

On decentralization

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Page : 27

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The most serious flaw of the Constitution of the Commonwealth of Puerto Rico, according to Harvard University's Carl J. Friedrich, the pre-eminent federalist theoretician at the time the commonwealth constitution was adopted, is that it perpetuated the system of centralized control in our government instead of guaranteeing the local government's autonomy.

We are suffering the effects of this constitutional deficiency in ways that aren't readily apparent but are nonetheless quite real. Cities, counties, and municipalities, wrote Friedrich in his introduction to the University of Puerto Rico Public Administration School's book on our constitution, have been named in the U.S. the "School of Democracy" because it is there that citizens learn to participate in public affairs. Small is beautiful in government, as it is in many other areas of life.

For many years, Puerto Rico's municipalities lacked the powers and responsibilities that would enable them to engage their citizens in this schooling for democracy. The Law for Autonomous Municipalities, approved during my last term as governor (1989-1992), provided such a framework. We have seen its results in cities such as Bayamon, Caguas, Carolina, and Ponce. In these cities, especially in Caguas, we have witnessed a deepening and widening of citizen participation in government.

Deepening and widening participation in government, or the engagement of citizens in the political process, is an important response to social malaise, to estrangement, alienation, frustration, impotence, violence, and other forms of antisocial behavior. It turns individuals into citizens with a stake in the community. It harnesses citizen power into the political power that drives a country toward higher levels of civilization.

It doesn't happen by chance. It is a long-term goal to be pursued consciously through public policy that opens channels of participation, responsibility, and solidarity; through civil society; and through education. Our leaders are a reflection of the alternatives that the dynamics of our democratic culture provide. When we long for better leadership, we must look within ourselves, because it is we—society—who nurture leaders, inspire them, and choose them.

A deep change in our democratic culture is necessary to emerge from the morass that entangles us and forge ahead toward the Puerto Rico that is within our reach if we employ our full potential. For it is through our democracy that we can tap the vital energy that comes from our values, our history, our aspirations to a better quality of life and a higher state of civilization. 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, and security.

The effort to provide autonomy for local governments, which I started in 1991, is an important aspect of the strategy for a better working democracy. It isn't the only course of action to bring about the change that is necessary in our democratic culture. Other problems, such as the limits of what we as Puerto Ricans can decide through the ballot box; the unequal power between voters, special interests, and the media; and the inefficient articulation between voters, society, and government, merit as much attention as the structure of our government and must be addressed. But I write these columns on the structure of government because it is an initiative already set in motion, but whose deeper meaning for our society beyond the mechanics of government isn't fully understood.

The organizing principle behind the structure of government that maximizes participation in a functioning democracy is that 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 capability of the unit closest to the problem. Friedrich's critique of our constitution is that it organized our government through an inverse application of this principle.

Subsidiarity 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 closer to the problem of land use and to the need to plan for its own requirements than the 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 processes is strongly stimulated, because it is their elected officials—their mayor and municipal legislators, people whom they can come in contact with easier than with the bureaucrats from San Juan—who are managing the process and who 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.

The centralist culture so engrained in our thinking resists this. Thoughts such as these immediately come to the centralist mind: "The municipalities don't have the professional or technical people with which to do land planning. The mayors are too close to the people so they will react to their wishes by deciding matters on political judgments, not sound policy."

This is precisely the type of thinking that prevents us from deepening and widening the practice of democracy throughout the land. It is the type of thinking that prevents our political maturation. When the merit system for civil service and planning was instituted in Puerto Rico, civil servants had to be trained and leaders had to learn that progress was based on sound policy, although once in a while sound policy may be bad politics.

Such efforts have to be undertaken at the municipal level now because we are before a much more complicated Puerto Rico of four million citizens and a gross domestic product of \$76 billion, and deepening and widening our democracy is necessary for us to cope with the complexities of this society. The results in Bayamon, Caguas, Carolina, and Ponce demonstrate that this is doable. Smaller municipalities can be assisted in ways that I will explain in later columns.

Shifting as much decision making as possible to the lowest operative level has been a corporate strategy for quite some time. Information technology has made this possible. It provides for greater efficiency for the corporate body. In democratic government, it has been instituted in varying degrees since republicanism replaced absolutism as the Enlightenment dawned upon western civilization. However, colonialism had another point of view. Power had to be centralized, and the first two Organic Acts that Congress provided for Puerto Rico so disposed.

But local autonomy is essential to a genuine and effective democracy, as Friedrich wrote in his critique of our constitution. In the U.S. and in the European Union, a fundamental quantum of governmental power is allocated to municipal, county, city, or regional governments. Puerto Rican businesspeople marvel at the efficiency with which such things as building permits are handled in the States, but they don't generally pause to consider that such permits are handled in the States not by state government agencies, but by municipal, city, or county governments much closer to the site of the building, with elected officials accountable to the people directly affected, for good or for ill, by the proposed construction. Democratic accountability makes a big difference in how governmental units operate.

This is what the Law for Autonomous Municipalities pursues. It thus provides for a strategic shift in state power to our municipalities in an orderly, gradual fashion consistent with the development of their capability to handle new responsibilities and functions. The most important power that is relinquished by central government is the power over land use and planning.

This enables citizens of the municipalities to define through their local government the uses—residential, commercial, industrial, agricultural, recreational, and conservational—for which land may be destined.

The *Planes de Ordenacion Territorial* through which municipal zoning and planning are carried out are a tool with which to shape our cities and rural areas according to the needs and values held dear in each locality. These plans require a more detailed explanation, which I will provide in my next column.