



Federalism and Multiculturalism

Understanding Federalism

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Federalism is a concept considered in political science as a classical form of government, especially when viewed next to the unitary form. The history of federalism stems from the formation of confederations that sought to give more powers to their central governments. Federations have been around for more than 200 years already. Among the oldest federations in the world include the United States of America and Switzerland. The US is often referred to as the prototypical federal nation-state while Switzerland prides itself of being the longest lasting multicultural confederation, dating back to the 1200s when the Swiss Confederation was founded.

However, in as much as it is an old concept, federalism remains an important option for relatively new nation-states, especially newly independent former colonies. These countries seek to address unity of a divided multi-cultural or multi-national citizenry. On the other hand, countries that have long operated under the unitary system and those that have explored varying degrees of decentralization have looked to federalism as an option for greater, constitutionally guaranteed separation of powers between central and sub-national governments.

Only 25 out of the world's 193 countries are federal (Forum of Federations 2005). However, their total population makes up 40% of the world's population. Some of the territorially largest countries in the world are federal, particularly Argentina, Australia, Brazil, Canada, India, Russia, and the United States. However, there are also federations among the smallest countries in the world such as the Caribbean islands of St. Kitts and Nevis. Many federations are also home to the world's most stable democracies and global economic giants.

List of Federal Countries (Forum of Federations: 2005)

Argentina	Germany	St. Kitts and Nevis
Australia	India	Serbia and Montenegro*
Belgium	Malaysia	South Africa
Bosnia and Herzegovina	Mexico	Spain
Brazil	Micronesia	Switzerland
Canada	Nigeria	United Arab Emirates
Comoros	Pakistan	United States of America
Ethiopia	Russia	Venezuela

* Serbia and Montenegro amicably decided to grant Montenegro independence after a referendum in May 2006.

In addition to the 25 official federations, several other countries have semi-federal forms of governments like regionalism, federacies, and associated statehood. Among the more famous examples of these are the United Kingdom, Italy, and Spain, which have formed regional governments that are somewhat similar to states of a federation.

Italy has undergone two referenda on constitutional amendments focusing on the issue of shifting to federalism (Caravita 2006). The United Kingdom has devolved greater powers to Scotland and Northern Ireland by constituting their regional parliaments. Spain continues to add more and more federal characteristics to its *Estado de Autonomias* (State of Autonomies).

What is Federalism?

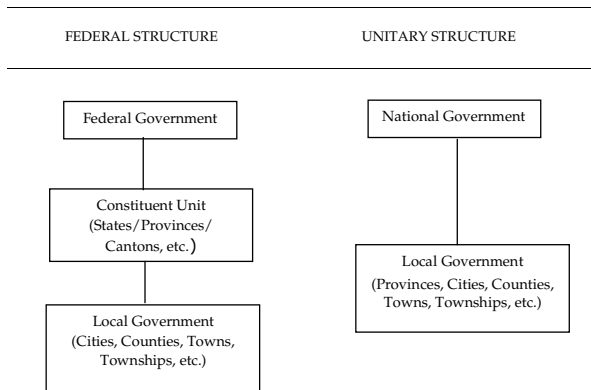
Federalism is derived from the Latin word *foedus* meaning "covenant." A "covenant" signifies a partnership or marriage in which individuals or groups consent to unite for common purposes without giving up their fundamental rights or identities (Kincaid 2005). For federal countries, this covenant involves the principle under which at least two constituent parts (or states) that are not wholly independent make up the system as a whole (Gamper 2005). In federalism, sovereignty is constitutionally divided between a central governing authority and constituent political units, like states or provinces. Simply, federalism can be viewed as a system that accommodates both self-rule (of the constituent unit) and shared rule (at the federal level).

Some definitions of federalism refer to quasi-sovereignty of constituent/sub-national parts and their guaranteed participation in federal policymaking. The classical definition of federalism often refers to it as "a dual system that consists of the federation and the states." Local governments though regularly part of all federal states do not constitute the federal system (Gamper 2005).

However, some federations today recognize their local governments as a third order of government with their own parameters of autonomy.

Most common definitions of federalism stop at its dual nature. Because of the diversity of federal systems, many scholars often argue that the definitions of federalism are as many as the federal states themselves. However, there could still be some common attributes that may help to characterize federal systems. Among these institutional standards are distribution of powers between the central and constituent units, the participation of the constituent units at the central level of decision-making, the constitutional autonomy of the constituent units, fiscal equalization, as well as intergovernmental instruments (Gamper 2005).

Figure 13. Comparison of federal structure and unitary structure



Reasons for Federalization

Common Defense and Internal Security

Countries that are categorized under the classical federal model, particularly the United States, were formed from autonomous colonies or smaller adjacent states that were under threat of invasion or were struggling for national unity after independence. In order to repel the aggressor or

oppressive colonizer, these colonies or states banded together to form a government that could sustain an army that would be capable to resist or overthrow an aggressing power.

