Measuring Regional Authority

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Measuring Regional Authority

A Postfunctionalist Theory of Governance, Volume I

Liesbet Hooghe, Gary Marks, Arjan H. Schakel, Sara Niedzwiecki, Sandra Chapman Osterkatz, and Sarah Shair-Rosenfield

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Part I
Measurement

1

Transparency in Measurement

This book is the first of four books theorizing the structure of governance above and below the central state. We describe the theory as postfunctionalist because it claims that governance, which we define broadly as authoritative decision making in the public sphere, is determined not just by its functionality but by its emotional resonance. Multilevel governance within the state, the topic of this book, evokes intense preferences not just for what it *does*, but for what it *is*. Jurisdictional design has intrinsic meaning for people. It expresses their national, regional, and local identities. The premise of postfunctionalism is that this cannot be reduced to the extrinsic functions of governance. It is about "who are we" as well as "who gets what."

This raises questions that can be answered only by looking within countries. Over the past two decades there has been an upsurge of research on territorial governance within countries, but measurement has lagged behind. Case studies investigate the mobilization of ethnic minorities and the efforts of central rulers to accommodate or suppress them, but the effects are only dimly perceived in national indices, and they escape fiscal measures entirely.

A measure is a disciplined summary. It attaches conceptual relevance to some phenomena and ignores others. As one begins to conceptualize variation in territorial governance, one enters a subterranean world in which there are numberless possibilities. Jurisdictional regions vary enormously in size and population. Their authority varies more than that of states. Some are merely central outposts for conveying and retrieving information. Others exert more influence over the lives of people living under their rule than the national state itself. One must leave behind the idea that territorial governance is constitutionalized, and therefore highly stable. Regional governance is governance in motion. The regional authority index detects more than 1300 changes in sixty-two countries.[1]

[1] This is the number of changes of 0.1 or more on one of the ten dimensions for a region or regional tier.

Thirty-four new tiers of regional governance have been set up and seven have been abolished. Precise observation of territorial governance reveals a landscape that is fascinating in its flux and diversity.

This book sets out a measure of regional authority that can be used by social scientists to investigate the character, causes, and consequences of governance within the state. In this chapter we explain the key decisions that underpin our measure. How do we conceptualize regional authority? How do we summarize this abstract concept in dimensions? What indicators do we use to tap variation along these dimensions? And how do we score cases using these indicators? Each step is a theoretically motivated move from the abstract to the concrete. Subsequent chapters allow the reader to assess the validity of these steps and of the final product. Chapter Two compares our measure with other commonly used measures of decentralization. Chapter Three is a hands-on guide to the rules underpinning the measure and its indicators. The book concludes with profiles that overview change in regional authority across eighty-one countries on a common analytical frame.

We have three purposes. First, we wish to provide a reasonably valid measure of subnational government structure that is sensitive to cross-sectional and temporal variation. The measure conceives subnational governance as a multidimensional phenomenon that can take place at multiple scales. Fiscal measures provide annual data for a wide range of countries, but the amount of money that passes through a subnational government may not accurately reflect its authority to tax or spend. And there is much more to the structure of government than spending or taxation. Some regional governments can block constitutional change; some control local government, immigration, or the police; some play an important role in co-governing the country as a whole. The concept of federalism does a better job at capturing regional authority, but it is insensitive to reform short of constitutional change and does not pick up cross-sectional variation among federal or among unitary countries. The measure proposed here detects a lot of variation both within these categories and over time. The figures preceding the country profiles reveal that the territorial structure of government is much more malleable than is implied by the classics of comparative politics (e.g. Lijphart 1999; Riker 1964).

Our second purpose is to break open subnational government so that others may look inside. Comparative politics is conventionally seen as the study of politics across countries. Still, the field has a prominent and longstanding tradition of studying politics not just across, but also within, countries. Among the most celebrated examples are Tocqueville's *Democracy in America* (1838), which compares American states to assess the effects of slavery, Seymour Martin Lipset's *Agrarian Socialism* (1950), which compares wheat-belt provinces in Canada and the US, and O'Donnell's (1973) discussion of regions in Argentina and Brazil.

The past decade has witnessed an upsurge in the number of articles and books comparing regions within and across countries.[2] The most obvious reason is that we live in an era in which authority has spun away from central states to subnational and supranational governments. We see this very clearly in our measure, which reveals an increase in the authority of regional governments in two-thirds (fifty-two) of the countries we observe. Another reason is that comparing regions can lead to better causal inference. Democracy, economic growth, crime, and many other things that people care about, vary within as well as among countries (Snyder 2001; Giraudy 2015; Giraudy, Moncada, and Snyder 2014).[3]

Subnational comparison can increase the number of relevant observations. More importantly, it can provide inferential leverage in engaging the fundamental problem with observational data: too much varies and the controls one can impose through matching and fixed effects are both demanding and incomplete. This is where subnational comparison is particularly useful. Many of the confounding factors that are difficult to control for are national, and controlling for national factors is a powerful lever for explaining variation against a background of commonality. This is precisely Robert Putnam's inferential strategy in *Making Democracy Work* (1993). Comparing regions in the north and south of Italy allows him to control for a wide array of factors—including Catholicism, parliamentarism, and the legacy of fascism—that could plausibly influence democratic performance.

This calls for measurement at the level of the individual region rather than the country—a decision that has shaped every aspect of this book. Examining territorial government inside countries brings to life phenomena that are otherwise invisible. More than half of the countries with a population greater than twenty million have not one, but two or more levels of intermediate government. An increasing number of countries are differentiated, that is, they have one or more regions that stand out from other regions. We wish to compare not just countries, but regions and regional tiers within countries. And we compare not only how regional governments exert authority over those living in its territory, but also how they co-govern the country as a whole. In short, the question we are asking is "In what ways, and to what extent, does a regional government possess authority over whom at what time?"

[2] This trend encompasses Western countries (e.g. Dandoy and Schakel, eds. 2013; Gerring, Plamer, Teorell, and Zarecki 2015; Kelemen and Teo 2014; Kleider 2014), Latin America (e.g. Giraudy 2015; Chapman Osterkatz 2013; Niedzwiecki 2014), Africa (Posner 2004), Russia (Robertson 2011), and China (Landry 2008; Tsai 2007).

[3] For studies that are explicitly motivated by this insight, see e.g. Agnew (2014); Charron and Lapuente (2012); Gibson (2012); Harbers and Ingram (2014).

The product is a measure that provides information on the financial, legal, policy, representational, and constitutional competences of individual regions and regional tiers on an annual basis. Each of the ten dimensions of the measure picks up a distinct component of regional authority.[4] We aggregate dimensional scores for regions and tiers to the country level, but researchers can re-assemble the constituent dimensions for their own purposes. They can also begin to examine the effects of variation in the way in which regional governments exert authority. Why, for example, do some regional governments exercise considerable powers within their own borders, but have almost no role in governing the country? What is the effect of tying a region into country-wide governance? How do fiscal, legal, policy, representational, and constitutional competences interact, and with what results? Why has subnational governance become more differentiated over time?

Our third purpose relates to measurement in general. How should one go about measuring a big abstract concept such as authority? In our 2010 book which introduced the regional authority index (RAI) we emphasized that it was vital to lay our method bare before the reader "so that others may replicate, amend, or refute our decisions" (Hooghe, Marks, and Schakel 2010: 3). We wanted to make it possible for others to evaluate how the measure was constructed, and we were intensely aware that our decisions were theory-driven. This is the commitment to transparency that has been set out by the American Political Science Association in a series of collectively authored statements. Beyond the well-recognized (though not always practiced) norm that researchers provide access to the data and analytical methods they use in their publications, the APSA (2012: 10) calls for production transparency: "Researchers providing access to data they themselves generated or collected, should offer a full account of the procedures used to collect or generate the data."

> Production transparency implies providing information about how the data were generated or collected, including a record of decisions the scholar made in the course of transforming their labor and capital into data points and similar recorded observations. In order for data to be understandable and effectively interpretable by other scholars, whether for replication or secondary analysis, they should be accompanied by comprehensive documentation and metadata detailing the context of data collection, and the processes employed to generate/collect the data.

[4] The financial statistics produced by the International Monetary Fund (IMF) are a model worth emulating. The data take the form of a multidimensional matrix which breaks down financial flows by type of transaction, institutional unit, sector, and as discussed later, by jurisdictional level. "In contrast to summary measures, the detailed data of the GFS [Government Finance Statistics] system can be used to examine specific areas of government operation. For example, one might want information about particular forms of taxation, the level of expense incurred on a type of social service, or the amount of government borrowing from the banking system" (IMF 2014: 3). The RAI consists of ten dimensions and a larger number of indicators that can be individually analyzed and re-aggregated.

> Production transparency should be thought of as a prerequisite for the content of one scholar's data to be truly accessible to other researchers. Analytic transparency is a separate but closely associated concept. Scholars making evidence-based knowledge claims should provide a full account of how they drew their conclusions, clearly mapping the path on the data to the claims (Lupia and Alter 2014: 57, citing a memo by Lupia and Elman 2010).

Production transparency is a public good that lies at the heart of the scientific method. Science operates by the light of day, by making the process of confirmation and disconfirmation explicit. This applies as much to measurement as to the methods used to analyze data. Estimating a political concept requires a series of theoretical, conceptual, operational, and coding decisions. Each step is a move from the general to the particular in which an abstract concept is translated into the language of numbers. Measurement, no less than theory, is "the art of discerning what we may with advantage omit" (Popper 1982: 44).

The process can be broken down into six steps.

1) *Defining the background concept*. How have social scientists understood the concept?
2) *Specifying the measurement concept*. Which of those meanings does one wish to include?
3) *Unfolding the concept into dimensions*. How does one break down the measurement concept into discrete pieces that can be independently assessed and aggregated to capture its meaning?
4) *Operationalizing the dimensions*. How does one conceptualize and specify intervals on the dimensions? What rules allow one to reliably detect variation across intervals?
5) *Scoring cases*. What information does one use to score cases? Where is that information, and how can others gain access to it?
6) *Adjudicating scores*. How does one interpret gray cases, i.e. cases for which scoring involves interpretation of a rule?

Figure 1.1 is an expanded version of Adcock and Collier's (2001) schema.[5] The arrows are verbs to describe the steps down from the background concept

[5] We make two additions. The first is a level of measurement, *dimensions*, in which the abstract concept is broken down into components prior to developing indicators. Virtually all concepts of major theoretical interest in the social sciences are complex in that they are comprised of more than a single dimension of variation. So an important step in operationalizing abstract concepts such as regional authority, democracy, or gross national product (GNP) is to conceive a limited set of dimensions that are amenable to operationalization and that together summarize the meaning of the overarching concept. The second addition is a final important step, *adjudicating scores*, which lays out rules for exceptional or difficult cases that arise in any coding scheme. Social science measurement is replete with gray cases, and one telling indication of the transparency of a measure is whether these are explicitly communicated.

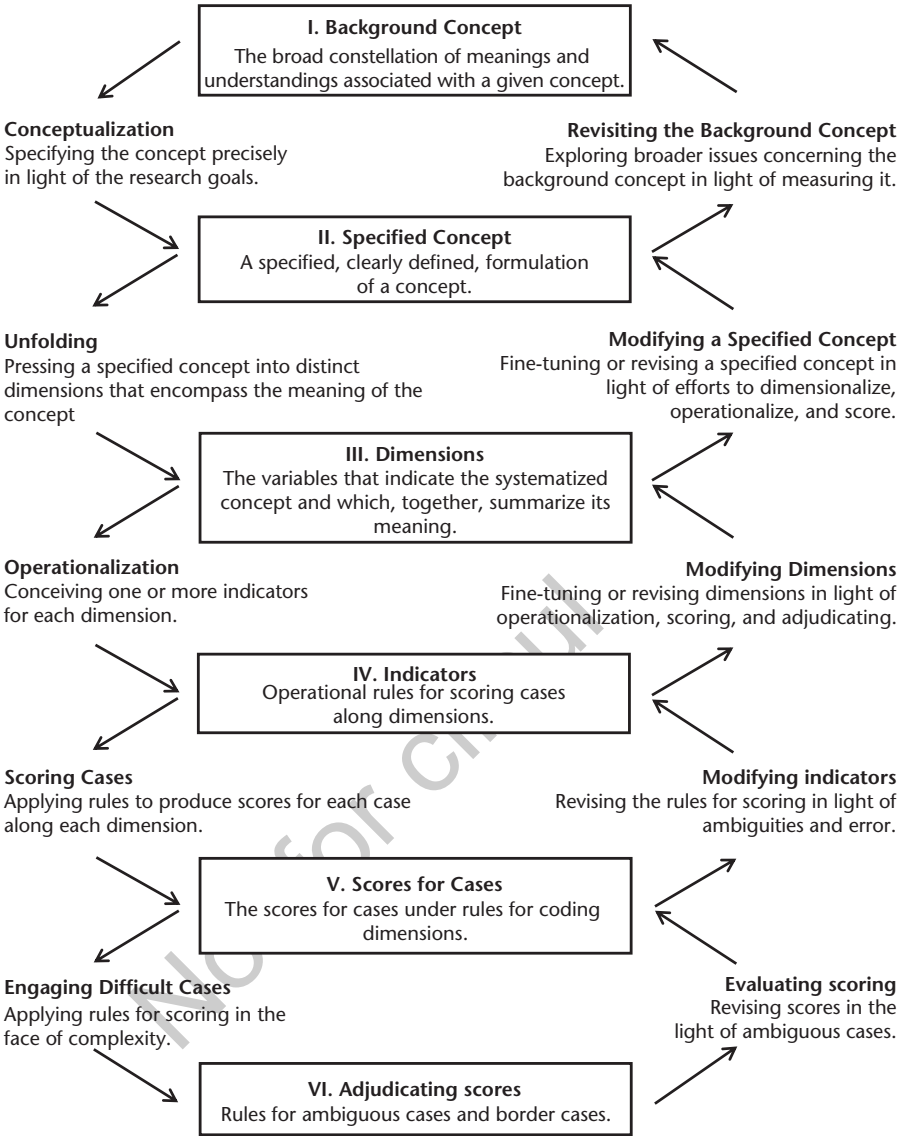


Figure 1.1. Measurement model

to individual scores or up from individual scores to the background concept. The boxes contain nouns to describe the concept, its dimensions, indicators, and scores as one presses the concept closer to phenomena that can be observed at lower levels of abstraction. The figure makes the point that these steps are interdependent. How one specifies the scope of a concept has consequences for breaking it into dimensions. How one operationalizes those

dimensions frames the choice of appropriate indicators. Even minor differences in the indicators can have serious consequences for scoring.

Making this transparent is good for several reasons. Transparency facilitates replication. It is true that we rarely replicate each other's results, but the possibility of replication has an effect on the quality of science that reaches beyond its incidence. Most findings will never be replicated, but the more influential a finding, the greater the likelihood it will be replicated. Replication is insurance for Richard Feynman's (1985: 343) first principle of science: "[Y]ou must not fool yourself, and you are the easiest person to fool."[6]

Transparency allows others to understand and probe the inner workings of a measure, and this can help in assessing its validity. A dataset is a matrix of decisions that cannot, even in principle, be inducted from the numbers that appear in the cells. One must have access to those decisions to assess the numbers. Transparency directs attention to the construction of a measure, and exposes the decisions that underpin it. I have little direct knowledge of how the gross domestic product (GDP) of the US grew in the last quarter, but I do have direct knowledge of the process by which the data were collected (Landefeld et al. 2008). I have little direct knowledge of the people who, in the week of September 8, 2015, intended to vote in favor of Scottish independence, but I do know (or should know) how a survey instrument was constructed, how the population was sampled, and how the survey was conducted.

However, transparency can do more than tell one how a measure is produced. It can allow others to evaluate the validity of the scores for individual cases. We can be reasonably sure that some experts will know more about the structure of government in their country than we will ever know. Transparency can reveal the evidence and reasoning that go into individual scores. Let others see how one arrives at particular scores for cases with which they are deeply knowledgeable. Let them have access to the judgments that produce scores for gray cases. This is why we devote considerable space to country-specific profiles that provide an overview of regional governance and explain how we score particular regional reforms in a country. Explaining the construction of a measure and investigating its reliability are not at all the same as explaining how individual cases are scored. However, it is the scores for individual cases that are of most use-value. The profiles provide a birds-eye view of regional governance across a wide range of countries on a common

[6] Or, as Alexander Pope ([1734] 1903: 157) wrote

> To observations which ourselves we make,
> We grow more partial for th' observer's sake.

format. By making our judgments explicit we can ask experts: "Have we used the appropriate evidence?" "Do our judgments make sense?"

Measurement, Error, and Fallibility

Measurement is inherently prone to error. This is the thrust of Lakatos' philosophy of scientific method, which rejects the demarcation of measurement and theory (Lakatos 1970; see also Bouwmans 2005). Measurement maps a property of the empirical world onto a set of numbers, a procedure that requires a series of inferential steps. In the words of a contemporary philosopher of science: "Measurement involves a host of theoretical and statistical representations of measuring systems and the data they produce" (Tal 2013: 1164). Social scientific measurement is at least as inferentially complex as measurement in the physical sciences, so it is worth taking epistemologists seriously when they point out that "physicists are forced to test the theories of physics on the basis of the theories of physics" (Chang 2004: 221). An observation is a theoretically guided experiment that produces information by making claims about what is observed and how it is observed. The philosopher–scientist Pierre Duhem ([1906] 1954: 182) stresses that "it is impossible to leave outside the laboratory door the theory we wish to test, for without theory it is impossible to regulate a single instrument or to interpret a single reading."

The appearance of hard facts is deceptive even in the measurement of something as basic as temperature. Comparing temperature observations in different places called for some well defined fixed points. The temperature of the human body and that of the cellar in the Paris observatory provided useful (but not entirely reliable) fixed points until Anders Celsius created a universal scale using the boiling point and freezing point of water. Evidently Celsius conceived his scale as a measure of degrees of cold, not heat. Water boiled at 0^{o} on Celsius' original scale, and froze at 100^{o} (Beckman 1997; Chang 2004: 159ff). Early thermometers used either alcohol or mercury. But the premise that alcohol and mercury thermometers could be made to "speak the same language" was disconfirmed when Réaumur found that recalibration from one to the other failed to produce uniform readings (Gaussen 1739: 133; Réaumur 1739; Chang 2001). Mercury became the standard because the rate at which it expanded approximated the ratios of mixing ice and boiling water.[7] However, this assumed that mercury thermometers would give uniform readings if they were made of different kinds of glass, and more fundamentally, it assumed

[7] Or, more precisely, nearly freezing and nearly boiling water (Chang 2004: note 27).

that the temperature is an additive function of the ratio of freezing and boiling water. When the linear theory of mixing was disconfirmed, thermometers used gas on the ground that the molecular interactions that produced non-linearity in liquids would be nearly absent in gas. Gas thermometers were accurate for most purposes, although the technology has moved on and the current International Temperature Scale has the boiling point of water at atmospheric pressure as 99.975°C rather than 100°C.

Having an accurate thermometer is just the first step in reliably measuring global temperature.[8] Many measurement stations are located near population centers that are warmer than the surrounding areas. Irrigation has the opposite effect. The coverage of many parts of the globe, including particularly the hottest and coldest regions, is incomplete. Not only are estimates inexact, but there are numerous sources of systematic bias. Ships now measure ocean surface temperature with water flowing through engine cooling water intakes rather than with water collected in buckets (Matthews 2013). The introduction of the new method coincides with a rise in ocean temperature in the 1940s, perhaps because water collected in buckets cooled prior to measurement. Social factors come into play. Daily mean temperatures are calculated by summing the maximum and minimum over a twenty-four-hour period and dividing by two. However, volunteer weather observers have an understandable reluctance to take midnight readings, and until the 1940s most weather stations recorded the maximum and minimum temperatures for the twenty-four hours ending near sunset (Karl et al. 1986). Scientists seek to correct these and other possible sources of bias using proxies such as satellite measurement of the intensity of night light to adjust for the urban heating effect. None of these potential biases is large enough to shake the inference that global warming is taking place, but they do lead an expert inquiry to emphasize that on account of urbanization and observational irregularity, "Temperature records in the United States are especially prone to uncertainty" (Hansen et al. 2010: 103).

No less than in the physical sciences, measurements in the social sciences are based on a series of inferences, each of which can be questioned. The general lesson is that no observation can sit in judgment of a theory without being cross-examined. And there is no reason why the interrogation of an observation should be less searching than the interrogation of a theory. The implication that Lakatos draws from this is that "clashes between theories and factual propositions are not 'falsifications' but merely inconsistencies. Our imagination may play a greater role in the formulation of 'theories' than in the formulation of 'factual propositions', but both are fallible" (Lakatos 1970: 99–100).

[8] We thank Michaël Tatham for drawing our attention to this.

Transparency in Measurement

All observation is fallible, but some observations are more fallible than others. Social scientists are concerned with highly abstract concepts, many of which have normative connotations. The chain of inference that links the observation of a particular behavior to the concept of democracy, inequality, or decentralization is both long and complex. In this endeavor the assumption that measurement error is random rather than systematic is false comfort, for it suggests that issues of validity can be reduced to issues of reliability. One of the purposes of observation is precisely to discipline our theories or "guesses" (Feynman 1965: 156). However, this takes the form of a conversation rather than a judgment, for the observations that one brings to bear are themselves built on a scaffold of theoretically motivated short-cuts.

Perhaps in no other field of political or economic science is this more apparent than in the study of the structure of government, and decentralization in particular. Theoretical expectations often line up on both sides of the street, but the information that is used to test them can be slippery. Weak theory and poor measurement are complementary because almost any set of observations appears consistent with one or another theory. Summarizing the effects of decentralization for economic performance and the quality of government, Treisman (2007: 5) writes that "as one would expect given the uncertain and conditional results of theory, almost no robust empirical findings have been reported about the consequences of decentralization."

An extensive literature takes up the question of the effect of decentralization on the size of the public sector. This is the "Leviathan" question introduced by Brennan and Buchanan (1980): Is government intrusion in the economy smaller when the public sector is decentralized? Brennan and Buchanan argue that it is, but others have developed plausible models that claim exactly the opposite (e.g. Oates 1985; Stein 1999). Intervening variables can change the sign of the effect. Oates (2005) argues that "it is not fiscal decentralization *per se* that matters, but what form it takes" (Oates 2005; Rodden 2003*a*; Jin and Zou 2002).

The standard measure of decentralization in this literature is World Bank data derived from the IMF's Government Finance Statistics (GFS) measuring subnational expenditures or subnational revenues as a proportion of total government expenditures or revenues.[9] Data are rarely reported for the two tiers of subnational government in the GFS framework, and the criteria for intermediate and local government vary across countries. Several countries, including France, Italy, Japan, the Philippines, and Thailand, have no

[9] The World Bank is explicit about the limitations of these data: "Shared taxes appear as subnational revenue, although the sub-national government has no autonomy in determining the revenue base or rate, since the GFS reports revenues based on which level of government ultimately receives the revenues." <http://www1.worldbank.org/publicsector/decentralization/fiscalindicators.htm#Strengths>.

intermediate tier of government in the dataset because their regions are reported as local government. Belgian communities, which form one the strongest intermediate levels of government anywhere, are classed as part of central government with the result that Belgium comes out as the most centralized country in the Organisation for Economic Co-operation and Development (OECD).[10]

But the more fundamental issue is conceptual. Is the amount of money that a subnational government raises or spends a valid measure of decentralization (Rodden 2003*a*)? If decentralization involves the authority to make decisions, the answer must be "not necessarily." Sweden, Norway, Finland, and Denmark—big spending governments with a history of social democratic rule—are considered to be highly decentralized because they channel considerable funds through their local governments. However, local governments in these countries spend and tax according to national laws (see Chapter Two). The IMF data consider these countries, on average, to be as decentralized as the US or Germany, and more than twice as decentralized as Spain, Italy, or France. Perhaps not surprisingly, a recent paper using these data concludes that "fiscal decentralization leads to larger public sectors when the federal government is controlled by a left-wing party, and to smaller public sectors when it is controlled by a right-wing party" (Baskaran 2011: 500).

The most commonly used alternative measure in the Leviathan literature is a dichotomous variable that distinguishes federal from non-federal countries. This has surface validity, but it is useful only in cross-sectional analysis because few countries cross the federal divide. This variable also censures variation within each category. Non-federal countries include both highly centralized countries, such as El Salvador and Luxembourg, and countries, such as Indonesia and Spain, which in our data are more decentralized than several federal countries. Knowing whether a study uses this federalism variable or IMF fiscal data helps one predict whether that study confirms or disconfirms the hypothesis that decentralization reduces public spending. A meta-analysis (Yeung 2009: 22) concludes that "Despite over 36 years of research, little consensus has emerged on the effect of fiscal decentralization on the size of government" and that the reasons for disagreement have to do with theoretical and conceptual choices that are implicit in "a study's unit of analysis and measure of decentralization."

Every measure produces information by making theoretical and conceptual claims about the world. A measure of regional authority can no more be insulated from theory than a measure of temperature. Neither theory nor data can sit in judgment on the other. Rather they need to be brought into a

[10] Similarly, Scotland and Wales are assessed as part of the UK central government (IMF 2008: 546).

dialogue in which each is regarded as fallible. Charles Darwin, who spent much of his life making careful observations, remarked that "a good observer really means a good theorist" (Darwin 1903: 82).

Nuts and Bolts

We seek to measure the authority exercised by regional governments in eighty-one countries on an annual basis from 1950, or from the time a country becomes independent, to 2010.[11] The sample consists of all European Union (EU) member states, all member states of the OECD, all Latin American countries, ten countries in Europe beyond the EU, and eleven in the Pacific and South-East Asia.[12]

Table 1.1 lists four prior measures of regional authority by year of publication. Measurement has become more comprehensive over time, providing more information for more years. The measure set out here continues this development and has some unique features.

Most importantly, the unit of analysis is the individual region, which we define as a jurisdiction between national government and local government.

Table 1.1. Measures of regional authority

	Lijphart (1999)	Woldendorp, Keman & Budge (2000)	Arzaghi & Henderson (2005)	Brancati (2008)	Regional Authority Index (2016)
Country coverage	36 pre-1990 Western democracies	37 Balkan, OECD, EU democracies	48 countries with population > 10 million	37 countries with regional ethnic groups	81 Western, post-communist, Latin American, Southeast Asian & Pacific countries
Time coverage	1945–1996	1945–1988	1960–1995	1985–2000	1950–2010
Time points	1	1	8	16	61
Individual regions	no	no	no	no	yes
Multiple tiers	no	no	no	no	yes
Observations per country/year	5	4	8	5	10–130

[11] On average a country in the dataset is coded for forty-seven years. Forty-eight countries are coded for the entire 1950–2010 period.

[12] The case selection reflects a trade-off between an effort to cover the largest possible number of countries and the team's resources—chiefly their time—and the availability of sources and country expertise.

We draw the boundary between local and regional government at an average population level of 150,000. This excludes the lowest tier of government in all eighty-one countries, but allows us to capture intermediate governments, often arrayed at two nested levels between the local and national. We relax the population criteria for individual jurisdictions, such as Greenland or the Galapagos islands, that stick out from a tier of government that meets the regional threshold.

A focus on regional or intermediate government has some theoretical and practical virtues. It encompasses virtually all subnational governments that exert self-rule within distinct homelands. Such governments tend to form part of a regional tier of government with an average population greater than 150,000 or they have special authoritative competences alongside a regional tier. Where subnational governments play an important role in co-governing a country, these are almost always intermediate governments. To the extent that subnational governments play a formally recognized role in shaping constitutional reform, one needs, again, to look to the intermediate level. Yet many countries lack any form of intermediate governance or have regional governments that are merely deconcentrated. Regional jurisdictions are the most variable elements of territorial governance within the state and are generally the most contested.

The decision to conceptualize the individual region as the unit of analysis has several consequences. It raises the possibility that regions may be nested within each other at different scales. Altogether, there are 103 levels of regional government in the sixty-five countries that have at least one tier of regional government. So researchers can begin to compare regional tiers within countries. The measure picks up reform even when it is limited to a single region in a country. A reform in a single region may not seem much, but if it undermines the norm that all be treated equally, it may be hotly contested by other regions as well as the central government. Moreover, such a reform may threaten the break-up of the state.

The measure comprises ten dimensions that tap the diverse ways in which a region may exert authority. These dimensions are quite strongly associated with each other and can be thought of as indicators of a latent variable. Yet those who are interested in examining the pathways to regional authority can disaggregate regional authority into its components. Some dimensions, including those that tap regional representation, policy scope, and borrowing autonomy, exhibit more reform than others.

Combining a regional approach with fine grained attention to the ways in which a region can exert authority produces a measure that is considerably more sensitive to change than any previous one. Twenty-one percent of the variation occurs over time. The territorial structure of governance is much less fixed than one would assume when reading the classics of comparative

politics such as Arend Lijphart's *Patterns of Government* (1999) or Daniel Elazar's *Exploring Federalism* (1987).

However, the RAI is limited in some important respects. Three stand out. We do not encompass tiers of subnational government containing jurisdictions with an average population less than 150,000. Hence, we omit local government entirely. This is a topic that calls for systematic measurement, perhaps adapting the measure proposed here to variation in the policy responsibilities of local authorities (Campbell 2003; Loughlin, Hendriks, and Lidström 2011; Nickson 2011; Norton 1994; Page and Goldsmith 1987, 2010).[13]

The regional authority index excludes informal arrangements. It is concerned exclusively with authority, which we define as formal power expressed in legal rules. Hence it omits contextual factors, such as leadership, political parties, or corruption, which may affect government performance. Finally, the country coverage of the present measure is incomplete. In particular, it does not cover China or India, two continental sized countries with correspondingly complex and differentiated systems of regional government.

I. *The Background Concept: Political Authority*

Political authority is a core concern of political science, some would argue *the* core concern (Eckstein 1973; Lake 2010; Parsons 1963; Weber 1968). Political authority—the capacity to make legitimate and binding decisions for a collectivity—underpins human cooperation among large groups of individuals. Human beings cooperate in order to produce goods that they could not produce individually. These goods include law, knowledge, and security. These goods are social in that they benefit all who live in the collectivity, and they are inclusive in that their benefits cannot practically be limited to those who contribute for them.[14] Whereas small communities can impose social sanctions to produce public goods, large groups are far more vulnerable. The exercise of political authority diminishes the temptation to defect from collective decisions, and reassures those who do cooperate that they are not being exploited: "For although men [in a well ordered society] know that they share a common sense of justice and that each wants to adhere to the existing arrangements, they may nevertheless lack full confidence in one another. They suspect that some are not doing their part, and so they may be tempted not to do theirs" (Rawls 1971: 211).

Authority is relational: *A* has authority over *B* with respect to some set of actions, *C*. This parallels Robert Dahl's (1957: 202–3, 1968) conceptualization

[13] A team led by Andreas Ladner and Nicholas Keuffe is adapting the RAI to estimate local decentralization in thirty-eight countries (personal communication, March 2015).

[14] The negative formulation is that public goods are non-excludable and non-rivalrous.

of power as the ability of *A* to get *B* to do something that *B* would not otherwise do. A short-hand definition of authority is *legitimate* power. One speaks of authority if *B* regards *A*'s command as legitimate and correspondingly has an obligation to obey. Authority implies power, but power does not imply authority. Whereas power is evidenced in its effects irrespective of their cause, authority exists only to the extent that *B* recognizes an obligation resting on the legitimacy of *A*'s command. Such recognition may have diverse sources, including charisma, tradition, and religion (Weber 1958). This book is concerned with the modern variant of authority—legal–rational domination based in a codified legal order.

Two conceptions have predominated in our understanding of the structure of authority. The first conceives a polity as grounded in human sociality. Families, villages, towns, provinces, and other small or medium scale communities are the ingredients of larger political formations. This idea is as close to a universal principle in the study of politics as one is likely to find. Ancient states and tribes were composed of demes, wards, or villages. Aristotle conceived the polis as a double composite: households within villages; villages within the polis. Each had a collective purpose and a sphere of autonomy. The Romans built a composite empire by attaching a vanquished tribe or polis by a *foedus*—a treaty providing self-rule and protection and demanding payment of a tax, usually in the form of manpower (Marks 2012). The Qin dynasty that united China in 221BC had a four-tiered structure extending from the family through wards and provinces to the empire (Chang 2007: 64). The Incas conceived of five hierarchically nested tiers reaching from the family to an empire encompassing much of contemporary Peru, Bolivia, Ecuador, and northern Chile (Rowe 1982). Medieval scholars conceived the state as a composite (*consociandi*) of men already combined in social groups (*symbiotes*). Johannes Althusius (1997 [1603]) conceived the state as a contract among such associations, a *consociatio consociationum* consisting of families within collegia within local communities within provinces.

The modern variant of this idea is federalism, which describes a polity "compounded of equal confederates who come together freely and retain their respective integrities even as they are bound in a common whole" (Elazar 1987: 4). Federalism highlights the basic constitutional choice between a unitary and federal system. A unitary system has a central sovereign that exercises authority, whereas a federal system disperses authority between "regional governments and a central government in such a way that each kind of government has some activities on which it makes final decisions" (Riker 1987: 101; Dahl 1986: 114). Most importantly, regions or their representatives can veto constitutional reform. The unitary/federal distinction informs a literature on the political consequences of basic constitutional decisions, including particularly ethnic conflict (Amoretti and Bermeo 2004;

Lijphart 1999). Federalist scholars have told us a lot about why independent units would wish to merge and how some polities arrive at federalism in order to avoid falling apart (Rector 2009; Roeder 2007; Stepan, Linz, and Yadav 2011). And there is a rich literature comparing federal polities (Watts 1998, 1999a, 2008).[15]

The federal/unitary distinction draws attention to the tension between self-rule and shared rule that is inherent in a composite polity. The constituent communities wish to retain their independence, their distinct way of life, their language, religion, dress, customs, their norms of social interaction. Yet they wish also to gain the benefits of scale in security, trade, and governance by forming a state in which they share rule with the center. As we discuss later, the concepts of self-rule and shared rule motivate our measurement scheme, and they are taken directly from the federalism literature.

However, the unitary/federal distinction has some fundamental limitations for the measure we propose. It is a blunt instrument for assessing incremental institutional change. Shifting from a unitary to a federal regime (or the reverse) is a high hurdle that few countries meet. The number of federal countries in our dataset has hardly changed over the past sixty years, yet there is ample evidence that this has been a period of profound reform.[16] Not surprisingly, the federalism literature tells one far less about variation among unitary countries than among federal countries (Hooghe and Marks 2013; Rodden 2004; Schakel 2008). Variation among unitary countries has grown a lot over the past six decades, whereas the contrast between unitary and federal countries has diminished. Finally, federalism is concerned with the topmost level of subnational governance, whereas several countries have two or three levels of government between the national and the local.

A second conception, the idea that governance can be more or less decentralized, has also been hugely influential. Centralization and decentralization are poles of a continuous variable describing the extent to which authority is handled by the central government *versus* any government below. This way of conceiving governance is elegant and thin. Both its virtues and vices arise from its very high level of abstraction. It travels well. It allows one to compare governance around the world and over time on a single scale.

[15] There has been a veritable revival in the study of federalism. Recent examples include Anderson (2012); Bednar (2009); Benz and Broschek (2013); Bolleyer (2009); Burgess (2012); Chhibber and Kollman (2004); Erk (2008); Falleti (2010); Rodden (2006); Swenden (2006); Rodden and Wibbels (2010). This wave also comprises several handbooks, such as Loughlin, Kincaid, and Swenden (2013) on federalism and regionalism, and Haider-Markel (2014) on state and local relations in the US.

[16] As Gary Goertz (2006: 34) observes, dichotomous concepts tend "to downplay, if not ignore, the problems–theoretical and empirical–of the gray zone. Often, to dichotomize is to introduce measurement error . . . [because it] implies that all countries with value 1 are basically equivalent."

We seek to develop a measure that is similarly robust across time and place. If the RAI is aggregated to the country level it can be interpreted as a measure of decentralization. We follow decentralization scholars by distinguishing forms of decentralization: over policy making; over fiscal policy; over the appointment of subnational decision makers; and over the constitution. Each can be considered an independent variable that can register change in the absence of sweeping constitutional reform.

However abstractness has a price if it comes "at the expense of connotation" (Sartori 1970: 1051). Decentralization, but to which level of governance? Knowing whether a state is more or less centralized tells one nothing about which tier does what. Decentralization measures focus on the central state, lumping together all levels of subnational governance as "the other," the non-central state. This can be a useful simplification in cross-national comparison, but it severely restricts the study of governance within the state. It has nothing to say to cases where one level of regional governance is empowered at the expense of another. "How does one compare two three-tier systems, A and B, when in A one-third of the issues are assigned to each of the tiers, while in B 90 percent of the issues are assigned to the middle tier and 5 percent each to the top and bottom tiers" (Treisman 2007: 27; Oates 1972: 196). One needs to map individual regions and regional tiers to probe variation in multilevel governance.

The measure we propose builds on the concepts of federalism and decentralization (Enderlein et al. 2010; Oates 1972, 2005, 2006; Stein and Burkowitz 2010). Both ways of thinking about authority have been influential in our work, as in the discipline of political science as a whole. From federalism, our measure takes the idea that regional authority consists of distinct forms of rule: self-rule within a region and shared rule within the country as a whole. This provides us with the conceptual frame for our measure. From decentralization, the measure takes the idea that the structure of government can be measured along continuous variables that together summarize regional authority.

II. *The Specified Concept: Validity and Minimalism*

Our focus in this book is on legal authority which is

- *institutionalized*, i.e. codified in recognized rules;
- *circumscribed*, i.e. specifying who has authority over whom for what;
- *impersonal*, i.e. designating roles, not persons;
- *territorial*, i.e. exercised in territorially defined jurisdictions.

These characteristics distinguish legal authority from its traditional, charismatic, and religious variants. Weber (1968: 215–16) observes that "In the case

of legal authority, obedience is owned to the legally established impersonal order. It extends to the persons exercising the authority of office under it by virtue of the formal legality of their commands and only with the scope of authority of the office." The exercise of legal authority over a large population involves a minimum level of voluntary compliance with codified rules that have a specific sphere of competence, and which are exercised through formal institutions, including a differentiated administration (Weber 1968: 212–17).

A focus on legal authority has two benefits. The first is that it distinguishes the structure of government from causally related but conceptually distinct phenomena such as the organization of political parties, the ideological beliefs of those in office, or the incidence of corruption. The second is that legal authority can be evaluated using public records: constitutions, laws, executive orders, statutes, or other written documents which are publicly available to researchers who can confirm, revise, or refute our coding decisions.

Our approach is minimalist. Minimalism is a concept used in design to expose the essence of a form by eliminating all non-essential features. In measurement this is the effort to specify the essential properties of a concept by eliminating its superfluous connotations. This avoids entangling phenomena that one wishes to explore empirically. If a measure of subnational authority were to include an indicator for party centralization it would not help one investigate how party organization shapes the structure of government.

Minimalism and validity often exist in tension. Public spending might be considered a minimalist indicator of decentralization, but the proportion of public expenditure that passes through a subnational government does not tell us whether that government can determine spending priorities (see Chapter Two).

Where the rule of law is weak, informal practices may undercut provisions codified in law. Bertrand (2010: 163) summarizes the problem: "[A]utonomy can sometimes become an empty shell. Powers may exist in law, but are subsequently undermined by the central state. For instance, the central state can enact other legislation that might contradict the autonomy law. By various bureaucratic or extra-institutional means, it might also slow or stall the autonomy law's implementation. Repressive policies might be launched after the autonomy law is passed, thereby reducing its meaning and ultimately its legitimacy" (see also Eaton et al. 2010; Varshney, Tadjoeddin, and Panggabean 2008). In many regimes, as O'Donnell (1998: 8) observes, "Huge gaps exist, both across their territory and in relation to various social categories, in the effectiveness of whatever we may agree that the rule of law means."

