

## Notes on Federalism

### Reflections on Swiss Federalism

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The study tour to Switzerland on Federalism was conducted on 12-18 September 2004. The group was composed of peace advocates - Secretary Teresita "Ging" Deles, Atty. Michael Mastura, Mayor Omar "Solitario" Ali, Rey Magno Teves, Guiamel Alim, Fatmawati Salapuddin, Raul Socrates Banzuela, Bamba Salazar, and myself. Sponsored by Hilfswerk der Evangelischen Kirchen Schweiz (HEKS-Philippines) and the Embassy of Switzerland in Manila, the study tour was meant to allow the group to get a closer look at the kind of federalism practiced in Switzerland and to see whether it is applicable in our country. For sometime now, federalism has been suggested as one option in resolving the Mindanao problem. In fact, there is a federal movement that advocates the federal system not only for Mindanao but also for the entire country.

I traveled to Switzerland full of baggage. I am not of course referring to my personal belongings but to memories of war. This is my seventh year as parish priest of Pikit, Cotabato and in this span of time I have witnessed four major armed conflicts between government troops and the Moro Islamic Liberation Front (MILF). The conflicts have caused massive evacuations of civilians - 30,000 in 1997; 41,000 in 2000; 24,000 in 2001; and 45,000 in 2003.

Why these endless wars, not only in Pikit but in Mindanao as a whole? Not only in Mindanao but in the whole country?

I am not a political scientist but you do not need to be one to see that there is something wrong with the existing political system. We claim to live in a democracy but our democratic system does not reflect the dictum that democracy is a government by the people, of the people, and for the people. If the flaws are not corrected, the current socio-economic, political, and religio-cultural problems will continue to pester us and future generations of Filipinos to come.

### The Swiss Experience

Federalism in Switzerland did not come the easy way. It went through long bloody battles between and among many small nations. Until now, the Federal Republic of Switzerland remains a country of many nations. Despite religio-cultural differences, the seven million inhabitants live in harmony and mutual coexistence. Interestingly, Switzerland is twice smaller than Mindanao. It possesses very little if any natural resources, and yet it stands as the 4<sup>th</sup> richest country in the world.

In Switzerland, power does not reside in the federal government but in the twenty-six cantons that comprise the country. These cantons are practically sovereign. Each has its own constitution, executive council, parliament, and fiscal budget. Except for foreign affairs and other functions related to foreign policy that are handled by the federal government, all other government services are under the jurisdiction and management of the cantonal government. In fact up to 1999, the Army was under the control of the cantonal government.

One thing good about this system is that power is shared and there is no center of power. The federal government cannot decide on any issue without consulting and getting the approval of the cantonal governments. The life of the country does not revolve around the federal government, but around each canton. The cantons come first, the federal government second. In effect, the cantons are more powerful than the federal government. The cantons decide what competencies they want to give to the federal government.

The success of Swiss federalism lies in its ability to distribute power to the cantons which decide their own future. Each canton exercises its functions as a government. Within each canton, democratic rule is also observed, as every decision made affecting cantonal life is always done with proper consultation with the people. No law is passed unless the population is consulted, not just the representatives. Everybody gets the chance to say his ideas regarding a new law or ordinance.

In the case of the Philippines, the present government set-up concentrates too much power in Manila. Manila is the Philippines. Manila dictates policies to the regions and draws economic benefits from the regions. The concentration of power has failed to benefit the people. There is obviously a failure to create a democratic space where all stakeholders, particularly the ordinary citizens, can participate in nation-building. Even with the growing involvement of the so-called civil society in national life, Philippine society remains disabled because the political

system does not encourage creativity and initiative which are necessary in building a nation. Instead, the entire nation has become hostage to the whims and caprices of a few politicians whose motives are self-serving rather than geared for the common interest.

### Dynamism

What is also striking about Swiss federalism is that it is a dynamic thing. It constantly adapts to new situations and to new challenges. It always seeks to be relevant to the people's aspirations and needs. It is not a stagnant, static system. It acts with greater freedom to create new ways to respond to ever-changing conditions. There is ample room for creativity, for new ideas to emerge, new goals to explore, and new strategies to experiment with.

The people are consulted at each step in the process as a way of sharing a sense of ownership. This may be a tedious and time-consuming effort, but in the end, each citizen feels he is a part of the nation and looks up to the government with respect and as his own government.

Here are examples of the dynamism of the Swiss system: The Canton of Jura was originally a part of the Canton of Berne. It became a separate canton in 1979 after a series of referenda. In 1993, a new body, the Conference of Cantonal Governments was established to serve as a linkage among the twenty-six cantons in what is called the horizontal federalism. It is a body that helps advocate cantonal issues to the federal government. Finally, the federal constitution itself has undergone a series of changes, with the new one just ratified in 2000.