The desire for defense and internal security is even enshrined in the Preamble of the U.S. Constitution:

“We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.”

In more recent times, federalism has been the response of unitary countries that are plagued by internal unrest caused by clashes between various ethnic groups or violence against the majority group from a minority group or vice versa. Such internal conflict is mitigated by granting self-government to these divergent ethnic groups, thus, preserving domestic tranquility and the unity of the nation-state (Kincaid 1999).

Common Market

Federations were also formed due to commercial or economic interests. A federal union was used to create a common market that would permit a free flow of commerce among diverse political communities. The concept of federalism actually arose during the same time as the principles of the free market economy were being developed. The constitutionally defined division of powers in a federal system provides for limited government where a free market would be most likely to thrive. Federal government may be given some powers to mitigate independent and self-serving economic policymaking of constituent units. However, constituent units retain significant powers to define their own economic policies (Kincaid 1999).

Kincaid further elaborates that a common market requires political integration but the latter also requires economic integration. Such political and economic integration occurs under a federal system without hampering free market principles that maybe compromised under a monopolistic national government.

Conflict Management

For modern unitary states, having multi-cultural societies, federalism is an attractive option to solving inter-ethnic/cultural conflicts that are detrimental to development and political stability. Many of these multi-national or multi-cultural states stemmed from former colonies in Asia, Africa

and the Americas, whose national borders have not been redrawn according to ethnic or linguistic lines; and whose central governments persistently try to preserve the territorial integrity of the nation-state.

Many of these countries are plagued by insurgencies or secessionist movements of sizeable minorities. Some that have a long democratic tradition are often hounded by political opposition from minority regions. Many of these countries, like the Philippines, have also decentralized but are still continually faced by calls for more autonomy or secession.

Federalism offers constitutionally guaranteed autonomy for minorities concentrated in certain territories and a way where some powers of the majority could be shared to them. In short, federalism is a tool to evade disintegration or secession by providing constitutional means for conflict management and self-determination.

Depending on the constitutional design of a federal country, there may be conflict management mechanisms installed in decision-making at the federal level, like, veto powers for each ethnicity, proportional representation, segmented voting, etc. (Sen 2002). According to political scientist Arend Lijphart (as quoted by Linder) power sharing is better suited for a segmented society than a democracy ruled by simple majority. What federalism offers is consensus democracy, which is far more superior to majoritarian democracy (Linder 2002).

Countries such as Belgium and Spain have opted to federalize to address lingering cultural divides that were exacerbated by an insensitive unitary system. Belgium has gone so far as to grant cultural autonomy to citizens aside from granting autonomy to the French, Dutch and German-speaking territories. But probably best case of conflict management under the federal system is Switzerland. It was able to foster peaceful coexistence of four ethnic groups (German, French, Italian, and Romansch) and bridge differences in religious confessions (Catholic and Protestant) for centuries already. In spite of these diversities, only one case of secession was ever addressed in Switzerland, which was later resolved peacefully and constitutionally by creating the new canton of Jura (Schmitt 2005).

Better governance and democratization

As mentioned above, many decentralized or decentralizing countries are exploring federalism as a means for greater decentralization. Federalism's considerable appeal can be attributed to two pressures: the need for larger political units that would foster economic development and ensure security, and the demand for smaller political units that are more sensitive to their electorates and capable of expressing local distinctiveness (Watts 2002).

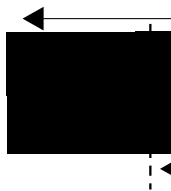
Decentralization is a means to provide more power to those sensitive smaller political units. That is why such countries feel that federalism will further enhance the powers of their sub-national units to address wider issues in their communities. There is also a school of thought in constitutional and international law that views federalism as a more advanced form of decentralization. The Viennese School of Legal Positivism conceives that sovereignty is indivisible and that the federal state is believed to be solely sovereign. This means that autonomy would be a more proper term for “sovereignty of the constituent units” (Gamper 2005).

Riker and Brillantes have proposed that federalism can be viewed within a continuum of decentralization. They say that federalism embodies greater decentralization as opposed to unitary and other centralized systems, but they are quick to say that it is not similar to confederation or separatism, which are on a farther end of continuum.



Source: Brillantes (2004)

Figure 15. Continuum of the degree of centralized authority



Source: Brillantes, A. Lecture to League of Provinces of the Philippines Board Meeting, August 2005, adapted from William H. Riker in *Federalism: Origin, Operation, Significance* (Boston, Brown, 1964)

Furthermore, it is argued that governments in the 21st century have the tendency to be highly localized in spite of growing globalization (Shah, as cited by Brillantes and Cuachon 2002). Shah has contrasted the governance structures of the 20th and 21st centuries and points to an inevitable “popularity” of decentralized systems, which includes federalism. The political reforms in Latin America, Africa, and Asia attest to this trend as well as the formation of loose supra-national federations or confederations like the European Union and NAFTA.