The measure we propose taps authority codified in law, but we do not interpret this mechanistically. Some written rules never make it into practice. If the constitution states that subnational governments may tax their own populations, yet enabling legislation is not enacted (as in *departamentos* and

provincias in Peru), then we do not consider the regions to have fiscal authority.[17] Similarly, we code the date when a reform takes place, not when it is prescribed in legislation.[18]

We estimate reforms that are not enacted in law if they are codified in executive orders, decrees, or edicts that are considered legally binding. For example, we take into account the capacity of a central state to sack regional governors, as in Argentina under military rule, even though it had a flimsy legal basis. Article six of the Argentine constitution allows federal intervention only in a handful of circumstances such as civil war and violation of the constitution, but when a military junta came to power in 1966, it drafted a military decree, the *Acta de la Revolución*, which sanctioned centralization and the abrogation of civilian rule (Potash 1980: 195–6).

Eaton, Kaiser, and Smoke (2010: 24) point out that "complete institutional analysis must consider informal social norms that govern individual behavior and structure interaction between social actors." This is true, but no measure should try to cover the entire field. To what extent should one include informal social norms in a measure of regional authority? This depends on the purpose of the measure. On the one hand, we wish to evaluate the concept of regional authority broadly to capture its reality, not just its appearance. On the other hand, we want to make it possible for researchers to investigate the causal links between the structure of government and its causes and consequences. If we included indicators for regime type, corruption, or clientelism in a measure of regional authority this would complicate causal inference.

For the same reason we leave partisanship and party politics aside. Regional governments may be more assertive if they have a different partisan complexion from that of the central government, but our focus is on the rules of the game rather than how they affect behavior. In Malaysia, for example, we code the capacity of Sabah and Sarawak to levy an additional sales tax without prior central state approval, even though this authority was used only from 2008 when opponents of the ruling *Barisan Nasional* coalition won regional

[17] The 1933 and 1979 constitutions gave *departamentos* extensive fiscal authority with the capacity to set rate and base of certain taxes. However these provisions were not translated in enabling legislation, and a 1988 law mandating that national government would transfer property and income tax to the regions within three years was not implemented (Dickovick 2004: 7). The 1979 constitution also appeared to give *provincias* extensive fiscal authority, including property tax, vehicle tax, and construction tax (C 1979, Art. 257), but consecutive governments have interpreted these competences narrowly and continue to set the base of all taxes while imposing narrow bands for rates (Ahmad and García-Escribano 2006: 15; von Haldenwang 2010: 651).

[18] The gap between legislation and implementation can be extensive. In South Korea it took twelve years for the Local Autonomy Act of 1988 to come into force. We code only the parts of the reform at the time they are implemented by enabling legislation (Bae 2007; Choi and Wright 2004). In Argentina, the 1994 constitution introduced direct elections for senators to replace appointment by the provincial legislature. The first direct elections took place in 2001, which is when we score direct election.

elections. If one is interested in finding out how political parties affect the exercise of authority, it makes sense to estimate political parties independently from the structure of government (Chhibber and Kollman 2004; Harbers 2010; Hopkin and Van Houten 2009; Riker 1964).

Regime variation poses a particular challenge given the expectation that dictatorship and centralization are related (Bird and Vaillancourt 1998; Elazar 1995; IADB 1997; Leff 1999). We want to pick up the effect of a regime in constraining or facilitating regional authority, but we do not want to build regime type into a measure of regional authority. One can expect authoritarianism to bias subnational relations toward centralization, but this is not a black-and-white phenomenon (Eaton 2006; Eaton et al. 2010; Gibson 2004; Montero and Samuels 2004; O'Neill 2005; Willis, Garman, and Haggard 1999). Authoritarian regimes typically suspend or abolish subnational legislatures or executives, but the extent, form, and timing varies considerably.

Some examples suggest the need for a nuanced approach. Whereas the *Revolución Argentina* (1966–72) replaced all elected governors and put provincial legislatures under military control, the coups in 1955 and 1964 left subnational institutions more or less intact (Eaton 2004*a*; Falleti 2010). The military regime in Brazil (1964–82) maintained direct elections for governorships for three years before requiring regional assemblies to select governors from a central list (Samuels and Abrucio 2000). Regional assembly elections were never canceled. Cuba's Castro regime sidelined provincial and municipal institutions in favor of sectoral juntas, but reintroduced them in 1966 (Roman 2003; Malinowitz 2006; Mendez Delgado and Lloret Feijoo 2007). In Indonesia, centralization under authoritarian rule was incremental. Provincial and municipal legislatures continued to be elected even under Suharto, and subnational executives were gradually brought under central control. In 1959, regional governors became dual appointees; in 1974, they were centrally appointed; and from 1979 the central government appointed mayors and district heads as well.

We also see some exceptional cases in which authoritarian rulers create a new regional level. In Chile, Pinochet created an upper level of fifteen deconcentrated *regiones* to empower his rural constituencies. He also shifted authority over schools and hospitals to municipal governments to weaken public sector unions. Both *regiones* and municipalities became focal points for subsequent decentralization (Eaton 2004*c*).

Regime change can have different effects for regional governance in different parts of a country. Democratization in Spain produced a cascade of regional bargains, beginning with the historic regions of the Basque Country, Catalonia, and Galicia. The 1978 constitution laid out two routes to regional autonomy, but competitive mobilization spurred a variety of institutional arrangements (Agranoff and Gallarín 1997).

A democratic opening is often followed by the accommodation of a previously suppressed ethnic minority. One result is that a country that had a homogenous structure of government becomes territorially differentiated. Aceh and Papua became autonomous Indonesian regions after Suharto's resignation (Bertrand 2007; Reid 2010b). Mindanao became an autonomous Philippine region following the People Power Revolution (Bertrand 2010: 178). Democratization in Russia after 1989 saw a series of bilateral arrangements with the central government empowering ethnic provinces (*respubliki*) (Svendsen 2002: 68–70).

A valid measure of regional authority should be sensitive to these phenomena. Theory in this rapidly growing field often engages the timing and character of regional authority, and it often has implications for individual regions as well as countries. If one wishes to test a theory relating democratization to multilevel governance, it is necessary to have measures in which these phenomena do not contaminate each other.

III. *Dimensions of Self-rule and Shared Rule*

One of the most important tasks in measuring an abstract concept is to decompose it into dimensions which a) can be re-aggregated to cover the meaning of the specified concept, b) are concrete in the sense that they are a step closer to observed reality, and c) are simple in that they are unidimensional and substantively interpretable (De Leeuw 2005). This can take more than one step. Measurement of the nominal GDP of the US begins by decomposing the concept into five categories—consumption, services, investment, exports, and imports—each of which is further disaggregated. Consumption, for example, consists of rental income, profits and proprietors' income, taxes on production and imports less subsidies, interest, miscellaneous payments, and depreciation. The purpose is to break down an abstract concept, in this case nominal GDP, into pieces that capture its content and can be empirically estimated (Landefeld et al. 2008). Similarly, measures of democracy disaggregate the concept into domains that can be broken down into dimensions (Coppedge et al. 2008, 2011).

Our first move is to distinguish two domains that encompass the concept of regional authority. *Self-rule* is the authority that a subnational government exercises in its own territory. *Shared rule* is the authority that a subnational government co-exercises in the country as a whole. The domains of self-rule and shared rule provide an elegant frame for our measure and they are widely familiar in the study of federalism (Elazar 1987; Keating 1998, 2001; Lane and Errson 1999; Riker 1964). The distinction appears to have empirical as well as theoretical bite. Research using our prior measure for OECD countries finds that self-rule and shared rule have distinct effects on corruption (Neudorfer

and Neudorfer 2015), spatial disparities (Ezcurra and Rodriguez-Pose 2013), regional representation (Donas and Beyers 2013; Tatham and Thau 2013), regional party vote share in national elections (Kyriacou and Morral-Palacin 2015), subnational coalition formation (Bäck et al. 2013), protest (Quaranta 2013), and voting (Niedzwiecki and Stoyan 2015).[19]

Self-rule and shared rule are distinct domains of regional governance. But we need to decompose them into dimensions to estimate variation.

The tripartite distinction between fiscal, administrative, and political decentralization is a useful point of departure. Fiscal decentralization is control over subnational revenue generation and spending; administrative decentralization is the authority of subnational governments to set goals and implement policies; and political decentralization refers to direct elections for subnational offices (Montero and Samuels 2004; Falleti 2005).[20] The four types of political decentralization identified by Treisman (2007: 23–7) overlap with this threefold schema, with the important addition of a dimension for constitutional decentralization ("subnational governments or their representative have an explicit right to participate in central policy making").

The revenue generating side of fiscal decentralization can be broken down into the authority of a regional government to control the base and rate of major and minor taxes and its latitude to borrow on financial markets without central government approval. On administrative decentralization it would be useful to know the extent to which the central government can veto subnational government and the kinds of policies over which subnational governments exert authority. And on political decentralization, one might distinguish between indirect and direct election of offices, and further, between the election of regional assemblies and regional executives.

Fiscal, administrative, and political decentralization are concerned with the authority of a regional government in its own jurisdiction. However, a regional government may also co-determine national policies. Is the regional government represented in a national legislature (normally the second chamber), and if so, to what effect? Can the regional government co-determine the proportion of national tax revenue that goes into its pocket? Does it have routinized access to extra-legislative channels to influence the national government? And, most importantly, does the regional government have authority over the rules of the game?

[19] An incipient literature examines the diverse causes of self-rule and shared rule (see e.g. Amat and Falcó-Gimeno 2014). Joan-Josep Vallbe (2014) extends the self-rule/shared rule distinction to judicial regional authority.

[20] Falleti (2010: 329) takes a step toward a more specific conceptualization of administrative decentralization as "the set of policies that transfer the administration and delivery of social services such as education, health, social welfare, or housing to subnational governments."

These distinctions provide a basis for further specification. Each responds to a basic question that one can ask about regional authority. In the domain of *self-rule* we formulate five questions:

- How independent is a regional government from central state control? *Institutional depth* tracks the extent to which a regional government can make autonomous policy decisions. A deconcentrated regional administration has the apparatus of government—a physical address, a bureaucracy, an executive, a budget—but is subordinate to the center. A decentralized regional government, by contrast, can make independent policy decisions, which, at the upper end of this scale, are not subject to central government veto.
- What is the range of a regional government's authority over policy within its jurisdiction? *Policy scope* taps the breadth of regional self-rule over policing, over its own institutional set–up, over local governments within its jurisdiction, whether a regional government has residual powers, and whether its competences extend to economic policy, cultural–educational policy, welfare policy, immigration, or citizenship.
- What authority does a regional government have over taxation within its jurisdiction? *Fiscal autonomy* is evaluated in terms of a regional government's authority to set the base and rate of minor and major taxes in its jurisdiction. This dimension is concerned with the authority of a government to set the rules for taxation rather than the level of regional spending.
- Does a regional government have authority to borrow on financial markets? *Borrowing autonomy* evaluates the centrally imposed restrictions on the capacity of a regional government to independently contract loans on domestic or international financial markets.[21]
- Is a regional government endowed with representative institutions? *Representation* assesses whether a regional government has a regionally elected legislature; whether that legislature is directly or indirectly elected; and whether the region's executive is appointed by the central government, dual (i.e. co-appointed by the central government), or autonomously elected (either by the citizens or by the regional assembly).

[21] Our prior measure overlooked borrowing (Hooghe, Marks, and Schakel 2008, 2010). Extending the sample to Latin America and South-East Asia brings regional borrowing into focus both in self-rule and shared rule. Subnational borrowing became particularly salient from the 1980s and 1990s when several Latin American countries were hit by debt crises. The financial crisis in the Eurozone has also put the spotlight on regional borrowing.

In the domain of *shared rule* we pose the following questions:

- To what extent can a regional government co-determine national policy making? *Law making* assesses the role of regions in structuring representation at the national level (i.e. in a second legislative chamber); whether regions have majority or minority representation there; and the legislative scope of the second chamber.
- Can a regional government co-determine national executive policy in intergovernmental fora? *Executive control* taps whether regional governments have routine meetings with the central government and whether these are advisory or have veto power.
- Can a regional government co-determine how national tax revenues are distributed? *Fiscal control* taps the role of regions in negotiating or exerting a veto over the territorial allocation of national tax revenues.
- Can a regional government co-determine the restrictions placed on borrowing? *Borrowing control* distinguishes whether regional governments have no role, an advisory role, or a veto over the rules that permit borrowing.
- Can a regional government initiate or constrain constitutional reform? *Constitutional reform* assesses the authority of a regional government to propose, postpone, or block changes in the rules of the game. Does constitutional reform have to gain the assent of regional governments or their constituencies? Does it require majority support in a regionally dominated second chamber?

A region may exercise shared rule multilaterally with other regions or it may exercise shared rule bilaterally with the center. Multilateral shared rule is contingent on coordination with other regions in the same tier; bilateral shared rule can be exercised by a region acting alone (Chapter Three).

IV. *Indicators for Dimensions of Self-rule and Shared Rule*

An indicator consists of rules for inferring variation along a dimension (Tal 2013: 1162; King, Keohane, and Verba 1994: 75). Chang (2004: 216) asks, "In the process of operationalizing the abstract concept, what exactly do we aim for, and what exactly do we get? The hoped-for outcome is an agreement between the concrete image of the abstract concept and the actual operations that we adopt for an empirical engagement with the concept (including its measurement)."

Our purpose is to devise indicators that encompass the meaning of the concept and can be reliably scored. All observations, even simple ones like the number of votes received by a candidate in an election, are contestable,

but some observations are more contestable than others (Lakatos 1970). For example, an indicator that asks a coder to score "the ability of the center to suspend lower levels of government or to override their decisions" (Arzaghi and Henderson 2005) is abstract and ambiguous.[22] What if there are several lower levels of government and they differ? What if the central government can suspend a lower level government only under exceptional circumstances? What if some lower level decisions may be overridden and others not?

Tables 1.2 and 1.3 detail indicators for self-rule and shared rule.[23] The indicators specify institutional outcomes for an individual region or regional tier that can be reliably assessed against information in constitutions, laws, executive orders, government documents. In addition, the intervals are designed to have the following desiderata (Gerring and Skaaning 2013; Goertz 2006):

- Each interval is comprised of a set of necessary and sufficient institutional conditions for a particular score.
- The attributes for each interval encompass the prior interval with some additional unique attribute.
- The attributes are binary in order to minimize the gray zone between existence and non-existence.
- Collectively, the intervals seek to capture the relevant variation in the population that is assessed.
- The spacing of the intervals is conceived as equidistant so that a unit shift along any dimension is equivalent.

V. *Scoring Cases*

Scoring cases consists of obtaining and processing information in order to place numerical values on objects (Bollen and Paxton 2000). Our scoring strategy involves "interpretation through dialogue."

Interpretation is the act of explaining meaning among contexts or persons. When measuring regional authority we are interpreting the concept of regional authority in the context of particular regions at particular points in time. As one moves down the ladder of measurement in Figure 1.1, the

[22] "This dimension measures whether or not the central government has the legal right to override the decisions and policies of lower levels of government. If the central government has such a right, the country scores zero; if not, the score is four. To 'override' in this context means to be able to veto without due process. Many countries have legal mechanisms for the appeal and review by higher authorities of lower-level government decisions. As a rule, these do not constitute override authority, unless they are extremely lax. Instead, override authority exists when the central government can legally deny regional and local authority with an ease that calls that very authority in to question." <http://www.econ.brown.edu/faculty/henderson/decentralization.pdf>.

[23] Law making consists of four sub-dimensions.

Table 1.2. Self-rule

Self-rule	The authority exercised by a regional government over those who live in the region			
Institutional depth	The extent to which a regional government is autonomous rather than deconcentrated.	**0–3**	**0**	No functioning general purpose administration at regional level.
			1	Deconcentrated, general purpose, administration.
			2	Non-deconcentrated, general purpose, administration subject to central government veto.
			3	Non-deconcentrated, general purpose, administration not subject to central government veto.
Policy scope	The range of policies for which a regional government is responsible.	**0–4**	**0**	Very weak authoritative competencies in a), b), c), or d) whereby a) economic policy; b) cultural–educational policy; c) welfare policy; d) one of the following: residual powers, police, own institutional set–up, local government.
			1	Authoritative competencies in *one* of a), b), c), or d).
			2	Authoritative competencies in at least *two* of a), b), c), or d).
			3	Authoritative competencies in d) and at least *two* of a), b), or c).
			4	Criteria for *3 plus* authority over immigration, citizenship, right of domicile.
Fiscal autonomy	The extent to which a regional government can independently tax its population.	**0–4**	**0**	Central government sets the base and rate of all regional taxes.
			1	Regional government sets the rate of minor taxes.
			2	Regional government sets the base and rate of minor taxes.
			3	Regional government sets the rate of at least one major tax: personal income, corporate, value added, or sales tax.
			4	Regional government sets base and rate of at least one major tax.
Borrowing autonomy	The extent to which a regional government can borrow.	**0–3**	**0**	The regional government does not borrow (e.g. centrally imposed rules prohibit borrowing).
			1	The regional government may borrow under prior authorization (*ex ante*) by the central government and with one or more of the following centrally imposed restrictions a. golden rule (e.g. no borrowing to cover current account deficits) b. no foreign borrowing or borrowing from the central bank c. no borrowing above a ceiling d. borrowing is limited to specific purposes.
			2	The regional government may borrow without prior authorization and under one or more of a), b), c), or d).
			3	The regional government may borrow without centrally imposed restrictions.
Representation	The extent to which a region has an independent legislature and executive.	**0–4**		Assembly:
			0	No regional assembly.
			1	Indirectly elected regional assembly.
			2	Directly elected assembly.
				Executive:
			0	Regional executive appointed by central government.
			1	Dual executive appointed by central government and regional assembly.
			2	Regional executive is appointed by a regional assembly or directly elected.

Table 1.3. Shared rule

Shared rule	The authority exercised by a regional government or its representatives in the country as a whole			
Law making	The extent to which regional representatives co–determine national legislation.	**0–2**	**0.5**	Regions are the unit of representation in a national legislature.
			0.5	Regional governments designate representatives in a national legislature.
			0.5	Regions have majority representation in a national legislature based on regional representation.
			0.5	The legislature based on regional representation has extensive legislative authority.
Executive control	The extent to which a regional government co–determines national policy in intergovernmental meetings.	**0–2**	**0**	No routine meetings between central and regional governments to negotiate policy.
			1	Routine meetings between central and regional governments *without* legally binding authority.
			2	Routine meetings between central and regional governments *with* legally binding authority.
Fiscal control	The extent to which regional representatives co–determine the distribution of national tax revenues.	**0–2**	**0**	Neither the regional governments nor their representatives in a national legislature are consulted over the distribution of national tax revenues.
			1	Regional governments or their representatives in a national legislature negotiate over the distribution of tax revenues, but do not have a veto.
			2	Regional governments or their representatives in a national legislature have a veto over the distribution of tax revenues.
Borrowing control	The extent to which a regional government co–determines subnational and national borrowing constraints.	**0–2**	**0**	Regional governments are not routinely consulted over borrowing constraints.
			1	Regional governments negotiate routinely over borrowing constraints but do not have a veto.
			2	Regional governments negotiate routinely over borrowing constraints and have a veto.
Constitutional reform	The extent to which regional representatives co–determine constitutional change.	**0–4**	**0**	The central government or national electorate can unilaterally reform the constitution.
			1	A national legislature based on regional representation can propose or postpone constitutional reform, raise the decision hurdle in the other chamber, require a second vote in the other chamber, or require a popular referendum.
			2	Regional governments or their representatives in a national legislature propose or postpone constitutional reform, raise the decision hurdle in the other chamber, require a second vote in the other chamber, or require a popular referendum.
			3	A legislature based on regional representation can veto constitutional change; *or* constitutional change requires a referendum based on the principle of equal regional representation.
			4	Regional governments or their representatives in a national legislature can veto constitutional change.

concept of regional authority becomes less abstract, but even concrete concepts, such as a dual executive, a routine meeting, or a formal veto, are not directly observable. "The bridge we build through acts of measurement between concepts and observations may be longer or shorter, more or less solid. Yet a bridge it remains" (Schedler 2012: 22). Our intent is to make the link between indicators and scores both plausible and transparent.

Dialogue—sustained, open-ended discussion—is intended to increase the validity of our judgments. While time intensive, dialogue among coders is vital for consistent interpretations across countries. Bowman, Lehoucq, and Mahoney (2005: 957) describe the process which underpins their democracy index as iterative consensus building: "Disagreements arose regarding the codes for several particular measures, and these differences generally reflected either a limitation in the measure or a limitation in an author's knowledge of the facts. If the problem was with the resolving power of a measure, we sought to better define the measure until a consensus could be reached. If the problem arose not because of the measure but rather because of divergent understandings of the empirical facts, we reviewed all evidence and argued about the facts." Our approach is similar (see also Saylor 2013).

Dialogue among coders makes it impossible to assess inter-coder reliability, but this is a sacrifice worth making. The principal challenge in estimating an abstract concept such as regional authority is validity rather than reliability. Validity concerns whether a score measures what it is intended to measure. Do the dimensions really capture the meaning of the concept? Do the indicators meaningfully pick up the variation on each dimension? Do the scores accurately translate the characteristics of individual cases into numbers that express the underlying concept? Reliability concerns the random error that arises in any measurement. How consistent are scores across repeated measurements? Would a second, third, or nth expert produce the same scores? If the error one is most worried about is systematic rather than random, then it may be more effective to structure dialogue among coders to reach consensus on a score than to combine the scores of independent coders.

Using expert evaluations is inappropriate for the data we seek. Expert surveys are useful for topics that are "in the head" of respondents. The information required to assess the authority of individual regions in a country on ten dimensions annually from 1950 goes far beyond this. It is not a matter of providing proper instructions to experts. The limitations of expert surveys are more fundamental (Steenbergen and Marks 2007; Marks et al. 2007).[24]

[24] Expert surveys are an economical and flexible research tool when the information necessary for valid scoring is directly accessible to the experts (Wiesehomeier and Benoit 2009). The number of experts need not be large—a rule of thumb would be six or more for each observation (Steenbergen and Marks 2007; Marks et al. 2007). Expert surveys eliminate the need to have specific sources of information (e.g. laws, government documents) available for all cases. And

An evaluation based on a series of expert surveys over fifteen years concludes that "Unambiguous question wording is necessary but not sufficient for reliable expert judgments. Perhaps the most important source of error lies neither in poor question-wording, nor in the selection of experts, but in asking questions that lie beyond the expertise of respondents" (Hooghe et al. 2010: 692). This limitation, along with our overriding concern with validity, suggests that dialogue among researchers is both more feasible and more appropriate than an expert survey for the task at hand.

The practical steps involved in interpretation through dialogue are as follows:

- *Gathering and interpreting public documents*. An initial step is to collect publicly available information related to the indicators. These are first and foremost constitutions, laws, executive decrees, budgets, government reports, and websites.[25] This is usually not so difficult for the most recent one or two decades, but can be challenging for the 1950s and 1960s.
- *Engaging the secondary literature*. Numerous books, articles, and non-governmental studies cover the larger and richer countries. The coverage of Latin America, Eastern Europe, and Asia has increased markedly in recent years. However, secondary sources thin as one goes back in time.[26] In most cases, the secondary literature is less useful as a source of "facts" than it is as a conceptual/theoretical basis for probing our measurement decisions, including particularly the contextual appropriateness of the indicators.
- *Subjecting interpretations to expert commentary*. Although it is unreasonable to expect country experts to provide strictly comparable scores for individual regions across ten dimensions on an annual basis going back to 1950, they can provide valuable feedback on the validity of scoring judgments. For countries that we regard as the most complex or least sourced, we commissioned researchers who have published extensively on

expert surveys are flexible tools for experiments designed to evaluate and improve the reliability of the measure. It is possible to introduce vignettes into the survey that tell us how individual experts evaluate benchmark scenarios (Bakker et al. 2014). However, the virtues of expert surveys are null if experts are asked to evaluate topics to which they do not have direct cognitive access. In the Chapel Hill Expert Survey, we have found that items tapping expert judgments on the contemporary positioning of political parties on major issues produce reliable scores, while items that ask experts for more specific information on the extent of division within political parties on those same issues fail to do so. The information that we seek on regional authority is much more specific than that required for evaluating divisions within political parties.

[25] Wikipedia lists territorial subdivisions for most countries, and <http://www.statoids.com>, a website run by Gwillim Law, a Chapel Hillian, is a fount of information.

[26] Country reports from the OECD's multilevel governance unit are valuable sources. Also useful are studies commissioned by the Inter-American Development Bank, the Asian Development Bank, and the World Bank.

regional authority in their country to write commentaries on our interpretations and scores. These commentaries led us back to the primary sources, and in some cases to revisit our conceptualization of the indicators and the dimensions.

- *Discussing contending interpretations in extended dialogue.* All scoring decisions were discussed by three or more members of the research team, often at length. Difficult cases were usually discussed on more than two occasions. Divergence of interpretation led us to soak and poke by going back to the sources or finding additional sources. It was also instrumental in refining the indicators, and led us to distinguish between bilateral and multilateral shared rule.[27] Interpretation through dialogue made it possible to revisit our decisions on indicators and dimensions as we sought to place institutional alternatives in diverse countries on a single theoretical–conceptual frame.
- *Paying sustained attention to ambiguous and gray cases.* No matter how well designed a measure, there will always be ambiguities in applying rules to particular cases. There will also be gray cases that lie between the intervals. Our approach is to clarify the basis of judgment and, where necessary, devise additional rules for adjudicating such cases that are consistent with the conceptual underpinnings of the measure. Chapter Three sets out our rules for coding ambiguous and gray cases and is, not coincidentally, the longest chapter in this book.
- *Explicating judgments in extended profiles.* The lynchpin of our measure is the endeavor to explain coding decisions. This involves disciplined comparison across time and space. The country profiles in this volume make our scoring evaluations explicit so that researchers familiar with individual cases may revise or reject our decisions. At the same time, the profiles are intended to remove the curtain that protects the cells in a dataset from cross-examination.

VI. *Adjudicating Scores*

Gray cases are endemic in measurement. They come into play at every step in a measure and arise in the fundamental tension, noted by Weber, between an idea and an empirical phenomenon. Gray cases are not indicators of scientific failure. Rather they are calls for re-assessing a measurement, for ascending the arrows on the right side of Figure 1.1. One can seek to resolve a gray case by refining observation, by revising an indicator, dimension or, *in*

[27] See the appendix for the coding schema for multilateral and bilateral shared rule.

extremis, by redefining the specified concept. Is this case gray because we lack good information or does it raise conceptual issues? Is the case an isolated instance of ambiguity or does it suggest a more general problem? If the latter, can one rejig the indicator for that dimension? Or does the problem go back to the specification of the concept?

Gray cases contain valuable information for users and for those who might wish to improve a measure. They flag areas for improving a measure. We notate three common sources of "grayness" in the extensive country profiles in Part II.

- *Insufficient or ambiguous information*. Outside the laboratory, observation can be plagued by poor light or deficient information. We indicate scores for which we have thin information by using the symbol α in superscript in the profile.
- *Observations that fall in-between intervals*. No matter how sharp a distinction, some observations sit between intervals. We indicate these borderline cases with the symbol β in superscript.
- *Disagreement among sources, coders, experts*. Applying a concept to an empirical phenomenon is an inferential process that is subject to error and hence to disagreement. Even simple concepts that refer to physical objects have fuzzy boundaries (Quine 1960: 114ff). We note disagreements among sources, coders, and/or experts with the superscript γ.

Conclusion

Measuring the authority of individual regions in a wide range of countries over several decades is always going to be a theoretical as well as practical challenge. Our approach, in short, is to a) disaggregate the concept into coherent dimensions that encompass its meaning; b) operationalize these dimensions as institutional alternatives that are abstract enough to travel across cases but specific enough to be reliably evaluated; c) assess the widest possible range of documentary information in the light of the secondary literature and expert feedback; and d) discuss coding decisions and ambiguities in comprehensive country profiles.

The measure can be used to estimate regional authority at the level of the individual region, regional tier, or country by combining the dimensions. Alternatively, researchers may wish to re-aggregate these to their needs. The intervals on the dimensions are conceptualized along equal increments, so one can sum dimension scores to produce a scale ranging between 1 and 30 for each region or regional tier. Country scores are zero for countries that have no regional government, but there is no a priori maximum because countries may

Table 1.4. Polychoric factor analysis

Components	Single-factor solution	Two-factor solution:	
		Self-rule	Shared rule
Institutional depth	.86	**.87**	.08
Policy scope	.91	**.88**	.13
Fiscal autonomy	.84	**.59**	.34
Borrowing autonomy	.85	**.86**	.08
Representation	.81	**.99**	−.12
Law making	.74	.08	**.76**
Executive control	.82	.12	**.80**
Fiscal control	.75	.04	**.81**
Borrowing control	.62	−.08	**.77**
Constitutional reform	.78	.05	**.83**
Eigenvalue	6.43	5.51	5.29
Chi-squared	859.38	859.38	
Explained variance (%)	81.9		
Factor correlation		0.61	

Note: Principal components factor analysis, promax non-orthogonal rotation, listwise deletion. $n = 80$ (country scores in 2010). For the two-factor solution, the highest score for each dimension is in bold.

have more than one tier. Chapter Three explains how we aggregate regional scores into country scores. We use this additive scale in the maps, tables, and figures in this book.

An alternative approach is to interpret the dimensions as indicators of a latent variable. The Cronbach's alpha across the ten dimensions for 2010 is 0.94, which suggests that the dimensions can be interpreted as indicators of a single latent concept. Table 1.4 presents a factor analysis for country scores in 2010. We use polychoric correlations on the conservative assumption that the indicators are ordinal. A single-factor solution accounts for 82 percent of the variance. When we impose a two-factor solution, each indicator loads strongly on one latent factor and weakly on the other factor. The solution confirms the theoretical distinction between self-rule and shared rule.[28]

It does not make much difference which method one uses to aggregate the data. The scores derived from factor analysis and from additive scaling are very similar. The correlation is 0.98 for 2010 for the single dimension. Figure 1.2 plots correlations using interval data and shows that the index is robust across alternative weights for self-rule and shared rule. The RAI weighs shared rule to self-rule in the ratio of 2:3. When we reverse these weights, the rank order among countries in 2010 yields a Spearman's *rho* of 0.99 (Pearson's r=0.97).

The decision to estimate authority at the level of individual regions rather than countries is the single most important decision in this book because it affects how one thinks about the structure of governance. Governance

[28] The correlation between the two dimensions is reasonably strong (r=0.61).

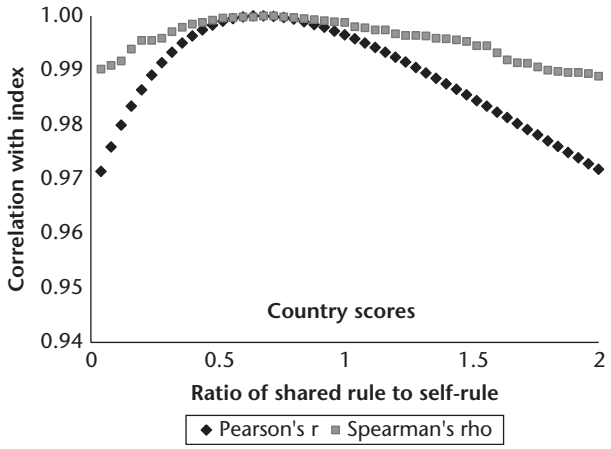


Figure 1.2. Robustness of the regional authority index across alternative weights for self-rule and shared rule

Note: Calculations are for 2010; n = 80. Spearman's *rho* is calculated on ordinal scores, and Pearson's r is calculated on the interval scores. The RAI weights shared rule to self-rule in the ratio of 2:3 (0.66). Here we vary the ratio between 0 and 2.

exhibits great variation within as well as among countries, and one cannot begin to fathom the reasons for this or understand its consequences if one conceives the state as the unit of analysis. Some regional governments have wide ranging policy competences; others deal with a single problem. Some can block constitutional reform. Some have extensive taxing powers. Some exert wide ranging authority within their own territories; others play a decisive role in the governance of the country as a whole. Some regions have a special bilateral relationship with the central government, while others exist alongside other regions in uniform tiers. The variation that the RAI detects among countries is extremely wide, and now one can also systematically probe variation within countries over time.

Finally, the effort to measure a concept as complex as regional authority may have implications for measurement in general. Measurement seeks to establish a numerical relation between an observable phenomenon and a concept. This, as Max Weber emphasized, involves interpretation. What, precisely, is being measured? How is the concept specified? What are its dimensions? How are intervals along these dimensions operationalized? How are individual cases scored on those dimensions? What rules apply to gray cases? These are questions that confront social science measurement generally. Each question involves judgment, the weighing of one course of action against others. Our goal in this book is to make those judgments explicit, and hence open to disconfirmation or improvement.

2

Crossvalidating the Regional Authority Index

Our aim in this chapter is to assess the validity of the regional authority index (RAI) by comparing it to prior institutional and fiscal measures. We begin by asking whether alternative institutional measures give similar scores to the same cases. This is convergent validation, the extent to which measures of the same concept are positively associated with each other (Bollen 1989: 188; Ray 2007: 12). To assess convergent validity we evaluate the extent to which these measures are in agreement with the RAI, explore sources of disagreement in a regression analysis, and complement this with an in-depth look at particular cases.

Convergence provides confidence in the validity of our measurement whereas disagreement provides a basis for further investigation. Each measure suffers from error, and the sources of error may vary in non-random ways. We find that differences among decentralization measures have systemic causes, both with regard to the extent of difference and the direction of difference. The most important differences arise because some countries have more than one tier of regional government between the local and the national and because measures seek to estimate decentralization over a period in which there has been extensive change.

Beyond such systematic differences, institutional measures sometimes arrive at sharply contrasting scores for individual countries, and the reasons for this are worth investigating in some detail. Knowing when, where, and how error in measurement arises helps one decide whether to use one measure over another (Adcock and Collier 2001; Bollen 1989; King, Keohane, and Verba 1994; Marks et al. 2007).

We conclude by discussing the content validity of three types of fiscal indicators and comparing their scores to the RAI. Content validity "assesses the degree to which an indicator represents the universe of content entailed in the systematized concept being measured" (Adcock and Collier 2001: 537).[1]

[1] Adcock and Collier (2001: 537) also identify a third type—criterion validity, which assesses "whether the scores produced by an indicator are empirically associated with scores for other

Here the task is to clarify the domain of the concept and to judge whether the measures fully represent the intended domain (Bollen 1989: 185). Are crucial elements omitted or are inappropriate elements included? Fiscal measures have the virtue of reliability, but we suggest that they do, indeed, omit important dimensions of decentralization and are correspondingly limited as a measure of decentralization.

Institutional Indicators of Decentralization

There is no shortage of measures of decentralization with which the RAI can be compared. Table 2.1 overviews the five most commonly used measures that, like the RAI, focus on the authoritative competences of subnational governments. All five measures conceive decentralization as a latent variable with fiscal, political, and administrative indicators (Falleti 2010; Schneider 2003). Each covers an array of countries on multiple dimensions of decentralization that can be summarized at the level of the country as a whole.

The chief differences between these measures and the RAI are as follows (Table 2.2):[2]

- *Unit of measurement.* The RAI is distinct in conceiving the individual region and the regional tier, rather than the country, as units of analysis. This increases the number of observations and makes it possible to compare regions and regional tiers within, as well as across, countries. We use aggregate RAI country scores for the purpose of comparison, but it is worth keeping in mind that country scores are just a useful fiction. The actual units of subnational authority in all decentralization measures are individual general purpose governments within territorially circumscribed jurisdictions.
- *Time period.* The RAI provides annual observations for 1950–2010. Brancati (2006, 2008) provides annual observations for 1985–2000. Arzaghi and Henderson (2005) assess eight five-year intervals between 1960 and 1995. Treisman (2002) is a cross-sectional measure,[3] and Lijphart (1999) and Woldendorp, Keman, and Budge (2000) average decentralization over several decades on the assumption that decentralization is fairly stable over time (Inman 2008).

variables, called criterion variables, which are considered direct measures of the phenomenon of concern." We do not assess criterion validity because there is no generally accepted "criterion variable" or "gold standard" for measuring regional authority.

[2] For descriptive statistics see Tables 2.A.1 and 2.A.2 in the appendix.

[3] Treisman (2002) is available as an unpublished paper on his website.

Crossvalidating the Regional Authority Index

Table 2.1. Institutional measures of decentralization

Measure	Dimensions	Indicators
Arzaghi and Henderson (2005)	Index of institutional decentralization, or effective federalism, consisting of: • formal government structure • political responsibilities of subnational governments • fiscal responsibilities of subnational governments	Effective federalism (0–4) is the average of: – constitutional federal versus unitary structure (0 or 4) – election of a regional executive (0 or 4) – election of a local executive (0 or 4) – ability of the center to suspend lower levels of government or to override their decisions (0 or 4) – revenue sharing (0, 2, or 4)
Brancati (2008)	Level of political decentralization: • elective dimension • policy dimension	Political decentralization (0–5) is the sum of five dichotomous indicators: – democratically elected regional legislatures – regional legislatures can raise or levy their own taxes – regional legislatures have joint or exclusive control over education – regional legislatures have joint or exclusive control over public order or police – regions must approve constitutional amendments
Lijphart (1999)	Federalism whereby countries are categorized on the basis of: • formal character of government structure (federal or unitary) • extent of decentralization (range of powers assigned to the regional level)	Federalism (1–5) is an ordinal scale: – unitary and centralized (=1) – unitary and decentralized (=2) – semi-federal (=3) – federal and centralized (=4) – federal and decentralized (=5)
Treisman (2002)	Decision making decentralization defined as formal rules about the distribution of political authority over decision making	Decision making decentralization (0–3) is an additive scale: – autonomy = the constitution reserves to subnational legislatures the exclusive right to legislate in at least one policy area – residual authority = the constitution assigns to subnational legislatures the exclusive right to legislate on issues that are not specifically assigned to one level of government; – subnational veto = a regionally elected upper chamber exists with the constitutional right to block legislation

Woldendorp, Keman, and Budge (2000)	Autonomy index consists of:	Autonomy index (0–8) is an additive scale:
	• fiscal centralization	– 2 if a country has a degree of fiscal centralization lower than 75%; – 1 if a country has fiscal centralization between 75% and 90%; – 0 if a country has fiscal centralization equal to or more than 90%
	• regional autonomy	– 2 if regional autonomy is formally laid down (federal states); – 1 if the country is a semi-federalist system; – 0 if neither
	• local government autonomy	– 2 if local government is mentioned in the constitution, its autonomy is recognized, and it is guaranteed direct representation; – 1 if one or two of these conditions are met; – 0 in all other cases
	• centralization	– 2 if the state is not centralized; – 1 if the state is medium centralized; – 0 if the state is highly centralized

Note: The operationalization of fiscal centralization diverges somewhat from the one published in Woldendorp, Keman, and Budge (2000). The adjustments were made after communication with Hans Keman and Jaap Woldendorp.

