
FEDERALISM

An Idea Whose Time Has Come!

Rey Magno Teves

Conflict and adversity have a way of defining what could or should be. What otherwise would seem vague and unacceptable during relatively calm periods, would suddenly gain credence and a sense of urgency.

This is what seems to be happening to the idea of Federalism in the Philippines. It is gaining currency in the light of the apparent intransigence of a rebellion that seeks independence for the Bangsa Moro homeland, and will thus dismember the republic.

World history, of course, is replete with the examples of all manner of states or nations struggling for self-determination, autonomy or outright total freedom. Most of these were characterized by bloodshed and bitter fighting.

Such, indeed, is the still on-going struggle of the Moros in Mindanao for the chance to run their own affairs on the basis of the verities of Islam. But all armed conflicts result in one grievous tragedy: displacement, deprivation, destitution and death to hundreds of thousands of non-combatant women, children and men. Regardless of creed, ethnic origin or political affiliation. The bullets are simply marked: "TO WHOM IT MAY CONCERN".

How to end it? Not through any simple or simplistic solution, certainly. And surely not by throwing fire on fire. The so-called Mindanao question or problem has deep historical roots,

ethno-religious context and broad politico-economic implications that defy over-simplification and a militaristic approach.

NOT A RELIGIOUS WAR

It is important to emphasize that the conflict in Mindanao is not, repeat not, basically a religious conflict. And that it is to the greater interest of the Filipino nation and the future of the republic that this be kept so. The lessons of history are clear. A religious war tends to be more vicious and extremely difficult to resolve.

But the political stalemate that is surfacing even more clearly now amidst the intermittently escalating armed clashes and confrontations between the Armed Forces of the Philippines and the Moro Islamic Liberation Front (MILF) is not devoid of solution.

We noted in a paper last year that the GRP-MILF situation smacks of the classic impasse between "an irresistible force and an immovable object". The MILF insists on an Independent Islamic State in Mindanao while the Government of the Republic of the Philippines (GRP) stands pat on its "constitutional duty" to

protect the sovereignty and territorial integrity of the republic. So, what gives?

Well, with the Federal alternative, nothing and no one really. That is to say, it is a potentially effective solution that proceeds from a kind of win-win formula where the fundamental demands of the contending parties are met without anyone losing face or conceding major “non-negotiable” points.

In the present instance, we humbly suggest that transforming the unitary and centralized form of the Philippine government into a Federal Republic such as Germany or a union of states such as America or one with appropriate and relevant features of both models as well as the Malaysian, Indian, Canadian, Australian, Brazilian, South African or Mexican models, formulated within the context of Philippine

history and present realities is a solution that meets these criteria.

Indeed, it is possible under this federal framework to constitute a Bangsamoro or even an Islamic State without seceding from or impairing the territorial integrity of the Republic of the Philippines.

Diverse voices are being expressed in favor of the political re-structuring of the Philippines into a more power-sharing federal system where the component states have well-defined rights to self-governance of their own affairs and resources.

FEDERALISM & PLURALISM

Under a federal system, the Philippines can be re-constituted into any appropriate number of states, each one having its own constitution to address their peculiar and particular diversities, but all flowing from or hewing to

a basic framework defined in a federal constitution or basic law.

In the context of the Mindanao situation, the Muslim-dominated provinces can be formed into a state where the Shariah law, the Madrasah educational system and other basic features of the Islamic “way of life” can be worked into the State Constitution. Of course, the Islamic tenets will apply only to the Muslims, while the Christians and other minorities in the State will be protected by fundamental human and national rights.

We hope we are not being presumptuous in claiming that this formula substantially covers the primary demands of the MILF and other serious Moro groups for self-determination or effective self-governance short of secession. It may, however, be presumptuous of us to claim that this is the best solution that can ever be offered. But until other substantial alternatives are presented, the federal option certainly is worth serious consideration by government, the MILF, and the national polity.

Already, diverse voices are being expressed in favor of the political re-structuring of the Philippines from its present unitary and centralized form into a more power-sharing federal system where the component states have well-defined rights to self-governance of their own affairs and resources.