Table 6. Governance structure: 20th and 21st centuries

20 th Century	21 st Century
Unitary	Federal/confederal
Centralized	Globalized and localized
Center manages	Center leads
Bureaucratic	Participatory
Command and control	Responsive and accountable
Internally dependent	Competitive
Closed and slow	Open and quick
Intolerance to risk	Freedom to fail/succeed

Source: *Brillantes & Cuachon:2002*

Constitutionally guaranteeing specific powers of sub-national units is perceived as strengthening local or regional autonomy vis-à-vis mere statutory mandates on decentralization, which may be easily withdrawn by the national government. Backed by the principle of subsidiarity, sub-national units continue to assert their need for greater autonomy to further the cause(s) of good governance and democratization.

Typologies of Federalism

Federal systems can be classified according to two parameters: political history and structure. Political history refers to the context and process that led to the formation of the federation while structure refers to the distribution of powers between federal and constituent units. The second parameter could be further categorized according to the division of powers between the federal and constituent units as well as between constituent units.

Federations can be classified into three categories according to the context and process of federalization: coming together federations, holding together, and forced federations (Forum of Federations 2005).

Coming together or **"born" federations** are formed by distinct political communities that have banded together to form a federation. This type of federalism usually arises from smaller states or former colonies *coming together* (hence the term) for common interests like defense or a common market. Some examples of these federations are the United States and Canada (formed by former British colonies in North America) and Switzerland (formed by small multicultural cantons in the Alpine region between Germany and Italy).

These federations have from the start chosen to be federations and usually do not have a history involving the unitary system.

Holding together federations are countries that “**became**” federations. Federalism was embraced in order to preserve distinct cultural groups and enhance peaceful coexistence among them under the same country. Many of these federations have evolved from countries with a unitary system but had large concentrations of minorities or a plurality of ethnicities. In an effort to preserve the territorial integrity of the country, these federations chose to give constitutionally defined autonomy to its sub-national units to prevent disintegration. Among the federations of this type are South Africa, Belgium, Spain, and Ethiopia. Spain in particular had operated under absolutist monarchies and later under the authoritarian Franco regime both of which espoused a strong central government in Madrid in spite of the presence of large marginalized minorities to the north like the Catalans, Basques and Galicians. In order to preserve domestic peace and the territorial integrity of the Spanish state, post-Franco Spain adopted federalism.

Coming together federations may also be called “**federalism by integration**” while holding together federations may also be called “**federalism by devolution**” (Ginderachter 2005). Federalism by integration is characterized by the strengthening of central government while federalism by devolution is typified by the weakening of a very powerful central government.

On the other hand, **forced federations** are countries where federalism has been “**thrust or imposed upon them.**” This type of federation is unique as it usually involves the intervention of outside powers like international organizations or global superpowers. Forced federations are formed due to the desperate attempt to keep a nation intact by weakening the central government. A primary example of this is Bosnia Herzegovina. Following the disintegration of Yugoslavia, Bosnia Herzegovina has been plunged into an ethnic civil war between Bosnian Muslims, Catholic Croats, and Orthodox Serbians. With the intervention of the North Atlantic Treaty Organization (NATO), the warring parties were compelled to agree to a federal set-up to keep Bosnia-Herzegovina alive.

Federations may also be classified according to the manner of distribution of powers between the federal level and the constituent units as well as among constituent units. These are cooperative, competitive, permissive, symmetric, asymmetric and consociational.

Competitive federalism promotes separate roles for federal and constituent units as much as possible. There are very few shared functions for both levels. Constituent units have a greater role in managing their own

affairs. Decisions made at the federal level do not necessarily involve the consent of the sub-national units. Delegates from the constituent units in the federal legislature act separately from their state governments. Among the federations that use this structure are Australia, Brazil and Switzerland.

In **cooperative federalism**, both federal and state governments share responsibilities in certain areas/services to ensure the operation of national programs throughout the country. The constitutions of these federations often identify powers and responsibilities that are shared by the federal level and constituent units. Germany's constitution clearly specifies such arrangements of cooperation, which culminates in the Lander's (states) participation in Bund (federal) level decision-making through Lander-selected representatives in the upper house of parliament that also approves federal laws passed in the Bundestag (lower house) (Hillgruber 2005).

For many other federal countries, the line between competitive and cooperative federalism seem to be blurred as competition and cooperation often happen in most federations. The United States could be classified as exhibiting both cooperation and competition between its federal and state levels (Hueglin 2005).