- *Tiers*. The RAI estimates the authority of subnational governments at each level between the local (>150,000 population) and the national. Arzaghi and Henderson and Woldendorp et al. are chiefly concerned with regional government, but have some items that encompass local government.[4] The remaining measures do not discriminate levels of government.
- *Dimensions*. All measures conceive decentralization as multidimensional. Arzaghi and Henderson, Brancati, Treisman, and the RAI estimate regional assemblies. Brancati, Woldendorp, and the RAI estimate regional tax authority. Treisman and the RAI evaluate whether residual powers rest with the region or the central state. In addition, the RAI estimates shared rule, the authority co-exercised by a region and regional tier within the country on five dimensions for law making, executive control, fiscal decision making, borrowing, and constitutional reform (Table 1.3).

[4] For this reason, in the following analyses we exclude the "election of a local executive" dimension from the Arzaghi and Henderson measure (see Table 2.1). We thank Christine Kearney for providing us with disaggregated scores. We are unable to exclude scores for local government in the Woldendorp et al. measure because disaggregated estimates are not available.

Table 2.2. Comparing decentralization measures

	Coverage			Concept specification			Concept disaggregation		Unit of measurement
	number of countries	time period	time points	multiple regional tiers	local/ regional separated	local tier included	number of dimensions	number of intervals	
Regional Authority Index	81	1950–2010	61	Yes	Yes	No	10	42	Region
Arzaghi/Henderson	48	1960–1995	8	No	Partial	Yes	6	14	Country
Brancati[a]	37	1985–2000	16	No	No	No	5	5	Country
Lijphart	36	1945–1996	1	No	No	Yes	2	5	Country
Treisman[b]	166	1990–1999	1	No	No	Yes	3	3	Country
Woldendorp et al.	51	1945–1998	1	No	Partial	Yes	4	8	Country

[a] The Brancati measure has twenty-three countries in common with the RAI, but the analysis reported here uses fifty-eight countries: the twenty-three countries coded by Brancati and an additional thirty-five coded by the authors on the basis of information provided by Dawn Brancati in personal communication. The smaller-N analysis is available from the authors upon request.
[b] It should be noted that Treisman is reluctant to aggregate the three indicators of decision making decentralization into a single index (see e.g. 2002: 9–10).

- *Country coverage*. Each measure covers the larger Western democracies (Table 2.A.1). Treisman covers virtually every non-micro state. The RAI covers all members of the Organisation of Economic Cooperation and Development (OECD), all Latin American countries, ten countries in Europe beyond the European Union (EU), and eleven in the Pacific and South-East Asia. Woldendorp et al. cover fifty-one democracies. Arzaghi and Henderson cover forty-eight countries with a population over ten million. Brancati covers thirty-seven countries with regional ethnic groups and Lijphart covers thirty-six democracies.
- *Intervals*. All measures go beyond the classic federal/unitary dichotomy. However, the number of intervals varies from three (Treisman) and five (Brancati; Lijphart) to forty-two (RAI) (see Table 2.2). The more fine-grained a measure, the better equipped it is to differentiate levels of decentralization among federal and among unitary countries. Lijphart's measure compresses nearly all federal countries at the high end of the scale with a score of five. Treisman's measure separates federal countries from each other but compresses most unitary non-federal countries in the lowest category.

Cross-sectional Comparison

To what extent do the measures tap a common dimension? Our first step is to conduct principal factor analyses on a cross-sectional dataset containing average country scores over time produced by each measure.[5] Since the country overlap varies across the measures, we conduct four factor analyses in the columns labeled "Country scores" in Table 2.3. We then use all the available data and conduct principal factor analyses for the same measures with annual observations for each country. These are the results displayed under "Country/year scores" in Table 2.3.[6]

The results reveal a high degree of convergence. In no comparison does the eigenvalue of the principal axis fall below 2.4, and the common variance is around 80 percent across the board. Every decentralization index loads heavily on the principal axis with factor loadings in excess of 0.74 for both cross-sectional and panel datasets. Notwithstanding the differences among the measures noted above, they appear to tap a common latent variable.

[5] Table 2.A.3 reports Pearson correlations.
[6] Countries without a region or regional tier are excluded in all analyses.

Table 2.3. Factor analysis of decentralization measures

	Country scores				Country/year scores			
	I	II	III	IV	I	II	III	IV
Regional Authority Index	0.96	0.93	0.93	0.92	0.93	0.89	0.92	0.92
Arzaghi/Henderson	0.85	–	–	–	0.91	–	–	–
Brancati	0.90	0.92	0.92	0.89	0.93	0.93	0.92	0.89
Lijphart	0.92	0.92	–	–	0.88	0.91	–	–
Treisman	0.74	0.88	0.91	0.91	0.80	0.90	0.92	0.92
Woldendorp et al.	0.96	0.87	0.87	–	0.94	0.85	0.86	–
N	10	21	31	58	70	148	265	558
Eigenvalue	4.76	4.09	3.29	2.47	4.83	4.01	3.26	2.47
Explained Variance (%)	79	82	82	82	81	80	81	82

Sources of Disagreement

High factor scores can hide significant differences in scoring that may have systematic sources (Marks et al. 2007). In this section, we consider several possible sources of disagreement among decentralization measures:

Limited Country Coverage

One might expect less researched countries to generate more disagreement than the "normal suspects," which in this field are the larger Western democracies. All six measures encompass a set of ten democracies in North America and Western Europe, but coverage declines as one moves to Eastern Europe, Southern Europe, South America, and Central America and the Caribbean. Table 2.A.1 in the appendix lists the countries covered by each measure. *Limited coverage* is the total number of times a country is excluded by the five alternative measures on the expectation that this will be positively associated with disagreement in scoring.

Distance in Time

Measurement error is likely to increase with retrospective evaluation. This is a particular problem for the RAI, which scores regions going back to 1950. The remaining measures have shorter time periods or provide single scores for multiple decades. We expect disagreement with the RAI to be higher for earlier than for later time periods both because the availability of information declines as one goes back in time and because time invariant measures may be biased toward recent years. The variable *Distance in time* is 2010 minus the year in which a country score is assessed.

Multiple Regional Tiers

The existence of multiple regional tiers in a country can produce different scores for measures that summarize all tiers or just the most authoritative tier. The RAI aggregates scores for all tiers between the local and the national, whereas the remaining measures do not explicitly distinguish different levels of subnational governance. *Tiers* is the number of regional tiers in a country. When a tier covers only part of a country, we weight each tier by the proportion of a country's population it encompasses.

Differentiation

Regions that have special authoritative competences that differentiate them from other regions in a country may give rise to scoring differences. Whereas the RAI estimates such regions individually and then aggregates regional scores to the country level using population weights, the remaining measures are national in focus. Differentiated governance is quite common: in 2010, thirty-five countries of the sixty-two countries included here had asymmetric, autonomous, or dependent regions (Hooghe and Marks forthcoming). *Differentiation* is calculated as the difference between the maximum and minimum RAI for units within the most authoritative regional tier.

Reform

The creation or abolition of regional tiers and reform in the authority of established regions may lead to scoring differences between measures that average decentralization over multiple years and those that have annual estimates. Our expectation is that disagreement will be greatest for countries where contemporary estimates provide weak guidance in estimating prior levels of decentralization.[7] The RAI detects jurisdictional reform in sixty countries that have one or more regional tiers, but the extent of reform varies by a factor of twenty. The variable *Reform* is calculated as the cumulative absolute change in the RAI country score going back in time, so that values are maintained or increase as one moves back from the present.

Analysis of Disagreement

To what extent do these potential biases explain disagreement between the RAI and prior measures of decentralization? Our strategy is to extract residuals

[7] The logic is that retrospective judgments may be more unreliable (Steenbergen and Marks 2007). We calculate this variable for each measure.

Table 2.4. Explaining absolute disagreement

Source of disagreement	Arzaghi and Henderson	Brancati	Lijphart	Treisman	Woldendorp et al.
Limited coverage	0.022	0.015	0.002	0.049**	0.010
	(0.016)	(0.006)	(0.012)	(0.009)	(0.010)
Distance in time	0.009**	0.015**	0.005**	0.015**	0.007**
	(0.002)	(0.002)	(0.002)	(0.002)	(0.001)
Tiers	0.147**	0.145**	0.236**	0.121**	0.191**
	(0.036)	(0.030)	(0.038)	(0.026)	(0.031)
Differentiation	0.002	−0.008**	0.004	0.001	0.004
	(0.003)	(0.003)	(0.003)	(0.003)	(0.003)
Reform	−0.021**	0.023**	−0.005	0.041**	−0.016*
	(0.004)	(0.006)	(0.007)	(0.006)	(0.006)
Rho	0.875	0.928	0.965	0.899	0.968
R^2	0.16	0.34	0.13	0.58	0.16
Wald chi^2	237	391	133	742	168
N years	1030	847	1178	606	1137
N countries	29	58	27	63	32

Note: * $p < 0.05$, ** $p < 0.01$ (two–tailed).

OLS regressions with panel corrected standard errors in brackets. The constant is dropped. The dependent variables are the *absolute* standardized residuals resulting from an OLS regression of the RAI on one of the decentralization indices.

for disagreement between the RAI and each of the five decentralization measures by regressing the RAI on the country/year scores generated by each measure.[8] We then regress the standardized residuals onto the variables discussed above using ordinary least squares regression with panel corrected standard errors.[9]

Error comes in two forms (Marks et al. 2007). Absolute residuals capture the sheer distance between scores. This gives us a sense of how far a measure strays from other measures regardless of the direction of the difference. Raw residuals come with signs that tell one the direction of difference between scores, i.e. whether a score is in the direction of more or less decentralization. Table 2.4 presents models explaining absolute residuals and Table 2.5 does the same for raw residuals.

Distance in time, *Tiers*, and *Reform* are consistently positive causes of difference between the RAI and prior measures. The further back in time one estimates decentralization, the greater the number of levels of regional governance, and the greater the extent of jurisdictional reform over time, the larger the discrepancy between the RAI and the alternative measures. *Tiers* has the most marked effect. The absolute difference in scoring between Lijphart

[8] Table 2.A.4 reports Pearson correlations between the residuals.

[9] Table 2.A.5 displays descriptive statistics for the independent variables. See Achen (2000); Plümper et al. (2005); and Beck and Katz (2011), for a discussion of the conditions under which panel corrected standard errors without a lagged dependent variable and fixed effects are appropriate.

Table 2.5. Explaining directional disagreement

Source of disagreement	Arzaghi and Henderson	Brancati	Lijphart	Treisman	Woldendorp et al.
Limited coverage	0.066**	−0.018**	−0.005	−0.051**	−0.003
	(0.020)	(0.006)	(0.009)	(0.011)	(0.007)
Distance in time	−0.013**	−0.012**	−0.001	−0.015**	0.000
	(0.003)	(0.002)	(0.001)	(0.003)	(0.001)
Tiers	0.162**	0.281**	0.250**	0.333**	0.202**
	(0.048)	(0.033)	(0.027)	(0.036)	(0.022)
Differentiation	0.025**	−0.000	0.002	0.005	−0.001
	(0.004)	(0.003)	(0.002)	(0.003)	(0.002)
Reform	−0.006	−0.049**	−0.066**	−0.028**	−0.069**
	(0.006)	(0.008)	(0.004)	(0.010)	(0.004)
Rho	0.907	0.940	0.966	0.929	0.971
R^2	0.08	0.34	0.50	0.206	0.56
Wald chi^2	68	312	550	173	803
N years	1030	847	1178	606	1137
N countries	29	58	27	63	32

Note: * $p < 0.05$, ** $p < 0.01$ (two–tailed).

OLS regressions with panel corrected standard errors in brackets. The constant is dropped. The dependent variables are the *raw* standardized residuals resulting from an OLS regression of the RAI on one of the decentralization indices. A positive sign indicates that the estimate of the RAI is higher than the estimate of the alternative measure.

and the RAI for a country, such as Finland, Italy, or Portugal, which have two tiers of regional governance instead of one, would on average be just under a quarter (23.6 percent) of a standard deviation in the RAI score, which is equivalent to a score difference of 2.2. Estimates for the effect of *Distance in time* and *Reform* are greatest for the RAI and Treisman. A country/year scored twenty years in the past would, on average, generate a difference in scoring of around one-third of a standard deviation—or around 3.2 on the RAI scale.

An examination of the results for directional disagreement provides some meat on these bones. The most notable result is that the RAI detects more decentralization than alternative measures in the presence of multiple levels of regional government. This is precisely what one would expect given that the RAI estimates each level prior to aggregating them to the country level, whereas the other measures do not distinguish multiple levels in estimating decentralization. The substantive effect is quite marked. The RAI assesses between 16 percent and a third of a standard deviation more decentralization than the remaining measures in a country that has a second tier of regional government compared to just one.

Reform also has the anticipated effect. In general, jurisdictional reform has increased the level of decentralization over the past several decades. The RAI estimates lower levels of decentralization in past years where jurisdictional reform—and hence the increase in decentralization—has been large. The difference is not significant compared to the Azarghi and Henderson measure, which

picks up change at five-year instead of annual intervals. However, it reduces the assessment of decentralization by around two-thirds of a standard deviation compared to Lijphart and Woldendorp et al. for the period prior to decentralization reforms in, say, Greece, which empowered its deconcentrated *nomoi* to self-governing units in the 1990s, when a second intermediate tier of *periphereies* was introduced. These reforms increased Greece's country score by ten points.

Cases of Disagreement

Outlying cases can be particularly revealing. So let us take a closer look at cases where the residual is more than two standard deviations above or below the estimate for five or more consecutive years. Table 2.6 lists twenty-one such cases in ten countries. Residuals with a positive sign are those where the RAI estimate is higher than the alternative measure. Disagreement is often greatest when a country has multiple tiers of regional government; when there is considerable variation in decentralization over time; or when there

Table 2.6. Cases of disagreement

Country	Years	(Range of) z–scores	Measurement
Belgium	1989–2000	+2.20/+2.74	Brancati
	1980–1994	+2.24/+3.40	Lijphart
	1990–1994	+2.01	Treisman
	1980–1998	+2.06/+3.13	Woldendorp et al.
Chile	1960–1974	–2.01	Arzaghi and Henderson
	1995–1999	–3.12	Arzaghi and Henderson
Finland	1950–1992	–2.06	Woldendorp et al.
France	1982–1996	+2.24/+2.40	Lijphart
	1990–1999	+2.25	Treisman
Germany	1977–1989	+2.05	Arzaghi and Henderson
	1985–2000	+2.52/+2.84	Brancati
	1990–1999	+2.43/+2.47	Treisman
	1977–1989	+2.01	Woldendorp et al.
Italy	1989–1996	+2.13/+2.43	Lijphart
Serbia and Montenegro	1992–2000	+2.54/+2.83	Brancati
	1992–1999	+2.15/+2.48	Treisman
Spain	1978–1999	+2.14/+3.15	Arzaghi and Henderson
	1983–1996	+2.39/+2.86	Lijphart
	1983–1998	+2.12/+2.70	Woldendorp et al.
Trinidad and Tobago	1985–1995	–2.02	Brancati
Venezuela	1950–1960	–2.70/–2.46	Lijphart

Note: A case of disagreement is defined as two standard deviations below or above the estimate for a time period of five years. A positive sign indicates that the estimate of the RAI is higher than the estimate of the alternative measure.

is differentiation. In some cases, different scores reflect more fundamental differences in conceptualization and operationalization.

Belgium and Germany stockpile the largest number of disagreements. The RAI scores diverge with four of the five alternative measures and in each case the RAI score is higher. For Belgium, the single most important factor is the cadence of reform—five major reforms between 1970 and 2005. Static measures such as Treisman or Woldendorp et al. are poorly equipped to capture this. Lijphart's measure is not entirely static since he increases Belgium's score from 3.1 to 5 in 1993 following federalization. However, Lijphart's measure does not pick up the regional empowerment that took place in the 1970s. The divergence with Treisman for 1990 to 1994 reflects a scoring disagreement: the Belgian senate does not meet Treisman's criterion for a regional chamber, while it does according to the RAI.

Brancati's measure, which is the only one to provide annual readings between 1985 and 2000, registers no change in Belgium, whereas the RAI spikes up in 1989 when Belgian regions and communities obtain broader policy competences, taxation powers, and shared rule. This alerts us to a difference in conceptualization. Brancati's measure emphasizes electoral and policy autonomy, but the central foci of the 1989 and 1993 reforms were tax autonomy, executive federalism, and a reform of the senate.

Disagreement between the RAI and the alternative measures in estimating decentralization in Germany appears to result from conceptual differences between the RAI and these measures. The RAI evaluates multiple tiers, and it pays close attention to shared rule; Germany has both multiple levels of regional governance and high levels of shared rule. The RAI picks up the authority exercised by regional governments within *Länder* (including *Regierungsbezirke* and *Kreise*) and it considers several dimensions of shared rule, including intergovernmental meetings between *Länder* and the federal government.

Disagreement with Treisman and Brancati also reflects coding judgments. Treisman's score of 1.5 out of a possible 3.0 for Germany is based on a restrictive interpretation of *Länder* authority: the absence of constitutionally entrenched exclusive powers, and the absence of an absolute veto by the *Bundesrat* on legislation (though it can raise the hurdle). The RAI, by contrast, considers concurrent powers and the role of *Länder* in implementing national framework legislation (Swenden 2006; Watts 1999*a*). Brancati scores Germany 3.0 out of a possible 5.0 because she estimates that constitutional amendments do not require *Länder* approval. The RAI registers that *Länder* have a veto on constitutional reform by virtue of their representation in the *Bundesrat*.

The Lijphart index disagrees with the RAI for three more countries: Venezuela, France, and Italy. Lijphart scores Venezuela significantly higher than

the RAI for the 1950s. Venezuela receives a score of 4 out of 5 on the Lijphart index, which is consistent with the 1947 constitution for a centralized federation, but this constitution was never put into effect due to a military coup in 1948, and the new constitution of 1952 replaced elected by appointed officials at all levels (1948–57).[10] The RAI also scores Italy after its 1989 reform and France after the Defferre reform of 1982 as having more decentralization than in Lijphart's measure.

Chile and Finland have higher scores in Arzaghi and Henderson and Woldendorp et al., respectively, chiefly because these authors include local government in their measure. The RAI estimates Chilean *provincias* and *regiones*, which are primarily deconcentrated, whereas Arzaghi and Henderson code municipal authorities as not being subject to central veto. The Woldendorp et al. measure scores Finland higher because it captures Finland's relatively authoritative municipal authorities while the RAI does not. From 1993, when Finland creates self-governing regional governments, which are picked up by the RAI, the two indices fall in line.

Three indices estimate Spain to have considerably less decentralization than the RAI. In contrast to Lijphart and Woldendorp et al., the RAI encompasses scores for *provincias* as well as *comunidades autónomas*. Arzaghi and Henderson consider both levels of governance, but their score is subdued because they focus on primary education, infrastructure, and policing—areas in which the central government retained substantial authority.

The RAI and Brancati differ on Serbia and Montenegro and Trinidad and Tobago on definitional grounds. Whereas Brancati scores Serbia, the RAI scores the federation and, from 2003, the "state union" of Serbia and Montenegro. Trinidad and Tobago consists of two main islands but only Tobago has an intermediate tier of government. Brancati's score for Tobago is the same as for the country as a whole, while the estimate of the RAI is lower because the score for Tobago is weighted by its population size.[11]

Two remaining cases of disagreement with Treisman are France and Serbia and Montenegro. Treisman gives France a score of zero because his coding registers only constitutional provisions, while the authority exercised by *départements* and *régions* is laid down in special legislation. Serbia and Montenegro has a score of 1 on a scale from zero to 3, which is surprisingly low for a (con) federation. Again, Treisman's emphasis on constitutional criteria explains this. Serbia and Montenegro's upper chamber is not coded as regional, probably because it was not directly elected but made up of twenty deputies from each member republic. Instead, the RAI registers extensive shared rule through the

[10] For greater detail, see the country profile of Venezuela.
[11] Tobago's population is 60,000 and that of the country as a whole is 1.3 million (2011 figures).

upper chamber, giving Serbia and Montenegro one of the highest scores in the RAI dataset.

Fiscal Indicators

Fiscal indicators are widely employed in studies of decentralization (see e.g. Blöchliger 2015; Blöchliger and King 2006; Braun 2000; Castles 1999; Harbers 2010; Oates 1972; Stegarescu 2005*a*; Willis et al. 1999). The principal sources are Government Finance Statistics (GFS) produced by the International Monetary Fund (IMF) and Historical National Accounts and Revenue Statistics produced by the OECD.[12] Authors interested in the effects of decentralization on outcomes such as economic growth, corruption, or redistribution, have used revenue and expenditure indices in combination (Akai and Sakata 2002; Enikolopov and Zhuravskaya 2007; Jin and Zou 2002). Some authors have sought to increase the validity of specific fiscal indicators (Ebel and Yilmaz 2002; Stegarescu 2005*b*).

Despite these efforts, two basic caveats remain when using fiscal indicators to tap regional authority (Blöchliger 2015; Rodden 2004; Schakel 2008; Sorens 2011). The first is that the extent of subnational expenditure or revenue does not indicate the autonomy of a subnational government from central control in spending money. *Departamentos* in Uruguay, for example, spend more than twice as much as a proportion of total government expenditure than those in Bolivia (15.4 percent versus 7.2 percent), but have less authority over taxes (Daughters and Harper 2007: 224). Subnational governments in South Korea were conduits for 34.4 percent of total government expenditure in 1978 (the latest year reported in World Bank data) at a time when the country was highly centralized under military rule. In the same year, popularly elected Malaysian subnational governments with diverse policy making powers were responsible for 17.2 percent of total government expenditure, and subnational governments in Indonesia, which were more authoritative than those in South Korea, spent just 13.4 percent of total government expenditure.

The amount a government spends does not tell us whether spending is financed by conditional or unconditional grants, whether the central government determines how the money should be spent, or whether it sets the framework legislation within which subnational governments implement (Blöchliger 2015; Akai and Sakata 2002; Breuss and Eller 2004; Ebel and Yilmaz 2002; Fisman and Gatti 2002; Martinez-Vazquez and McNab 1997; Panizza 1999). Figure 2.1 shows that subnational governments in

[12] We use the World Bank (2006) Fiscal Indicator dataset derived from the GFS (IMF) because it has the greatest overlap with the RAI: fifty-six countries with yearly scores for 1972–2000.

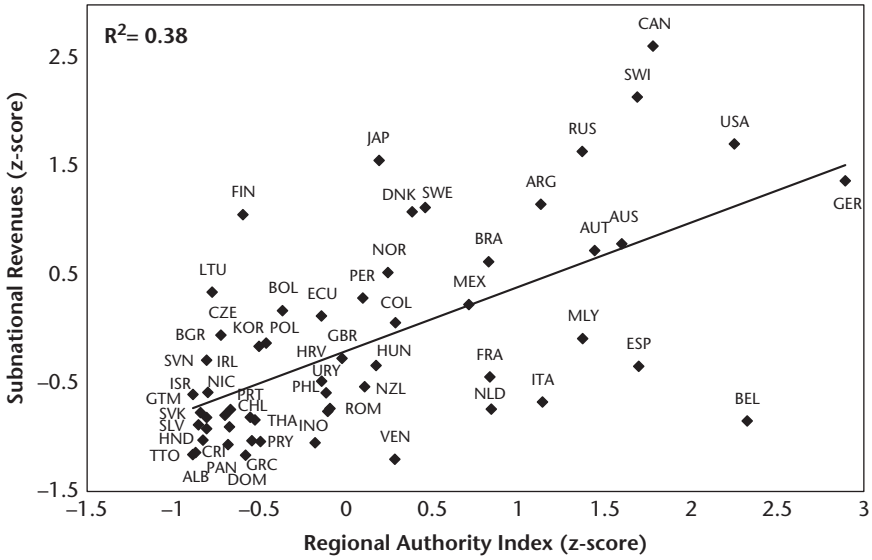


Figure 2.1. Subnational expenditure and regional authority

Note: Subnational expenditure as a percentage of total government expenditures. World Bank (2006) Fiscal Indicator dataset. Standardized scores for country means for 1972–2001.

Scandinavian countries have the same (or higher) shares of total government expenditures than their peers in federal countries. However, subnational governments in Scandinavian countries have less decision making authority over policies, less taxation power, and they do not enjoy power sharing. The national government usually determines the policies that are implemented by local and regional governments.

Subnational revenue consists of tax and non-tax revenue (e.g. fees, receipts, and levies), intergovernmental transfers, and other grants. A recurring debate concerns the classification of sources of subnational income. For example, revenues from shared taxes are assigned to subnational governments in the GFS database even when subnational governments have no autonomy over the revenue base or rate. This has led scholars to develop revenue indicators for "own" subnational revenue and subnational tax autonomy. "Own" subnational revenue is the ratio of revenue, exclusive of received intergovernmental transfers, to total subnational revenue. Subnational tax autonomy consists of taxes that can be determined by subnational government and which are subject to subcentral legislative and administrative powers (Ebel and Yilmaz 2002; Stegarescu 2005*b*).

The fiscal envelope of a subnational government does not capture the authority of a government to regulate behavior. This is the distinction between "regulatory policies and policies involving the direct expenditure of public funds" (Majone 1994). Some policies, including redistributive policies, have a

direct bearing on the public budget, whereas regulatory policies, including civil and criminal law, may have considerable impact on society by virtue of the rules they impose. While the cost of expenditure programs is borne by the public budget, the cost of most regulatory policies is borne by citizens and firms (Majone 1994). To the extent that regions have control over regulatory policies, expenditure fiscal indicators reveal little about decentralization. Policy authority is captured by the RAI separately from fiscal authority.

Scholars have also produced measures for central grants to subnational governments (Akai and Sakata 2002; Oates 1972; Stegarescu 2005*b*). Vertical imbalance is the degree to which subnational governments rely on central government revenues to support their expenditures, and is measured by intergovernmental transfers as a share of subnational expenditures. This has been criticized because it does not identify whether a grant comes with a centrally imposed mandate (Shah 2007). This is a valid concern, but we do not have reliable data that distinguish between conditional and unconditional grants (Rodden 2004).

A second caveat is that fiscal indicators provide one score for all levels of subnational government. Fiscal decentralization indices do not distinguish between local and regional tiers and do not take differentiated governance into account.[13] Further, the existence of regional governments with special powers can shape the level of decentralization in a society even if their powers are not generalized across an entire tier of subnational government. For example, the Basque *foru iurralde* (historic territories) and Navarre in Spain collect income, corporate, inheritance, and wealth taxes and can set the rate and base for these taxes autonomously, whereas in the rest of Spain the bulk of taxes are paid to the center and set amounts are transferred back to the regions (Swenden 2006). The five special *regioni* and the *provinces* of Bolzano-Bozen and Trento in Italy receive a share of taxes collected in their jurisdictions whereby the central government sets the base but the rate is negotiated bilaterally between the region and central government. In contrast, the tax autonomy of ordinary *regioni* is limited: they can set the rate within centrally determined limits for minor taxes (the vehicle tax, an annual surtax, a special tax on diesel cars, and health taxes). Failing to capture this variation can over- or underestimate fiscal autonomy.

Figure 2.2 plots subnational revenue as a percentage of total government revenue against the RAI country score. The correlation is statistically significant, but a closer look reveals that Sweden and Denmark are ranked on a par with Argentina and have higher scores than Australia, Austria, Brazil, and Mexico. Counties in Denmark and Sweden may set the rate of income tax within central government parameters but it would be wrong to conclude that

[13] As before, we exclude countries without a regional tier.

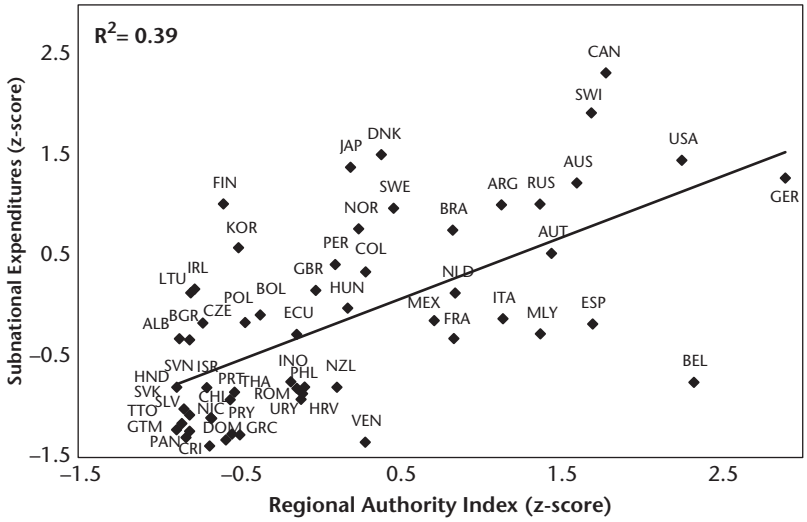


Figure 2.2. Subnational revenue and regional authority

Note: Subnational revenue as a percentage of total government revenue plotted against country scores on the RAI. World Bank (2006) Fiscal Indicator dataset. Standardized scores for averages for 1972–2001.

the subnational tiers in Sweden and Denmark enjoy the same autonomy as their peers in these federal countries.

One way to gain more insight into central involvement in subnational revenue and expenditure is by looking at the share of intergovernmental grants (Akai and Sakata 2002; Blöchliger 2015; Breuss and Eller 2004; Oates 1972; Stegarescu 2005*b*). A common measure is vertical imbalance, which is operationalized by intergovernmental transfers as a share of subnational expenditures. However, this indicator is also limited. Aside from data availability regarding unconditional and conditional grants (Rodden 2004), there is the problem that intergovernmental grants do not seem to differentiate between federal and non-federal countries.

Figure 2.3 displays vertical imbalance against RAI country scores. One would expect a negative relationship between vertical imbalance and RAI scores since high percentages of central government grants relative to total subnational revenue should be associated with low scores on the RAI. As one can observe in Figure 2.3 the vertical imbalance in decentralized federal countries such as Canada, Switzerland, and the US is comparable to that in centralized unitary countries such as Bulgaria, Lithuania, and Slovakia.[14]

[14] An analysis of variance (ANOVA) shows that the extent of vertical imbalance does not vary significantly between unitary and federal countries (F: 1.99; df = 52, p = 0.147).

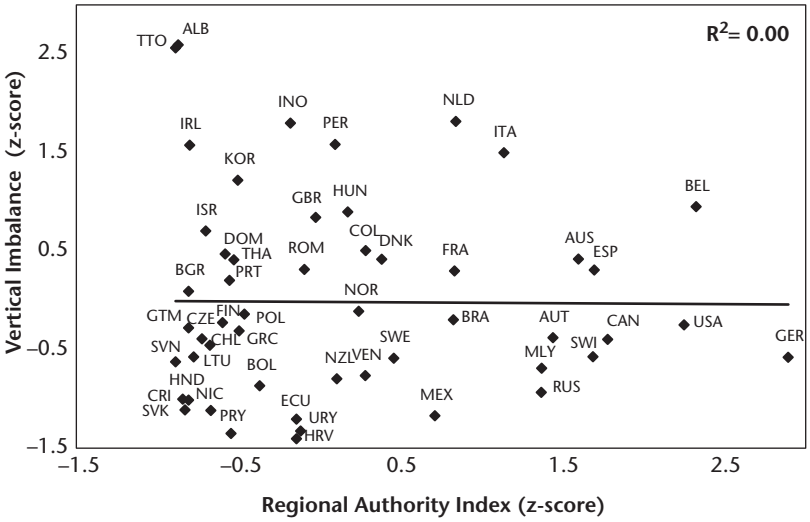


Figure 2.3. Vertical imbalance and regional authority

Note: Intergovernmental transfers as a share of subnational expenditures plotted against country scores on the RAI. World Bank (2006) Fiscal Indicator dataset. Standardized scores for averages for 1972–2001.

Fiscal measures conflate meaningful decentralization with change in public spending (Stegarescu 2005*b*). Fiscal decentralization may differ between two countries even in the case of an identical allocation of policies and functions across tiers of government (Oates 1972; Panizza 1999). A country that spends relatively more on policies that are centralized for scale efficiency reasons (such as defense) will also be more fiscally centralized.[15] A similar argument applies to the question whether welfare state policies are provided by the government or by the private sector. For example, in the Scandinavian countries, a large proportion of government expenditure goes to welfare state policies and these are often provided by subnational governments. In market-liberal Anglo-Saxon countries, many welfare state functions are privatized. So a difference in political economy leads to higher expenditure (and revenue) in Scandinavian countries than in Anglo-Saxon countries, whereas the allocation of functions among levels of government may be identical.

[15] The World Bank (2006) notes that particular expenditure categories can distort measures of decentralization: "For instance, the United States, despite being a much larger country, has a lower sub-national share of expenditures than Switzerland. However, when defense and interest expenses are excluded from the subnational-to-total ratio, the United States has a higher subnational share of expenditures than Switzerland." Some scholars therefore use fiscal indicators that exclude defense, e.g. Breuss and Eller (2004) and Panizza (1999).

The RAI avoids conflating these distinct political processes by measuring autonomy rather than expenditure.

Conclusion

The extent to which states are decentralized has been a topic of enduring interest in political science. Measures of decentralization are used in explaining a wide range of political outcomes concerning public policy, the quality of governance, and economic performance. Scholars have employed institutional indicators of decentralization or used fiscal indicators based on World Bank data on subnational expenditures and revenues.

This chapter crossvalidates the RAI with five commonly used institutional measures, and finds much agreement. Notwithstanding their marked differences in conceptualization, operationalization, and coverage, a single underlying factor accounts for more than 79 percent of the variance. Decentralization appears to have a core meaning that can be tapped by measures using very different indicators. But we also detect systematic sources of disagreement and divergent interpretation of evidence.

The most consistent sources of systematic disagreement arise from the fact that the RAI is better equipped to account for multilevel regional governance and for regionalization over time because it estimates the authority of subnational governments at multiple levels and because it produces annual observations over six decades. Beyond the systematic differences among these measures, there are numerous differences in the interpretation of particular cases. In this chapter we assess these on a case by case basis drawing on documentary evidence.

The associations between the RAI and World Bank data on subnational expenditures and revenues are relatively weak at 0.60 and 0.59, respectively. In their current form, fiscal indicators are not good at capturing whether regional governments decide autonomously over revenues and expenditures, nor do they encompass authority over regulation that does not involve much money.

The comparisons among the available measures in this chapter suggest that there is non-negligible consensus among experts in estimating decentralization at the country level. However, the purpose of the RAI is to measure authority at the regional level, a more difficult and perhaps more hazardous undertaking. Our concern in the next chapter is with accuracy rather than consensus, and this leads us to engage the substantive content of the RAI, probing the theoretical, conceptual, and operational decisions that underpin it.

Appendix

Table 2.A.1. Country coverage across measures of decentralization

	A-H	BRA	LIJP	TRE	WKB	Total
Albania				X		1
Argentina	X	X		X		3
Australia	X		X	X	X	4
Austria		X	X	X	X	4
Belgium		X	X	X	X	4
Bolivia		X		X		2
Bosnia and Herzegovina		X		X		2
Brazil	X	X		X		3
Bulgaria		X		X	X	3
Canada	X	X	X	X	X	5
Chile	X	X		X		3
Colombia	X	X	X	X		4
Costa Rica		X	X	X		3
Croatia		X		X		2
Cuba				X		1
Czech Republic		X		X	X	3
Denmark		X	X	X	X	4
Dominican Republic		X		X		2
Ecuador	X	X		X		3
El Salvador		X		X		2
Finland		X	X	X	X	4
France	X	X	X	X	X	5
Germany	X	X	X	X	X	5
Greece	X	X	X	X	X	5
Guatemala		X		X		2
Haiti				X		1
Honduras		X		X		2
Hungary	X	X		X	X	4
Indonesia	X	X		X		3
Ireland		X	X	X	X	4
Israel		X	X	X	X	4
Italy	X	X	X	X	X	5
Japan	X	X	X	X	X	5
Lithuania		X		X	X	3
Malaysia	X	X		X		3
Mexico	X	X		X		3
Netherlands	X	X	X	X	X	5
New Zealand		X	X	X	X	4
Nicaragua		X		X		2
Norway		X	X	X	X	4
Panama		X		X		2
Paraguay		X		X		2
Peru	X			X		2
Philippines	X	X		X		3
Poland	X	X		X	X	4
Portugal		X	X	X	X	4
Romania	X	X		X	X	4
Russia	X	X		X		3
Serbia and Montenegro		X		X		2
Slovakia		X		X	X	3

(*continued*)

Table 2.A.1. Continued

	A-H	BRA	LIJP	TRE	WKB	Total
Slovenia		X		X		2
South Korea	X	X		X		3
Spain	X	X	X	X	X	5
Sweden		X	X	X	X	4
Switzerland		X	X	X	X	4
Thailand	X	X		X		3
Trinidad and Tobago		X	X	X		3
Turkey	X	X		X	X	4
United Kingdom	X	X	X	X	X	5
United States	X	X	X	X	X	5
Uruguay		X		X		2
Venezuela	X	X	X	X		4
Total	29	57	26	62	30	204
Coverage	47%	92%	42%	100%	48%	66%

Note: Nineteen countries without a region or regional tier are excluded.
A-H = Arzaghi and Henderson; BRA = Brancati; LIJP = Lijphart; TRE = Treisman; WKB = Woldendorp, Keman, and Budge.

Table 2.A.2. Descriptive statistics

Measurement	Mean	St.dev.	Min	Max
Regional Authority Index	9.62	9.35	0.00	36.95
Arzaghi and Henderson	1.93	1.21	0.00	4.00
Brancati	2.09	1.13	0.00	5.00
Lijphart	2.56	1.54	1.00	5.00
Treisman	0.51	0.86	0.00	3.00
Woldendorp, Keman, and Budge	3.40	1.92	0.00	7.00
World Bank subnational expenditure	23.31	15.21	1.45	59.18
World Bank subnational revenue	17.27	13.73	0.13	54.60
World Bank vertical imbalance	36.96	22.82	0.29	96.60

Table 2.A.3. Pairwise Pearson correlations

	1	2	3	4	5	6	7	8	9
1	1.00								
2	0.84**	1.00							
3	0.73**	0.67**	1.00						
4	0.78**	0.78**	0.71**	1.00					
5	0.77**	0.63**	0.71**	0.69**	1.00				
6	0.77**	0.86**	0.73**	0.80**	0.67**	1.00			
7	0.60**	0.71**	0.50**	0.56**	0.49**	0.79**	1.00		
8	0.59**	0.67**	0.56**	0.62**	0.50**	0.82**	0.94**	1.00	
9	–0.02	–0.25**	–0.09*	–0.27**	–0.09	–0.42**	0.05	–0.27**	1.00

Note: * $p < 0.05$; ** $p < 0.01$.
1 = RAI; 2 = Arzaghi and Henderson; 3 = Brancati; 4 = Lijphart; 5 = Treisman; 6 = Woldendorp, Keman, and Budge; 7 = World Bank subnational expenditure; 8 = World Bank subnational revenue; 9 = World bank vertical imbalance.

Table 2.A.4. Pairwise Pearson correlations between the residuals of the alternative measurements

		1	2	3	4	5
1	Arzaghi and Henderson	1.00				
2	Brancati	0.47	1.00			
3	Lijphart	0.56	0.71	1.00		
4	Treisman	0.34	0.62	0.56	1.00	
5	Woldendorp, Keman, and Budge	0.70	0.73	0.70	0.59	1.00

Note: all Pearson correlations are statistically significant at the $p < 0.0001$ level. The residuals are obtained by regressing the decentralization index on the RAI.

