

Structural reform for governability



BY RAFAEL HERNÁNDEZ COLÓN

In order to address the problem of governability affecting Puerto Rico, CARIBBEAN BUSINESS has put forward “the idea of exploring the possibility of adopting an intermediate level of government that already exists and functions in most states on the mainland:

the county”.

Governability is a problem that has been creeping up on us for the past two decades. In order to address this problem properly it must be defined. It does not mean that the people of Puerto Rico have become ungovernable. Such a proposition is sheer nonsense. The problem is not with the people, but with the nature of our problems and our capacity to resolve them. This capacity is measured by the men and women that govern us and the instruments and resources they have available with which to govern.

The question of the capacity to govern presents itself at all levels of government. Local government, metropolitan areas, civil society, state government, national governments and global governance. It is one of the fundamental questions facing humanity today as has been pointed out by the forward-looking Club of Rome. In addressing the issue in a domestic sense, we must look at both the capacity of those who govern and the instruments and resources they have at their command.

Puerto Rico’s governmental structure consists of a central government and 78 municipalities. The county system that CARIBBEAN BUSINESS has put forward would be an intermediate level of government between central government and the municipalities. I believe the idea of an intermediate level of government can provide a necessary instrument for the more efficient governance of Puerto Rico. This does not mean that we should copy the county system existing in Florida, although we must closely examine it to see how it works and how it fits within our present structure and division of powers between central government and the municipalities.

So the first order of business is to define the nature of this intermediate structure of government, what its powers will be, where will these powers come from, its budget, its resources to provide for that budget, its relationship to central government and the municipalities and its accountability. This must be conceptualized bearing in mind the deficiencies of the present structure and the need to graft the intermediate level into our two-tier functioning democracy.

It is not hard to point out what the intermediate level should not be, it is much harder to

conceptualize what it should be. It must not be what we have known in Puerto Rico as regionalization. This has existed in Puerto Rico forever. It has not decentralized decision making. Regional offices within the present centralized structure of government merely process petitions which they then submit to central government for decisions. This does not provide for efficient governance and no kind of reengineering of this system will provide what is necessary or what can really help in governing Puerto Rico.

A good working democracy brings people together; a good working democracy generates responsibility, solidarity, security.

As a starting point to conceptualize what this intermediate level should be, we must look to our democratic system of government. The intermediate tier of our government must derive its power from the people. Through our democracy we tap the vital energy that comes from our values, our history, our aspirations to a better quality of life. It is through our democracy that we articulate the will of our people, that we shape a collective vision of the future we want for our children and grandchildren. A good working democracy brings people together; a good working democracy generates responsibility, solidarity, security.

The effort which I started back in 1991 to provide autonomy for local governments is an important aspect of the strategy for a better working democracy. The organizational principle as to the structure of government that maximizes participation in a functioning democracy is the principle of subsidiarity. This principle holds that power should primarily be allocated to the unit closest to the problem at hand and that it should be lodged at a higher level only if the scope or nature of the problem is such that the resources needed to solve it are beyond the capacity of the unit closest to the problem.

Subsidiary implies, for instance, that the power over land use and planning should be a municipal power, not a power of central government because the municipality is closest to the problem of land uses and to the need for planning for its own requirements than is central government. And, of course, because the resources needed to undertake such efforts are or can be made available at the municipal level.

When this power is lodged at the local level, citizen participation in the governmental process is strongly stimulated because it is their elected officials, the mayors and municipal legislators, that are accountable to them; people they can

better come in contact with than with bureaucrats from San Juan. These people are managing the process, and will be administering whatever plans are made and handling the problems that arise. Empowering municipalities empowers their citizens who can hold accountable their elected officials at every turn.

Land planning and permitting were the two principal powers that the Law for Autonomous Municipalities provided for divestiture from central government. It has been carried out with regard to 30 municipalities. These, of course, are not the only powers that can devolve upon the municipalities. Other obvious ones are the operation of recreational facilities and stadiums, fire fighting and the construction & maintenance of tertiary roads.

In order to determine what powers of central government must be transferred to the intermediate level of government, we must first determine if the powers, and of course the budgets to exercise them, can be transferred to the municipalities, large or small. Only those powers that require uniform regional implementation, or which are beyond the administrative capabilities of the smaller municipalities should go to the intermediate level. The intermediate level would handle both powers transferred exclusively to it and powers that cannot be transferred to the smaller municipalities because of their limited capabilities. Some of these powers could be property-tax collection, operation and maintenance of public schools—not curriculum or matters of evaluations—and social services. The range or number of powers to be transmitted and the resources is a delicate and complicated matter that requires much thought.

Other matters require further analysis: the jurisdictions or geographical demarcations of the counties, districts, provinces, that is the intermediate-level structure is one. Another matter is the representative system: will we have a Super Mayor elected by the voters in the county, district or province? What will the role of the other mayors be? To what extent will we be duplicating bureaucracy?

These are not easy matters to resolve. In order to seriously consider the idea put forth by CARIBBEAN BUSINESS much study must be given to these matters so that the idea is fleshed out. It can be a good thing, but it must be properly structured for it to work in Puerto Rico. ■

Rafael Hernández Colón is a three-term (12-year) former governor of Puerto Rico (1973-'76 and 1985-'92). He served as Justice secretary (1965-'67) and Senate president (1969-'72). He was president of the Popular Democratic Party for 19 years. Comments on this article are welcome at caribbeanbusinesspr.com. Go to [Sign in](#) link on the homepage. Emails also may be sent to column@caribbeanbusinesspr.com.