On the other hand, another type—**permissive federalism**—seems more like a unitary state. The federal government defines the existence and powers of states/local governments. Many are characterized as highly centralized. Examples of permissive federalism exist in countries like Austria, Malaysia, Mexico, and the Russian Federation.

Competitive, cooperative, and permissive federalism show a categorization of federalism as regards the division of powers between federal and sub-national levels. Another classification of federalism deals with the horizontal distribution of powers among the sub-national units.

Federations could also be classified as **symmetric**. Such federations distribute the same powers and responsibilities to all constituent units. No special schedules for particular regions or states are specified in the constitution. Symmetric federalism operates under the principle that the division of powers between federal and constituent units enhances democracy and brings government closer to the people (Heuglin 2005). The United States, Australia, and Germany are among those that have a symmetric arrangement.

In **asymmetric** federations, however, powers of sub-national units vary. Asymmetry is a situation in which one or some regions of the country enjoy a distinct form of autonomy, and often a distinct constitutional status, from the other parts (McGarry 2005). Most of these are special rights regarding language or culture. Apparently, this form of federation occurs in

multicultural countries. Spain's example of asymmetry in favor of the Basque Country, Catalonia and Galicia is very evident.

Again, some federal countries are also caught between the dichotomy of symmetric and asymmetric federalism. Canada was born asymmetric with significant autonomy granted to the French-speaking province of Quebec. But Canada has found it harder recently to grant more powers to Quebec without granting similar powers to the rest of the provinces (McGarry 2005).

Another federal model is **consociation**. It often occurs in pluri-national countries where compromise and trade-offs are the rule in order to keep the country together. Consociations are characterized by power-sharing mechanisms in the federal as well as in the sub-national level. These power-sharing mechanisms may include proportional representation for cultural groups in legislatures and the bureaucracy, veto powers for minorities, and coalition governments. Consociations often give extra-territorial self-rule to certain sub-national governments and even individuals based on their ethnicity or culture (Elazar 2005). This unusual accommodation is implemented because of dispersed populations of minorities in what are culturally defined territories. Belgium perfectly illustrates this case as it has separate territorial governments for the regions of Brussels, Flanders and Wallonia, while it also has cultural governments for the country's French, Dutch and German-speaking communities (Deachouwer 2005). Technically, each citizen is a constituent of two sub-national governments.

Common Features/Basic Principles

In spite of the diversity of federal models, there are some common features and principles that govern federations. These are division of powers and autonomy, participation of constituent units in federal decision-making, recognition of diversity, and fiscal federalism.

Division of powers

As discussed beforehand, a basic feature of federalism is the division of powers between the federal government and the constituent units of the federation. That division of powers is defined in the federal constitution and could not be arbitrarily changed but would need the consent of the constituent units before taking effect.

For born federations, the division of powers guarantees the self-governance that constituent units have enjoyed prior to federation while for "holding together" federations, it is an opportunity to expand and constitutionally ensure the powers and autonomy of the constituent units.

However, the scheme by which powers and responsibilities are divided between the federal government and the constituent units vary from one federation to another. In many constitutions of newer federations a list or schedule enumerates the powers exclusively held by respective levels of government and also the shared or concurrent powers that both perform. It is clearer to identify the usual powers and responsibilities that are given to the federal level compared to the sub-national level, which is more diverse. These include defense, foreign affairs, international trade, currency and immigration. Constituent units often possess powers on social services, cultural affairs, and education. Recent trends for newer federations show that the federal and state governments now have a wider scope of shared powers like the police or internal security, environments, transportation, communication, banking, and agriculture (Abueva 2005).

Older federations have a back up mechanism in case a new set of government responsibilities arise that was not identified in the constitution. These are called residual powers. Depending on the federal model, residual powers may accrue to the federal or state level. In most federations, residual powers are given to the states/constituent units (Abueva 2005).

State participation at federal decision making

A bicameral legislature is also a basic feature of federalism. Bicameralism is rooted in the principle that constituent units must have a say in federal policy making. State participation is done through one chamber of the federal legislature—usually referred to as the “upper house or second chamber.” This principle argues that constituent units must also have a venue where they could propose legislation on matters concerning their own level as against the national nature of legislation in the “lower house” whose members are elected directly by congressional or parliamentary districts.

However, the label of “upper house” may be misleading as many chambers for constituent units are relatively weaker than the so called “lower houses.” With the exception of the Senate of the United States and the upper chambers of some South American federations, most “upper houses” are not co-equal with the other chamber of the legislature. These “second chambers” are usually given powers of legislation over issues that only have a direct relevance on state/sub-national affairs as stipulated in their respective constitutions. For instance, the Bundesrat (Federal Council) of Germany only has power to delay or veto legislation passed by the lower house or Bundestag (Federal Diet) in relation to state competencies only. In most parliamentary federations, the prime minister, who is head of national government, is chosen from among the members of the lower house of parliament (Kramer 2005).