Table 2.A.5. Descriptive statistics of the independent variables

Variable	Mean	St.dev.	Min	Max
Limited coverage	3.17	1.32	0.00	5.00
Distance in time	35.00	14.93	11.00	61.00
Tiers	1.14	0.50	0.00	2.86
Differentiation	4.80	7.04	0.00	24.00
Reform (A-H)	6.04	8.47	0.00	58.26
Reform (BRA)	1.67	2.55	0.00	13.92
Reform (LIJP)	3.59	4.69	0.00	29.26
Reform (TRE)	1.02	1.84	0.00	9.00
Reform (WKB)	3.62	4.91	0.00	30.20

Note: A-H = Arzaghi and Henderson; BRA = Brancati; LIJP = Lijphart; TRE = Treisman; WKB = Woldendorp, Keman, and Budge.

3

How We Apply the Coding Scheme

Credible measurement hinges on the clarity and consistency of the principles that guide scoring. Chapter One (Figure 1.1) describes six steps from the abstract to the particular. The process begins by theorizing the background concept of political authority, which is then specified as a basis for disaggregating the concept into the domains of self-rule and shared rule. This provides a frame for theorizing dimensions which, in turn, nest indicators. This takes us closer to empirics, but one still has to bridge the conceptual distance between an indicator and an observation (i.e. a score for a case). This chapter seeks to make the decisions from indicator to observation transparent. This is not a story with a plot or finale, but an exercise in grappling with puzzles, each with its own tricky facets. Be warned: the elegance that one observes in the restaurant is little in evidence in the kitchen. In short, this chapter is intended for those who are not satisfied with eating the meal we have prepared, but who wish to probe through the steam and smoke to see the cooks at work.

A coding scheme—a set of items on a limited number of dimensions—should be inter-subjective so that it can produce convergent scores. However, particular cases will usually involve expert judgment no matter how carefully an item is formulated. Expert coding cannot be reduced to an algorithm, but involves disciplined conceptual problem solving as well as detailed knowledge of the cases themselves.

Disciplined conceptual problem solving is another way of saying "theory." To get a taste of this, dip straight into the section on Constitutional Reform (p. 96ff.). In order to compare the authority of regions in the process of constitutional reform one must make a series of theoretical decisions that allow one to abstract from the particularities of individual countries and regions. The result is a conceptual framework for analysing constitutional reform. In the words of Stephen Jay Gould (1998: 155): "Theory and fact are equally strong and utterly interdependent; one has no meaning without the

other. We need theory to organize and interpret facts, even to know what we can or might observe."

If you wish to work your way through this chapter (or parts of it), you will find it helpful to have the coding scheme within reach. Each section is self-contained so readers can consult those sections that most interest them.

Scoring raises some general challenges. The first is minimalism, the principle of specifying the essential properties of a concept by eliminating its superfluous connotations. The second is specificity, the principle that each interval should identify a unique condition on a monotonous dimension. These objectives can be broken down as follows:

- *Defining content*—precision in defining what is encompassed, and what is excluded, in a dimension.
- *Specifying intervals*—clarity in specifying what a minimum score stands for, and what one expects to find with successively higher scores.
- *Avoiding formalism*—judgment in applying formal coding rules in diverse contexts.
- *Triangulating estimates*—searching for alternative sources of evidence.
- *Avoiding contagion*—insulating the object of a measure from its causes and consequences.
- *Adjudicating ambiguity*—evaluating gray cases that can plausibly be scored in more than one way.

The *modus operandi* of this chapter is to make judgments explicit, particularly on sticky issues or where we feel that we may have erred. This is especially important because we cannot assess the reliability of our measure. Rather than use independent coders whose reliability can be evaluated through comparison, we deliberate as a team to increase the validity of our estimates.[1] We indicate three kinds of uncertainty in the text of the country profiles that follow this chapter:

- For an estimate based on thin information we use the symbol α.
- For a case that falls between intervals we use the symbol β.
- Where the sources disagree we use the symbol γ.

[1] Reliability, i.e. the extent to which estimates converge in multiple trials, is necessary but not sufficient for validity, which is the extent to which a measure accurately measures what it is supposed to.

GROUND RULES

What is a regional government? We define a regional government as a government that is intermediate between the national and the local. We code standard regions where the units at that level had, in 2010, an average population of 150,000 or more, and we code non-standard or differentiated regions irrespective of population. We encompass metropolitan regions where these perform regional government tasks in urban areas.

Which year do we code? The dataset covers the period 1950–2010. We code institutional change from the year in which a reform comes into effect. We score a reform in representation in the year of the first election to which it applies.

How do we justify a coding decision? Our objective is to link each coding decision with the particular formal rules that regulate regional authority as laid down in executive decrees, laws, constitutions, statutes, or other documents. The profiles reference the specific articles, paragraphs, or sections that pertain to the coding decision. We triangulate with secondary sources and with expert judgments.

The remainder of this chapter is divided into sections for each of the ten dimensions in the coding scheme set out in Chapter One. Each section explicates the meaning of the dimension and how we break it into intervals. It then examines the issues and ambiguities that arise as one applies this to empirical cases.

Self-rule

Institutional Depth

We conceive institutional depth as a continuous dimension ranging from "no autonomy from the central government" to "complete autonomy." The latter is a conceptual, but not an empirical, possibility. The variation is mostly at the lower end of the scale and the intervals are spaced accordingly.

We distinguish four categories. The first is a null category where there is no functioning general purpose regional administration. The second is described by the Napoleonic term, *déconcentration*, which refers to a regional administration that is hierarchically subordinate to central government. A deconcentrated regional administration has the paraphernalia of self-governance—buildings, personnel, budget—but is a central government outpost.[2] The final two categories distinguish between regional administrations that exercise meaningful authority. The more self-governing a regional government, the less its decisions are subject to central government veto.

[2] Hence a deconcentrated, general purpose region typically scores 1 on institutional depth, but zero on all other dimensions. A handful of deconcentrated regions add to this some representation or, in one case, shared rule.

The box below sets out the categories. Several conceptual decisions are called for. What is a functioning government? What do we mean by general purpose? What conditions can bring us to conclude that there is *no* central government veto? How do we distinguish between formal and informal authority? And finally, how does authoritarianism affect institutional depth? We discuss these in turn.

INSTITUTIONAL DEPTH

0: no functioning general purpose administration at the regional level;
1: a deconcentrated, general purpose administration;
2: a non-deconcentrated, general purpose administration subject to central government veto;
3: a non-deconcentrated, general purpose administration not subject to central government veto.

To score more than zero, a region must have a functioning administration. Purely statistical regions—regions created on paper for legal or statistical purposes—do not reach the bar. Several European and Latin American countries set up regions for statistical convenience in economic planning, and only a subset of these evolve into functioning administrations that score 1 or more. To distinguish these cases, we begin with the question: does the administration physically exist? Does it have an office, employees, a postal address? We then assess what the administration does.

Governments that are incapacitated—by war, disaster, or dictatorial imposition—score zero. Incapacitation, in this context, is a general and durable condition; it must affect most or all units in a regional tier for at least two years. Most subnational governments in El Salvador ceased operations during its civil war (1980–92) and score zero for this period. We do not downgrade subnational governments that are dysfunctional because they are strapped for funds. It is not uncommon for subnational governments in poor societies to vary in functionality, but we wish to estimate the authority of a region independently from the extent to which it functions well or poorly.

To score more than zero, a region must be general purpose—not task-specific. We use the term general purpose governance to describe jurisdictions that "bundle together multiple functions, including a range of policy responsibilities, and in many instances, a court system and representative institutions. . . . Type I jurisdictions express people's identities with a particular community" (Hooghe and Marks 2010: 17, 27; 2003). A task-specific jurisdiction, by contrast, provides a specialized public good for a constituency that happens to share a problem or circumstance.

Regions are task-specific when each national ministry controls its own regional subdivision. In Thailand, centrally appointed governors who ran

changwat (provinces) had little control over a parallel structure of deconcentrated units set up by sectoral ministries in Bangkok. We score the *changwat* as a weak form of general purpose governance, and the ministerial sections, which took most decisions, are task-specific. Regional governments may also be task-specific if they are responsible for just a single policy. Dutch *waterschappen* (water boards) are task-specific jurisdictions in a country that lies mainly below sea level. In Peru, neither *Organismos de Desarrollo* (Development Entities, ORDE) nor *Corporaciones de Desarrollo* (Development Corporations, CORDE) meet the criterion of general purpose government. *Organismos*, established in 1975, coordinated several regional offices that specialized in regional development. In 1981, they were replaced by *Corporaciones*, which were limited to public works management. These institutions vied with *departamentos*, which coordinated central policy across a broad sweep of policies. *Departamentos* score 1 on institutional depth; *Organismos* and *Corporaciones* score zero.

Several countries have regional administrations that shift from task-specific to general purpose governance. A 1974 reform in New Zealand replaced task-specific with general purpose regions, as did a 1994 reform in England that set up deconcentrated general purpose regions. The regions in England (except for Greater London) were abolished in 2012 and were replaced by task-specific agencies (quangos). Finland's *läanit* were abolished in 2010 and their tasks allocated to deconcentrated central government outposts (*aluehallintovirastot*) and task-specific jurisdictions (*ELY-keskus*) which manage subsidies from the European Union. Regions in Costa Rica and Lithuania took the opposite path, from general purpose to task-specific governance. In 1996, Costa Rican *departamentos* were reduced to statistical categories and task-specific *mancomunidades* filled the gap. In 2010, Lithuania abolished self-governing *apskrytis* and centralized their tasks in sectoral ministries, some of which set up regional outposts.

Scores at the upper end on this dimension depend on whether a regional administration is subject to central government veto. This turns on whether a region has legally enforceable protection against central government *ex ante* and *ex post* control. Such is the case when regional and central law have equal constitutional status. Federalism is the most common institutional expression of this, but it is worth noting that federalism is neither sufficient nor necessary.

Argentina is a federal country although its *provincias* have been subject to a constitutional clause that permits federal intervention "to guarantee the republican form of government or to repel foreign invasions, and upon request of its authorities created to sustain or re-establish them, if they have been deposed by sedition or by the invasion of another province" (C 1853, Art. 6; C 1994, Art. 6). Federal intervention was frequently invoked under both

democratic and military rule, but it fell into disuse with the return to democracy in 1983 and was formally circumscribed in the 1994 amendment of the constitution making federal intervention subject to prior congressional approval. One can debate the timing of transition (and we do in the profile), but it makes sense to increase the score to 3 ("not subject to central veto") for the recent period.[3]

On the other hand, the United Kingdom is not a federation, but the only ground on which a Secretary of State can refuse to submit a bill from the Scottish parliament for royal assent is if it has "an adverse effect on the operation of the law as it applies to reserved matters" or is "incompatible with any international obligations or the interests of defense or national security" (Law No. 46/1998, Art. 351). This has never happened. Scotland scores 3 from 1999. The same applies to Northern Ireland, which has had a similar provision from 2000, and Wales from 2011.

The distinction between 3 and 2 is nicely illustrated in Belgium. Since 1989 the communities and regions score 3 on institutional depth. A special law with constitutional force prohibits the central government from suspending or vetoing decrees passed by regions and communities. Conflicts between decrees and laws are adjudicated by an arbitration court with balanced national and subnational representation (Alen 1989). In contrast, the Brussels region continues to score 2 on institutional depth. Indeed, the national government can suspend and ultimately annul Brussels' decisions on urban development, city and regional planning, public works, and transport on the ground that they detract from Brussels' role as an international and national capital. Moreover, the legal status of Brussels' ordinances is subordinate to that of national laws and community or regional decrees. Local courts can declare Brussels' ordinances void if they are in breach of higher law (Alen 1989).

The region of Aceh in Indonesia walks a fine line between a score of 2 or 3. The 2006 Law on the Governing of Aceh, which is the bedrock for Aceh's special status, does not exclude a central government veto. For example, the stipulation that "the central government sets norms, standards, and procedures and conducts the supervision over the implementation of government functions by the Government of Aceh and District/City governments" (Art. 11.1) provides openings for substantial central government authority over areas that otherwise fall under regional governance. We lean on the secondary literature and the judgment of experts such as Al Stepan and his colleagues (2011: 242–52) to come down for a score of 3.

[3] We argue that 1983 is the more defensible date.

How We Apply the Coding Scheme

We code formal authority—not the exercise of power—in determining the score on institutional depth. Ireland's regions illustrate how the two can diverge. A 1994 law establishes regions as "authorities" equipped with an executive, an indirectly elected assembly, and a small permanent staff under the mandate to coordinate EU structural funding and public service delivery among local authorities. In our 2010 book we considered them to be decentralized general purpose governments. We reconsidered our judgment after a recognized expert on local government wrote to us that "[w]hile it is true that this role of coordinating public services is expressed in Irish legislation establishing both the regional authorities and regional assemblies, in practice the extent to which regions have any role in this area has been extremely limited. The regional authorities have a mandate to prepare regional planning guidelines under spatial planning legislation (which is done only once every five years). A small minority have played a modest one-off coordination role in waste management. In both cases (spatial planning and waste management), the primary responsibility lies with local (not regional) authorities."

While this expert confirms the legal and operational basis of intermediate government in Ireland, his comments spurred us to recode Irish regional authorities as deconcentrated. This appears to be a close call. While they have some paraphernalia of decentralized government, including an assembly and executive composed of senior management from local authorities, we conclude that the mandate to prepare regional planning guidelines under spatial planning legislation leaves little room for autonomy.

Regime type affects institutional depth, but authoritarianism rarely operates as a light switch. Our first move is to code change in formal rules relating to each of the ten dimensions of regional authority. While we are keenly aware of the character of the regime, we wish to estimate regional authority independently from regime change. An authoritarian regime may abolish national but not regional elections; it may replace a directly elected governor by a central appointee but leave the regional assembly unaffected; or it may centralize control over police but not over economic development or social policy.

If a regional tier is suspended or abolished, we code it zero on institutional depth. Few authoritarian regimes go this length. This has happened in just two countries in our dataset—Chile (departments) and Cuba (provinces)—and in both cases abolition was temporary, partial, or counter-balanced by the creation of a new tier. We find that most cases of abolition take place in democracies, including Costa Rica (1995), Denmark (2007), Finland (2010), Germany (Regierungsbezirke in some *Länder*), Greece (2011), Lithuania (2010), and the US (counties in Connecticut).

Institutional depth drops by 1 if authoritarian rule reduces the institutional autonomy of regional governance, that is, if it tightens the overall supervision and control of central government over subnational government. Again, the incidence, timing, and severity vary.

The checkered history of Aceh in Indonesia illustrates this. Aceh, which had been a self-governing region in the dying days of Dutch colonialism, was curbed under the Sukarno and Suharto regimes. The territory lost its provincial status in 1951 and was at first run by the military (Reid 2010*a*, 2010*b*). It regained provincial status in 1957 and was declared a "special region" in 1959. But the incoming Suharto regime downgraded its special status from 1966 and, along with other *provinsi-provinsi*, it became deconcentrated in 1974. In 2001 following the transition to democracy, Aceh regained special autonomy, and in 2006 it was granted additional powers (Bertrand 2007, 2010; Stepan, Linz, and Yadav 2011). Elsewhere in Indonesia, first and second tier regional governments—*provinsi-provinsi* and *kabupaten-kabupaten/kota-kota*—retained self-government under Sukarno, but the New Order regime of Suharto gradually tightened central control, and in 1974 the regime formally revoked the self-government legislation of the 1950s (Bertrand 2007: 577).

Our coding seeks to capture these developments in the following way. We code Aceh separately from 1950 when its path already diverged from the *provinsi-provinsi*. Aceh has zero institutional depth for 1951–56; it scores 2 for 1957–73 to reflect limited institutional self-governance, and then 1 from 1974; 2 from 2001–06, and 3 thereafter. We distinguish between the Sukarno and Suharto periods for all *provinsi-provinsi*. The exact timing of the downscaling to deconcentrated government under Suharto is debatable. We opt for 1974 rather than 1966, because, while the Suharto regime moved fast to weaken provincial and district governance through executive and military orders soon after the 1966 coup, regional self-governance was not formally repealed until the law of 1974. Even after 1974, the regime continued to tolerate direct elections of provincial and district assemblies, but these were heavily regulated and the center wielded a veto over provincial governors and district mayors (Shair-Rosenfield, Marks, and Hooghe 2014). Indonesia under the New Order was highly centralized with "the lower levels of government simply implement[ing] directives" (Bertrand 2010: 175).

In contrast, the transition in Malaysia from democracy to authoritarianism after the 1969 race riots did not significantly redraw authority relations. The first postcolonial Malaysian constitution of 1957 put in place a relatively centralized federal framework that favored the central government over the *negeri* (Kok Wah Loh 2010; Stubbs 1989; Taylor 2007). *Negeri* score 2 on institutional depth, except Sabah and Sarawak which score 3 on the basis of their special constitutional status. After 1969, the "soft authoritarian"

government fortified its control over economic policy making but did not challenge federalism, so we score 2 on institutional depth.

In Brazil, institutional depth is decreased from 3 to 2 in 1964 following the *atos institucionais* (institutional acts) which enhanced central control over *estados*. The acts made it easier for the regime to displace opposition governors, which it proceeded to do. Central control was enhanced under the 1967 constitution, but this did not reduce *estados* to deconcentrated units (Eaton 2001*b*; see also Dickovick 2011; Falleti 2011). There is, then, no reason to drop institutional depth to a score of 1.

Policy Scope

Policy scope taps regional authority over the range of government policies, which we group in the following five categories:

- economic policy: regional development, public utilities, transport including roads, environment, and energy;
- cultural–educational policy: schools, universities, vocational training, libraries, sports, cultural centers;
- welfare policy: health, hospitals, social welfare (e.g. elderly homes, poor relief, social care), pensions, social housing;
- institutional–coercive policy: residual powers,[4] police, own institutional set–up, control over local government;
- policy on community membership: immigration, citizenship, right of domicile.

In this section we discuss four basic scoring issues. First, we outline criteria for determining whether a regional government has authoritative competences in one or more of these policy areas. Second, we explain why we think authority regarding community membership is special. Third, we come to grips with the fact that central governments and regions often share authority. And finally, we take up the perennial challenge of deciding where formal rules end and practice begins.

The box below operationalizes regional policy scope across four intervals. These do not interpret themselves, but rest on a set of "rules about the application of rules" which are best explained using examples.

[4] Residual powers are competences not constitutionally mandated to other jurisdictions.

POLICY SCOPE	
0:	the regional government has very weak or no authoritative competence over (a) economic policy, (b) cultural–educational policy, (c) welfare policy, or (d) institutional–coercive policy;
1:	the regional government has authoritative competence in *one* of (a), (b), (c), or (d);
2:	the regional government has authoritative competences in *at least two* of (a), (b), (c), or (d);
3:	the regional government has authority in (d) plus at least two of (a), (b), or (c);
4:	the regional government meets the criteria for *3, and* has authority over immigration, citizenship, or right of domicile.

By "authoritative" we mean having the capacity to develop binding rules through legislation or executive orders. This capacity can be exercised solely by a regional government or, more usually, it is exercised concurrently with governments at other scales. If regional office holders have meaningful discretion—an autonomous capacity to set and pursue priorities—they need not have primary authority to warrant a positive score on this dimension.

Competence in the field of community membership is required for a maximum score. Authority over immigration, citizenship, or right of domicile are "fundamental sovereign attributes,"[5] and regions that meet this high hurdle will already have authority in several substantive policies. Every region in the dataset that has competence in community membership also meets the criteria for a score of 3.

Many regional governments execute aspects of immigration or citizenship policy on behalf of central governments, but few have significant legislative authority over one, let alone both, areas. Just four regional tiers and six individual regions in our sample meet this criterion: the Australian states, Swiss cantons, Quebec, the Finnish Åland islands, Sabah and Sarawak in Malaysia, the two entities in Bosnia and Herzegovina, the republics in Serbia-Montenegro (until 2006), and Bashkortostan (until 2004) and Tatarstan (until 2006) in Russia.

In Switzerland, immigration and asylum is a confederal competence, but citizenship is primarily cantonal (Church and Dardanelli 2005: 173). The confederation regulates citizenship by birth, marriage, or adoption, and lays down minimum requirements for naturalization. However, the cantons can specify residence requirements and can require a language or naturalization test. In Australia, citizenship is federal (following the Australia Citizenship Act

[5] US Supreme Court, in *Hampton v. Mow Sun Wong*, 426 U.S. 88, 101 n. 21 (1976).

of 1948), but regulation of immigration is a concurrent competence. A state can grant a visa to a skilled worker provided he or she passes a federal points test. The federal government has its own skills program, and also allocates family and student visas. By contrast, the states of the US score 3, not 4, on this dimension. The US constitution grants states some authority to regulate the conduct of foreigners, but immigration and naturalization are exclusive federal competences.

Canada and Quebec illustrate what it takes to move from 3 to 4. While immigration is a concurrent competence in the constitution, provincial authority remained a dead letter for decades. One might say that there was no "enabling law" until pressure from Quebec finally led to the 1978 Canada Immigration Act authorizing the federal government to conclude federal–provincial cooperation agreements on the subject. Cooperation became exclusive regional control following the Canada–Quebec Accord of 1991 which gave Quebec "sole responsibility for the selection of immigrants destined to that province" and commanded the Canadian government to "admit any immigrant destined to Quebec who meets Quebec's selection criteria" (Canada–Quebec Accord 1991, Art. 12; Simeon and Papillon 2006). After 1996, all Canadian provinces were able to "nominate" immigrants, and most do so, though, outside Quebec, the federal government still makes the final decision. Canadian provinces are, then, in a weaker position than Australian states, which can select immigrants within federal regulations. Quebec receives a score of 3 on policy scope from 1950–90 and 4 from 1991–2010, and provinces score 3 throughout the period.

The Åland islands score 4 since its government has exclusive authority to determine right of domicile in the islands which an individual needs in order to vote, stand for election, purchase, lease, or inherit property, or open a business on the islands. The Åland government grants domicile to all individuals with a parent who has the right of domicile and to others on a case-by-case basis. Similar provisions exist for Sabah and Sarawak which control immigration within their borders and issue visas to foreign visitors traveling from other countries or from other parts of Malaysia.

The Russian republics of Bashkortostan and Tatarstan had joint jurisdiction over citizenship under their bilateral treaties, but president Putin clawed back these provisions in 2005 and 2007, respectively (Chuman 2011: 135; Chebankova 2008: 1002).

Authority in systems of multilevel governance is often shared. Regional policy competences tend to be concurrent with central or, occasionally, local government. When does it make sense to say that a regional government has authority over a certain policy? To make headway, we must make some distinctions. Our primary concern is with constraints stemming from central control which can take several forms:

- a dual structure of regional government in the form of parallel deconcentrated and decentralized administrations (e.g. military councils and *estados* in Venezuela (after 2000), or *län* and *landstinge* in Sweden);
- a mixed administration (e.g. a directly elected assembly and centrally appointed executive, as in Bolivia, France, or Thailand);
- a single administration that combines self-government and deconcentration (e.g. Dutch *provincies*).

In each of these situations, the score for policy scope reflects central constraints on a regional government's authority.

In Venezuela, Chávez' *Plan Bolívar 2000* established a parallel system to vie with *estado* and municipal governments (Hawkins 2010; Leon and Smilde 2009). The plan authorized the military to set up communal councils to arrange social services, including vaccinations, food distribution, and education, which would be implemented by "bolivarian missions" staffed by 40,000 soldiers. The dual system was constitutionalized in 2009. We acknowledge this shift in policy scope by reducing the score for *estados* from 2 to 1 in 2000.

In Sweden, responsibilities for governing the *län* (counties) are divided between *landstinge* (elected councils) and centrally appointed governors. Until 1970, *landstinge* provided health care along with occupational retraining. Centrally appointed governors had primary responsibility for law and order, local government, and implemented state legislation in health, education, and a broad range of economic policies. *Landstinge* score 1 for welfare, the core of their policy portfolio, but zero for economic development, which was heavily constrained by central regulation. In 1971, *landstinge* were given new tasks in regional development and public transport, at which point they score 2 for economic policy in addition to welfare.

Bolivian *departamentos* are dual structures with directly elected departmental councils which could propose policy initiatives and a centrally appointed prefect who made final decisions. The World Bank describes *departamentos* as "not yet fully autonomous subnational governments" (World Bank 2006: 13). *Departamentos* acquired competences in public investment, research, tourism, and welfare from 1995, but given the dominant role of the prefect we maintain a score of zero. With the introduction of direct elections for *prefectos* in 2005 we score policy scope 2. French *départements* and *régions* have a similar dual system in which the centrally appointed *préfet* has also lost some authority in recent years.

Thai *changwat* illustrate how the balance between decentralization and deconcentration can shift. Before 2004, the authority of directly elected assemblies in culture and education, infrastructure, and hospitals was shared with a centrally appointed governor. We adjust the score for policy from 1 to 2 when a regionally selected executive with competences in education, welfare, and economic planning, was established alongside the governor.

Finally, what is written and what is practiced may differ. Constitutional changes often require enabling legislation which may be scrapped, delayed, or diluted. To assess South Korean *do* (provinces) and *gwangyeoksi* (metropolitan cities) one must look beyond headline legislation to detect the timing of decentralization. The 1991 Local Autonomy Act authorized devolution in four broad areas: education, general welfare, and health; environment; agriculture and industry; and local government (Choi and Wright 2004). However, only education was devolved right away (hence, a score of 1). Decentralization took another step forward in 1999, when a new law laid down a procedure for transferring central competences in a broad swath of policies. However central departments and agencies continued to have the right to veto transfers—and actively used this to slow implementation of the law—a central constraint that is reflected in a score of 2, which would otherwise have been 3. After a third major law in 2003, which deprived central departments and agencies of the discretion to block or delay decentralization, the formal transfer of competences gathered pace (Bae 2007). From 2004, *do* and *gwangyeoksi* score 3 for policy scope. In this case, the implementation of the 1991 framework law stretched over twelve years.

Fiscal Autonomy

Regions may have fiscal authority in the form of taxation autonomy, co-decision on national tax regimes, and co-decision on intergovernmental grants (Swenden 2006). Our measure of fiscal autonomy captures the first of these, while the latter two fall under fiscal shared rule. Fiscal autonomy assesses a regional government's authority over its fiscal resources independently of their extent.[6]

The box describes how variation in fiscal autonomy is estimated across four intervals which distinguish between major and minor taxes and within these, between the capacity to control base and rate, or rate only.[7] Below we delineate more precisely what is included in taxation (and what is not), which taxes are major or minor, and how we assess partial autonomy on setting the rate or base of taxes.

[6] A 1999 OECD study distinguishes two notions of authority (control independent from central government, and shared rule with central government), and three areas of control (tax base, tax rate, and revenue split). Subsequent OECD studies refine these distinctions with an eye to estimating them (Sutherland, Price, and Joumard 2005; Blöchliger 2015; Blöchliger and King 2006: 10).

[7] A tax is a "pecuniary burden upon individuals or property to support the government. . . . a payment exacted by legislative authority . . . [It is] an enforced contribution . . . imposed by government whether under the name of toll, tribute, tallage, gabel, impost, duty, custom, excise, subsidy, aid, supply, or other name" (Campbell 1979: 307). Similar taxes often have different labels. For example, the income tax on profits made by companies or associations is called corporate tax in the US, corporation tax in the UK and Ireland, and tax on enterprise profits in Russia. In Japan, it goes by several names depending on the taxing authority.

FISCAL AUTONOMY

0: the central government sets the base and rate of all regional taxes;
1: the regional government sets the rate of minor taxes;
2: the regional government sets the base and rate of minor taxes;
3: the regional government sets the rate of at least one major tax: personal income, corporate, value added, or sales tax;
4: the regional government sets the base and rate of at least one major tax: personal income, corporate, value added, or sales tax.

Fiscal autonomy "encompasses features such as a sub-central government's right to introduce or to abolish a tax, to set tax rates, to define the tax base, or to grant tax allowances or reliefs to individuals and firms" (Blöchliger and King 2006: 9). It does not include a region's authority to set fees or charges in return for specific services, such as fees for the preparation or deposit of official documents, bus charges, or public utilities. Fees are always tied to particular services and typically earmarked to be spent on sustaining these services. Thus, the Greater London Authority scores 1 because it can levy a property tax for which it can set rates, not because it can determine tube or bus fares or because it imposes a congestion charge for personal vehicles in central London. Royalties on mineral or other resources are considered a resource tax, not a fee, and fall under the category of minor taxes.

The distinction between major and minor taxes is somewhat arbitrary, though it is conventional to categorize personal income, corporate, value added, and sales taxes as major (Boadway and Shah 2009). Property taxes, resource taxes, excise taxes (e.g. on alcohol or cigarettes), registration taxes, etc. are usually considered minor. There are, of course, border cases. Argentine *provincias* signed away authority to tax income and sales in the 1930s in return for a share in federal taxes, though they retain control over the rate and base of a sales turnover tax, *ingresos brutos*, on companies' gross revenues (Bonvecchi 2010; Falleti 2010). Until 1975, *provincias* also set a general tax on gross sales, which was eliminated when a federal VAT was introduced. Are these provincial sales taxes major? We argue that they are and that the abolition of the general provincial sales tax in 1975 constituted an important reduction in provincial tax autonomy which reduces fiscal autonomy from 4 to 2. *Provincias* also control inheritance tax, vehicle registration, and a stamp tax on property transactions, which are unambiguously minor taxes.

The Argentine example raises the broader issue of tax autonomy. National law may set parameters within which regions control the tax rate or base. In such cases one must assess the extent to which a regional government has discretion. Peru is a case where we judge this to be small. The 1979 constitution

gives *provincias* authority to decide the base and rate of several minor taxes, but leaves it to the central government to work out the modalities. Successive governments have consistently interpreted regional competences narrowly. The central government sets the base and determines the parameters for rate variation so that "such revenues are closer in concept to shared revenues (with a 100 percent share) than own-source taxes" (Ahmad and García-Escribano 2006: 15). We conclude that the tax base and rate are set centrally.

Borrowing Autonomy

Borrowing refers to the acquisition of money (on domestic or international financial markets or from domestic or international banks) against the obligation of future payment. For regional governments this can be a major source of income in addition to own taxes and intergovernmental grants. The extent to which regional governments have the authority to take on debt varies considerably across regions and over time.

The literature on public borrowing distinguishes numerical fiscal rules from procedural and transparency rules (Crivelli and Shah 2009; Ter-Minassian and Craig 1997). Numerical fiscal rules introduce some kind of ceiling on debt (Filc and Scartascini 2007; Rodden 2002). Procedural and transparency rules enhance transparency and accountability by requiring a government to publish a fiscal policy strategy and to routinely report fiscal outcomes (Ter-Minassian 2007).

Our measure of borrowing autonomy evaluates fiscal rules that constrain a region's authority to borrow. The box below describes how we assess the extent of central government restriction. In this section we illustrate how we tackle a) differences between formal rules and practice, b) ambiguities in the bindingness of rules, and c) situations where more than two regulatory regimes co-exist. We begin by clarifying the concept of borrowing autonomy, and explaining what falls under the rubric of borrowing by a regional government.

BORROWING AUTONOMY

0: The regional government does not borrow (e.g. centrally imposed rules prohibit borrowing).

1: The regional government may borrow *under prior authorization (ex ante)* by the central government and it borrows under one or more of the following centrally imposed restrictions:
- golden rule (e.g. no borrowing to cover current account deficits)
- no foreign borrowing or borrowing from the central bank
- no borrowing above a ceiling
- borrowing is limited to specific purposes

2: The regional government may borrow *without prior authorization (ex post)* under one or more of the same centrally imposed restrictions.

3: The regional government may borrow without centrally imposed restrictions.

In the domain of self-rule, we consider the extent to which a region may borrow autonomously, and in the domain of shared rule, we consider whether regions may collectively constrain subnational borrowing. We designate the former as "borrowing autonomy" and the latter as "borrowing control."

We also need to be clear about what we understand by "regional government" in this context. A regional government may borrow for its own account or it may use intermediaries such as public companies or local saving banks. We encompass intermediaries provided the regional government controls the institution that contracts to borrow or, in the case of publicly listed companies, owns at least half of the shares. Particularly in countries with a statist tradition, governments sometimes provide public goods through public companies that they control at arm's length. In such cases, the debts incurred may not show up in the core regional government budget. Still, they are financial commitments for which the regional government is ultimately accountable. In Croatia, a *županija* (canton) can issue guarantees for bank loans to a public institution/company in which it is a majority shareholder. A national law limits borrowing to 20 percent of total annual revenues which gives *županije* a score of 1.

The extreme values in the scoring scheme for borrowing autonomy are conceptually simple, but distinguishing them empirically can be challenging because the existence of rules constraining borrowing presumes that a regional government is able to borrow. A region scores zero under one of three conditions: when borrowing is explicitly prohibited by the central government; when a region has no history of borrowing; or when the regional government has no discretion over borrowing (i.e. it is deconcentrated).

At the top end of the scale, a region scores 3 when the following two conditions are met: a) there are no formal central rules regulating borrowing, and b) there is routine evidence of regional borrowing. The first of these criteria is met when a region is free to decide how much to borrow, from whom to borrow, and on what to spend the loan. Market constraints or self-imposed constraints do not negate this condition.[8] It is not uncommon for regional governments to tie their own hands in order to enhance their credit standing, as has happened in Argentina, Canada, Switzerland, and the US. Many US states have constitutional or statutory provisions for a balanced operating budget and that allow borrowing only for capital projects (e.g. the construction of highways or schools) (Joumard and Kongsrud 2003; Plekhanov and Singh 2007). Some *provincias* in Argentina restrict borrowing

[8] Discipline usually comes through credit ratings on subnational debt (Liu and Song Tan 2009: 2).

in their constitutions (Cetrángolo and Jiménez 2003; Nicoloni et al. 2002: 10). In such cases, regions score the maximum on borrowing autonomy.

The second criterion for a maximum score is that regions (or a significant proportion of regions in a regional tier) exercise their right to borrow. Rules on regional borrowing are of relatively recent vintage. In many countries there were no formal rules until the 1970s, but there was a clear norm that borrowing was not allowed. In recent decades, subnational borrowing has become more regulated, often in response to debt crises or, in the EU, in anticipation of monetary union (European Commission 2012; Rodden 2002, 2006; Sutherland, Price, and Joumard 2005). When there are no rules, we require systematic evidence of borrowing before assessing a maximum score. Does the absence of constraint indicate regional authority or does it simply indicate the perception that regulation is unnecessary because regions are not in the game of borrowing?

Naturally, there are gray cases. When Czech *kraje* (regions) were set up in 2000 they were not subject to constraints on borrowing. However, one region—Prague—did borrow, excessively it turned out. In 2001, a national law required prior central government approval for regional borrowing, and limited it to 15 percent of a region's budget. The central government refused to pay Prague's debt and the city resorted to selling property. We score *kraje* 1 on borrowing autonomy as of 2000 even though the law came into effect a year later.

Colombian *departamentos* show how borrowing evidence, regional government status, and rules all need consideration. Until the mid-1970s, *departamentos* were primarily deconcentrated: the governors, who decided on borrowing, were centrally appointed and received instructions from Bogotá. There was no regulatory framework, but regional borrowing was prohibited by the ministry of finance (Dillinger and Webb 1999*b*: 17, 19). By virtue of their deconcentrated status, *departamentos* score zero in this period. From the mid-1970s, *departamentos* acquired limited self-governance (Penfold-Becerra 1999: 199). Absence of borrowing and of explicit rules means we continue to score zero.

The two middle categories on this scale apply when regional borrowing is constrained by the central government, for example, to some proportion of a region's budget or to finance capital projects only. The distinction we make here is between central authorization that is *ex ante* (score=1) or *ex post* (score=2). Our premise is that *ex ante* control is substantially more imposing than control after the fact.[9]

[9] The distinction between *ex ante* and *post hoc* control is consistent with that between an administrative and rule-bound approach to subnational borrowing (Ter-Minassian and Craig 1997).

Contrast Colombia's regulatory framework of 1981 with that of 1997. The 1981 regime was rule-based. *Departamentos* and Bogotá could borrow after approval by the *asambleas departamentales* and the governor, in the case of *departamentos*, and the *concejo distrital*, in the case of Bogotá. Except for the prohibition to issue foreign bonds, restrictions on subnational borrowing were light. There was, for example, no *ex ante* control of cash advances from banks (Dillinger and Webb 1999*b*: 17–18). *Departamentos* receive a score of 2. In 1997, the Colombian government introduced a much more restrictive regulatory framework: it set strict ceilings on debt, created a fiscal and financial monitoring system involving a green, yellow, or red light, and authorized the central government to prohibit particular *departamentos* from borrowing (Daughters and Harpers 2007: 250; Olivera, Pachón, and Perry 2010: 29). That amounts to *ex ante* control, and so from 1997, *departamentos* score 1 on borrowing.

We code formal rules—even if not all governments abide by them. For example, since 1997 borrowing by Austrian *Länder* (states) is governed by the *Voranschlags-und Rechnungsabschlussverordnung* (federal financial decree), which limits borrowing to extraordinary expenses (Thöni, Garbislander, and Haas 2002). Since there is no *ex ante* control, this meets our criterion for 2, even though *Länder* have on occasion circumvented the rule by financing public investment via extraordinary budgets (Balassone, Franco, and Zotteri 2003).

Gray cases arise when violation of formal rules becomes routinized. *Estados* in Brazil between 1950 and 1963 provide an example. Their borrowing autonomy was virtually uncontrolled even though the 1946 constitution stipulated that regional borrowing required prior approval by the senate (C 1946, Art. 62). *Estados* routinely circumvented senate approval by resorting to contractual borrowing from foreign or domestic banks (especially state-owned banks), by issuing domestic or foreign bonds, or running up arrears to suppliers and personnel. This became so rooted that we judge the lack of central control to be an institutional feature of regional authority (Rodden 2006). Things changed in 1964 when the military regime shifted control over borrowing from the senate to the executive, which proceeded to enforce the rule of prior approval. At that point *estados* score 1.

Once formal rules are in place we pay attention to them even if regions do not make use of their borrowing authority. Until 2003, *provincias* in Peru could borrow without prior central authorization as long as debt was not used for current expenditures. Except for the big cities of Lima, Arequipa, and Cusco, borrowing was almost non-existent and it continues to be low to this day. The authority of a region to borrow is our target. The conditions under which a region is induced to borrow are something else. Hence, we score *provincias* 2.

We need to assess the extent to which central rules on regional borrowing are intended to be binding. For example, in 1983 the Australian federal

government relaxed controls on borrowing provided that states complied with an aggregate borrowing limit determined by the Loan Council, a central body (Craig 1997; Von Hagen et al. 2000). However, compliance was voluntary, and we allocate the maximum score for borrowing autonomy to Australian states and territories until 1995, when central constraints were tightened.

Argentina illustrates how bindingness can be contractual. In 2004 all *provincias* signed a contract with the federal government saying they would adhere to the new Fiscal Responsibility Law setting limits on provincial spending, an annual ceiling on borrowing, and prohibiting borrowing for current expenditure. There is no prior central government oversight. The conditions meet the criteria for a score of 2. The commitment is in the form of a contract, which *provincias* can opt out of with the consent of their legislature. However, until they cancel the contract, they are bound by its terms.[10]

Finally, we assess the existence of multiple borrowing channels. Mexican *estados* have this option. The national constitution limits subnational debt to domestic borrowing for productive investment. The federal congress can add conditions, which it did in 1980 by requiring *estado* governments to ensure prior approval in their assemblies. Together these conditions amount to a score of 2. The law also gave *estados* the option to use revenue-sharing funds as collateral for new debt provided that the ministry of finance approved *ex ante*, which would be a score of 1 (Haggard and Webb 2004). Because *estados* continued to have the option of the first borrowing route, we score 2. However, this was closed off in 2000, at which point *estados* could only borrow with *ex ante* approval and score 1.