### Equal Representation

Under the Swiss federal system, all cantons send the same number of representatives to the federal parliament, regardless of the population of the cantons. That is, representation is not made on a proportional basis wherein the bigger cantons get more representation and the small ones get less. Thus, each canton is not only sure of representation, but more importantly also of equal representation.

In contrast, elections for the Senate in the Philippines are held at large, so sometimes you have a situation wherein a concentration of senators comes from one region, with many regions not represented at all. Regions without representatives have no voice in the Senate.

### Decision Making

There is a saying in Switzerland that fifty-five percent is fifty-five percent. It means that even if more than half favors a certain law, there remains forty-five percent who does not favor it and is therefore unhappy about it. The Swiss are sensitive to the minority. They will continue to explore ways and means until the forty-five percent is also satisfied. For example, if fifty-five percent in a canton votes in a referendum favoring German as its official language, it does not mean that the other languages are disregarded. If twenty-five percent of the population speaks French, and another twenty percent speaks Italian, the two languages will also have to be accommodated to satisfy the French-speaking and Italian-speaking Swiss. This is also true in education. The school has to provide textbooks written in different languages in order to accommodate the different tongues spoken by the students.

In the Philippines, the majority impose their will on the minority. We are practicing the tyranny of the majority. The Senate and the Congress have become battlegrounds for numerical supremacy. The Party that gets the majority votes behaves with absolute authority, with the minority hanging on to their power for their own political survival.

### Swiss Politics

The more power is vested on the canton, the less politicized is government. There are no professional politicians in Switzerland, so they say. Every citizen is a politician. Government is seen as a government of the people and politicians behave as real public servants.

In the City of Murten, the lady mayor herself was the one who explained to the study group about the nature of the city council, the city's social services and other projects, demography, etc. She presented it singlehandedly, operating the projector herself, a job that in the Philippines would be done by a secretary. The members of the delegation were impressed by her simplicity and sense of dedication to her office.

### Resource Sharing

The federal structure is reflected in the Swiss tax system. Direct taxes are levied not only by the federal government as prescribed by the federal constitution, but also by the twenty-six cantons.

The cantons remit contributions to the federal government in a manner that is clearly defined according to the financial capability of each canton. In return, all federal taxes are given back to the cantons in the form of federal assistance. The interesting thing is that the poorer cantons get a bigger share than the rich cantons. The idea is to share the resources equitably, not just equally, among the different cantons with the end view of breaking social and economic discrepancies.

The Philippines can certainly learn a lot from the way the Swiss Federation is sharing its resources. In our country, the regions just become the milking cows of the central government in Manila and other rich cities. The implementation of the internal revenue allotment (IRA) is full of weaknesses. Rich cities and towns get more subsidies than the poorer cities and towns. So, already rich regions become richer and the poor regions become even poorer.

### Unity in Diversity

Switzerland is not a monoculture. It has diverse cultures and yet remains as one country. Its success lies in its capacity to accommodate cultural and religious diversity in such a way that even the minorities have their own place in nation building. It is a strong and united country not because it controls diversity but because it promotes diversity. It does not discourage differences but tolerates them as part of an open and pluralistic society. It is a country where you can be different and yet accepted, where the other who is different is not seen as a threat but as a partner.

In our country, the lack of sensitivity towards the religion and culture of the minority partly explains the mess we are experiencing in Mindanao. There is an attitude of arrogance on the part of the majority culture that wants to impose on the minority what it believes is superior. It is a tendency that characterizes majority-minority dynamics. The minority culture is either suppressed or simply disregarded. When there is an absence of appreciation of minority culture and lack of political space which allows it to develop freely, then resentment grows as in the case of the struggle for self-determination by the Bangsamoro people of Mindanao.

## The Federal Option

There is no such thing as a perfect system. The Swiss have their own problems with their federal form of government. But definitely their political system has contributed to its growth as a nation. Perhaps, a federal form of government may be an alternative solution to the many problems besetting Mindanao and the Philippines in general? Federalism, of course, is not the final answer to the many woes of our country, but based on my own reflection, it is a much better system than our present system.

By just looking at the map of the Philippines, we can already understand why a centralized government is doomed to have many shortcomings. The Philippines is an archipelago of more than 7,000 islands. Even with modern transportation, it is very hard to move from one place to another. Going to Manila to follow up a transaction is very expensive and time consuming.

The country's geography is a perfect setting for a federal type of government. Given certain powers, the islands can exercise their freedom to choose what is relevant for them and be able to chart the destiny of their regions without having to wait for the dictate or approval of Manila.

Many regions in the country have developed their own regional identities. We have Ilocandia in northern Luzon, Bicolandia in southern Luzon, the Bangsamóro in Mindanao, etc. The federal system may yet release the energies of the many regions and propel the country towards genuine peace and development.