The latest expression of this growing political trend is the Senate Resolution jointly filed by Senators Aquilino “Nene” Pimentel, Jr. of Cagayan de Oro City, John “Sonny” Osmeña of Cebu and Francisco “Kit” Tatad of Camarines Sur calling for a Constitutional Convention that will adopt a Federal System of government. It is interesting to note the convergence of three leaders from regions in Luzon, Visayas and Mindanao that share the same strong sentiments for greater autonomy and self-governance.

Nene Pimentel is, of course, a founding leader of the PDP-Laban which has federalism as a primary platform, and is honorary chair of a new movement, while Sonny Osmeña was a leading light of a federal movement launched in the early 90's (Pilipinas '92). Kit Tatad is a Bicolano leader who knows only too well the meaning of central government neglect of regional needs and concerns.

The National Federal Movement established sometime ago by another Mindanao leader, Reuben Canoy, is still operational and conducts occasional campaigns.

INITIATIVES FROM THE GROUND

But a new movement spearheaded by the NGO community of Mindanao and encompassing the various elements of civil society (indeed, including local government leaders and technocrats) has been organized about a year ago. It is being fueled by the dynamic spirit of volunteerism and positive activism characteristic of development NGO involvement and commitment.

Lihuk Pideral – Mindanaw has set out to conduct workshop-seminars, symposia, and even trainors' training on Federalism as a political option in various regions of Mindanao. It plans to cover sectoral groupings in the island but aims to link up with federalism advocates in the Visayas and Luzon during the next half of this year.

It has catalyzed general acceptance of the idea in bigger forums such as the KUSOG MINDANAW roundtable conference, national political formations like AKBAYAN, and various political institutes such as the Institute for Politics and Governance (IPG) and the Institute for Popular Democracy (IPD). Several other groups in Luzon and the Visayas have begun discussions and study of the federal alternative.

There is a chance for self-determination without having to fight a war and shed blood. It is possible, too, to institutionalize the practice of Islam in a State of predominantly Muslim population and run entirely by Muslims, but still belonging to a national Filipino entity .

It should interest the readers to know that a good number of Muslim professors and scholars from Zamboanga, Basilan, Sulu, Cotabato, Marawi, Iligan, and General Santos City have participated actively in the workshop seminars of Lihuk Pideral, with most of them already signing up as members of the movement. Some of these Muslim professors have informal linkages with either the MNLF or the MILF. In fact, informal and unofficial discussions with some elements of the said Moro groups have also been started.

This development does not surprise us. Some of the early proponents of federalism were or are Muslim scholars, including the former Congressman Michael Mastura of Maguindanao who, along with several delegates from Mindanao to the 1971 Constitutional Convention (i.e Nene Pimentel of Misamis Oriental and Sammy Occeña of Davao) reportedly initiated some unsuccessful moves there to introduce federalism.

Suffice it for now to state what may just be a conjecture (in the absence of an actual head count) that there are probably more Muslim brothers and sisters who will go for the federal option than there are who will support secession. Of course, considering that independence is being espoused by armed

and organized rebel groups, there is no certainty as to how the majority will go if the armed challenge will be pursued to its logical end.

Our bet, however, is that the leaders and supporters of the MILF can be convinced by a sincere and credible government to consider Federalism as an alternative. Of course, the Administration has to be convinced about this first. In this regard, we suggest that the Estrada government seriously look into the 4-point formula being suggested by Senator Nene Pimentel, for starters.

A REALISTIC APPROACH

If we may be allowed a little brashness, the Pimentel option (which provides for restructuring towards a federal system as the fourth point) is a far more realistic and practical approach to the Mindanao situation than the Administration's "all-out-war" policy which is guaranteed to produce more victims than victors. Even then, a successful military campaign will not ensure the elimination of the rebellion, considering its deeper root causes.

So what's the use of spending billions of pesos on war campaigns when these are better utilized, with greater over-all and long term dividends, for development efforts. Peace can be effectively achieved only through the ways of peace.