Representation

Regional authority with respect to representation is the legal capacity of regional actors to select regional office holders. For regional legislators we distinguish direct election in the region from indirect election by subnational office holders. For a regional executive we distinguish selection by the regional assembly from a mixed system of a regional/central dual executive.

The box below summarizes these categories. We need to clarify the concepts of assembly, executive and, in particular, the notion of a dual executive. Among the ten dimensions of the regional authority index (RAI), representation is most easily confounded with the character of the political regime.

[10] All jurisdictions opted in when it was enacted, but one province opted out in 2012 (Córdoba) and another two (Buenos Aires and Santa Fe) had legislative initiatives to do so. Incidentally, this is also how we would code the 2012 Fiscal Compact, which commits Eurozone member states to write a structural balanced budget and debt ceiling in their constitution.

However, regional representation is not governed by the national political regime. Authoritative regional assemblies and executives can in principle co-exist with non-democratic national regimes.

ASSEMBLY

0: the region has no regional assembly;
1: the region has an indirectly elected regional assembly;
2: the region has a directly elected assembly.

EXECUTIVE

0: the region has no regional executive or the regional executive is appointed by central government;
1: the region has a dual executive appointed by central government and the regional assembly;
2: the region has an executive appointed by a regional assembly or that is directly elected.

We define an assembly as a self-standing institution in which a fixed membership using parliamentary procedures exercises legitimate authority. A regional assembly exercises legitimate authority for a regional jurisdiction. It cannot be a committee or subsidiary body that is a subset of a national assembly. This excludes grand committees composed of Scottish, Welsh, or Northern Irish members of the House of Commons who meet as caucuses to discuss bills affecting their regions.[11]

We code the predominant principle of representation in regional assemblies. Where some legislators are directly elected and some indirectly elected, we count voting members. Hence, Hungarian regional councils (*Tervezési-statisztikai régiók*) score zero because a majority of their members are central government appointees, while Romanian regional councils (*Regiuni de dezvoltare*) score 1 because subnational appointees predominate and, unlike central appointees, can vote on regional legislation. In Ecuador, provincial councils score 2 from 1950–63 and from 1998–2008 when directly elected members predominate and members elected by *concejos municipales* are a minority. Conversely, Peru's *regiones* (1988–92) score 1 because only a minority (40 percent) is directly elected; the rest are sent by lower tier *provincias* or selected by interest associations.

Indirectly elected assemblies score 1 when the selectors are subnational. In most cases, these selectors are local governments or local government assemblies, but in Belgium until 1995, regional and community councils consisted of national parliamentarians elected for the relevant region (Flanders/

[11] However, these grand committees do constitute a modest channel for shared law making, discussed below.

Wallonia/Brussels) or community (French/Dutch speaking). From 1972–81, regional councils in France housed nationally elected politicians from the region alongside indirectly elected representatives from subnational governments. From 2008, Ecuadorian provincial councils were comprised of representatives from the *cantones* and rotating presidents of *juntas parroquiales* (parochial boards).

We define an executive as a legitimate authority that puts rules of general applicability into effect, and we assess whether the head of a regional executive is appointed by central government, the regional government, or a dual executive consisting of both the central and regional government.

The intermediate category encompasses cases where both the central and regional appointees have executive authority. Dual executives can take several forms. Some are two headed, with a central government appointee and a regional appointee, directly elected or selected by the regional assembly. Regional and departmental councils in France elect a president who presides over the executive alongside a centrally appointed prefect with *post hoc* oversight. Thai *changwat* have a directly elected regional chair alongside a centrally appointed governor. Some dual executives vest central and regional authority in a single body. In the Netherlands, the *Commissaris van de Koning* is appointed by the central government on nomination by the provincial assembly. This person chairs the provincial council as well as the executive and formally represents central authority in the province. The remaining members of the executive are elected by the provincial assembly. Several Latin American countries have similar arrangements.

Executives in Indonesian *provinsi-provinsi* and *kabupaten-kabupaten* run the gamut of institutional possibilities. In the first ten years after independence, governors and mayors were elected by their respective assemblies and fully accountable to them, scoring 2 on representation. In 1959, governors and mayors became dual local and central representatives, and were no longer accountable to regional assemblies. Nevertheless, they were still elected by regional assemblies, and we assess this as a dual executive. In 1974, governors were appointed by the president, and mayors followed in 1979, reducing the score to zero. The 1999 constitution restored the pre-1959 situation, and from 2005, governors and mayors became directly elected.

Ecuador had a dual executive for the briefest of times, from 1967 and 1971, when presidentially appointed *gobernadors* co-existed with directly elected *prefectos*—each with executive competences (score=1). When the military took over, *prefectos* were appointed (score=0), and from 2008, the *prefecto* became again popularly elected and the role of governor was abolished (score=2). In Canada, provincial heads responsible to regional legislatures direct the executive alongside lieutenant-governors, ceremonial posts that are too marginal to dilute the executive power of the provincial head, so we score 2.

Belgium provides a gray case: provinces combine some features of centrally controlled and dual executives. Until 1987, the centrally appointed governor was pre-eminent in the regional executive. The governor's formal approval was required for legislation, and regionally elected executive members could not reverse this. The governor also opened and closed council meetings, determined their length, and could demand to be heard. Moreover, he saw to it that the provincial council and the executive did not break any laws or decide upon matters beyond their competences.

Is this pre-eminence enough to score provincial executive representation as zero? We think not since the six remaining members of the executive were in charge of day-to-day management and served as heads of departments. The regional members of the executive have gained some authority since 1987, but we continue to interpret it as a dual executive. A reform in that year granted the provincial executive shared executive powers with the governor and reduced the governor's role. In 1997 the governor lost voting rights in the executive. "In purely legal terms, the Belgian governor no longer has the real policy power since 1997" (Valcke et al. 2008: 254). However, the governor retains sole responsibility for public order, security, and the police. The governor is undoubtedly the junior partner in policy making, but this is not enough to tip the score to 2.

Finally, we wish to clarify the distinction between the character of the central regime and the authoritative competences of regions. There is no doubt that an authoritarian regime can destroy the autonomy of its constituent jurisdictions. But the effect of authoritarian regimes in the countries we observe varies along the dimensions of the RAI. Authoritarian regimes do not always suspend or abolish regional elections or disempower or replace elected regional governors.

Russia illustrates this. *Subyekty federacii* (federal jurisdictions) score 2 for assembly and zero for executive from 1993 to 1995, 2 and 2 from 1996 to 2004, and 2 and 1 from 2005 to 2010. The first change corresponds to Yeltsin's decision in 1996 to replace appointment of governors from Moscow with popular regional elections. The second change, a drop in executive representation from 2 to 1 in 2005, was Putin's decision to replace direct election with a procedure in which the president proposes a candidate for governor to each regional legislature.

Argentina reveals the scope for variation. The 1955 military coup ousted the national government but left subnational institutions substantially intact (Eaton 2004*a*: 71). By contrast the *Revolución Argentina* (1966–72) led to the replacement of elected governors by central government appointees who were put in control of provincial legislatures. The dictatorship of 1976–82 had a similarly drastic effect. Provincial assemblies were disbanded and provincial administration was divided among the army, navy, and air force (Eaton

2004*a*: 71, 117–18; Falleti 2010). Regions score 4 on representation in the first authoritarian episode, and zero in the subsequent ones.

The military regime in Brazil (1964–85) lies between these extremes. It maintained direct elections for governors and assemblies before introducing a system in which assemblies chose governors from a central government shortlist (Samuels and Abrucio 2000: 48). Elections were never canceled, but representative authority was restricted. Governors could be replaced by the military regime (and some 25 percent were in 1964 alone), and direct elections for assemblies took place under a new constitutional framework restricting political parties and civil liberties (Samuels and Abrucio 2000: 49). Our scoring reflects the contrasting strategies of the military in Argentina and Brazil: a sharp drop from the maximum to the minimum score on representation in Argentina, and an intermediate score for both assembly and executive in Brazil.

Shared Rule

A regional government may co-determine decision making at the national level. The coding scheme distinguishes five dimensions and two modes of shared rule.

A region may a) participate in making national law through its representation in the national legislature, usually in the upper chamber; b) share executive responsibility with the national government for designing and implementing policy; c) co-determine the distribution of tax revenues in the country; d) co-determine borrowing conditions and public debt management; and e) exercise authority over the constitutional set up.

A region may exercise multilateral shared rule or bilateral shared rule. Under multilateral shared rule the region relates to the central state as part of a standard tier. It is contingent on coordination with other regions in the same tier. Under bilateral shared rule the region relates to the central state directly. It can be exercised by the region acting alone. The criteria for these forms of shared rule are the same for executive, fiscal, and borrowing control, but vary when it comes to law making and constitutional reform. We detail these differences in the sections that follow.

Law Making

The legislative arena in which regions or their governments directly influence national law is usually the upper, or second, chamber. Most upper chambers came to serve as bulwarks against the principle of one citizen, one vote. They

were conservative, sometimes reactionary, bodies representing the aristocracy, the church, corporatist groups, or territorial communities with pre-modern roots. Upper houses are in decline. Thirty-six of the eighty-one countries we observe had a bicameral parliament in 2010, whereas forty-three countries had one at the time they enter the dataset. Nineteen of these upper chambers represent territorial communities in 2010.

Multilateral or bilateral law making accounts for a total of two points in our schema. The scoring is additive in units of 0.5. First we establish whether the composition of a national legislature is primarily regional. One possibility is that its principle of representation is territorial rather than population-based. Are regions the unit of popular representation? The other possibility is that regional governments or assemblies themselves designate representatives to the national legislature. These are the first two items in the scoring scheme for law making. Unless one of these criteria is met, a region will score zero on this dimension. Only if one (or both) of these take place, do we need to assess the law making role of regions at the national level.

MULTILATERAL LAW MAKING		BILATERAL LAW MAKING
Regions are the unit of representation in a national legislature.	**0.5**	The region is a unit of representation in a national legislature.
Regional governments designate representatives in a national legislature.	**0.5**	The regional government designates representatives in a national legislature.
Regions have majority representation in a national legislature based on regional representation.	**0.5**	The regional government or its representatives in a national legislature are consulted on national legislation affecting the region.
The legislature based on regional representation has extensive legislative authority.	**0.5**	The regional government or its representatives in a national legislature have veto power over national legislation affecting the region.

To assess the regional character of a chamber's composition we need to answer three questions: a) are regions represented in the national legislature *qua* regions or in proportion to their population; b) are representatives to the national legislature chosen directly by regional governments or assemblies; and c) what is the regional role in mixed chambers?

The allocation of seats with respect to territory and population is often categorical. Many countries are divided into roughly equal political constituencies based on population or have some system of proportionality based on population. The Colombian and Peruvian (until 1993) upper chambers are elected on the basis of a single national district. Other countries, by contrast, have second chambers based on territorial representation, including Australia,

Russia, Switzerland, Brazil, and Indonesia. In order to score 0.5, the territorial principle must bias the population criterion. This excludes Austria where each *Land* receives seats in the upper chamber in relation to its population in accord with the prior population census. The representation of regions in the Italian senate (2010) also falls short. The 315 constituencies of the senate are distributed among the twenty Italian regions in proportion to their population, save for six seats assigned to Italians living overseas and two life-time senators.

There are some judgment calls. The Italian electoral law for the senate mentions the principles of territory and population in the same paragraph: "The Senate of the Republic is elected on the basis of the region. Except for the seats assigned to the Overseas, the seats are divided among the regions in accordance with Article 57 of the Constitution on the basis of the results of the last general census of the population."[12] However, the allocation of seats reveals that population trumps territory. The smallest *regioni*, Valle d'Aosta and Molise, have just one and two seats, respectively. The other eighteen *regioni* range from seven to forty-nine seats in step with population.

For the regional principle to prevail, seats do not have to be allocated equally across regions. What matters is the principle that is articulated in the constitution and the extent of disproportionality between seats and population. Where the constitutional principle is explicitly territorial this meets the criterion even if regions happen to be represented in rough proportion to their population. A rule of thumb for territorial representation is where the disproportion of seats per voter exceeds 5.0 between the most and least represented regions.

The German *Bundesrat* establishes regions as the unit of representation even though the number of seats per *Land* ranges from three to six. Each *Land* has at least three votes, and most have more in line with a constitutionally mandated population rule that gives four seats to *Länder* with more than two million inhabitants, five seats to *Länder* with more than six million, and six seats to *Länder* with more than seven million. The disproportion of seats to population across *Länder* reaches a whopping 1:13. This compares with less than 1:3 for the Italian senate. Between 1997 and 2006 each Thai *changwat* received between one and four seats in the senate which yields a disproportion of 1:3.5 between the most and least represented region. This is a gray case, but given that the Thai constitution does not articulate the territorial principle, we score *changwat* zero on this item.

Uncertainty can arise from thin information and abstruse legal texts. Haiti provides an illustration. Between 1950 and 1956 senators were directly elected. The constitution provisionally allocated between three and six seats

[12] Law No. 270/2005, Art. 4.

to each *département* until a law fixed the number of senators for existing and new *départements* "taking into account the population of certain regions and, especially, their economic and political importance" (C 1950, Art. 40). Policy makers never got around to passing the law since the senate was abolished in 1957 by the Duvalier dictatorship, but elections took place in this period. Is this a region-based or population-based chamber? Given the mildness of disproportionality and the intention of the law maker to allocate seats on population, we score *départements* zero on the first component of law making. In Peru, the 1979 constitution explicitly envisages a senate elected by the *regiones*, but since this provision never came into effect, we score zero.

Direct representation of regional governments or assemblies in a second chamber is an important additional feature of regional authority because it provides institutional access to law making. This is usually clear-cut. Each German *Land* is directly represented in the *Bundesrat* by a representative designated by the *Land* itself. Regional parliaments rather than regional executives are represented in the Malaysian *Dewan Negara*, the Austrian *Bundesrat*, the Dutch *Eerste Kamer*,[13] the Argentine senate (until 2001), and in part of the Spanish senate. In Russia, each *subyekt federacii* sends a delegate from its legislature and one from its executive to sit in the upper chamber, the *Sovet Federatsii*. Each of these variants scores 0.5.

And, finally, how should mixed chambers be evaluated? We assess regional representation as positive if one or more groups of senators are selected on the principle of regional representation or direct government representation in the chamber. We then go about estimating the extent of authority on this dimension, but we wish to pick up the role of regions in national law-making even when they do not have a majority in the chamber.

Belgium and Malaysia illustrate this. Since 1995, the Belgian senate comprises three kinds of community representatives: forty directly elected senators, twenty-one indirectly elected community senators, plus ten senators selected by these groups. The community senators are selected on the principle of regional representation (the Flemish and Francophone communities each have ten seats with one seat for the tiny German-speaking community) and they serve as delegates of the communities. We score 0.5 on each criterion even though community senators make up less than one-third of the senate. Directly elected and co-opted senators do not meet the second criterion, but arguably meet the first. Both cases are gray: equality of regional representation is finely balanced with "one citizen, one vote." While the distribution of seats is roughly in line with population, it is fixed on territorial principles in the

[13] The Eerste Kamer is a complex case because provincial representatives vote for candidates on party lists which structure the outcome. We score this 0.5 because the voters are regional representatives.

constitution. Contrary to the Austrian or Italian second chambers, seats are not reallocated following a census.

In Malaysia, the senate is composed of regional representatives appointed by *negeri* assemblies, and they meet both criteria. The senate also has federal appointees who meet neither criterion. Initially, *negeri* representatives had a majority but since 1964 they have been outnumbered; by 2010 they controlled just under 40 percent of the seats. We reflect the loss of a collective majority in the third criterion of law making discussed below.

Before evaluating the authoritative character of the second chamber, we need to address bilateral law making. A region, like Åland or Quebec, may be represented as a territory in the upper chamber even when the regions in its tier are not. Unlike regions in the rest of Britain, Scotland, Wales, and Northern Ireland have special caucuses in the House of Commons that convene as grand committees to discuss bills affecting their regions. Senators from Quebec are selected individually by twenty-four electoral districts within the province rather than by nomination of the prime minister. Indigenous populations in Bolivia have reserved delegates in *departamento* representation at the national level.

In contrast, the Portuguese autonomous regions have no bilateral access to law making. Regional representatives from the Azores and Madeira are no different from other Portuguese law makers in the unicameral parliament. Nor do the powerful Malaysian states of Sabah and Sarawak have bilateral shared rule. Like any other *negeri*, the parliaments of Sabah and Sarawak can send two representatives to the upper chamber, which is consulted on national legislation. Sabah and Sarawak representatives can of course weigh in on legislation relevant to their region in general proceedings, but they do not have special rights to be consulted or co-decide.

The Belgian communities are a border case; we code them as having multilateral but not bilateral law making. Multilateral law making takes place through elected and appointed representatives in the senate. There are, then, no special provisions for particular communities or regions to influence ordinary legislation affecting their territory.[14] Fiscal legislation and constitutional reform require majorities of each community, but not ordinary legislation.[15]

We assess the extent of regional authority in shared law making for regions that are represented as territories or have institutional representation in the upper chamber. The criteria are different for multilateral law making and for bilateral law making, and we discuss them seperately.

[14] A partial exception is the alarm bell procedure, introduced in the 1970 constitution, which enables one language group to postpone legislation for thirty days with a three-quarters majority. Its conditions of use are highly restrictive and it has only been invoked twice since 1970.

[15] We consider shared rule in fiscal policy and constitutional reform as distinct dimensions, discussed later.

An additional half point goes to regions if their representatives constitute a majority of the chamber. The unit of analysis here is the tier or, for bilateral shared rule, the individual region. Legislatures in which regional representatives constitute a majority include the US senate, the Argentine senate, the German *Bundesrat,* the Dutch *Eerste Kamer*, the Haitian senate, and the *Dewan Perwakilan Daerah* in Indonesia. Belgian provinces, which, until 1995, were allocated one-third of the seats in the senate, fall short, as do *comunidades autónomas* in Spain, and *negeri* in Malaysia. Ecuador's pre-1978 senate meets the criterion because provincial senators outnumbered the *Senadores funcionales* who were elected by corporatist associations. In some countries, such as Bolivia, just a small number of seats are reserved for particular regions, in this case, regions with indigenous communities.

A further half point is scored if a legislature with regional representation can veto ordinary legislation or if its amendments can be overridden only by a supermajority in the other chamber. The Austrian *Bundesrat* scores zero because it can be overridden by a simple majority in the lower chamber, as can the *Županijski dom* (chamber of counties) in Croatia, which, until it was abolished in 2001, was a consultative chamber.

A legislature is judged to have extensive authority if it can veto ordinary legislation or if a supermajority in the other chamber is needed to override its veto. This applies even if the veto powers of the legislature are restricted to a subset of policies as long as these are recognized to be central to the body politic. The Belgian senate scores 0.5 on this criterion. Since the 1995 reform, the senate is conceived as a *reflectiekamer* (reflection chamber) with limited authority over ordinary legislation and none over the budget. However, it exercises equal legislative powers with the lower chamber on freedom of religion, language use, the judicial system, international treaties, and constitutional change, subjects that are close to the heart of the body politic (Deschouwer 2012; Hooghe 2004; Swenden 2006).

We must customize this criterion to tap bilateral law making. What matters here is how a region is involved in law making. A region receives a score of 0.5 if its representatives or government must be consulted on legislation affecting the region and an additional 0.5 if either can veto a legislative proposal.[16]

For example, the 1982 reforms gave the Corsican assembly the right to be consulted by the French government on all matters concerning Corsica. Nonbinding consultation is also the rule for the Azores and Madeira. Their statutes

[16] In principle a differentiated region can combine authority over multilateral and bilateral law making. In practice this appears to be extremely uncommon. There is only one instance in our dataset: Montenegro and Serbia in the Serbia–Montenegrian confederation between 2003 and 2006. We use the larger of the total scores for multilateral and bilateral law making in aggregating the score for a region.

specify that the Portuguese parliament is constitutionally bound to consult the regional assemblies, and each regional assembly can submit amendments or legislative drafts on taxation, environmental policy, criminal law, law and order, regional planning, and social security.

The Korean island of Jeju is a gray case that illustrates the lower bound for bilateral shared rule. Jeju does not have special representation in the legislature, but the governor "may present his/her opinion on any matter he/she considers necessary to deliberate on legislation concerning the Province upon obtaining consent from two-thirds of the incumbent Provincial Council Members" (2006 Special Act, Art. 9.1). These views are then presented to a "Supporting Committee," a thirty-member body comprised of heads of central government departments and chaired by the prime minister, which negotiates on behalf of Jeju. Hence the Jeju government has a right to put legislative proposals on the agenda but it is held at arm's length from the negotiations. Still, the right is legally embedded. We score bilateral shared rule only if it has a legal basis in the constitution, the statute, a law, or an executive decree.[17]

There are just five cases in the dataset where an individual region has formal veto rights over national legislation affecting its territory: Montenegro and Serbia in the former Yugoslav confederation (2003–06), and the special regions of Northern Ireland (since 2000) and Scotland and Wales (since 1999).

Montenegro and Serbia had a veto because ordinary legislation required a double majority: a majority of representatives of each republic and an overall absolute majority. Note the difference with Belgium, where only laws concerned with the fiscal framework and constitutional change require a majority in both large language groups.

The three UK regions have a veto over national legislation pertaining to their region on account of the Sewel convention which states that the "UK Parliament would not normally legislate with regard to devolved matters except with the agreement of the devolved legislature" (Cairney 2006; Devolution Guidance Notes Nos. 8–10 2014). The Sewel convention was written into a memorandum of understanding between the UK and its regional parliaments in 1999 (Memorandum of Understanding 2002 paragraph 13; 2013 paragraph 14).

It is interesting that no other autonomous region has veto power over ordinary legislation. Greenland, the Farøer islands, and the Åland islands narrowly miss. The governments of Greenland and the Farøer islands are required to be consulted on all national bills, administrative orders, and statutes of importance to them before the legislation can be put before the

[17] Two other regions can propose (or oppose) legislation in the national parliament: Vojvodina in Serbia, and London in the United Kingdom.

Danish parliament. In case of disagreement, the question is tabled before a board consisting of two members nominated by the Danish government, two members nominated by the home-rule authorities, and three judges nominated by the Danish highest court. This falls short of giving the islands a veto. Similarly, the Åland government must be consulted by the Finnish parliament on any act of special importance to the islands, but national legislation is not conditional upon its assent. The Åland government also participates in EU decision making for matters within its powers, and the parliament of Åland must give its consent to international treaties in areas under its competence.

Executive Control

Regional governments may share executive authority with the central government in the context of intergovernmental meetings. To score on this dimension, such meetings must be routinized, not ad hoc. To score the maximum two points, such meetings must be authoritative, i.e. reach decisions that formally bind the participants. The criteria are the same for bilateral and multilateral executive control.

EXECUTIVE CONTROL	
0:	no routine meetings between the central government and the regional government(s) to negotiate national policy affecting the region;
1:	routine meetings between the central government and the regional government(s) without legally binding authority;
2:	routine meetings between the central government and the regional government(s) with legally binding authority.

The distinctions on this dimension are illustrated in the history of German intergovernmental relations from the early days of the Federal Republic (Benz 1999; Scharpf, Reissert, and Schnabel 1976). In 1947, a first consultative meeting was held between *Land* premiers (*Ministerpräsidenten)* and the federal chancellor, but it was one-off. In 1954, the *Ministerpräsidentenkonferenz*, which combines all *Land* presidents, became a standing, but still consultative, meeting. It scores 1 in our schema. In 1964, the two government levels agreed to negotiate on joint policy tasks in routine, binding intergovernmental meetings. In 1969, these were anchored in a revision of the Basic Law concerning joint federal-*Länder* tasks. In most meetings unanimity is the rule but some can make majoritarian binding decisions (with thirteen of sixteen *Länder*), scoring 2.

Executive control in Germany from 1969 fully meets the criteria for a maximum score. Meetings between regional and central governments are highly institutionalized, general purpose in policy scope, and produce legally

binding agreements. Few cases are so clear-cut. We draw on several examples to explicate how we adjudicate ambiguities, in particular when the rules differ across policy. We conclude with examples of bilateral executive control.

Executive shared rule involves routinized negotiation among regional and central governments. There are several requirements for a positive score. Both central and regional governments—not professional or sectoral groups—must be involved. Regional governments must be able to select their own representatives. Negotiation must be institutionalized. The framework must be general purpose governance. Let us engage each in turn.

The system of *conselhos* in Brazil illustrates that the criterion of government involvement is not always black and white. Since the early twentieth century, *conselhos* composed of professional groups have existed in health and education, but with tenuous connections to *estado* governments. We therefore score the *estados* zero for the first decades. In 1990 a routinized system of multilevel governmental *conselhos* emerged. Local *conselhos* are represented in *estado conselhos*, which are in turn represented in a nation-wide *conselho* (Pogrebischini and Santos 2009). While the *conselhos* convene societal users and providers, they are led by government representatives. The system is most developed in the health sector, but is also present in education, transport, and other areas. We score *estados* 1 from 1990.

Executive power sharing must be vertical, that is, it must include both regional and national government. Horizontal coordination among regions does not amount to shared national control of policy making. Intergovernmental coordination in Switzerland is instructive. This chiefly takes the form of inter-cantonal *concordats*, which often lead to binding agreements among cantons, but rarely include the federal government (Blatter 2010; Sciarini 2005). However, from 1978 vertical cantonal–federal coordination was organized through the *Kontaktgremium Bund-Kantone*; and this was replaced in 1997 with the twice-yearly *Föderalistischer Dialog* (federal dialogue). A constitutional revision of 2008 opened the door to binding, not just voluntary, cooperation. Article 48a of the constitution authorizes the confederation to declare inter-cantonal agreements binding or require cantons to participate in inter-cantonal agreements in nine constitutionally defined domains, including tertiary education, urban public transport, and waste processing. The confederation can initiate binding cooperation only at the request of the cantons. The reform facilitates inter-cantonal conventions with federal involvement and the equalization of burdens among cantons (Cappelletti, Fischer, and Sciarini 2014). Cantons score 1 on executive control until 2007 at which point they score 2.

Mexico provides a gray case which we score zero because the vertical component is weak. Since 1999 Mexican governors have held meetings to discuss decentralization in health and education. These became formalized as a

standing *conferencia nacional de gobernadores* (national conference of governors, CONAGO) with regular meetings, a permanent secretariat, and executive committees. Although federal representatives sometimes attend, CONAGO meetings are inter-state (Falleti 2010). CONAGO has brokered a few binding agreements, but there is no formal role for the federal government.

Executive control may enhance regional authority only if regional governments can select their own representatives. Colombia is a negative example. *Departamentos* have been consulted since 1991 on economic development through a standing body, the National Planning Council. However, the five members representing the *departamentos* are selected by the president from a list of governors submitted by the *departamentos*.

A positive score requires that executive control is routinized on a legal basis. Since the 1990s, Mexican *estados* have organized occasional informal meetings to put pressure on the federal government. Such meetings led to health care decentralization in 1996. However, none of these initiatives has thus far generated a routinized system that encompasses both *estados* and the federal government (Jordana 2001; Falleti 2010). This is a fairly clear example. Italy provides a gray case. Intergovernmental conferences between the central government and *regioni* took place in 1983, 1984, and 1985, with none the following year. In 1987 the constitutional court ruled that the principle of "fair cooperation" should guide regional–national relations, which prompted a 1988 law creating a standing conference on state–regional relations with routinized bi-annual meetings (Ceccherini 2009). We score 1 from the time of the first meeting in 1989.

Consistent with our focus on general purpose rather than task-specific governance, executive control must cover significant policies to warrant a positive score. At the margin are a handful of cases where we score executive control with limited policy coverage, but where the policies are central to the authority of regional governments. Argentina illustrates this. Executive coordination was virtually non-existent in the 1950s and 1960s. In 1972 the *Consejo Federal de Educación* (Federal Council of Education) was created to coordinate provincial and federal educational policy (Falleti 2010). Meetings between *provincias* and the central government were routinized and took place at least once a year, but their scope was narrow. In 1979 the council was expanded to include culture, at which point we score 1. When its decisions became legally binding in 2006, *provincias* score 2.

Coordination can be binding (score=2) or non-binding (score=1). Where there are multiple meetings with different decision rules, we score the predominant pattern. Malaysian federalism is characterized by numerous national councils that interweave state and federal policy making on a broad range of issues, and only two of these produce legally binding decisions: the National Land Council and, since 1986, the National Council on Local

Government (Loh 2010). The councils make binding nation-wide policy on matters that are constitutionally reserved for the *negeri*, so shared rule counterbalances federal usurpation of *negeri* self-rule. Though land use and local government have gained importance, they are much less central to *negeri* authority than the regulation of religious and cultural life, which remains largely in the realm of non-binding coordination (Harper 1999; Reid 2010*b*). A score of 1 reflects the predominance of non-binding executive shared rule.

Finally, it is useful to compare bilateral and multilateral executive shared rule. To score 1 or 2 either type must be routinized, general purpose, and government-dominated. And for a provision to receive a positive score, it needs to be in operation. The difference between bilateral and multilateral is whether the meetings with the central government involve a single region or all regions in a particular tier.

The five indigenous *comarcas* in Panama have bilateral meetings that arrive at binding decisions with the central government in the *Consejo Nacional de Desarrollo Indígena* (National Council on Indigenous Development). Panama's *provincias* are not involved. The two indigenous *regiones autónomas* in Nicaragua are consulted on, and can veto, national executive decisions on natural resources and communal land. Several autonomous regions have non-binding bilateral control, including the Åland islands, Greenland and the Farøer islands, Scotland, Wales, and Northern Ireland, and Azores and Madeira.

Bilateral executive shared rule normally has a legal basis in statute, the constitution, a special law, or executive order. It is, for example, explicitly set out in the Åland Act, the Greenland Act, and the special statutes for Azores and Madeira, all of which are enforceable in court. Despite the informality of its constitution, the United Kingdom is no exception. The devolution acts mandate statutory consultation by the British government.

The US states have an unusual form of bilateral executive control, which we assess to be binding. States can opt to accept or reject regulations or programs that the federal government offers within concurrent policy areas such as health, environment, or transport (Bakvis and Brown 2010). The implementation of many national laws in these areas hinges on one-to-one bilateral agreements with state governments. While there is no particular passage in the constitution, law, or executive order that regulates these meetings, the legal basis for the right to be consulted on (and veto) the implementation of many federal policies lies in the Commerce Clause, the Fifth and the Fourteenth Amendment, and in Supreme Court jurisprudence (Christensen and Wise 2009; Wright 1988).

Mexican *estados*, Aceh, and the Spanish *comunidades* illustrate the distinction between routinized and ad hoc consultation. The predominant mode of coordination in Mexico has been ad hoc bilateral agreements between the federal government and an *estado* (Jordana 2001). There is no formal legal

basis and we score zero. In Indonesia, the 2006 Aceh statute promised non-binding consultation on law making, administrative policy, and international relations (Art. 8). Once this was implemented in a presidential decree of 2008, Aceh scores 1 for bilateral executive control.[18]

Finally, Spain demonstrates complex interplay between bilateral and multilateral shared rule. In the first decade after democratic transition, bilateral negotiations between the national government and individual *comunidades autónomas* predominated (Bolleyer and Thorlakson 2012). These lacked predictability and structure, which translates into a score of zero. Since the 1980s, Spain has shifted to a multilateral frame including routinized conferences producing binding decisions in health and European affairs which sustain a score of 2. Routinized bilateral shared rule is limited to taxation policy for the Basque Country (and its provinces) and Navarre.

Fiscal Control

Shared rule on taxation is a special case of legislative and executive shared rule. Scoring fiscal control requires a few ground rules. First, we conceptualize fiscal policy as distinct from executive policy or borrowing policy. Second, we identify the institutional framework for fiscal control. Regional influence on fiscal policy may employ one of two institutional routes: a *Bundesrat*-type chamber composed of regional government representatives or a routinized intergovernmental forum. Third, we explain what happens when both routes are present. We conclude with a brief discussion of bilateral fiscal control.

We assess regional fiscal shared rule as the role of regional governments in legislation or executive regulation regarding the collection and allocation of taxes. The collection and allocation of taxes includes distribution keys, tax rates, tax bases, intergovernmental transfers, grants, and annual or multi-annual central budgets. We assess regional debt management and borrowing in a separate dimension. To qualify as shared rule, coordination must be encompassing; it cannot be limited to consultation on a particular fund or grant. For example, Uruguayan *departamentos* score 1 on fiscal control because they are consulted on the percentage of tax revenue to be shared—not because they provide input on how to spend some 25 percent of the *Fondo de Desarrollo del Interior* (Fund for the Development of the Interior).

Two routes are available for regional governments to influence the generation and distribution of national tax revenues. The executive route provides direct access via intergovernmental meetings. The legislative route gives indirect access through a national chamber with regional representation. If

[18] The 2006 legislation included bilateral law making, but this was excluded from the 2008 presidential decree, and Aceh scores zero on this dimension (Ahtisaari 2012; Suksi 2011: 363–5).

regional governments negotiate over the distribution of tax revenues via either channel they score 1; if they have a veto, they score 2. The box below summarizes the three alternatives.

FISCAL CONTROL

0: neither the regional government(s) nor their representatives in the national legislature are consulted over the distribution of tax revenues;
1: the regional government(s) or their representatives in the national legislature negotiate over the distribution of tax revenues, but do not have a veto;
2: the regional government(s) or their representatives in the national legislature have a veto over the distribution of tax revenues.

To score 1 via the legislative route, the legislature must have authority over the distribution of tax revenues. If the representatives of regional governments constitute a *majority* in a legislature and the legislature has a *veto* on the distribution of tax revenues, this scores 2. This avenue requires that regional governments (not their populations through the ballot box) send representatives to the legislature.

Dutch *provincies* and Swedish *landstinge* (until the abolition of the upper chamber in 1971) meet the conditions for a score of 2: they form or formed a majority in the upper chamber with that chamber having a veto on tax revenue allocation. Spanish *comunidades* score 1 both because they are a minority in an upper chamber and because that chamber can be overridden by a majority in the lower chamber. Belgian provinces were (until 1995) represented in an upper chamber with a tax veto, but they never constituted a majority and also score 1. However, Belgian communities (1970–95) and regions (1980–95) did have a majority in the senate by virtue of their institutional representation through the so-called double mandate. Senators wore two hats in addition to their national mandate: as members of a community council (linguistic affiliation) and of a regional council (residence-based). Since the senate could veto financial regulations, communities and regions score 2. Since 1995, community senators constitute a minority and can influence but not block fiscal decisions.

To score 1 via the executive route, regional governments must be directly involved in negotiation and to score 2, they must be able to exercise a veto. Such involvement could, in principle, be exercised through a peak association if that association could bind its members, but this is rare. Denmark and Sweden provide gray cases. Peak associations of regional and local governments meet with the central government, but we score zero for fiscal control because these associations are best seen as lobby groups rather than negotiators. Similarly, the Ecuadorian *Comisión Nacional de Descentralización y Organización Territorial* (National Commission on Decentralization and Territorial

Organization, CONADE) does not provide regions with direct involvement. The eight-member committee is headed by a government official, and includes representatives of the municipal and provincial associations alongside sectoral and legislative representatives. The peak organizations cannot legally commit their members and the national parliament reserves the right to take unilateral action.

Uruguayan *departamentos* meet the criteria for a score of 1 through their participation in the *Comisión Sectorial de Descentralización* (Sectoral Commission on Decentralization, COSEDE), which advises the national government on the percentage of revenue to be shared. The *Comisión* is composed of representatives of national and regional governments and makes non-binding recommendations (Eaton 2004*a*).

Some regions have access to both the legislative and the executive routes, in which case we count the route that produces the highest score. Until 2001, Argentine *provincias* could operate along both routes, barring authoritarian periods. A senate composed of provincial delegates wielded a veto over taxation and intergovernmental grants, which we score 2. When direct elections for the senate replaced institutional representation of *provincias* in 2001, the score for the legislative route becomes zero. However, *provincias* also had access to an institutionalized system of regular intergovernmental negotiations, formalized in a 1951 law, which produced binding *co-participación* agreements on national revenue sharing. Both this system and the 1994 constitutionalized arrangement of binding *co-participación* agreements with a provincial veto score 2.

We conclude by emphasizing the criterion of routinization. We assess Brazilian *estados* to have neither multilateral nor bilateral fiscal control. There is no standing collective body in which *estados* and federal government convene to discuss fiscal policy and, since the senate is composed of directly elected senators rather than regional government delegates, there is also no legislative route. Moreover, no *estado* has legally protected bilateral fiscal control. This induces *estados* to engage in bilateral deals with the federal government in time of need, but these deals typically provide one-off transfers, and we score them zero (Diaz-Cayeros 2006; Dillinger and Webb 1999*a*; Rodden 2004).

Borrowing Control

Shared rule on borrowing is a special case of executive control. The scoring rules are parallel: we assess the representation of regions in meetings with the central government, the extent to which they are institutionalized, and the extent to which they make binding decisions. Here, however, we are

concerned with the national regulatory framework on government borrowing and debt management. The box below lays out the categories.

We begin by outlining the distinction between borrowing control and fiscal control on the one hand, and between borrowing control and constitutional reform or law making, on the other. We then explain how we operationalize bilateral borrowing control.

BORROWING CONTROL

0: regional government(s) are not routinely consulted over borrowing constraints;
1: regional government(s) negotiate routinely over borrowing constraints but do not have a veto;
2: regional government(s) negotiate routinely over borrowing constraints and have a veto.

This dimension encompasses subnational and national borrowing or debt control. It considers fiscal policy only to the extent that fiscal decisions affect borrowing, and does not include raising or spending taxes. There is minimal overlap between this dimension and others that we assess independently. Hence the association between regional authority in borrowing and in fiscal policy can be investigated empirically.

Drawing the line between fiscal and borrowing policy can be tricky. Rules that constrain spending or revenues are technically within the remit of fiscal policy, but they can affect debt levels (Schaechter et al. 2012). Our approach is to examine the authoritative connection between routinized coordination on fiscal rules and subnational borrowing. We begin with two clear, but contrasting cases: Australia and Argentina. Australia's Loan Council is the venue for routinized coordination on fiscal as well as borrowing policy. It is composed of one federal representative and one representative of each state. It approves state borrowing and determines, with the consent of the states, the amount of borrowing, and the interest rate. Its second role is to advise the premiers' conference on fiscal matters. We score 2 points on borrowing and 1 on fiscal control.[19]

In contrast, Argentina has separate intergovernmental fora: the *Comisión Federal de Impuestos* (Federal Tax Commission), a long-standing body, deals only with taxation and intergovernmental transfers, while the *Consejo Federal de Responsabilidad Fiscal* (Federal Fiscal Responsibility Commission), created in 2004, monitors budgetary transparency and borrowing. Both consist of federal and provincial governmental representatives, but while the former has binding authority based on regional agreement, and scores 2, the latter does not, and scores 1.

[19] Until 1999, when the score for fiscal control becomes 2 following the creation of a Ministerial Council for Commonwealth–State Financial Relations.

Austria illustrates how fiscal rule making can affect borrowing authority, and is best coded as borrowing control. In an effort to meet the Maastricht stability criteria for the European Monetary Union, in 1999 all levels of government agreed to a domestic stability pact with far-reaching fiscal targets. *Länder* as a group must achieve an annual budgetary surplus of 0.75 percent of gross domestic product (GDP). Each *Land* is given a target but can transfer surplus or deficit rights to other *Länder*, and sanctions are applied in case of non-compliance (Balassone, Franco, and Zotteri 2003; Joumard and Kongsrud 2003). A commission composed of *Bund-Land* municipality representatives takes decisions by unanimity. While the pact does not address borrowing constraints directly, the intended effect was to impose collective binding control over *Land* (and *Bund*) borrowing. We score 2 on borrowing control.