The composition of the “second chamber” also varies. Some federations, like the US, provide for two directly elected senators per state. These senators are independent of their state governments and often vote along party lines just like members of the lower house. However, for those federations that have a weaker “second chamber,” the members are often appointed or nominated by the governments of constituent units and are at the service of those state governments.

In spite of these variations, bicameralism is recognized among federations as a basic feature that would ensure the participation of state/sub-national units in federal decision-making.

Accommodation of diversity

Multi-cultural communities form most federations. Such a mixture of ethnicities, confessions/religions, or cultural background demands for the recognition of the diversity within the federation, as well as, the guarantee for the preservation and development of cultures. Federalism is particularly relevant for unitary countries considering it as a solution to their lingering ethnic conflicts or inequalities that seek to eliminate its territorial integrity.

Diversity can be recognized in different ways like giving self-rule to territories with great concentrations of minorities or granting consociational rights to groups or individuals. Whatever kind of diversity may be present in federal countries, the recognition of the distinctness of each constituent community is paramount to facilitate the peaceful coexistence of peoples. This peaceful coexistence of distinct peoples fosters national unity and preservation of the nation-state.

Fiscal federalism

The lifeblood of every country is the pool of resources that are available to its government to foster the right conditions for development and a better quality of life. In federalism, fiscal resources are governed by a complicated regime of separate taxing powers for the federal government and constituent units, as well as, a system of transfers or grants by which the federal government shares revenue to lower levels of government.

Again, no two fiscal regimes are the same for federal countries. Most of the taxing powers are constitutionally defined. In this aspect, “the national government...captures the largest portion, sometimes the lion’s share, in total tax revenues” (Kincaid 2005). In some federal countries, even most of the tax collection is being done by the federal level. And since the federal government has a wider domain of taxation, there is a need to distribute resources to constituent units for their operations and services. The basis of

these transfers and grants may be based on complicated formulas or on per-government basis.

Another feature of fiscal federalism is equalization. Almost all federations exercise fiscal equalization—"that is, a redistribution of revenues (usually from federal governments but sometimes also from richer constituent units) to poor constituent governments in order to ensure that all constituent governments can provide comparable or equal levels of public services at comparable levels of tax costs to citizens" (Kincaid 2005). Today, fiscal equalization has somewhat evolved from being an equity tool to a means of keeping poorer constituent units within the federation, eventually strengthening national unity.

Constitutionalism

For a federal system to survive, there must be respect for the constitution and its extensions, since it is the covenant that binds the constituent units together. Because of a federation's voluntary nature, it normally requires a written constitution (Kincaid 2005). The Constitution is the supreme legal instrument in any federation (Auclair 2002). In this constitution the division and sharing of powers between national and constituent communities are enumerated and venues for resolving contending jurisdictions are specified. For both the federal level and constituent communities to preserve their powers and self-rule, they must preserve the constitution in order to enjoy the benefits of a federation. The constitution is what holds a federal country together, as most federal constitutions also aspire for permanent union. In the end, it is the constitution that would formally institutionalize the other features and principles previously mentioned.

However, depending on the context of the formation of the federation, constitutions are often made with different objectives in mind. Some constitutions may emphasize national unity, some the recognition of cultural diversity. Federal constitutions, therefore, reflect the compromises and agreements between the constituent communities that choose to unite as one nation-state (Kincaid 2005).

Making the Choices

Since the birth of the Republic of the Philippines, federalism has remained in the fringes of constitutional development and political discussions. It has been carried in the platforms of political parties but has always been viewed skeptically by nationalists who see it as a recipe for the break up of the nation-state. However, the post-Marcos era seem to gradually push the issue of federalization towards mainstream political discussion. This was enhanced by the successes and new challenges encountered when

autonomy was granted to local governments through the Local Government Code of 1991. Since then, local government officials have always called for greater political and administrative powers as well as fiscal independence. It has been popular among local government circles to deride central government as “Imperial Manila.”

Federalism was finally mainstreamed when President Gloria Macapagal-Arroyo pursued constitutional reform in 2005 proposing a shift to a parliamentary and federal form of government in the soonest possible time. She convened a Consultative Commission, made up of eminent members of Philippine society, which she tasked to conduct regional consultations and come up with a draft constitution.

Designing a federal system is not a very easy task. Besides its basic principles, federalism is very customizable. The peculiarities of a country would define the different features of its own brand of federalism. It would be useful to seek out relevant models but these models would only serve as guideposts since a country’s federal system should reflect the unique conditions of its society.

So, what models should future constitutional framers consider if the Philippines were to federalize? Those choices may be guided by the Philippines’ own political history, its preferred federal structure, and its multicultural situation.