On the graves of hundreds of dead mujahiddens and in the temporary shelters of thousands of dislocated Muslim men, women and children who are alive but hardly living because of the abnormal conditions usually obtaining in such emergency arrangements – we also appeal to our brothers and sisters in the liberation movements to give peace a chance and give true meaning to the practice of Islam as a religion of peace.

There is a chance for self-determination

without having to fight a war and shed blood (whether Muslim or Christian, the color is the same). It is possible, too, to institutionalize the practice of Islam in a State of predominantly Muslim population and run entirely by Muslims, but still belonging to a national Filipino entity that may be called by such names as the United States of the Philippines or the Federal Republic of the Philippines, or such other title as the nation may agree on through a constitutional convention and national referendum or plebiscite.

Let a Muslim scholar, then judge, now Justice Jainal D. Rasul, speak about the imperatives of federalism within the context of the Moro situation.

"Presently, the Muslims in this country are faced with a dilemma: (1) to remain in the Philippines under the present arrangement; or (2) to get away or secede from the Philippines and create its own Bangsa Moro State in order to preserve its religio-cultural identity."

"Under the first, the Muslims may forcibly be assimilated under the so-called Integration Policies or Divide and Rule tactic. This is more traumatic than physical genocide. It is cultural imperialism."

"The second, on the other hand, would mean fratricidal war because the Philippine government would resist fragmentation or dismemberment of the republic."

He goes on to conclude this portion of his article by stating emphatically: "Undoubtedly, the federal form of government is the Constitutional solution to the age-old Moro problem....Only in a federal structure of government is it possible to properly and correctly rule such a society (of mixed cultures) in such a manner as to accommodate the distinctiveness of each nationality while orchestrating them all towards the common

national goal which comprehends their diversities.”

HARMONY IN DIVERSITY

Harmony in diversity. That is the goal of peace and the path to peace. And federalism is one mechanism that is more likely to facilitate this than any other. Truly, its time has come.

But lest this advocacy be construed as purely a Mindanao concern, allow us to state that by definition, the Federal System is the opposite of a Unitary and Centralized form of government. It is characterized by a division of powers between a national government and the component states, and not merely a sharing of powers between a central authority and local governments. It is guided by the principle of subsidiarity which states that the unit or level of government that is best able to understand and address a problem or undertake projects benefitting its own constituency should be allowed to decide and act on such problems or projects.

The derogatory reference to an Imperial Manila is drawn from our negative experience (especially of regions far and farthest from the national capital). It does not infer that Manilans are bad people. It points more to a system of government that is generally run from the center, and where decisions affecting far-flung provinces, towns and communities, are being made by people who don't have a good idea about their situation—and who probably couldn't care less, anyway. It also refers to a system that siphons off provincial resources towards the center, at which point decisions about how much and what will go back to the provinces are also made by such officials or executives who have the faintest idea about the needs and concerns of these communities. It does not make for good governance, to say the least.

By no means is a federal system perfect, of course. Indeed, there is no perfect political system in the world. But there are effective systems as there are lousy ones. There are relevant and responsive systems as there are abusive and oppressive ones.

Over-all, our unitary and centralized presidential system of government (copied mostly from the US – but why did we not copy its federal structure which has survived more than two centuries already as the pillar of American democracy) has not served well the needs of majority of the Filipino people who reside in regions outside of Metro Manila. The statistics on Philippine poverty is proof of this. In fact, majority of the Filipino poor are in Mindanao, particularly in the Muslim areas. Other significant clusters of our poor people are in the Samar, Negros, Bicol and Cordillera regions. (It is no coincidence that insurgency and rebellion grow and thrive in these distant regions).

THE LOGICAL OPTION

Truly, the Federal alternative is a national alternative. It is not an exclusive Mindanao

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concern or advocacy. A re-structuring of the entire Philippine political system is long overdue. Mere decentralization, particularly the cosmetic one, or even an autonomy such as ARMM, is no longer adequate or timely. Running an autonomy within a unitary and centralized presidential system apparently still results in the stifling and limiting of that autonomy.

But running even an Islamic State within a Federal framework of constitutionally-defined division-of-powers-scheme is possible and workable.

The time to seriously consider the federal option is now! ■



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