Contrast this with Bolivia. The *Consejo Nacional para las Autonomías y la Descentralización* (National Council on Autonomy and Decentralization) is a forum for the national government, *departamentos*, municipalities, indigenous communities, and autonomous regions. It meets twice a year to advise on, among other things, fiscal policy, but congress remains the venue for borrowing policy (Frank 2010).

The overlap between borrowing and constitutional reform or law making is minimized by focusing on the intergovernmental arena. It is not uncommon for constitutions to have provisions on subnational borrowing. The authority of regions to influence these rules is assessed under constitutional reform. Similarly, since the 1990s, several countries have passed fiscal responsibility laws with the aim of constraining subnational borrowing (Liu and Webb 2011). We code these under borrowing control only if they are accompanied by an institutionalized intergovernmental forum that monitors, regulates, or sanctions. Otherwise this falls under law making.

Early examples of institutionalized intergovernmental coordination are the Australian Loan Council, regulating multilevel borrowing since 1923, and the Malaysian National Finance Council set up in 1957 to advise on "the annual loan requirements of the Federation and the States and the exercise by the Federation and the States of their borrowing powers; the making of loans to any of the States" (C 1957, Art. 108). The German *Finanzplanungsrat*, created in 1968 to coordinate federal and subnational budgetary planning, is another early example, though it became binding with respect to *Länder* borrowing in from 2010.[20]

Subnational borrowing was on the backburner until the debt crises of the 1980s and 1990s (Rodden 2002: 670). In 1989 Belgium reformed its *Hoge Raad van Financiën* into a body with equal federal–community representation

[20] It was renamed the *Stabilitätsrat* (Stability Council) in 2010.

and tasked it to advise on subnational and national borrowing. In 1980 Spain created the *Consejo de Política Fiscal y Financiera* (Fiscal and Financial Policy Council) composed of national and *comunidad* finance ministers to coordinate fiscal policy and, since 1992, set deficit and debt ceilings. In 1999 Austria established a committee with equal *Land* and federal representation with the authority to fine *Länder* that violate budget and borrowing targets.

The criteria for bilateral borrowing control are the same as for multilateral borrowing. Hence, a positive score requires evidence of institutionalization. In our dataset we detect only one instance, the Argentine *provincias*, including Buenos Aires. This case epitomizes the gray zone between bilateral and multilateral shared rule. In 2004, congress passed a fiscal responsibility law which in principle applies to provincial as well as the national government, and created a federal council for fiscal responsibility composed of the national and provincial ministries of finance. The law has a covenant format, i.e. provincial governments must actively consent one by one for it to be binding. There is, then, no collective contract, though initially twenty-one of twenty-four *provincias* and the city of Buenos Aires signed up. For those who sign up, the law creates a routinized system for intergovernmental coordination and monitoring on budgets and borrowing (Liu and Webb 2011). We code this as bilateral rule because individual *provincias* retain the right to withdraw at any time, though the *modus operandi* is multilateral.

Constitutional Reform

Constitutional authority is fundamental for it concerns the rules of the game. Subnational control over the constitution is often seen as the defining characteristic of federalism (e.g. Riker 1964). Here we suspend this assumption and explore how the constitutional role of regions can be estimated in non-federal and federal countries.

The coding scheme attaches greater weight to regional governments (or their representatives in the legislature) than to other regional actors (i.e. electorates or regionally elected representatives), and it rates binding authority (i.e. veto power) as more authoritative than non-binding involvement. For multilateral control over constitutional reform the schema is as follows: a score of 1 if regional electorates or their representatives can raise the hurdle for constitutional change; 2 if regional governments can raise the barrier for constitutional change; 3 if regional electorates or their representatives can veto constitutional change; and 4 if regional governments can veto constitutional change. The box below details this. Since bilateral constitutional reform requires different criteria, it will be discussed separately.

MULTILATERAL CONSTITUTIONAL REFORM

0: the central government or national electorate can unilaterally change the constitution;
1: a national legislature based on regional representation can propose or postpone constitutional reform, raise the decision hurdle in the other chamber, require a second vote in the other chamber, or require a popular referendum;
2: regional governments or their representatives in a national legislature propose or postpone constitutional reform, raise the decision hurdle in the other chamber, require a second vote in the other chamber, or require a popular referendum;
3: a legislature based on regional representation can veto constitutional change; or constitutional change requires a referendum based on the principle of equal regional representation;
4: regional governments or their representatives in a national legislature can veto constitutional change.

Scoring multilateral constitutional reform poses several challenges. Under what circumstances does it make sense to say regional intervention raises the hurdle for central actors to pass reform? What is an appropriate floor for scoring regional authority in constitutional reform. What is an appropriate ceiling? Finally, we discuss scoring rules for four sources of ambiguity arising where regions have more than one option for constitutional shared rule, where constitutions have more than one amendment procedure, where constitutional reform is unwritten, and where formal rules and political practice diverge.

We score zero when regional actors or regional governments cannot legally veto or raise the hurdle for constitutional reform. Being consulted or having the right to propose reforms is not sufficient to score 1. For example, until 2001 the Croatian upper chamber, composed of *županija*-appointed representatives, was consulted on constitutional reform but could not amend or raise the hurdle.

A non-blocking minority is insufficient. In Spain, *comunidad*-appointed senators make up less than 20 percent of the senate, too few to block constitutional reform or raise the hurdle in the other chamber, and therefore score zero. Directly elected senators from Spanish *provincias*, by contrast, can veto constitutional bills and consequently score 3. Since the reorganization of the Belgian senate in 1995, the twenty-one senators elected from community parliaments make up 30 percent of the senate and cannot raise the hurdle or veto constitutional reform, which requires a two-thirds majority in both chambers. Belgian communities/regions do not have the institutional representation to warrant a positive score. However, there are also forty popularly elected senators from Belgian communities and regions. Hence a legislature based on regional representation can veto constitutional change and the communities and regions score 3.

The criterion for a regional veto depends on the rules of a chamber in which constitutional reform is decided. For example, *negeri* currently occupy

37 percent of the seats in the Malaysian senate, but this is sufficient to score 4 because reform requires a two-thirds majority.

Regions can raise the hurdle for central actors to change the constitution in several ways. They may be able to require a referendum, force a second vote, change the voting rule in the other chamber, or postpone reform. We score 1 when a legislature with regional representation (via the regional electorate) is involved, and 2 when regional governments act through their delegates. In Australia, the Northern Territory and the Canberra Capital Region score 1 between 1975 and 1977 because they had elected representatives in a chamber with regional representation (the senate) which could raise the hurdle, but not veto, a reform of the Australian constitution.[21] Until 1984, Austrian *Länder* score 2 because they had, through their delegates in the federal council, the power to delay: they could demand a second vote in the first chamber or require a national referendum.

It is useful to specify the floor for a score of 1 or 2. Minimally, this requires that regional intervention is part of a legal process in which regional proposals must be discussed in a parliamentary committee, debated in plenary session, or formally considered by the central government. Portugal provides a clear example. The regional assemblies of Madeira and Azores must initiate the process of revising their statute (C 1976, Art. 228). If the national assembly amends the draft, it is sent back to the regional assembly for consultation. However, the final word lies with the Portuguese parliament. Hence they score 2.

To contribute to regional shared rule, referenda must be regional, that is, preferences are aggregated on the principle of regional, not individual, representation. This is the case in Switzerland and Australia, where constitutional reform requires a double majority in a referendum—a majority of voters in a majority of regions as well as in the country as a whole. This is not so in the Philippines, Ireland, South Korea, Bolivia, Colombia, Peru, or Venezuela, where constitutional amendments require approval by a nation-wide referendum without a regional hurdle.

Scores of 3 or 4 require the authority to veto. We conceptualize the maximum score for the constitutional role of regions in terms of the veto rather their positive capacity to impose their will on the central government because this would be an almost empty category. The one case that arguably meets the bar of regional imposition was the short-lived confederation of Serbia-Montenegro (2003–06). Constitutional change required the consent of both

[21] A negative vote in the senate triggers a reflection period of three months. Thereafter, an amendment can pass over the objections of the senate if it obtains an absolute majority in the lower house followed by a referendum in which a majority of states and a majority of the Australian electorate endorse the reform. Until 1978, residents of the Northern Territory and Canberra could not participate in such a referendum, and could influence constitutional change only through the senate.

republics' legislatures in addition to a double majority in the unicameral legislature: a majority of representatives of each republic, and an overall absolute majority. Since the unicameral parliament was regional—all its members were delegates from the republics' assemblies—one can argue that the constituent republics could indeed impose constitutional change upon a very weak center. That included the right of each republic to secede unilaterally, which Montenegro promptly did in 2006.

Few other cases are gray. Australian states cannot impose constitutional reform upon the central government. They have an indirect veto over unilateral federal imposition because their representatives can require a binding referendum based on the principle of equal regional representation, and therefore score 3. Similarly, Malaysian *negeri* are in no position to reform the constitution by themselves, which requires approval by two-thirds of the members of each chamber, but they can collectively block amendments—just. *Negeri* representatives now make up twenty-six of the seventy seats in the upper chamber, which gives them two seats to spare for a collective veto. *Negeri* score 4 on constitutional reform. Mexican *estados* cannot initiate reform, which requires a two-thirds majority in the congress. However, they can block because amendments require approval by a majority of *estado* legislatures. They also score 4.

There are several possible sources of ambiguity. First, more than one option for constitutional shared rule may apply. The simple rule is to take the highest score. In Australia constitutional amendments require absolute majorities in both chambers of parliament and then must pass referenda in a majority of states/territories while obtaining an overall majority of the Australian electorate. If there is disagreement between the house and the senate, the objections of the senate can be overridden provided the amendment passes the house by absolute majority after a reflection period of at least three months and after it passes a national referendum. So there are three options: raising the hurdle by requiring a three-month cooling-off period *and* a regional referendum (=1); veto via a regional referendum after both houses pass the amendment (=3); veto via a regional referendum after the lower house passes the amendment (=3). We take the higher score.

Along similar lines, a declaration to reform the Haitian constitution must be approved by two-thirds of each national legislature. Revisions require final approval of at least two-thirds of the national assembly (C 1987, Arts. 281.1–282). The ratio of senators to deputies has changed over time. Until 2000, senators made up more than a third of the national assembly, and hence could block constitutional change. In the 2010 parliament, this is no longer the case (thirty of ninety-nine MPs), but since senate consent is required to initiate constitutional reform (first step of the process), we continue to code the senate as having veto power over constitutional change, giving Haitian regions a score of 3.

A second source of ambiguity is that constitutions may contain more than one amendment procedure. One might be for partial constitutional reform and the other for comprehensive reform. These may engage regional actors differently. Our rule is to score the most authoritative route. Bolivia and Venezuela provide examples. Until 2002, the Bolivian constitution regulated only partial reform, that is, reform that did not involve the fundamental principles and rights in the constitution. Such reform required a two-thirds majority in the senate, giving *departamentos* a veto. A revision in 2002 inserted a path for comprehensive constitutional reform which bypasses the senate in favor of a two-thirds vote in the combined congress. The senate contributes just twenty-seven of 157 seats in this congress and *departamentos* are unable to propose or postpone reform. Because they retained their veto role in one of the two procedures for constitutional reform, we continue to score *departamentos* 3 until a 2009 reform eliminated the partial reform process.

Venezuela had two tracks with separate rules until 1999. Partial reform required a positive vote in two-thirds of the *estado* assemblies, while comprehensive reform required a majority in the senate and ratification by national referendum. So the former route produces a score of 4, and the latter a score of 3. We take the highest score. Under the 1999 constitution, reform requires a two-thirds majority in the combined assembly (where senators hold less than one-third of the seats) and a simple majority in a nation-wide referendum, neither of which give the *estados* traction in proposing or postponing reform.

Constitutional norms may be unwritten or dispersed across written documents as in Britain and some of its former colonies. Canada provides an instructive example. Until 1982, the ultimate authority for constitutional change in Canada was vested in the British parliament with the formal understanding (recognized in the 1949 British North America Act) that reform would be proposed by the parliament of Canada. There was also a precedent from 1940 that amendments would need the consent of at least a majority of provinces. When in 1980, Prime Minister Pierre Trudeau sought to patriate the constitution without provincial consent, several provinces objected. In the famous patriation reference of 1981 (SCR 753), the Canadian Supreme Court ruled that federal unilateralism, though legal in a narrow sense, violated a constitutional convention. This persuaded the federal government to negotiate the consent of nine of the ten provinces. The 1982 Canadian constitution consolidated the precedent of Article 38 which states that most amendments require the consent of at least two-thirds of the provincial legislatures representing at least 50 percent of the population.[22] Hence we score 4 from 1950, even though the legal status of a collective provincial veto was clarified only in 1982.

[22] The consent of Quebec is not legally necessary, although Quebec, along with other provinces, can veto constitutional change regarding English and French language use.

Finally, ambiguity can arise where formal rules and established practice diverge. Established practice must be generally regarded as having the force of law if it is to substitute for existing legislation (or its absence) in our assessment. In Canada, neither the Northwest Territories nor Nunavut has a formal role in multilateral constitutional negotiations. Both were full partners in the Charlottetown negotiations of 1992, but until this becomes institutionalized in practice or recognized by the courts we do not assume that they have the rights of Canadian provinces and we do not upgrade their score from zero to 4. In Australia, the Northern Territory does not have the formal right to be consulted on reforming its statute. While the federal government has been receptive to negotiation, it has insisted on keeping the final decision with the Commonwealth parliament, and we score the territory zero on bilateral constitutional reform.[23]

We conclude this section with a discussion of bilateral constitutional reform. The criteria are parallel to those for multilateral constitutional reform, and the target becomes the constitutional position of the region, rather than the regional tier. No region can be expected to gain a majority in a national chamber, but a regional government or a regional electorate might be able to propose, postpone or even veto reform of its constitutional position.

Two further issues need clarification: how do we define bilateral constitutional reform, and how do we adjudicate cases with access to bilateral and multilateral reform?

BILATERAL CONSTITUTIONAL REFORM

0: the central government or national electorate can unilaterally reform the region's constitutional relation with the center;
1: a regional referendum can propose or postpone reform of the region's constitutional relation with the center;
2: the regional government can propose or postpone reform of the region's constitutional relation with the center or require a popular referendum;
3: a regional referendum can veto a reform of a region's constitutional relation with the center;
4: the regional government can veto a reform of the region's constitutional relation with the center.

The bilateral constitutional relationship between a region and the center is usually specified in a special statute, law, or section of the constitution and

[23] Statehood for the Northern Territory has long been in prospect. In 1978, Prime Minister Fraser anticipated statehood within five years. In August 1998, Prime Minister Howard announced Commonwealth support for the territory becoming a state. In 2009–12, the federal government expressed its support for a new attempt to grant the Northern Territory statehood, but the government put the plans on ice when popular support in the Northern Territory appeared to slip, partly because it seemed unlikely that the Northern Territory would be given the same number of senate seats as the other six states.

enforceable in a court, independent committee, and occasionally in international law. This precludes two things: (a) the authority of a region to write its own constitution, which is part of self-rule; (b) the capacity of an individual region to affect nation-wide constitutional reform, which falls under multilateral constitutional reform. Especially (a) deserves note, because, almost by definition, every constituent unit in a federation has the authority to write its own constitution, and many regions in decentralized countries do as well. That is starkly different from a region's right to redefine the bilateral constitutional relationship with the center, which is at the core of bilateral constitutional control.

How do we adjudicate cases with access to multilateral as well as bilateral constitutional reform? Our dataset contains just four regions in that situation: the Malaysian special regions of Sabah and Sarawak, and Serbia and Montenegro in the Yugoslav federation until 2002. Sabah and Sarawak have full bilateral rights because no constitutional change on existing legislative authority, powers over judicial administration, religion, language, immigration, and residence within the state shall be made "without the concurrence of the Yang di-Pertua Negeri of the State of Sabah or Sarawak or each of the States of Sabah and Sarawak concerned" (C 1957, Art. 161E). They are also full participants in multilateral constitutional reform, and their votes are pivotal in the senate to block unilateral federal reform of the constitution. These regions therefore have both full multilateral and bilateral scores.

Serbia and Montenegro (1992–2002) is more ambiguous. A change in the constitution required a two-thirds majority in both federal chambers, which is multilateral shared rule. But some key constitutional articles, including those relating to secession, boundaries, the federal character of the state, and competence allocation, fall under stricter, bilateral control: they require legislative majorities in each republic as well as a two-thirds majority in the lower house of the federation. These provisions allow an individual republic to block change to its one-on-one relationship with the center. In a two-member federation, the differences between bilateral and multilateral shared rule shrink. In 2003, Serbia-Montenegro becomes a confederation, and from then on, constitutional change requires the consent of both republics' legislatures, which we interpret to be bilateral. Serbia and Montenegro score 4 on both multilateral and bilateral constitutional reform until 2002.

Bosnia and Herzegovina is a clear-cut example of multilateral shared rule. The upper house has a veto on constitutional amendments; there is no vote in the *Republika Srpska* or the *Federacija Bosne i Hercegovine*, the individual entities. The entities score 4 on multilateral constitutional reform through their delegates in the upper house. A possible complexity may come from the fact that an ethnic group can invoke an alarm bell procedure in the upper house, which then requires that a law (including a constitutional law)

be supported by a majority in each of the three ethnic groups in order to pass. However, since all of this neither requires a regional referendum nor intervention by the entity governments, this does not amount to bilateral control.

No other regions combine multilateral and bilateral shared rule. Differentiated regions in Bolivia, Denmark, Finland, Spain, Italy, Panama, the Philippines, Portugal, Nicaragua, the United Kingdom, and the US have bilateral but no multilateral control over constitutional reform. In Spain, each *comunidad* can veto changes to its statute of autonomy, which regulates its particular relationship with the center within the confines of the constitution. A revised statute requires a supermajority in the *comunidad* assembly (two-thirds to three-fifths, depending on the *comunidad*) as well as a majority in both chambers of the legislature. In *comunidades* that took the fast track to autonomy, changes also need to be ratified by regional referendum. Bilateral shared rule is balanced by the fact that the *comunidades* do not have multilateral shared rule.

Types of Regions

We indicate four types of region in the appendix using the notation *S Y A D*.[24]

- A *standard region* (*S*) is part of a regional tier and has a multilateral association with the central state. Standard regions have a uniform institutional set up within a tier, and we estimate them as such.
- An *asymmetric region* (*Y*) is embedded in a national tier, yet has distinctive authority on one or several dimensions of the RAI. Asymmetry is usually specified in an executive decision, constitutional article, or special clause in framework legislation.
- An *autonomous region* (*A*) is exempt from the country-wide constitutional framework and receives special treatment as an individual jurisdiction. It operates mostly in a bilateral setting with the central state alone. The arrangement is laid down in a special protocol, statute, special law, or separate section of the constitution.
- A *dependent region* (*D*) is not part of a standard tier, but is governed hierarchically by the central state. It has a separate government with no, or very little, authority.

[24] This analytical framework is developed in Volume II of this study (Hooghe and Marks forthcoming).

Two key features underpin these distinctions. The first concerns how a region stands in relation to other regions. Is the region part of a tier (*S*); is it part of a tier, yet has distinctive authority (*Y*) (e.g. Quebec or Catalonia); is the region anomalous (*A*) (e.g. Scotland or Aceh); or is the region excluded from a regional tier (*D*) (e.g. Misiones, Isla de la Juventud, Labuan)? The second feature concerns how a region stands in relation to the central state. Is the association multilateral, as part of a tier (*S* and *Y*); is it bilateral, so that the region relates to the central state individually (*A*); or is the relationship a unilateral one in which the region is governed by the central state (*D*)?

It is not uncommon for two or more of these types to co-exist in a country. Contemporary Canada has all four: standard regions (nine provinces and a lower tier of counties in Ontario and regional conferences in Quebec), asymmetry (Quebec), autonomy (Northwest Territories, Yukon, Nunavut, Self-governing Aboriginal Peoples), and dependency (Indian Act bands).

The status of individual regions may change over time. In 1950, Argentina had ten dependent territories. In the next decade eight of these became standard provinces and Tierra del Fuego followed in 1991. In 1996 Buenos Aires became autonomous. Sometimes a region switches back and forth between one or the other status. Aceh became a standard *provinsi* of Indonesia in 1957. It was granted an autonomous statute two years later, which was rescinded when the region was re-absorbed as a standard *provinsi* in 1966. In 2001 Aceh regained its special autonomous status. Northern Ireland alternated between home rule and dependency four times in thirty-five years.

Most regions fit clearly into this typology, but there are some gray cases. A distinction that appears translucent in theory can become opaque when applied to Belgium. Belgium is the only country in our dataset that has a regional tier with no standard regions. Each of the five jurisdictions in its upper tier has distinct competences. The Flemish community combines regional and community competences that are exercised separately by the Francophone community and the Walloon region. The German community exercises some bilateral shared rule, and is not a routine partner in intergovernmental meetings on executive policy (though it can send a representative if it maintains that its competences are affected). Because these regions/communities are regulated by the same constitutional provisions and the same special laws we consider them to be asymmetric rather than autonomous. However, we consider the Brussels region to be autonomous because it is governed by its own special law, has a unique consociational governance structure, and has distinct legal output (ordinances instead of decrees or laws). It is also subject to special federal tutelage to safeguard its role as an international capital, which is the foundation for a direct bilateral link with the federal government. It is also exempt from (or denied) institutional representation in the senate, and it has no role in constitutional reform—either multilaterally or bilaterally.

Many dependencies have shed their subordination to the center and acquired self-governance. We observe forty-three dependencies in 1950 and just nine in 2010. Most have been transformed into standard provinces, states, or departments in big bang reforms, as in Argentina, Brazil, Colombia, and Venezuela. However some dependencies gain autonomy in steps, and this poses the question: at what point do we assess the transition away from dependence?

The Australian Northern Territory provides an example. The Northern Territory became a dependency in 1910 when South Australia ceded the territory to the federal government. At first it was run by the federal government, but over time the territory received some autonomy. We regard the decisive break from a dependent to an autonomous region to be the Northern Territory (Self-Government) Act which set up "separate political, representative and administrative institutions and . . . control over its own Treasury" (Preamble, Northern Territory Act 1978). The territory gained authority over the same range of policies as states (including health, education, social welfare, criminal and civil law, local government, residual powers, and concurrent powers over economic policy), except for control over immigration, uranium mining, and Aboriginal lands. Like states, the territory can set the base and rate of minor taxes, and it can borrow under the same rules. We classify the Northern Territory as an autonomous rather than a standard region chiefly because its relationship with the center remains primarily bilateral—and somewhat unequal: it has only one senator (against six for a state), its powers are not constitutionally guaranteed, the governor-general may withhold assent or recommend amendments to proposed territory laws, and, in contrast to standard Australian states, the territory's autonomy statute can be changed unilaterally by the federal parliament.

The Philippine region of Mindanao has shifted from dependency to autonomy, but only after some false starts. The initial step was the internationally brokered Tripoli Accord of 1976, which set out extensive autonomy for thirteen provinces. However, implementation was lacking. The *Batas Pambansa BLG. 20* Act of 1979 divided the area in two regions, the regions of Central and Western Mindanao, each with a region-wide partially elected assembly and a dual executive, but it did not put decentralization into effect. After democratic transition a new attempt was made to grant autonomy. The key document is the Organic Act of 1989, which recognizes a single region as the Autonomous Region of Muslim Mindanao (ARMM) with boundaries to be determined by referendum. This Act installed a directly elected assembly and governor, devolved taxation powers, and gave Mindanao competences in regional and urban development. The new constitution of 1990 formally enshrined autonomy for "Muslim Mindanao" and introduced Sharia law in some parts of Muslim Mindanao's justice system. Most scholars date autonomy in 1990 to coincide with the constitutional reform and the first elections (Bertrand 2010:

178). We begin coding ARMM as an autonomous region from 1990, and we introduce the two Mindanao regions as dependencies in the dataset when they were set up under President Marcos.

Aggregating the Scores

We score at the level of the individual region, or, in the case of standard regions, at the level of the regional tier, and we provide annual scores for ten dimensions.

Self-rule (0–18)

Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation	
				Assembly	Executive
0–3	0–4	0–4	0–3	0–2	0–2

Shared rule (0–12)

Law making								Executive control		Fiscal control		Borrowing control		Constitutional reform	
L1	L2	L3	L4	L1	L2	L5	L6								
Multilateral				Bilateral				Multilateral	Bilateral	Multilateral	Bilateral	Multilateral	Bilateral	Multilateral	Bilateral
0–2	or			0–2				0–2	or 0–2	0–2	or 0–2	0–2	or 0–2	0–4	or 0–4

The RAI for an individual region is the sum of scores for self-rule and shared rule. Self-rule is the sum of scores for institutional depth, policy scope, fiscal autonomy, borrowing autonomy, and representation (assembly representation plus executive representation). Shared rule is the sum of scores for law making, executive control, fiscal control, borrowing control, and constitutional reform.[25]

Under exceptional circumstances a region or regional tier may receive a score for both multilateral and bilateral rule. For each shared rule dimension we use the greater of the multilateral or bilateral score in aggregating a region's RAI. The

[25] We design the intervals within the ordinal scale to be equivalent and hence arithmetically summable. Chapter One finds that the RAI is robust when we vary weights across self-rule and shared rule.

maximum regional score for self-rule is 18 and the maximum score for shared rule is 12, yielding a maximum RAI of 30 for a region or regional tier.

We aggregate regional scores to country scores in three steps. First, we calculate a score for each standard tier and each non-standard region. Second, we weight scores by population for each tier.[26] Third, we sum the weighted regional scores for each tier.[27]

The data is accessible on the project's website (http://www.falw.vu/~mlg/). It consists of the following:

- A dataset and codebook, "RAI regional scores," with annual scores for 240 regional governments/tiers in sixty-five countries for the period 1950–2010.
- A dataset and codebook, "RAI country scores," with annual scores for all countries in the regional dataset plus scores for sixteen countries that do not have regional governance.
- Three calculation datasets with population figures and aggregation formula.

This chapter concludes the discussion of the general principles that guide our measurement. It is now time to introduce the reader to the implementation of those principles. We have designed an instrument for measuring regional authority. Will it fly? That is to say, will it produce estimates that make sense both to experts on particular countries and regions and to comparativists who may find it useful to summarize a vast amount of information in a systematic and accessible way?

[26] Where a tier is composed of regions with different RAI scores, we weight each region's score by its share in the national population. Where lower level regions exist only in a subset of higher level regions or where scores for lower level regions vary across higher level regions, the lower level scores are weighted by the population of the higher level regions of which they are part. We use population figures for 2010 or the nearest year except in the rare case that a country gains or loses territory or if the country is partitioned. A robustness check indicates RAI estimates using 2010 population data are not measurably different from estimates using decadal census data.

[27] Hence, the more regional tiers a country has, the greater the country score, all else equal.

Part II
Country Profiles

Introduction to Part II

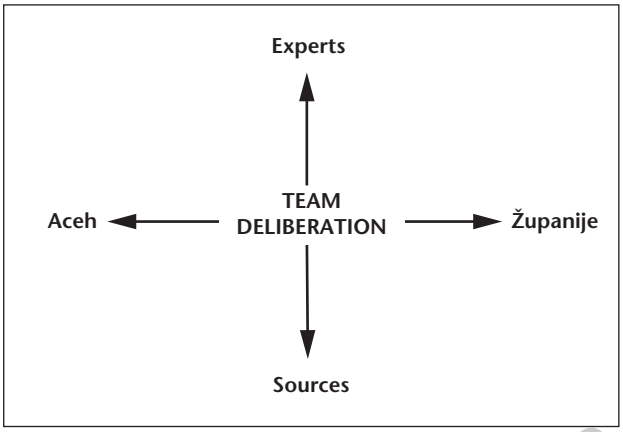
Part II of the book serves two purposes. First, it summarizes the empirical evidence underpinning our scoring. We assess individual regions and regional tiers, but collect the information by country for the simple reason that regions exist within countries. Our guiding principle is "transparency, transparency, transparency," though we realize that country experts may think we have cut corners in framing the rich experience of individual regions, and non-experts may conclude that we include more detail than is necessary.

Second, the country profiles may be useful for those who wish to familiarize themselves with regional governance in a particular part of the world. This is why we group the country profiles in geographical world regions. Regions at this level are as diverse as regions at the individual level. In fact, variation in the regional authority index (RAI) *within* geographical world regions is even greater than the variation *across* them.

Each section containing a geographical world region begins with a map and country figures which provide a birds-eye view. The maps illustrate RAI scores at the regional level in 2010. They pay special attention to differentiation within countries as well as differences among countries. Regions that have a different score from standard regions in the same countries show up with a checkered pattern or, if they are cities, as a white circle. The figures display aggregate country scores over time for self-rule and shared rule.

What follows are country profiles, in alphabetical order within each section. These explain how we score ten dimensions of self-rule and shared rule for regions and regional tiers and provide a path from the primary and secondary evidence to our scoring judgments. We indicate three kinds of uncertainty in the text: α for thin information; β for a case that falls between the intervals on a dimension; γ where we detect disagreement among sources.

Figure II.1 outlines our approach. As a team we have sought to make sense of the written sources—laws, regulations, constitutions, executive orders, court rulings, and secondary sources—with the help of experts. These are the vertical arrows in the figure. Vertical validity is the quality of being inferentially



Horizontal and vertical validity

sound. This involves collecting accurate information and interpreting that information in a contextually valid way.

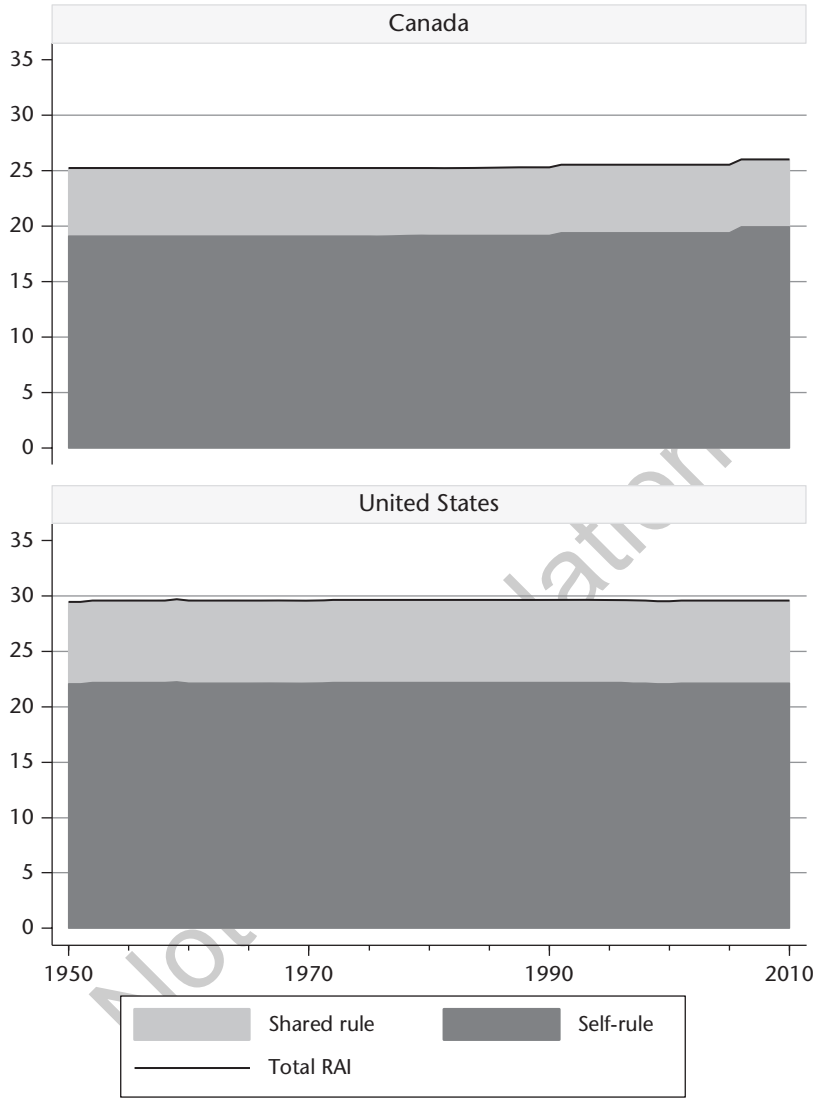
Vertical validity is necessary, but it is not sufficient. Horizontal validity is the quality of reaching consistent conclusions in different contexts. As a team we have sought not just to make inferentially sound judgments using sources and experts, but to make those judgments consistent across regions as diverse as Aceh in Indonesia and the Županije in Croatia. This was not a one-shot process which could be formulated in a set of coding instructions, but involved deliberative scoring in which the authors, as a team, sought to square the circle of vertical and horizontal validity.

Tables provided in the appendix summarize scores for individual regions/regional tiers and scores aggregated to the country level, followed by the scoring schemas for self-rule, shared rule, and multilateral and bilateral rule. Datasets with accompanying codebooks are available on the project's website: <http://www.falw.vu/~mlg/>. The numbers that precede the country names in each section refer to the country codes in the dataset.

North America

7 Canada (1950–2010) 42 United States (1950–2010)

Standard and differentiated regions in North America (2010)



Trends in regional authority in North America

Canada

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Canada has ten provinces, including Quebec, which is coded as an asymmetrical region. It also has three autonomous territories: the Northwest Territories, Yukon, and Nunavut. Aboriginal peoples (which includes Indian, Inuit,

and Métis peoples) can conclude self-government agreements with provincial, territorial, and federal governments and we code these as autonomous regions (C 1982, Art. 35.2; Law No. 11; Papillon 2012*a*, *b*).[1] In addition, we code counties in Ontario and, from 2006, *conférences régionales des élus* in Quebec.

Provinces and territories differ greatly in population, ranging from about 32,000 in the territories of Yukon and Nunavut to almost thirteen million in the province of Ontario. The major difference between a Canadian province and a territory is that provincial powers are constitutionally protected, while a territory's powers are granted by federal law. Hence, the constitution, which was repatriated from the UK in 1982, enumerates federal and provincial competences but not those of the territories (C 1867, Arts. 91–92). Another difference is that the formal head of the territories, the commissioner, is a representative of the federal government, in contrast to her counterpart in the provinces, the lieutenant-governor, who is a representative of the Queen. The acts of the Northwest Territories and Nunavut (but not Yukon) also stipulate that the legislatures exercise their powers "subject to any other Act of Parliament" (Law No. 27/1985, Art. 16 and 28/1993, Art. 23). However, in recent decades the commissioner has been under federal instruction to act like a provincial lieutenant-governor—that is to say, to interpret the role as ceremonial rather than substantive. Therefore, like provinces, the territories score 3 on institutional depth after this legislation was passed: 1986 in the Northwest Territories, 2002 in Yukon, and 1999 in Nunavut.

The 1867 constitution enumerated federal powers, which includes the regulation of trade and commerce, defense, navigation and shipping, and banking and currency. The federal government was also given exclusive authority over Aboriginal peoples and criminal law. Provinces were given responsibilities for public lands, natural resources (including energy), education, hospitals, justice, and local government (C 1867, Art. 92; Cameron 2002; Watts 1999*a*, 2008; Simeon and Papillon 2006). Originally agriculture and immigration (but not citizenship or naturalization) were concurrent, and in 1951 pensions was added. A revision of the constitution in 1982 reinforced provincial control

[1] Self-government agreements can be negotiated as part of comprehensive land claims. In 1975 the first comprehensive land claim was signed with the James Bay Cree and Inuit of Northern Quebec and subsequently an additional nineteen self-government agreements have been signed (until 2010). *Government of Canada. Aboriginal Affairs and Northern Development Canada*. "Final Agreements and Related Implementation Matters." <http://www.aadnc-aandc.gc.ca>. In 2006, there were approximately 380,000 people living on 2267 Indian reserves, out of approximately 1.4 million self-identified Aboriginal people. *Statistics Canada*. "Aboriginal Peoples in Canada: First Nations People, Métis and Inuit." <http://www12.statcan.gc.ca>; Government of Canada. Aboriginal Affairs and Northern Development Canada. "The Government of Canada's Approach to Implementation of the Inherent Right and the Negotiation of Aboriginal Self-Government." <http://www.aandc.gc.ca>.

over natural resources (C 1982, Art. 92A; see Chandler 1986). Residual powers lie with the federal government (C 1867, Art. 91; Cameron 2002; Watts 1999*a*, 2008).

The constitutional provision of concurrent provincial power in immigration remained largely a dead letter until 1978, when the Canada Immigration Act authorized the federal government to conclude federal–provincial agreements (Law No. 52/1976, Art. 108.2 (in force since April 1, 1978) and 27/2001, Art. 7). The first province to conclude an agreement was Quebec. The 1978 Cullen–Couture agreement gave Quebec a role in selecting its immigrants through its own points system (DeVoretz and Pivnenko 2007). In subsequent decades agreements were signed between the federal government and individual provinces (and two territories) for shared funding and responsibility for settlement services as well as for a greater say in selecting immigrants, but these do not challenge the preeminence of the federal government on immigration. The exception is Quebec.[γ] The Canada–Quebec Accord of 1991 allows Quebec to select its economic immigrants and control settlement (Simeon and Papillon 2006). Only Quebec "has sole responsibility for the selection of immigrants destined to that province" and only with respect to Quebec is Canada legally bound to "admit any immigrant destined to Quebec who meets Quebec's selection criteria" (Canada–Quebec Accord 1991, Art. 12).[2] Hence, since 1991 Quebec receives the highest score on policy scope, while other provinces score 3.

There has been intense debate concerning whether Quebec should be constitutionally recognized as a "distinct society" (Simeon 2004). On October 30, 2003 the national assembly of Quebec voted unanimously to affirm "that the Quebecers form a nation," and on November 27, 2006 the federal House of Commons passed a symbolic motion declaring that "this House recognize[s] that the Québécois form a nation within a united Canada." What this means is contested. One tangible element of Quebec's special status is that it has on occasion acquired opt-outs or special arrangements on matters that are deemed central to its identity, such as pensions, and to a more limited extent, health and education. Legally, opt-outs can be extended to all provinces, though Quebec has made most use of them.[3]

[2] The gap between Quebec and other provinces has narrowed as provinces have become proactive in attracting (and selecting) economic immigrants (Paquet 2014). Under the Provincial Nominee Program (PNP), created in 1996 and gradually diffused through federal–provincial agreements, provinces can "nominate" immigrants within quotas set annually by the federal government. Although provinces merely recommend applicants, an overwhelming majority of recommendations gain federal approval (Canada 2011: 20). Canada continues to select the vast majority of its immigrants through federal programs—between 2005 and 2009 just 17 percent were PNP immigrants—but the proportion varies widely by province (Canada 2011: 20).

[3] Quebec has its own pension plan and has refused to sign intergovernmental agreements on health and education. Quebec also has its own revenue agency and statistical office (Telford 2003).