Learning from political history

The most immediate choices for models would be countries that have undergone “federalism by devolution”. The Philippines’ recent political history has been defined by devolution of political, administrative and financial powers and functions to local governments through the Local Government Code. The experiences of Belgium and Spain would be very relevant because their federalization was achieved through devolution that responded to their respective multicultural realities, as well. Belgium’s devolution was precipitated by cultural and economic inequalities among its three cultural groups while Spain’s case was a response to addressing separatist and anti-centralist movements by non-Castilian language speakers.

Countries that underwent “federalism by integration” had different processes of nation building that may not be directly relevant or might even be contrary to the Philippines’ goals for federalism, such as, the strengthening of central government and preservation of states’ rights. Processes such as these are brought about by the union of autonomous political communities deciding to band together to form a larger state. However, other features of their brand of federalism may still be relevant such as institutionalization of

democracy and cooperation. These features are can be found in the models of federalism offered by the symmetric structures of Australia, Brazil, Germany, and the United States.

Another aspect of Philippine political history would be its colonial past, which it shares with some federations that have emerged from colonies. Most of the challenges faced by these federations trace their origins from these countries' colonial past. These federations had preserved their former colonial territory but have struggled with multiple ethnicities/cultures/identities that have often been the source of internal conflict. These federations were designed to have conflict management mechanisms within the constitutional framework. The Philippines would learn a lot from the experiences of federations like India, Malaysia, Nigeria, South Africa and Micronesia.

Lessons from multicultural federations

The cultural diversity in the Philippines exists in two levels: religious and ethno-linguistic. Religious diversity is characterized by geographic concentrations of Christians, Muslims, and animists in various areas of the Philippines. Christians compose 93% of the total population, Muslims 5%, and 1% indigenous religions (CIA World Fact Book 2006). While other East Asian religions exist in the country, they are not usually geographically concentrated or at least known to historically occupy certain areas in the Philippines.

In spite of the prescription of Filipino (highly based on Tagalog) as the national language, the actual ethno-linguistic situation of the Philippines reflects its multi-linguistic character. Cebuano is spoken as mother tongue by 20 million Filipinos (24% of the total population). Tagalog is spoken by 15-17 million followed by Ilocano, Hiligaynon, and Bicol. Mindanao-based speakers of Magindanaw, Maranao and Tausug—major languages in the Muslim areas—number to 1 million each (The Joshua Project 2006). The popular use of second languages (Spanish, and later English) is also indicative that some of these languages are not mutually intelligible.

These two diversities—religion and language—in addition to race or ethnicity are often the multicultural characteristics that some federations seek to address. Managing diversities is a main feature of their federal systems, which are marked by mechanisms that seek to recognize the uniqueness of each cultural identity and their right to be different from other cultural groups within the federation. The recognition of the multicultural nature of a nation-state usually preserves the country's territorial integrity and fosters peaceful ways to solving conflict. The Philippines has a wide array of choices from the experiences of Belgium, Canada, India, South Africa, Spain, and Switzerland.

Facing the Tough Issues

Since the introduction of federalist initiatives in the Philippines, Filipino integrationists and nationalists have put forward various issues against federalism. Some federalism proponents, on the other hand, have weaved other subjects into the proposals that affected the singularity of the federal idea. The most often cited issues from opposing sides are the possibility of eventual secession of Muslim Mindanao, features of the transition to federalism, and the imperative for the parliamentary-federal formula.

So, is federalism a recipe for disintegration? The greatest fear that continues to recur at the back of the minds of reluctant participants to the “great debate” on federalism is that federalism will only enhance the ethnic cleavages, regionalism, and secessionist sentiments characterizing Philippine society today. Federalism is equated to the break up of the Philippines into smaller self-centered republics ran by powerful local elites with a weak national government powerless to intervene.

However, history points out that secession and disintegration are events that more often than not happen in unitary and centralized countries, and rarely under federations. Furthermore, it is the insistence on symmetry and integration of different cultures that promote secessionism (McGarry 2005). In addition, centralism spelled the demise of federations like the former USSR and Yugoslavia. These federations were in many ways exhibiting unitary characteristics than federal traits.

In public debates on Philippine media, federalism and parliamentarism have been presented as a “package deal” as if both are inseparable elements of proposed constitutional reforms. People are somewhat being conditioned to form opinions regarding that constitutional reform “package” without making proper distinctions on the merits of federalism and parliamentarism.

While the proposed parliamentary system mainly deals with the horizontal relationships of branches of government, that is, the separation or merger of executive and legislative powers, federalism is a more complicated and sophisticated form of government that can stand apart from parliamentary government. Federalism deals with the division of powers between central and constituent governments (which is a vertical category), as well as, the distribution of powers among constituent communities (a horizontal category). It is then key to understanding federalism that a separate set of factors, apart from the issues of concentrating power to a parliament, ought to be considered for it.

