 years?
- Shift to Federalism in 4-5 years, if nothing else happens?



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Possibilities

- Learning lessons from the unitary system and incrementally reforming the system to make it more responsive to demands for shared powers, resources and accountability
- Learning lessons from countries who were unitary and shifted to federalism- their journey was not overnight but a slow gradual process, e.g., Spain's, which continues to experiment, explore and incrementally reform



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- Hopeful it will not be
- too Gloomy in the future-
- Thank You!



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