The territories were treated initially as quasi-colonies governed from Ottawa, but over the years their competences have grown (Cameron and White 1995; Hicks and White 2000). The Northwest Territories obtained some devolved authority in education, housing, and social services in 1966 and extensive self-rule with a law adopted in 1985 (Law No. 27/1985; enacted in 1986). It now has authority over essentially the same policies as provinces, except for mineral resources, immigration, and citizenship. Yukon became self-governing in 1978 when it gained control over its budget and its executive became responsible to its elected legislative assembly (Sabin 2014). It was given formal provincial-type powers (including immigration, but not criminal prosecution) in 2002 (Law No. 6/1898 and 7/2002, Art. 18). Nunavut, formerly a part of the Northwest Territories, was carved out as a separate territory in a comprehensive land claim agreement with the Inuit in 1993 (Dahl, Hicks, and Jull 2000). It received extensive policy competences (excluding immigration and citizenship) when it was granted territory status in 1999 (Law No. 28/1993; enacted in 1999). We score Nunavut as a self-governing arrangement between 1993 and 1999 and as an autonomous territory from 1999 onwards.

We distinguish two channels of differentiated territorial governance for Aboriginal peoples.[4] The first has its legal base in the Indian Act of 1876, which institutionalized First Nation reserves (Law No. 18/1876). The lands of First Nations were placed under the authority of the federal government under the provisions of the constitution (C 1867, Art. 91.24). We code the governing institutions of Indian Act bands—that is, a First Nation under the authority of the Indian Act (Law No. 18/1876, Art. 3.1)—which serve as the statute for these reserves (Papillon 2012*a*).[5] According to the Indian Act, the Minister of Aboriginal Affairs (before the Minister of Interior) exercises broad authority over reserves whereas locally elected chiefs have limited regulatory powers—subject to confirmation by the minister[6]—over policies such as public health care, prevention of trespass by cattle, maintenance of roads, bridges, ditches, and fences, construction, and repair of school houses and council houses (Law No. 18/1876, Arts. 2 and 63; Peters 1987). The department of Aboriginal Affairs and Northern Development Canada oversees the implementation and administration of governance processes under the Indian Act (Papillon

[4] For reviews of literature on Aboriginal self-government in Canada, see Cassidy (1990) and White (2011); for a comparison between aboriginal self-government in the US and Canada, see Papillon (2012a).

[5] First Nations are Aboriginal peoples who are neither Métis nor Inuit. The Indian Act applies only to First Nations (Law No. 18/1876, Art. 4).

[6] The Indian Act Amendment and Replacement Act adopted on December 14, 2014 abolishes ministerial oversight over bylaws except for money and tax by laws. Government of Canada. Aboriginal Affairs and Northern Development Canada. "Changes to By-laws." <https://www.aadnc-aandc.gc.ca>.

2012*b*).[7] The institutional relationship with the federal government has remained fundamentally hierarchical, to the degree that as late as 2010 a report of the Standing Senate Committee on Aboriginal peoples observed that "leadership under the Indian Act is limited largely to administering 'Indian Affairs money' " and that locally elected leaders "are primarily responsible to the Department of Indian Affairs and Northern Development" (Senate Standing Committee 2010: 25). Indian Act bands score 1 on institutional depth throughout the period.

There has been more change on policy scope. Over time federal and provincial governments have begun to decentralize programs and services to the Indian Act bands, including in schooling, social services, housing, and economic development (Papillon 2012*b*). While this decentralization is mostly administrative, it has given Indian Act bands greater control over their internal affairs. It is difficult to pinpoint a particular act or executive decree that introduced greater policy autonomy, but observers agree that "only in the 1980s it became a systematic element of federal policy" (Papillon 2012b).[a] We opt to increase the score for policy scope from 0 to 1 in 1985 because that date coincides with a major revision of fiscal arrangements (see Fiscal autonomy).

The second channel is through "comprehensive land claims agreements," also called modern treaties, which provide self-government (Alcantara 2008: 343). This venue opened up in 1973 when the Supreme Court ruled that Aboriginal peoples may hold title to their historic lands (SCR 313/1973). The 1982 constitution introduced a section on "Aboriginal and treaty rights" (C 1982, Art. 35/Law No. 11), and in 1983 a House of Commons committee on Indian self-government recommended that the federal government recognize First Nations as a distinct order of government (House of Commons 1983; Cowie 1987; Hurley 2009; Wherrett 1999). In 1995 the federal government adopted its "Inherent Right of Self-Government Policy," which finally brought the self-government agreements under constitutional protection (Law No. 11/C 1982, Art. 35) and allowed Aboriginal peoples to negotiate self-government arrangements as part of comprehensive land claim agreements, as treaty rights in new treaties, or as additions to existing treaties.[8] Provincial and territorial governments must be parties to the self-government agreements for subject matters falling within their jurisdiction.[9] The scope of jurisdictional authority (which can be significant) is defined in the agreement but is given legal status through federal enabling legislation. The first three

[7] Government of Canada. Aboriginal Affairs and Northern Development Canada. "Governance," "Tribal Council Funding," and "Band Support Funding."< https://www.aadnc-aandc.gc.ca>.

[8] Agreements, treaties, and negotiated settlements project (ATNS). "Inherent Right of Self-Government Policy 1995." <http://www.atns.net.au>.

[9] The Parliament of Canada. "Aboriginal Self-Government." <http://www.parl.gc.ca/content/lop/researchpublications/prb0923-e.htm>.

agreements were signed in 1976, and to date the federal government has signed twenty-two self-government agreements involving thirty-six Aboriginal communities. Of those, eighteen are part of comprehensive land claim agreements.

Federal policy determines what can be negotiated in the comprehensive land claims and self-government agreements, and this constrains institutional depth (Papillon 2012*a*: 300).[β] Aboriginal peoples can obtain competences in policies such as own institutional set up, band membership, taxation, language, education, social services, health, land tenure, local transportation, and public works. Power sharing, but not full transfer, can be negotiated in the areas of labor, justice, divorce, prisons, environment, fisheries, gaming, and emergency preparedness (Peters 1987).[10] The federal government retains full authority over immigration, defense, international trade, national economy, and foreign relations. We score from the year a self-government agreement is enacted.

Ontario and Quebec have intermediate governance within their jurisdictions,[11] whereas the other provinces and the territories have local government only (Higgins 1991; Humes and Martin 1969; Sutcliffe 2007).[12] Ontario has thirty upper-tier municipalities, nineteen counties, three united counties, and eight regional municipalities which cover about 60 percent of the population in Ontario and have an average population of about 230,000. These governments have extensive responsibilities in economic development, urban planning, and social services (Law No. 8/1990 and 24/2001).

Since 2006, Quebec has twenty-one *conférences régionales des élus*.[13] Each *conférence* consists of local government and civil society representatives (Law No. 22.1/2014). *Conférences régionales des élus* draft five-yearly development plans to be submitted to the Quebec government (Law No. 22.1/2014, Art. IV.3).[14]

[10] Government of Canada. Aboriginal Affairs and Northern Development Canada. "The Government of Canada's Approach to Implementation of the Inherent Right and the Negotiation of Aboriginal Self-Government." <http://www.aandc.gc.ca>.

[11] British Columbia has regional districts which provide municipal services, such as water systems and reservoirs, sewers, cultural and recreational facilities, libraries, regional planning, fire protection, transportation and waste disposal, and outside areas incorporated by municipalities (Law No. 323/1996). Municipalities can opt in. The regional districts can also levy a property tax. The average population size does not meet our criterion for intermediate governance. <http://www.cscd.gov.bc.ca/lgd/pathfinder-rd.htm>.

[12] Law No. 22/1973, 225/1996, 323/1996, 8/1988, 18/1998, 24/1999, 26/2000, 24/2001, 154/2002, 22/2003, 36.1/2006, 13/2013, and 27.1/2014.

[13] The *conférences régionales des élus* were abolished in April 2015.

[14] Gouvernement du Québec. Ministère des Affaires municipals, des Régions et de l'Occupation du territoire. Développement régional et rural. Conférences régionales des élus. "Composition et répartition," "Ententes entre le gouvernement et les CRE" and "Mandats." <http://www.mamrot.gouv.qc.ca>.

FISCAL AUTONOMY

Provinces have extensive tax autonomy (Banting, Brown, and Courchene 1994; Lazar 2005; Leslie, Norrie, and Ip 1993). The constitution gives both the federal government and the provinces the right to tax. The federal government can impose both indirect and direct taxes whereas provinces can levy direct taxes only (C 1867, Arts. 91.3 and 92.2). Provinces have control over the rate and base of the sales tax, and there are province-specific exemptions for certain goods, services, or types of purchases. In practice, the provinces use a common definition of the tax base and the federal government collects the taxes but remits them to the provinces—except Quebec, which collects its own taxes (Chernick and Tennant 2010). The provincial goods and services tax ("retail sales tax") is the second most important revenue source for provinces after the income tax.

Before 1962 both base and rate of the income tax were set by the federal government, and provinces received in the form of cash transfers or tax "rentals" a portion of income (and corporate tax) revenues levied in their territories, along with a supplementary equalization payment. In 1962 this system was replaced by one in which each province received a standard rate, and could, in addition, set its own rate above the standard rate. Quebec sets the base and rate of its personal income tax. Provinces also set the rate of corporate income tax, but the base is set by the federal government, except in Ontario, Quebec, and Alberta, which set both base and rate (Krelove, Stotsky, and Vehorn 1997). In addition, provinces may tax natural resource extraction (C 1982, Art. 92A), which accounts for around one-quarter of Alberta's revenue and one-tenth of Saskatchewan's.

Until the advent of self-governance the territories' fiscal situation was controlled by the central government, either directly from Ottawa or indirectly through the government-appointed executive in the territories.[a] When the territories became self-governing, they acquired the same tax authority as the provinces (Law No. 27/1985, Art. 16.a; 28/1993, Art. 23.1.j; 7/2002, Art. 18.1.f). The exception is resource extraction: since public land ("crown land") remains federal, royalties on non-renewable resources are levied by the federal government (C 1982, Art. 92A.4; see Malone (1986) for early decades). Only Yukon has, since 2002, tax authority over non-renewable resources (Law No. 7/2002, Art. 19).[15]

[15] On April 1, 2014, the Northwest Territories became the second territory to obtain tax authority over non-renewable resources. As of 2015, Nunavut is negotiating devolution of non-renewable resource taxes with the federal government. Government of Canada. Aboriginal Affairs and Northern Development Canada. "Northwest Territories Devolution," and "Nunavut Devolution." <https://www.aadnc-aandc.gc.ca>.

Over the past twenty-five years Aboriginal communities have acquired some capacity to levy taxes. The greatest authority for Indian Act bands and self-governing Aboriginal peoples is the property tax which can be introduced in two ways. Since 1985, a revision of the Indian Act allows First Nations or self-governing Aboriginal communities to adopt property tax bylaws subject to approval by the Minister of Aboriginal Affairs and Northern Development (Law No. 18/1876, Art. 83). Since 2005, the First Nations Fiscal Management Act enables First Nations and self-governing Aboriginal peoples to set the base and rate of a property tax. These property tax laws still require prior approval by a federally appointed First Nations Tax Commission, but this control is now one step removed from the minister. The commission is composed of "men and women from across Canada, including members of First nations, who are committed to the development of a system of First nations real property taxation" (Law No. 9/2005, Arts. 5.3 and 19–20). While control over the rate and (since 2005) base remains conditional on federal consent, there is a track record of Aboriginal autonomy in crafting laws and we recognize this by coding tax autonomy as 1 for 1985–2004, and 2 since 2005.[16]

Indian Act bands and self-governing Aboriginal peoples may also levy some major taxes, but authority over the rate and base remains firmly federal or provincial. The decision to introduce these taxes rests with the Indian Act band or self-governing Aboriginal peoples, but their implementation depends on tax agreements with the Department of Finance and the taxes are administered by Canada Revenue.[17] Federal and provincial governments may also abate or abolish their taxes to minimize double taxation, and they usually do so, but this requires negotiation on a case by case basis. In 1998 a First Nations sales tax on alcohol, fuel, and tobacco was enabled. In 2003 the First Nations goods and services tax broadened the tax base to all taxable supplies. Both taxes are available to non-self-governing First Nations and self-governing Aboriginal peoples.[18] Finally, in 1999, a First Nations personal income tax—payable by Aboriginal and non-Aboriginal residents—was introduced; it is only available for self-governing Aboriginal peoples.[19]

[16] Sixty-six First Nations established a property tax pursuant to the Indian Act whereas seventy-seven did so pursuant to the First Nations Fiscal Management Act <http://fntc.ca/property-tax-fns>.

[17] Government of Canada. Department of Finance Canada. "First Nations Sales Tax Administration Agreements," "First Nations Goods and Services Tax Administration Agreements," and "First Nations Personal Income Tax Administration Agreements." <https://www.fin.gc.ca>.

[18] Since the introduction of the First Nations goods and services tax no new first nations sales tax has been established. Government of Canada. Canada Revenue Agency. "First Nations that have implemented the FNT." <http://www.cra-arc.gc.ca>.

[19] As of February 2014, eight First Nations levy a First Nations sales tax, twenty-six self-governing Aboriginal peoples have implemented the First Nations goods and services tax, and fourteen self-governing Aboriginal peoples have enacted a first nations personal income tax. <https://www.aadnc-aandc.gc.ca/>.

Comprehensive lands claims or self-government agreements may specify additional tax powers, which are often exercised concurrently with federal or provincial government.

Counties and regions in Ontario may set rates on the services they provide to municipalities or they may ask municipalities to levy a separate tax rate on property (Law No. 8/1990 and 24/2001, Art. 311; McMillan 2006). The *conférences régionales des élus* in Quebec obtain funding from the Quebec regional development fund (Law No. 22.1/2014, Art. 21.18).

BORROWING AUTONOMY

Provinces have unrestricted access to domestic and foreign borrowing (C 1867, Art. 92.3; Council of Europe 1997; Joumard and Kongsrud 2003). "Provinces may borrow money for any purpose, wherever, whenever and however they wish" (Rodden 2003a: 92). When provincial debt rose in the 1980s and 1990s, rating agencies downgraded a number of Canadian provinces (Rodden 2003a; Krelove et al. 1997). Provinces responded by introducing debt targets that helped them regain the trust of capital markets (Joumard and Kongsrud 2003; Liu and Webb 2011).

Territories could not borrow until self-governance, at which point the territory's legislature could pass a law with the prior approval of the federal-appointed governor (Law No. 27/1985, Art. 20; Law No. 28/1993, Art. 27; Law No. 7/2002, Art. 23).

First Nations were not granted borrowing rights by the Indian Act of 1876 (Law No. 18/1876). However, those that entered into negotiations with the federal government for comprehensive land claims or self-government agreements could borrow from the central government to finance the treaty process (Alcantara 2008). Since 2005, Indian Act bands and self-governing Aboriginal peoples can borrow from the First Nations Finance Authority which is constituted by the borrowing members (the First Nations) and financed by property tax income (Law No. 9/2005, Arts. 5.1.d and 59–60). To become a borrowing member, an Aboriginal community must introduce a property tax, with prior approval from the federally appointed First Nations Finance Management Board, to secure its contribution (Law No. 9/2005, Arts. 5.6, 9.2, and 39–40). Indian Act bands therefore receive a score of 1 from 2005. Aboriginal peoples with self-government agreements may borrow without prior authorization.

Counties and regions in Ontario can borrow but they are required to balance their budget and short term debt obligations may not exceed 50 percent of total revenue (Law No. 8/1990, Art. 110 and No. 24/2001, Art. 401). Long term borrowing and debt obligations exceeding 50 percent of total revenue need prior approval from the Ontario municipal board (Law No. 8/1990, Art. 110 and No. 24/2001, Art. 401.4). The *conférences régionales des élus* in Quebec do not have the authority to borrow (Law No. 22.1/2014, Art. 21.18).

REPRESENTATION

Provinces have a unicameral parliament which is directly elected every four years. The federal government appoints a lieutenant-governor in each province.[20] Provincial executives are elected by the provincial parliaments (C 1867, Arts. 82–90).

Territories have, by stages, gained directly elected parliaments with accountable executives. From 1897–1905 the Northwest Territories had an elected government resembling that of a province. However, when Saskatchewan and Alberta were formed, the rump of the Northwest Territories slipped back into quasi-colonial status, and for the next half century it was run by an Ottawa-appointed commissioner and council. This began to change in the 1950s, when directly elected council members were introduced. By 1966 the majority of council members were popularly elected, while the executive remained appointed by Ottawa. From 1975 two representatives elected by the council sat on the commissioner's executive committee (White 1991). In 1979, the federally appointed commissioner was replaced by a premier elected within the legislature. We score the Northwest Territories 1 for 1975–78 (dual executives) and 2 from 1979.

Yukon has had a popularly elected council since 1909, alongside a federally appointed executive. From 1970 the federally appointed executive was assisted by two elected representatives making the regional executive dual and from 1978 the executive was elected by the council (Smyth 1999). When Nunavut (carved out of the Northwest Territories) was set up in 1999, its directly elected council elected the executive (Hicks and White 2000).

Councils and chiefs of Indian Act bands are directly elected by band members (Law No. 18/1876, Art. 74). However, executive power is shared with a Governor-in-Council, through whom the Department of Aboriginal Affairs and Northern Development retains substantial veto power.[21] The Governor-in-Council also has the power to annul an election if she suspects corruption or a violation of the Indian Act. Hence we score the executive as dual.$^{\gamma}$

The default is that bands follow custom in organizing the election, subject to approval by the Department for Aboriginal Affairs and Northern Development. If the Department sees fit, it can impose an election procedure set out in

[20] Lieutenant Governors with ceremonial functions are appointed by the Governor-General on the recommendation of the prime minister.

[21] A recent senate report quotes Professor Frances Abele: "Ultimate power and responsibility is lodged in the Minister, not in the members of the Band or the officials they elect. Nowhere in the Act is room created for different lines of responsibility (from Chief and Council to the Band members, for example) even though there are several references to majority rule. Indeed, even the sections of the Act that establish the decision-making framework for Band Councils also, at the same time, maintain overriding Ministerial authority. The insertion of Ministerial power and authority into both elections and decision-making of the elected seems likely to undermine a sense of political responsibility and autonomy among Band electors" (Senate Standing Committee 2010: 24).

the Indian Act (Senate Standing Committee 2010). Since 1988, the federal government requires that bands wishing to revert to custom set out written rules which are consistent with the Canadian Charter of Rights and Freedoms (Senate Standing Committee 2010).

In contrast, Aboriginal peoples under self-government agreements have directly elected councils and executives.[22] The Department or the Governor-in-Council is minimally involved in the selection process (Senate Standing Committee 2010).

Counties and regions in Ontario have councils composed of mayors and/or councilors elected by constituent municipal councils (Law No. 8/1990, Art. 7 and No. 24/2001, Art. 218). The head of the county or regional council is elected by the council or is directly elected, and serves as the chief executive officer of the county or region (Law No. 8/1990, Art. 12 and No. 24/2001, Art. 218). Councils of the *conférences régionales des élus* in Quebec are composed of the prefects of the *municipalités régionales de comté,*[23] mayors of participating municipalities, and civil society representatives coopted by the elected members (Law No. 22.1/2014, Art. 21.8 and 21.9). Each council is chaired by a government representative (Law No. 22.1/2014, Art. 21.4.10 and 21.5).

Shared rule

There is no shared rule for counties and regions in Ontario, *conférences régionales des élus* in Quebec, or Indian Act bands (Law No. 18/1876).

LAW MAKING

The upper house is a federal rather than provincial product. Provinces and territories do not select representatives for the senate—the federal government does: Quebec (twenty-four senators), Ontario (twenty-four senators), the Maritime Provinces and Prince Edward Island (twenty-four), the Western Provinces (twenty-four), Newfoundland (six), Yukon Territory (one), the Northwest Territories (one), and Nunavut (one) (C 1867, Art. 22). Senators must be residents of the relevant province/territory and are appointed by the governor-general upon the recommendation of the prime minister without prior provincial consultation (C 1867, Arts. 23–24).

[22] Government of Canada. Aboriginal Affairs and Northern Development Canada. "The Government of Canada's Approach to Implementation of the Inherent Right and the Negotiation of Aboriginal Self-Government." <https://www.aadnc-aandc.gc.ca>.

[23] Since 1979, Quebec has eighty-seven *municipalités regionales de comté* which replaced the historic counties, and have an average population of 40,000. In addition, there are also two *communautés métropolitaines*, one comprising eighty-two municipalities around Montreal and one comprising twenty-eight municipalities around Quebec City. Their main tasks are economic development, culture, tourism, infrastructure, and transport (Law No. 37.01/2014 and 37.02/2014). The *communautés métropolitaines* are effectively associations of local governments.

The constitution contains special provisions for Quebec.[24] In contrast to other provinces or territories, each of the twenty-four jurisdictions in Quebec is represented by a senator (C 1867, Arts. 22 and 23.6 and Schedule A). These provisions make Quebec the unit of representation in the senate (L1).[γ]

Self-government agreements create mechanisms for consultation between the federal government and Aboriginal peoples and/or provincial governments and Aboriginal peoples when federal or provincial law impacts Aboriginal law (L5) (Papillon 2012*a*: 303).[α]

EXECUTIVE CONTROL

Weak shared rule in law making has encouraged extensive intergovernmental relations, but without legally binding authority (Hooghe 1991*b*; Simeon 1982). Intergovernmental meetings have been labeled para-diplomacy, executive federalism, and interstate federalism, implying that the participants are (quasi)-sovereign. Federal and provincial governments have specialized ministries responsible for intergovernmental relations (Pollard 1986; Woolstencroft 1982).

Intergovernmental relations have long been a feature of Canadian politics, but from the 1970s the number and range of meetings mushroomed (Hueglin and Fenna 2006: 219–25). A standing secretariat provided administrative support for eight First Ministers' Conferences in 1973–74. Since the mid-1980s the number of meetings has increased to around 100 per year (Canadian Intergovernmental Conference Secretariat 2008). The extent to which provinces can use these meetings to co-govern the country is limited because the majority of meetings do not involve federal ministers but only provincial governments and, starting in the 1980s, territorial governments (Law No. 11/1982, Art. 37; Alcantara 2013). Territories became full players in intergovernmental relations with the Charlottetown Accord of 1992 (Canadian Intergovernmental Conference Secretariat 2002).

There are several channels for co-governance. The First Ministers' Conference is the highest-profile setting for federal–provincial executive federalism. The first meeting between the prime minister and provincial premiers took place in 1906, and meetings were mostly annual from the 1960s (Cameron and Simeon 2002). Territorial government premiers attended from 1992. However, the federal government stopped attending in 2009, and the future of the institution is uncertain.[25] The agenda was dominated by constitutional

[24] MacKay (1963: 38) writes that the only feasible scheme for the union of the British North American colonies in 1867 "was a federal state in which Lower Canada (Quebec) should be protected in all its rights. . . . And it could only be a willing partner by the grant of absolute guaranties for the protection of its institutions, its language, its religion, and its laws—guarantees that must be clearly evident to all."

[25] Between 2006 and 2015, just three First Ministers' Conferences have been held. <http://www.scics.gc.ca>.

issues, fiscal relations, and policies with major budgetary consequences such as public investment, social security, economic development, agriculture, employment, and health (Canadian Intergovernmental Conference Secretariat 2004). Aboriginal peoples were not regular participants. They were included in the meetings during 1983–85, 1987, and 1992, when the constitutional amendments regarding Aboriginal self-government were discussed, and in 2004 for the signing of the Kelowna Accord setting out an intergovernmental Aboriginal development plan (Boisvert 1985; Canadian Intergovernmental Conference Secretariat 2004; Hawkes 1985).

Ad hoc intergovernmental meetings between federal, provincial, and territorial governments are regularly held at the request of a federal minister. These have dealt with agriculture, education, environment, health, housing, justice, local government, natural resources, Aboriginal affairs, sports and recreation, trade, transport, and citizenship and immigration. These meetings rarely reach binding decisions, and when they do, they are taken by unanimity or allow individual provinces to opt out (Bolleyer 2006*b*). Despite all this activity, executive control remains shallow.

Alongside these federal–provincial meetings, premiers' conferences provide a forum for provinces, and latterly territories and Aboriginal peoples, to coordinate their policies. The first conference of provincial premiers was held in 1887. It became an annual event from 1960. Since 1982, the territories have attended the meetings as observers and in 1992 they became full participants (Canadian Intergovernmental Conference Secretariat 2002). In 2003 Premiers' Conferences were institutionalized as the Council of the Federation with a standing secretariat (Watts 2003).[26] Decision making is consensual with the aim to "exchange viewpoints, information, knowledge and experiences;" to "analyze actions or measures of the federal government that in the opinion of the members have a major impact on provinces;" and to "develop a common vision of how intergovernmental relations should be conducted in keeping with the fundamental values and principles of federalism."[27] The meetings do not include Aboriginal peoples except when Aboriginal issues are discussed. In such cases, the Assembly of First Nations, the Congress of Aboriginal Peoples, Inuit Tapirisat of Canada, and the Métis National Council are invited to join the meetings (Canadian Intergovernmental Conference Secretariat 2002).

[26] The Council of the Federation. "About the Council." <http://www.councilofthefederation.ca>.
[27] The Council of the Federation. "Founding Agreement—December 2003." <http://www.councilofthefederation.ca/>.

Provincial and territorial first ministers also meet in regional premiers' conferences: the Western Premiers' Conference established in 1973; the Council of Atlantic Premiers (established in 1972 and until 2000 known as the Council of Maritime Premiers); and since 1973, the Eastern Canadian Premiers' and New England Governors' Conference. They meet once or twice a year, the chair rotates, decision making is on a consensual basis, and the federal government is not involved.[28]

FISCAL CONTROL

The distribution of tax revenues is subject to intergovernmental federal–provincial bargaining, and fiscal policy features regularly on the agenda of First Ministers' conferences. However, decisions taken at these intergovernmental meetings are rarely binding (Watts 2005). Ultimate authority remains with the federal government. Territories have become regular invitees since 1992.

Most Aboriginal self-government agreements are accompanied by tax agreements, but these do not include provisions for regular consultation or co-decision.

BORROWING CONTROL

Borrowing is not subject to intergovernmental negotiation or coordination.

CONSTITUTIONAL REFORM

Until 1982, constitutional change required approval in the British Parliament and unanimous provincial consent. The precedent for provincial consent was established in 1940, when Prime Minister MacKenzie King delayed the introduction of an amendment on the federalization of unemployment insurance until all provinces (including Quebec) agreed. When Prime Minister Trudeau challenged the norm after the defeat of the separatism referendum in Quebec in 1980 and sought to bring home the constitution without provincial consent, he suffered an effective veto by the Supreme Court. In a reference case brought by several provinces, the Supreme Court ruled that federal unilateralism was legal but violated an established constitutional convention (SCR 753/1981).[29]

Following acrimonious federal–provincial negotiations, the Canadian constitution was repatriated in 1982 and adopted by every province except Quebec. The Canada Act states that constitutional amendments require approval by the federal parliament and two-thirds of the provincial legislatures representing at least 50 percent of the Canadian population. Some amendments require approval by the federal parliament and unanimity among provincial

[28] <http://www.gov.mb.ca/fpir/fedprov/western.html> and <http://www.cap-cpma.ca/images/CAP/capmou.pdf>.

[29] The convention of unanimous provincial consent for constitutional change has been reinforced by several events. See for an overview Russell (2004) and Stein (1989).

legislatures (Heard and Swartz 1997; Kilgour 1983; Levesque and Moore 1984). Constitutional amendments which affect only one province require federal approval (both houses) and the approval of the affected province (Law No. 11/1982, Arts. 38–49; Finbow 1994; Hueglin and Fenna 2006: 219–25; Simeon 2004). Hence provincial governments—collectively, and for important questions, individually—have a veto over constitutional reform.

A reluctance to embrace unilateralism is also apparent in case law regarding the right to secession. The Supreme Court of Canada ruled in 1998 that there is an implicit constitutional right for Quebec to secede but by negotiation of the terms, not one-sided action (SCR 217/1998). The decision must first find support with a clear majority of Quebecers in a referendum posing a clear question, and next the terms of exit must be implemented in negotiation and agreement with "the rest of Canada" (Aronovitch 2006). The Court was intentionally vague on what it meant by "the rest of Canada," but Canadian commentators have generally understood it to refer not only to the federal government.

Except for Yukon, territories have no formal consultation or decision right with respect to their own statute.[30] The Yukon government acquired, in 2002, the right to be consulted on future amendments of the Act (Law No. 7/2002, Art. 56.1). In addition, the legislative assembly of Yukon may make recommendations with respect to amending the Yukon Act (Law No. 7/2002, Art. 56.2).[31] Incidentally, despite their weak formal powers, territories participated in the 1992 Charlottetown federal–provincial constitutional negotiations, which sought to resolve longstanding disputes on the division of federal, provincial, and territorial powers. The accord was defeated in Canada's first nationwide referendum since 1942. Quebec held its own referendum, which was also negative. The status of the territories was not changed.

The self-government agreements of Aboriginal peoples can be amended on the proposal of the Aboriginal peoples concerned (by a majority of the voters and/or by a majority of elected council members), the federal government (by order of the Governor-in-Council and/or enactment of federal legislation) and/or by provincial government (by a resolution of the provincial assembly).

[30] Nunavut is governed by a land claims agreement and the Nunavut Act. Amendments to the land claims agreement require the approval of the Nunavut Tunngavik Incorporated, the organization that implements the land claims agreement. Amendments to the land claims agreement may not affect the jurisdiction of the Nunavut legislative assembly unless the assembly consents (Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada, 1993, Art. 2.13.1). The Nunavut Act (Law No. 28/1993) does not specify a role for the Nunavut legislative assembly. (Nunavut Tunngavik Incorporated. "About NTI." <http://www.tunngavik.com/about/>.)

[31] In 2014, the Northwest Territories was granted similar rights through the 2014 Northwest Territories Act (Law No. 15/2014, Art. 61).

Self-rule in Canada

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self- rule
						Assembly	Executive	
Provinces	1950–2010	3	3	4	3	2	2	**17**
Quebec	1950–1990	3	3	4	3	2	2	**17**
	1991–2010	3	4	4	3	2	2	**18**
Northwest Territories	1950–1965	1	0	0	0	0	0	**1**
	1966–1974	2	2	0	0	2	0	**6**
	1975–1978	2	2	0	0	2	1	**7**
	1979–1985	2	2	0	0	2	2	**8**
	1986–2010	3	3	4	1	2	2	**15**
Yukon	1950–1969	1	0	0	0	2	0	**3**
	1970–1977	1	0	0	0	2	1	**4**
	1978–2001	2	3	4	1	2	2	**14**
	2002–2010	3	3	4	1	2	2	**15**
Nunavut	1999–2010	3	3	4	1	2	2	**15**
Indian Act bands	1950–1984	1	0	0	0	2	1	**4**
	1985–2004	1	1	1	0	2	1	**6**
	2005–2010	1	1	2	1	2	1	**8**
Self-governing Aboriginal peoples	1977–1984	2	3	0	3	2	2	**12**
	1985–2004	2	3	1	3	2	2	**13**
	2005–2010	2	3	2	3	2	2	**14**
In Ontario: Counties and regions	1950–2010	2	2	1	2	1	2	**10**
In Quebec: Confér. régionales des élus	2006–2010	1	0	0	0	1	0	**2**

Shared rule in Canada

		Law making						Executive control		Fiscal control		Borrowing control		Constitutional reform		Shared rule
		L1	L2	L3	L4	L5	L6	M	B	M	B	M	B	M	B	
Provinces	1950–2010	0	0	0	0	0	0	1	0	1	0	0	0	4	0	**6**
Quebec	1950–2010	0.5	0	0	0	0	0	1	0	1	0	0	0	4	0	**6.5**
Northwest Territories	1950–1991	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
	1992–2010	0	0	0	0	0	0	1	0	1	0	0	0	0	0	**2**
Yukon	1950–1991	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
	1992–2001	0	0	0	0	0	0	1	0	1	0	0	0	0	0	**2**
	2002–2010	0	0	0	0	0	0	1	0	1	0	0	0	0	2	**4**
Nunavut	1999–2010	0	0	0	0	0	0	1	0	1	0	0	0	0	0	**2**
Indian Act bands	1950–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Self-governing Aboriginal Peoples	1977–2010	0	0	0	0	0.5	0	0	0	0	0	0	0	0	4	**4.5**
In Ontario: Counties and regions	1950–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
In Quebec: Confér. régionales des élus	2006–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**

National legislature has: L1=regional representation; L2=regional government representation; L3=majority regional representation; L4=extensive authority; L5=bilateral regional consultation; L6=veto for individual region. Total for shared rule is either multilateral (M) or bilateral (B).

Self-governing Aboriginal peoples can exercise a veto by referendum or by a vote in their elected government.[32] Our scoring reflects the second option.

United States

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

The United States (US) has, for the most part, two regional tiers: states and, in the more populous and older states, counties. Counties fall under the jurisdiction of state governments. In addition, there are Indian tribes and until 1959 there were also two territories, Alaska and Hawaii. The District of Columbia has a special status as capital district. Puerto Rico is an Associated Free State with the US (*Estado Libre Asociado*, Elazar 1991: 325).[33]

The US constitution contains a list of expressed federal competences, encompassing taxation, the military, currency, commerce with Indian tribes, interstate and foreign commerce, and naturalization (C 1788, Art. 1.8). In addition, an elastic clause gives the federal government authority to pass any law "necessary and proper" for the execution of its express powers (C 1788, Art. 1.8). Competences not delegated to the federal government and not forbidden to the states are reserved to the states (C 1788, Amendment X) but federal law has supremacy over state law (C 1788, Art. 6). States have extensive competences, among them primary responsibility for education, social welfare, regional development, local government, civil and criminal law, and health and hospitals (Hueglin and Fenna 2006: 151–6; Schram 2002; Watts 1999*a*, 2008). The federal government has near exclusive authority over citizenship (including naturalization) and immigration. The power of congress to admit aliens into the country under conditions it lays down is exclusive of state regulation. Congress, with the help of the courts, has eroded state authority to regulate the conduct of aliens residing in the country.

The fifty states of the US include Alaska and Hawaii, former territories that were granted statehood in 1959 (Law Nos. 85-508/1958 and 86-3/1959). As territories, each had an elected legislature, a governor appointed by Washington, and self-governance over a broad range of policies (Law No. 339/1900, Arts. 12–15, 66 and No. 384/1912, Arts. 4–5, 9, and 14). Alaska could adopt legislation subject to national congressional veto (Law No. 384/1912, Art. 20)[34] but the

[32] Government of Canada. Aboriginal Affairs and Northern Development Canada. "The Government of Canada's Approach to Implementation of the Inherent Right and the Negotiation of Aboriginal Self-Government." <https://www.aadnc-aandc.gc.ca>.

[33] The unincorporated organized territories of Guam, the United Mariana Islands, and the Virgin Islands are not included.

[34] The congressional veto was abolished by the Alaska Constitution of 1956 which came into effect with statehood in 1959.

Hawaiian legislature could override a gubernatorial veto on territorial legislation with a two-thirds majority (Kinevan 1950; Law No. 339/1900, Arts. 49–51 and 66). We score Alaska 2 until 1959 and Hawaii 3 on institutional depth. The policy scope of the territories was similar to that of states, and Alaska and Hawaii score 3 on policy scope.

Puerto Rico is an Associated Free State not included in the fifty US states. Puerto Rico came under US control during the Spanish–US war, and was in 1898 officially ceded by Spain to the US. The 1917 Jones–Shafroth Act (Law No. 64-368/1917)—also known as the Jones Act of Puerto Rico—established limited self-rule. Puerto Ricans obtained full US citizenship, could elect both houses of its legislature, and elect a non-voting representative, the Resident Commissioner, to the US House of Representatives (Law No. 64-368/1917, Arts. 5, 24–25, and 29). However, the governor and the entire executive branch were centrally appointed; legislative acts of the regional legislature could be vetoed by the US president; and major policies including fiscal and economic matters, postal services, immigration, and defense, remained under control of Washington DC (Law No. 64-368/1917, Arts. 7–9, 12–13, and 34). Portions of the Jones Act were superseded in 1949 when the first directly elected governor took the reins, but central control over the administration remained strong. On several occasions, in response to a strong separatist movement, the US government and its local representatives severely curtailed local liberties. A law passed by the Puerto Rican legislature in 1948 made it illegal to display a Puerto Rican flag, sing a patriotic tune, talk of independence, or campaign for separatism (Law No. 53/1948). In 1950, the US government briefly imposed martial law to suppress rebellion. We reflect the strong central hand by scoring 1 on institutional depth and 0 on policy scope for 1950 and 1951 (Rezvani 2014: 174).[β]

In 1950, the US congress approved a law that granted the right to Puerto Ricans to draft their own constitution (Law No. 81-600/1950). The new Commonwealth constitution went into effect in 1952 after US congress approval (Elazar 1991: 324; Law No. 82-447/1952). The US congress and president retain ultimate responsibility for governing Puerto Rico (C 1788, Art. 4.3) so strictly speaking authority is merely delegated.[β] In addition, the constitution can only be changed with the approval of the US congress (Elazar 1991: 325). However, Puerto Ricans vote for their own governor and assembly (C 1952, Art. 3.1). The regional government has authority over the economy, education and welfare policies, public works, the Puerto Rico National Guard, the organization of the seventy-eight municipal governments, and the institutional set up of the regional government itself (C 1952, Arts. 3.16, 4, 6; Elazar 1991: 326). Immigration and citizenship is a federal responsibility. Given the central government veto and its wide policy competences, we code Puerto Rico 2 on institutional depth and 3 on policy scope for 1952–2010.

In 2010, 566 federally recognized Indian and Alaskan Tribes[35] exercised authority over almost two million citizens (US Department of the Interior 2014).[36] Relations with Indian tribes are an exclusive competence of congress (C 1788, Art. 1.8).[37] Congress ratified 370 treaties before the treaty making procedure ended in 1871.[38] Subsequently, Indian tribes have been federally recognized through acts of congress, presidential executive orders, federal court decisions and, since 1978, also through a federal acknowledgement process administered by the Bureau of Indian Affairs (BIA). Each tribe has its own constitution and authoritative competences, but there are some broad similarities.[39] Indian tribes possess all powers of self-government that states enjoy including the right "to form their own governments; to make and enforce laws, both civil and criminal; to tax; to establish and determine membership (i.e., tribal citizenship); to license and regulate activities within their jurisdiction; to zone; and to exclude persons from tribal lands."[40]

However, the authority exercised by Indian tribes falls short of that exercised by states (Law Nos. 233/1924, 90-284/1968, 93-638/1975, and 103-413/1994). The doctrine of plenary power established in the Supreme Court ruling *Lonewolf v. Hitchcock* in 1903 allowed congress to intervene at will in Indian affairs (Babcock 2005; Papillon 2012*a*). Tribal authority over criminal and civil jurisdiction was limited in 1953 when congress gave six states full or partial jurisdiction and allowed others to elect to do the same (Law No. 83-280/1953).[41] Tribal courts have civil jurisdiction over Indians and non-Indians

[35] Indian tribes can also be recognized by states. See National Conference of State Legislatures. "Federal and State Recognized Tribes." <http://www.ncsl.org>. Most federally recognized tribes are organized under the Indian Reorganization Act (Law No. 103-454/1994) except for regional and village corporations in Alaska and Indian tribes in Oklahoma which are incorporated by respectively the Alaska Native Claims Settlement Act (Law No. 92-203/1971) and the Oklahoma Indian Welfare Act (Law No. 816-74/1936).

[36] Federal Register. Volume 79, No. 19/Wednesday, January 29, 2014/Notices.

[37] The exclusive competence of congress can be derived from Art. 1.8 of the constitution which provides that congress has the exclusive power to "regulate Commerce . . . with the Indian tribes" (Papillon 2012*a*).

[38] An overview of treaties and legislation affecting Indian tribes is provided in seven volumes compiled by Charles J. Kappler entitled *Indian Affairs: Laws and Treaties*. <http://digital.library.okstate.edu/Kappler/>.