As a matter of fact, federalism can function under presidential or parliamentary systems. With the exception of Canada, federations in the

Americas (e.g. US, Mexico, Brazil, Argentina) are presidential. In fact most countries in the Americas have a presidential system. This has led scholars to dub the Americas as “the continent of presidentialism” (Wikipedia 2006). On the other hand, most of the European federations (e.g., Germany, Belgium, Austria) have a parliamentary system. Federations that have evolved from the former British Empire (e.g., Malaysia, India, Canada) have also adopted Westminster parliamentarism.

It is imperative that Filipinos be properly informed about this dichotomy between federalism and parliamentary democracy before they form their final opinions on constitutional reform.

Finally, people have been wary of the possible transition scenarios when constitutional reform is realized. It has been played up in media and academic circles that charter change is but a means to extend the terms of office of incumbent political leaders through a “no-election” (Noel) scenario. This is perceived to benefit government officials on all levels from the national to the local governments. Since federalism is often linked to the more immediate desires of current political leaders to shift to a parliamentary system of government, there is a great reluctance among Filipinos to even examine the merits of federalism on its own.

Indeed, for any unitary country desiring to become a federation, the transition period is the most important stage before full implementation of a new federal constitution. Transitions for “federalism by devolution” come in different forms. The most common form of transition is constitutionally mandated, whereby the new federal constitution determines the steps for a shift to federalism. The new federal constitution is the basis for all other statutes/laws that enabled the new federal structure to function. Some federations, on the other hand, made a transition through a series of laws culminating in a constitutional recognition of the federal arrangement.

Another feature of a transition to federalism is the manner of distribution/devolution of powers. Some federations devolved powers to the constituent units immediately and simultaneously while others devolved gradually and asymmetrically, where only a selected number of constituent units were granted full powers after adoption of the constitution. Recent federations like Belgium, in particular, started its very slow transition to a federal set-up from the 1970s culminating at the enactment of a new constitution in 1993 “explicitly stating that Belgium is a federal country” (Deshouwer 2005).

However, a common trend can be gleaned from the experiences of recently federalized countries like Spain and Belgium. Transition was done over a long period. Current proposals from the Citizen’s Movement for a

Federal Philippines (CMFP) recommend a 10-year transition to a federal system. However, much of the transitory processes remain unexplored and ambiguous, which is why federalism is still viewed with some skepticism.

Conclusion

Federalism's complex nature demands careful study. Scholars contend that there is no one model that fits all. Each country must discern its own version of federalism according to the peculiar conditions of their societies. However, it is still important to learn from the experiences—whether good or bad—from existing federations. Furthermore, constitutional framers must be conscious of the pertinent and unique conditions in the Philippines that will shape the type of federation to be adopted.

Indeed federalism is not a cure-all to the Philippines' problems nor is it a perfect system; but, it may be an answer to the country's lingering troubles rooted in Philippine society's multi-cultural nature. Maybe it is time to recognize that the Filipino identity is a "diversity of identities" and not one single monolithic artificial construct. In fact, Will Kymlicka says that "it is the *recognition of difference* that make national communities prepared to embrace a common 'nested' identity with others" (McGarry 2005).

However, in spite of the advantages of federalism, it is important to note that such a shift should not be done in a mad dash to the finish line. Being a complex and immensely customizable form of government, federalism does take time to be designed and realized.

In the end, federalism is not the only step after devolution, but it is the logical next step, if the Philippines chooses to further decentralize. That next step may not even be taken at all. But, in spite of the seemingly very convincing merits of federalism, decisions that would have to be made should be well-informed, well-thought out, and participatory. Federalism is a covenant that is made by citizens and ultimately the decision to federalize should reflect the will of Filipino citizens who choose to unite amidst their diversity.

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References

- Abueva, Jose V. (2005). *Charter Change for Good Governance: Towards a Federal Republic of the Philippines with a Parliamentary Government*. Kalayaan College Institute of Federal-Parliamentary Democracy; Marikina City.
- Auclair, Celine (2002). "Federalism: Its Principles, Flexibility and Limitations." *Decentralization and Power Shift: Federalism the Future of Decentralizing States?* Asian Resource Center for Decentralization-Center for Local and Regional Governance, National College of Public Administration and Governance, University of the Philippines; Manila.
- Brillantes, Alex B. Jr. (2004). "Decentralization Imperatives: Lessons from Some Asian Countries." *Public Policy*, Volume III Number 1 (January – June 2004).
- Brillantes, Alex B. Jr. and Donna Moscare (2004). "Federalism: The Culmination of Decentralization and Devolution in the Philippines." *Towards a Federal Republic of the Philippines with a Parliamentary Government*. Abueva et al. (eds.), Kalayaan College: Marikina City.
- Brillantes, Alex B. Jr. and Nora Cuachon eds. (2002). *Decentralization and Power Shift: A Sourcebook on Asian Decentralization*. Asian Resource Center for Decentralization-CLRG, NCPAG, UP; Quezon City.
- Caravita, Beniamino (2004). *Italy—Toward a federal state?: Recent constitutional developments in Italy*. <http://www.camlaw.rutgers.edu/statecon/subpapers/caravita.pdf> [last accessed: 20 January 2005].
- Deshouwer, Kris (2005). "Kingdom of Belgium." *Constitutional Origins, Structure and Change in Federal Countries, A Global Dialogue on Federalism—Volume I*. John Kincaid and G. Alan Tarr, eds. McGill-Queen's University Press: Montreal.
- Elazar, Daniel (2005). *What are Federal Solutions?* www.tamilnation.org/conflictresolution/federalism/whatarefederalsolutions.htm#3.%20Federacy%20Associated%20Statehood [last accessed: 8 December 2005].
- Fallon, Joseph E. (2006). *Igorot and Moro National Reemergence: The Fabricated Philippine State*. Center for World Indigenous Societies. www.cwis.org/fwj/21/imnr.html [last accessed: 12 January 2006].
- Forum of Federations (2005). *Primer on Federalism*. <http://www.forumfed.org/publications/pdfs/PRIMER-ON-FEDERALISM-e.pdf> [last accessed: 12 December 2005].
- _____. (2006). *List of Federal Countries*. www.forumfed.org/federalism/entrylist.asp?lang=en [last accessed: 12 December 2005].
- Gamper, Anna (2005). *A Global Theory of Federalism: The Nature and Challenges of a Federal State*. *German Law Journal* Vol. 6 No. 10 - 1 October 2005. www.germanlawjournal.com/print.php?id=635 [last accessed: 14 October 2005].
- Ginderachter, J. van (2005). *The Belgian Federal Model*. www.esanet.org/conferences/ecsaeworld2/Ginderachter.htm [last accessed: 14 October 2005].

- Heuglin, Thomas (2005). Comparative Federalism-A Draft Paper. *Tamilnation.org*. <http://www.tamilnation.org/conflictresolution/federalism/comparativefederalism.htm>. [last accessed: 14 October 2005]
- Hillgruber, Christian (2005). "German Federalism – An Outdated Relict?". *German Law Journal* Vol. 6, No. 1 – 1 October 2005. www.germanlawjournal.com/print.php?id=633 [last accessed: 16 June 2006].
- Joshua Project (2006). Philippines. www.joshuaproject.net/countries.php?rog3=RP [last accessed: 30 June 2006].
- Kincaid, John (1999). Federalism and Economic Policy-Making: Advantages and Disadvantages of the Federal Model. Background Paper: International Conference on Federalism, Mont-Tremblant. <http://www.federalism2005.org/home/attachment/i/631> [last accessed: 20 January 2006]
- _____ (2005). "Comparative Observations." *Constitutional Origins, Structure and Change in Federal Countries, A Global Dialogue on Federalism—Volume I*. John Kincaid and G. Alan Tarr, eds. McGill-Queen's University Press: Montreal.
- Kramer, Jutta (2005). "Federal Republic of Germany." *Constitutional Origins, Structure and Change in Federal Countries, A Global Dialogue on Federalism—Volume I*. John Kincaid and G. Alan Tarr, eds. McGill-Queen's University Press: Montreal.
- Linder, Wolf (2002). Federalism in Switzerland. Special Issue on Decentralization, Federalism, and Local Governance. *Philippine Journal of Public Administration*, January-October 2002, Vol. XLVI Nos. 1-4.
- McGarry, John (2005). Asymmetrical Federalism and the Plurinational State. A position paper for the 3rd International Conference on Federalism, Brussels. <http://www.federalism2005.be/home/attachment/i/580>. [last accessed: 20 January 2005]
- Schmitt, Nicolas (2005). Swiss Confederation. *Constitutional Origins, Structure and Change in Federal Countries, A Global Dialogue on Federalism—Volume I*. John Kincaid and G. Alan Tarr, eds. McGill-Queen's University Press: Montreal.
- Sen, B. K. (2002). Federalism with a new twist: Burma's only option. *Legal Issues on Burma* No. 11. Burma Lawyers' Council. www.ibiblio.org/obl/docs/LIOB11-Sen.htm [last accessed: 4 July 2005].
- United States of America. "Preamble." *Constitution of the United States of America*. <http://www.law.emory.edu/FEDERAL/usconst.html> [last accessed: 10 May 2006].
- Watts, Ronald L. (2002). The Relevance Today of the Federal Idea. International Conference on Federalism 2002, Saint Gallen. <http://www.forumfed.org/federalism/Watts.asp?lang=en> [last accessed: 20 January 2006]
- Wikipedia (2006). "Federalism," "Associated State," and "Presidential." www.wikipedia.com [last accessed: 11 May 2006].