[39] US Department of the Interior. Bureau of Indian Affairs. "Sample Constitution of the Example Tribe."<http://www.bia.gov/cs> and Tribal Court Clearinghouse. "Tribal Constitutions."<http://www.tribal-institute.org/lists/constitutions.htm>.

[40] A federally recognized American Indian or Alaskan Native tribe possesses inherent rights of self-government (i.e. tribal sovereignty) and is entitled to receive certain federal benefits and services (Babcock 2005: 469–85; Law No. 73-383/1934). US Department of the Interior. Bureau of Indian Affairs. <http://www.bia.gov/FAQs>.

[41] The states required to assume civil and criminal jurisdiction over federal Indian lands were Alaska (except the Metlakatla Indian Community on the Annette Island Reserve, which maintains criminal jurisdiction), California, Minnesota (except the Red Lake Reservation), Nebraska, Oregon (except the Warm Springs Reservation), and Wisconsin. The states that elected to assume full or partial jurisdiction were Arizona (1967), Florida (1961), Idaho (1963, subject to tribal consent), Iowa (1967), Montana (1963), Nevada (1955), North Dakota (1963, subject to tribal consent),

who reside or do business on Indian reservations but criminal jurisdiction over violations of tribal law extends only to tribal members. Indian self-government is also constrained by administrative and fiscal dependence on the Bureau of Indian Affairs (BIA).[β] Tribal police forces have to contract with the BIA, and the BIA administers and provides funding for education, social services, economic development, natural resources, housing, roads, and bridges (Law No. 93-638/1975).[42] In addition, about 326 Indian land areas covering approximately 56.2 million acres are held in trust by the US.[43] We score Indian tribes 2 on institutional depth and 2 on policy scope.

The constitution originally authorized Congress to govern the District of Columbia (C 1788, Art. 1.8). Congress delegated that power to a centrally appointed governor and an assembly with a majority of directly elected members (Law Nos. 15/1801 and 62/1871; McQuade 1968). In 1874, this arrangement was replaced by a three-member Board of Commissioners with two members appointed by the president (after senate approval) and a third member selected from the US army corps of engineers (French 1984; Law No. 18/1874; McQuade 1968). The Board of Commissioners governed the capital district for nearly a century until December 1973 when the District of Columbia Home Rule Act ceded authority to a directly elected district council and mayor (Law No. 93-198/1973, Arts. 302, 401, and 421; Newman and Depuy 1975). Congress has the right to review and overrule local laws and the district's budget (French 1984; Law No. 93-198/1973, Arts. 446 and 601; Schrag 1990). However, the policy scope of Washington DC is comparable to that of states (French 1984; Law No. 93-198/1973, Art. 302; Newman and Depuy 1975: 556–75).[γ] Home rule was suspended between 1995 and 2000 when the president appointed an authority to administer the district's finances (Law No. 104-8/1995). In 2001, after a revision of the Home Rule Act, the federal government handed back regional authority to the elected government of the city (DC Inspector General 2001).

Counties are present in each state except in Alaska, Connecticut, and Louisiana which have boroughs, planning regions, and parishes, respectively. Rhode Island has counties but these serve as judicial and statistical subdivisions only. Twelve states have an intermediate tier of counties which are both general purpose and have an average population of at least 150,000: Arizona

South Dakota (1957–61), Utah (1971), and Washington (1957–63). US Department of the Interior. Indian Affairs. <http://www.bia.gov/FAQs/>.

[42] Tribal Court Clearinghouse. "Tribal Law Enforcement." <http://www.tribal-institute.org/lists/enforcement.html> and US Department of the Interior. Bureau of Indian Affairs. <http://www.bia.gov/WhatWeDo/index.html>.

[43] "The federal Indian trust responsibility is a legally enforceable fiduciary obligation on the part of the United States to protect tribal treaty rights, lands, assets, and resources, as well as a duty to carry out the mandates of federal law with respect to American Indian and Alaska Native tribes and villages." US Department of the Interior. <http://www.bia.gov/FAQs/>.

(fifteen counties), California (fifty-eight), Connecticut (eight until 1960), Delaware (three), Florida (sixty-seven), Maryland (twenty-four), Massachusetts (fourteen, but six since 2000), Nevada (sixteen), New Jersey (twenty-one), New York (fifty-eight), Pennsylvania (sixty-seven), and Washington (thirty-nine).[44] Many states apply "Dillon's Rule" which does not allow county governments to take actions beyond those specified in the state code (National Association of Counties 2010a: 6).[45] Counties play a role in providing education, justice, health, environmental planning, and regional development, with variation from state to state (National Association of Counties 2009, 2010a).

Connecticut replaced counties with regional planning agencies in 1960. They can design regional development plans for land use, housing, economic development, environment, recreation, public utilities, and transport. Massachusetts abolished eight of fourteen county governments between 1997 and 2000.[46] State legislation (Law No. 34B/1997) allowed abolished counties to reorganize as a "regional council of governments," and two did so.[47] Regional councils have directly elected councils and executives, and their main responsibility lies in infrastructure, land use planning, and emergency planning (Law No. 34B/1997, Art. 20h).[a] The remaining six county governments administer jails and county court houses, recreational facilities, and solid waste management (National Association of Counties 2009: 45, 2010a: 86-87). Planning regions in Connecticut and counties and regional councils in Massachusetts score 2 on institutional depth and 1 on policy scope.

FISCAL AUTONOMY

Taxes are concurrent between the federal government and states (C 1788, Art. 1.8 and Amendment XVI). Both levy personal and corporate income taxes along with general and selective sales taxes. States can set the base and rate for these taxes (Chernick and Tennant 2010; Posner 2007; Stotsky and Sunley 1997; Watts 1999*b*, 2008). The most important revenue source for states is usually the sales tax (Laubach 2005; Schroeder 2006). As a territory, Hawaii had the same fiscal authority as states (Law No. 339/1900, Art. 55), but Alaska was restricted to setting the rate of property tax up to 2 percent (Law No. 384/1912, Art. 9). Puerto

[44] In thirty-five states the average population of counties is below 150,000, and in two states (Alaska and Hawaii) the county is the lowest tier of government (National Association of Counties 2009; US Census Bureau 2013).

[45] Eleven states do not apply Dillon's Rule: Alaska, Iowa, Massachusetts, Mississippi, Montana, New Jersey, New Mexico, Ohio, Oregon, South Carolina, and Utah (National Association of Counties 2010a: 204–5).

[46] Franklin and Middlesex were abolished in 1997; Hampden, Hampshire, and Worcester in 1998; Essex and Suffolk in 1999; Berkshire in 2000. Source: William Francis Galvin. Secretary of the Commonwealth of Massachusetts. "Historical Data Relating to the Incorporation of and Abolishment of Counties in the Commonwealth of Massachusetts." <http://www.sec.state.ma.us/cis/cisctlist/ctlistcounin.htm>.

[47] Franklin (in 1997) and Hampshire (in 1998).

Rico can levy corporate and personal income tax, as well as other minor taxes including excise taxes on imports, cigarettes, liquor, hotel rooms, cement, vehicles, and lotteries. Federal taxes do not apply in Puerto Rico unless by mutual consent, but Puerto Rico citizens participate in federal social security programs and pay taxes for social security and health care (Elazar 1991: 326).

Each Indian tribe is governed by its own constitution, but there are similarities in fiscal powers. An Indian tribe may set the base and rate of major taxes such as corporate and personal income tax and sales tax for members of the tribe who reside in its territory (Joint Committee on Taxation 2008).[48] Members of a tribe are subject to federal income tax and states may require Indian tribes to collect sales taxes on sales made to non-members of the tribe (Joint Committee on Taxation 2008: 5–6). In general, Indian tribes enjoy tax autonomy to the same extent as states but most tribes impose only a sales and excise tax.[β] Tribes are often unable to levy property taxes because of the trust status of their land, and generally do not levy income taxes.[49]

Before home rule, Washington DC depended on central government grants. Since home rule, it has similar taxation powers to states except that it cannot tax the personal income of non-residents (Law No. 93-198/1973, Arts. 302 and 602; Newman and Depuy 1975: 541–56). A federal control board took over the budget when home rule was suspended from 1995–2000.

The tax powers of counties vary by state. Most counties can set the rate of a property tax and many can impose an excise tax (Laubach 2005; Schroeder 2006).[50] The base of the property tax is set by the state, which collects the tax prior to transferring some portion to counties. Most counties can also introduce an excise tax on items such as alcohol, tobacco, motor fuel, occupancy, and motor vehicles. In Arizona, California, Maryland, Nevada, New York, and Washington, counties can set the rate of a sales and use tax, mostly in the form of surtax on the rate set by the state. In Connecticut (until 1960), Delaware, Florida, New Jersey, and Pennsylvania, counties cannot set the rate of the sales and use tax. In some states, they receive a share of sales and income taxes collected by the state (National Association of Counties 2008, 2010a).

Planning regions in Connecticut and regional councils in Massachusetts are dependent on dues, fees, and grants (Connecticut General Assembly 2007: 37; Law No. 34B/1997, Art. 20a (CT)). Counties in Massachusetts may levy taxes if

[48] A tribe or a tribal-owned corporation that is incorporated under section 17 of the Indian Reorganization Act (Law No. 73-383/1934) is not subject to federal income tax no matter where the business is located (Joint Committee on Taxation 2008: 3). State income taxes cannot be levied on Indian tribal members who live and work on the reservation (Zimmermann 2005 7–8).

[49] National Congress of American Indians. <http://www.ncai.org/policy-issues/tribal-governance/taxation>.

[50] C 1780 (MA); C 1864, Art. 10.1 (NV); C 1867, Art. 11.8 (MD); C 1874, Art.13 (AR); C 1889, Art. 11.12 (WA); C 1897, Art. 7.1 (DE); C 1912, Art. 12.7 (AZ); C 1938, Art. 16 (NY); C 1947, Art. 8.1 (NJ); C 1968, Art. 7.9 (FL); C 1968, Art. 9 (PA).

approved by a budget advisory board composed of local government officials (National Association of Counties 2008: 26, 2010a: 86–7).[β] Planning regions in Connecticut and counties and regional councils in Massachusetts score 0 on fiscal autonomy.

BORROWING AUTONOMY

States do not face national restrictions on borrowing, nor does the federal government guarantee state bonds (C 1788, Art. 1.8; Joumard and Kongsrud 2003). Interest payments on state bonds are exempt from federal taxation.

Thirty-nine states have self-imposed constitutional and/or statutory provisions requiring a balanced operating budget and permitting borrowing for capital projects only (Advisory Commission on Intergovernmental Relations 1995: 6; Joumard and Kongsrud 2003; Plekhanov and Singh 2007). The stringency of these state provisions varies and their effectiveness, even when written into the state constitution, is often limited (Stotsky and Sunley 1997). The legislature in all but four states must pass a balanced budget at the beginning of the fiscal year, but only eight states are formally required to balance their operating budget at the end of the year or biennium (Hou and Smith 2006; Smith and Hou 2013). A further twenty-six states have within-year fiscal controls in place to avoid a deficit. Just seven states (Indiana, Maine, New York, Pennsylvania, Vermont, Virginia, and Wyoming) do not have legal limits.[51]

The territorial government of Alaska could borrow only with the prior authorization of the federal government (Law No. 384/1912, Art. 9), while Hawaii could borrow with prior presidential authorization up to 10 percent of the total value of property within the territory for capital investment (Law No. 339/1900, Art. 55). Central government oversight was abolished in 1959 when these territories were granted statehood. Puerto Rico can borrow up to 15 percent of annual revenue and does not need federal authorization (C 1952, Art. 6.2).

Indian tribes have the same formal borrowing autonomy as states. They can borrow freely and, as is the case with state bonds, interest payments on Indian tribe bonds are exempt from federal taxation (Joint Committee on Taxation 2008; Law No. 97-473/1982). However, review and approval from the Bureau of Indian Affairs (BIA) is usually necessary when a tribe uses Indian land or funds as collateral (Hyatt et al. 2005). This constraint amounts to prior authorization.[β] In order to facilitate borrowing, a 1974 law provides federal insurance for private loans to tribes (Law No. 93-262/1974).

Under direct congressional rule, Washington DC was not able to borrow.[α] Under home rule, borrowing is limited to capital projects up to 14 percent of

[51] These states do not have one of the following: a limit on the amount of debt that may be assumed for the purpose of deficit reduction; a balanced budget; controls on supplementary appropriations; within fiscal-year controls to avoid deficit; no deficit may be carried over the next fiscal year or biennium (Hou and Smith 2006).

total revenue and prior federal authorization is not needed (Law No. 93-198/1973, Arts. 463 and 603b; Newman and Depuy 1975: 603–18).

Rules governing county borrowing are determined by the respective state government.[52] County debt is constrained in two ways. First, nearly all states place a limit on bond issues. This is often linked to the county's property tax base. Second, some states require that a majority or supermajority of voters approve long term debt (National Association of Counties 2010a, 2010b; Schroeder 2006).

Planning regions in Connecticut do not have borrowing autonomy (Connecticut General Assembly 2007: 37).[α] Counties in Massachusetts can borrow for infrastructural projects up to 10 percent of annual revenues (National Association of Counties 2010a: 86). Formally, regional councils in Massachusetts can incur debt up to half of annual revenues, but in practice, regional councils do not borrow (Law No. 34B/1997, Art. 20k).[53] Planning regions in Connecticut, and counties and regional councils in Massachusetts score 0.

REPRESENTATION

State lower houses are elected every two years. Most state upper houses and governors are elected every four years.[54] As territories, Alaska and Hawaii had a government-appointed governor and directly elected senate (every four years) and house (every two years) (Law No. 339/1900, Arts. 30, 35, and 66; Law No. 384/1912, Arts. 4–5 and 14). Since 1959, they both have a directly elected governor and assembly. Since 1948, Puerto Rico has a directly elected governor and bicameral legislature (C 1952, Arts. 3.1 and 4.1). Until 1973 Washington DC had a three-member board whose members were appointed by the president (Law No. 18/1874, Art. 2). Since 1974 the capital district has a popularly elected council and mayor, and the council elects its own chair (Law No. 93-198/1973, Arts. 401 and 421; Schrag 1990). When home rule was suspended, the decisions of the mayor could be overridden by a presidentially appointed board, which amounts to a dual executive.[β]

Indian tribes are governed by directly elected councils, which appoint a president and vice-president.

Counties have directly elected councils. In some counties an executive is directly elected alongside the council; in others, the council combines

[52] C 1780 (MA); C 1864, Art. 8.10 (NV); C 1867, Art. 11.8 (MD); C 1874, Art.11.11 (AR); C 1889, Art. 8.6 (WA); C 1897, Art. 8.8 (DE); C 1912, Art. 9.7 (AZ); C 1938, Art. 8 (NY); C 1947, Art. 8.3 (NJ); C 1968, Art. 7.10 and 7.12 (FL); C 1968, Art. 8.9 (PA).

[53] Franklin Regional Council of Governments. Annual Report 2013.[β] <http://www.whately.org/images/FRCOG/Regional-13-j-post.pdf>; Hampshire Council of Governments. <http://www.hampshirecog.org/content/about-us>.

[54] Upper houses in Arizona, Connecticut, Georgia, Hawaii, Idaho, Maine, Massachusetts, New Hampshire, New York, North Carolina, Rhode Island, South Dakota, and Vermont have two-year terms. The term of office for governors in New Hampshire and Vermont is also two years.

legislative and executive tasks (National Association of Counties 2010a). Assessors, clerks, recorders, sheriffs, tax collectors, and treasurers are also often directly elected (National Association of Counties 2010a). Regional councils in Connecticut are composed of locally elected representatives (Connecticut General Assembly 2007: 7–18). Regional councils in Massachusetts consist of directly elected officials from cities and towns from within the region, and the council appoints an executive director.[55]

Shared rule

There is no shared rule for Puerto Rico, counties, regional councils, planning regions, and Washington DC.

LAW MAKING

Each state has two directly elected senators in the US senate. Elections are held every two years nationwide for one-third of the seats (C 1788, Art. 1.3 and Amendment XVII). The two Houses must pass all legislation in exactly the same form, which provides the senate with veto power over all legislation (C 1788, Art. 1.7).

As territories, Alaska and Hawaii had no senators, and since 1906 each territory has one directly elected, non-voting representative in the House of Representatives (Law No. 339/1900, Art. 85 and 384/1912, Art. 17). Puerto Rico has a non-voting Resident Commissioner in the House of Representatives. Washington DC has no representation in the senate, and since 1970 it has been represented by a delegate who can vote in committee but has no voting rights on the House floor (Schrag 1990).[56] Indian tribes have no formal channel for influencing federal law making affecting their interests.

EXECUTIVE CONTROL

Exclusive policy competences are subject to extensive "marble-cake" federal–state collaboration. Executive control often involves federal financial incentives which states may accept or reject. From the 1960s, these incentives have taken the form of conditional grants ("grants-in-aid") designed to induce states (and local governments) to implement federal priorities. Implementation of many national laws on concurrent competences hinges on these one-to-one agreements with funding and implementation conditions (Wright 1974, 1988). Once passed into law, grants-in-aid are submitted to the states which decide, one by one, whether to participate (Hueglin and Fenna 2006: 229-234). The agreements

[55] Franklin Regional Council of Governments. Annual Report 2013. <http://www.whately.org>; Hampshire Council of Governments. <http://www.hampshirecog.org>.

[56] Since 1961 residents of the District of Columbia can vote for three presidential electors (C 1788, Amendment XXIII).

are bilateral, and once signed, they are legally binding (Bakvis and Brown 2010).[57] This mechanism provides a form of bilateral executive control to states.[β]

Lobby organizations provide a channel for informal intergovernmental bargaining. These include the National Governors Association (established in 1908), the National Conference of State Legislatures (1975), and the Council of State Governments (1933). Indian tribes are represented by the National Congress of American Indians (1944), counties by the National Association of Counties (1935), and towns and cities by the National League of Cities (1924), the National Association of Towns and Townships (1976), and the US Conference of Mayors (1932). These organizations do not have formal intergovernmental relations with the federal government, and do not receive a score in executive control (Bolleyer 2006*b*).

An Advisory Commission on Intergovernmental Relations (ACIR) was established in 1959 with representatives from federal, state, and local government (Law No. 86-380/1959).[58] Its remit was to consider common problems, encourage discussion, give advice, and provide technical assistance. It could also submit recommendations on drafts of federal regulations. The commission's recommendations were heavily directed towards improving the grant-in-aid system and shaping federal regulations (McDowell 1997). However, the federal government was not required to follow the commission's advice and often ignored its recommendations (Kincaid 2011: 185; McDowell 2011: 165). The ACIR was conceived as an "'honest information broker,' collecting, interpreting and disseminating data" (Stenberg 2011: 170). It did not serve as a venue to negotiate policies. The commission was abolished in 1996 (McDowell 1997). In sum, the ACIR did not provide states (and counties) with multilateral executive control.[γ]

Indian tribes are not routinely consulted on executive policy making, though the federal government has become more receptive. In the early 1980s the federal government adopted the principle that federal–tribe interactions should be treated as "government-to-government" relations (Papillon 2012*a*). One implication is that federal agencies should consult regularly with tribal governments on policy that affects them. The policy was strengthened through a presidential executive order in 2000 which instructs federal agencies "to respect Indian tribal self-government" and adopt "an accountable process to ensure meaningful and timely input by tribal officials in the

[57] In the 1970s, around one-quarter of state budgets came from conditional federal grants, declining to around 15 percent by the late 1990s, but increasing to about 30 percent in the 2000s. Currently there are more than 200 grant-in-aid programs. No particular law or executive order regulates these agreements. Their legal basis lies in the commerce clause, the Fifth and the Fourteenth Amendment, and in Supreme Court jurisprudence (Christensen and Wise 2009; Wright 1988).

[58] <http://www.library.unt.edu/gpo/acir>. The committee of twenty-six was a mix of federal representatives, senate and house members, governors, state legislators, county officers, mayors, and private citizens (Law No. 86-380/1959, Art. 2) (McDowell 1997).

development of regulatory policies that have tribal implications" (Law No. 65-218/2000, Arts. 3 and 5). Each federal agency must set up its own process, and "the implementation of such principle is still inconsistent from one agency to another" (Papillon 2012*a*: note 9).

FISCAL CONTROL

States or other subnational governments do not have shared rule on the distribution of tax revenues.

BORROWING CONTROL

States or other subnational governments do not have shared rule on borrowing.

CONSTITUTIONAL REFORM

The constitution gives states a veto over constitutional amendments. Two-thirds of both houses of Congress and three-quarters of state legislatures are required to ratify an amendment (C 1788, Art. 5; Schram 2002).

Territories did not have a role in reforming their statutes (Law Nos. 339/1900 and 387/1912). Since 1952, the Puerto Rico legislative assembly may propose amendments to its status as an Associated Free State by a two-thirds majority followed by a referendum, but the US congress takes the final decision (C 1952, Art. 6.3). Puerto Rico's statute can also be changed unilaterally by congress.$^{\beta}$ The statute of Washington DC can be changed unilaterally by congress, and contrary to Puerto Rico, Washington DC cannot initiate a revision of its statute. Puerto Rico scores 1 on bilateral constitutional reform, while the territories of Alaska and Hawaii, the territory of Puerto Rico before 1952, and Washington DC score 0. None play a role in amending the US constitution.

The constitutional relation with Indian tribes is an exclusive competence of Congress (C 1788, Art. 1.8). Only congress can terminate a federally recognized Indian tribe (Law No. 103-454/1994, Art. 103). Indian tribes have two channels through which they can initiate constitutional reform. Since 1978, a tribe can instigate federal recognition through an acknowledgement process administered by the Bureau of Indian Affairs.[59] Moreover, an Indian tribe can change its constitution via a tribal referendum, which the Secretary of the Interior is required to hold on the request of the tribal council or upon a petition signed by at least 30 percent of tribal voters.

A tribal constitution needs approval by the Secretary of the Interior, and tribal constitutions are subject to federal law. Indian tribes have no role in amending the US constitution.

[59] US Department of the Interior <http://www.bia.gov>.

Self-rule in the United States

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
States	1950–2010	3	3	4	3	2	2	**17**
Alaska	1950–1958	2	3	1	1	2	0	**9**
	1959–2010	3	3	4	3	2	2	**17**
Hawaii	1950–1958	3	3	4	1	2	0	**13**
	1959–2010	3	3	4	3	2	2	**17**
Puerto Rico	1950–1951	1	0	0	0	2	2	**5**
	1952–2010	2	3	4	2	2	2	**15**
Indian tribes	1950–2010	2	2	4	1	2	2	**13**
Washington DC	1950–1973	1	0	0	0	0	0	**1**
	1974–1994	2	3	4	2	2	2	**15**
	1995–2000	1	0	0	0	2	1	**4**
	2001–2010	2	3	4	2	2	2	**15**
Counties*	1950–2010	2	2	2	2	2	2	**12**
Counties**	1950–2010	2	2	3	2	2	2	**13**
Counties MA***	1950–2010	2	1	0	0	2	2	**7**
Planning regions CT	1972–2010	2	1	0	0	1	2	**6**

* Counties in Connecticut (CT) (until 1960), Delaware, Florida, New Jersey, and Pennsylvania.
** Counties in Arizona, California, Maryland, Nevada, New York, and Washington.
*** Including the regional councils of Franklin since 1997 and Hampshire since 1998 in Massachusetts (MA).

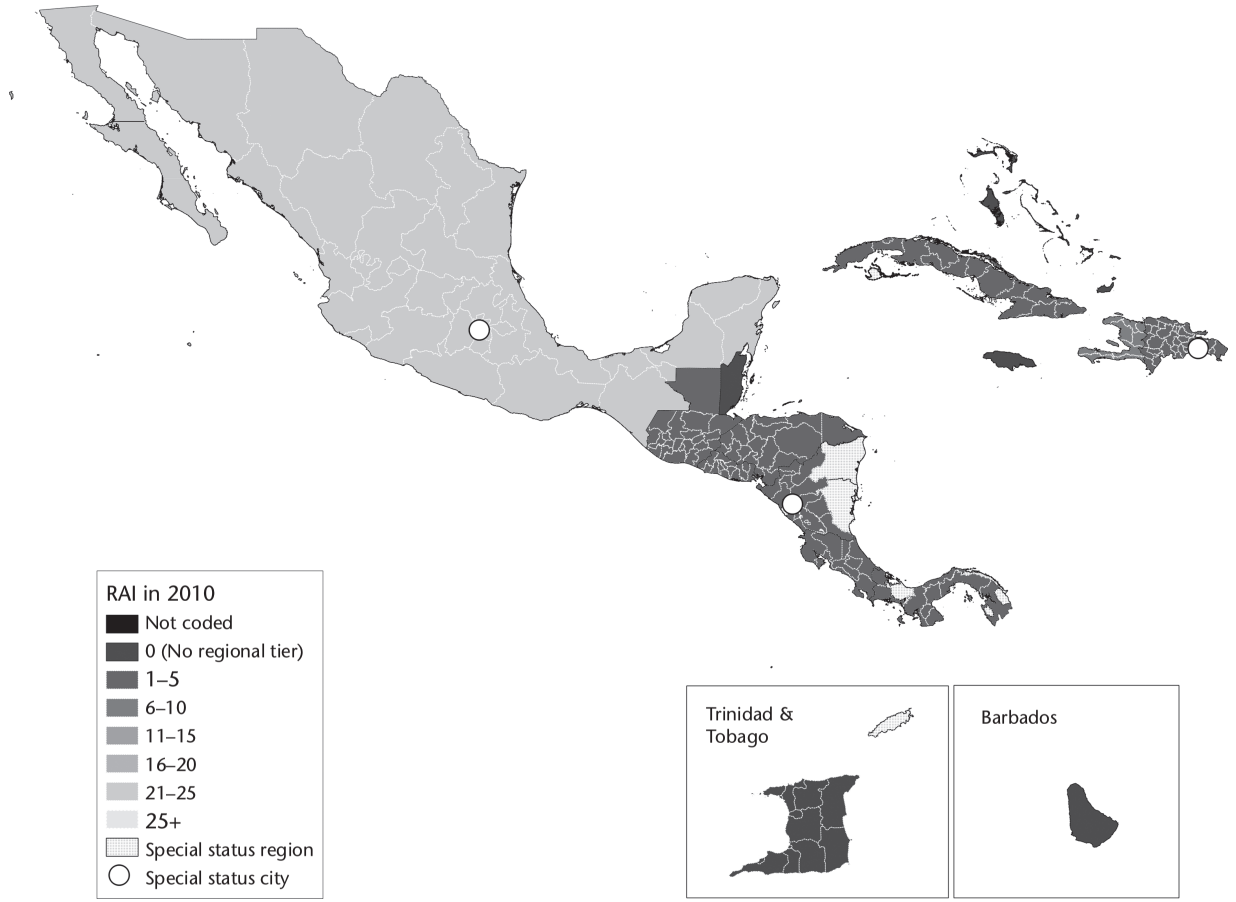
Shared rule in the United States

		Law making						Executive control		Fiscal control		Borrowing control		Constitutional reform		Shared rule
		L1	L2	L3	L4	L5	L6	M	B	M	B	M	B	M	B	
States	1950–2010	0.5	0	0.5	0.5	0	0	0	2	0	0	0	0	4	0	**7.5**
Alaska	1950–1958	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Hawaii	1950–1958	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Puerto Rico	1950–1951	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
	1952–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	1	**1**
Indian tribes	1950–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	2	**2**
Washington DC	1950–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Counties*	1950–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Counties**	1950–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Counties MA***	1950–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Planning regions CT	1972–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**

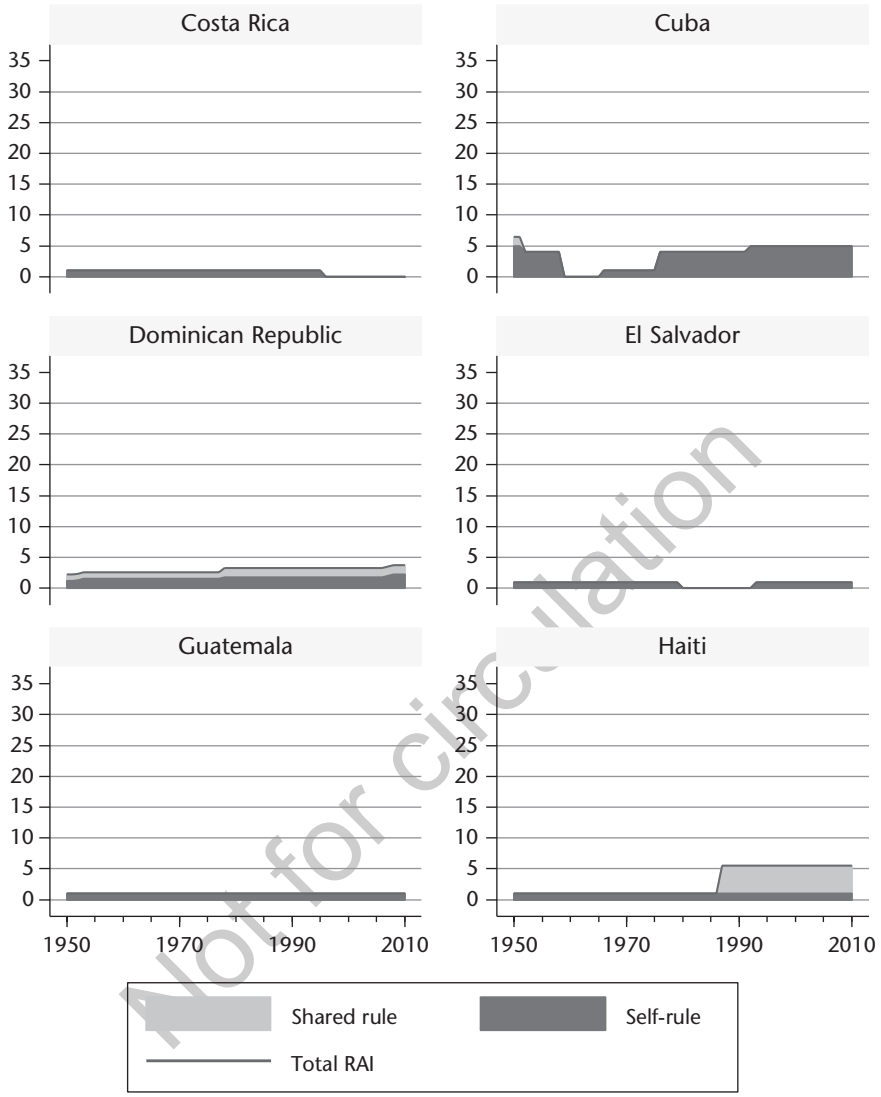
National legislature has: L1=regional representation; L2=regional government representation; L3=majority regional representation; L4=extensive authority; L5=bilateral regional consultation; L6=veto for individual region. Total for shared rule is either multilateral (M) or bilateral (B).

Central America and the Caribbean

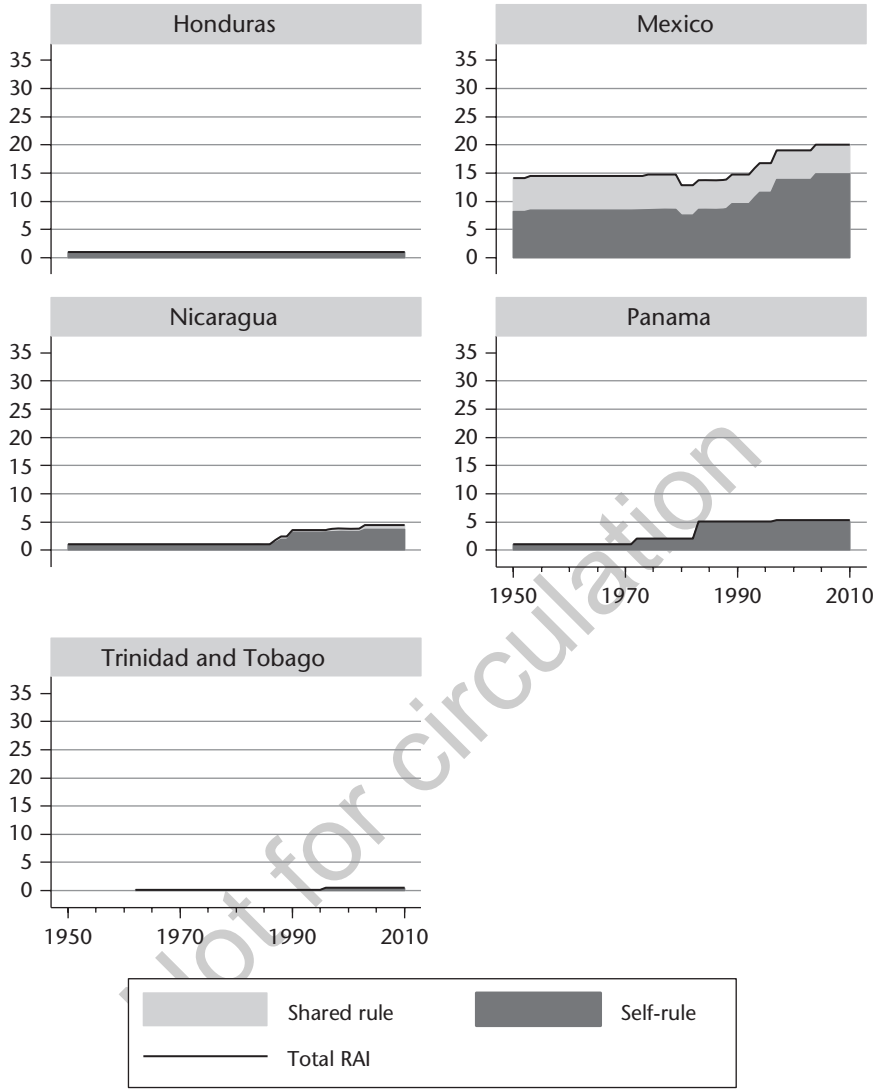
101 Bahamas (1973–2010)
102 Barbados (1966–2010)
103 Belize (1981–2010)
108 Costa Rica (1950–2010)
109 Cuba (1950–2010)
110 Dominican Republic (1950–2010)
112 El Salvador (1950–2010)
113 Guatemala (1950–2010)
115 Haiti (1950–2010)
116 Honduras (1950–2010)
117 Jamaica (1962–2010)
118 Mexico (1950–2010)
119 Nicaragua (1950–2010)
120 Panama (1950–2010)
124 Trinidad and Tobago (1962–2010)



Standard and differentiated regions in Central America and the Caribbean (2010)



Trends in regional authority in Central America and the Caribbean



Trends in regional authority in Central America and the Caribbean
Note: No general purpose regional government in Barbados, Bahamas, Belize, Jamaica.

Bahamas

The Commonwealth of the Bahamas is made up of over 300 islands with a total population of just over 350,000. The Bahamas became a British crown colony in 1718, gained internal autonomy in the British Commonwealth in 1964, and became independent in 1973.

The 1996 Local Government Act created two-tiered subnational governance consisting of thirty-one districts, of which eighteen are intermediate encompassing several townships and thirteen are unitary. The average population of a district is 3,400 inhabitants. The largest island of Providence, which also contains the capital of Nassau and houses two-thirds of the population, is under direct central government control.

The 1996 law also applied to the City of Freeport, a free trade zone on the island of Grand Bahama, which had been founded by a private corporation, the Grand Bahama Port Authority, under the Hawksbill Creek Agreement of 1955 (amended in 1960). The covenant allowed the Grand Bahama Port Authority to issue business licenses in exchange for providing infrastructure, health, and education to the inhabitants at a level not below that in other parts of the Bahamas (Art. 1.5). With the 1996 Local Government Act (Art. 14.3), a unitary district council took over most responsibilities in economic development, town planning, health, and education (Commonwealth Local Government Forum 2011: 20–1).

Barbados

Barbados is an island nation in the Lesser Antilles with just under 285,000 inhabitants. It was a British colony until independence in 1966, though like the Bahamas, it remained part of the British Commonwealth. In the 1990s there was a failed attempt to unite Barbados, Trinidad and Tobago, and Guyana in a federation. Barbados has no intermediate tier.

Eleven parishes, inherited from the colonial era, provide local government. There is no representative local government since the abolition of parish councils in 1959. However, at a level below the parish, the Constituency Council Act of 2009 created thirty councils composed of appointed (not elected) local representatives, tasked with collecting data, referring citizens to government agencies, and facilitating service delivery (Constituency Council Act 2009, Art. 5). Six councils were launched in July 2009 to pilot the program, and the remainder started up in 2010.[1]

Belize

Belize gained self-government from Britain in 1964 under the name British Honduras. It was renamed Belize in 1973, and became independent in 1981.

[1] "Blackett: Constituency Councils on Track." *Nationnews*, February 14, 2015. <http://www.nationnews.com>.

The 1981 constitution is still in effect. Intermediate governance consists of six districts with an average population of 57,000.

The capital of Belmopan was exempt from local and district governance until 2001. After Hurricane Hatti (1961) destroyed much of the original capital, Belize City, Belmopan was built by a corporation, the Reconstruction and Development Corporation (or Recondev), and run by Recondev until 2000. The status of Recondev was regulated by national law (Reconstruction and Development Corporation Act 1962). Recondev had extensive authority in municipal development as well as the provision of water, sewage, and electricity (Art. 14), but for important matters, including the establishment of localities, it required approval of the minister of finance (Art. 13). Recondev was primarily funded through government grants, and could raise additional revenues through real estate sales and borrowing (Art. 7).[a] The Board of Directors was accountable to the central government. Since 2000, Belmopan has an elected government (Belmopan City Council Act of 1999).

Costa Rica

Costa Rica is a unitary country with, until 1995, one tier of deconcentrated intermediate governance of seven *provincias* (C 1949, Art. 169). In addition, six deconcentrated regions, created in the 1970s by executive decree, partly crosscut the provinces.[2] They were set up as regional outposts for central government policy.[3] Costa Rica also has two-tiered municipal governance consisting of eighty-one *cantones* (cantons) divided into more than 450 *distritos* (districts). Unlike provinces, these have constitutionally protected self-governance (C 1949, Art. 169).

Provinces were abolished as governments in 1995 (Hall, Arce, and Monge-Naranjo 2002: 7). They continue to exist as statistical categories. Until then each *provincia* had a centrally appointed *gobernador* (governor) who acted as the intermediary between central and local government for matters not assigned to central departments (Decree 17858-G, Arts. 4, 6.e, and 6.f), was responsible for security and order (Art. 5 and 7), applied national tax law regionally, and oversaw the implementation of development programs (Decree 17,858-G, Arts. 6.a and 6.g).

[2] The Central Valley region consisted of the *provincias* of Ajuela, Cartago, Heredia, and San José; the Northern Pacific and Northern Plains regions partitioned the *provincia* of Guanacaste; the Caribic region coincided with the *provincia* of Limón; and the Southern and Central Pacific regions partitioned the *provincia* of Puntarenas.

[3] Base de Datos de las Américas. Decentralization Study. <http://pdba.georgetown.edu/Decen/CostaRica/costarica.html>.

In an effort to improve interprovincial coordination, a Gubernatorial Council (*Consejo de Gobernaciones)* was created in 1987, which consisted of representatives of the ministry of the presidency, the police, and the governors of the *provincias*. The council was chaired by the ministry of the presidency (1987 Decree 17,858-G, Arts. 10 and 11), and convened by the minister of interior affairs (Art. 13). It was tasked with analyzing the main challenges faced by the *provincias* and with formulating recommendations to the central government (Art. 12). In 1995 the council and the provincial governorship—and with it the provinces as government units—were abolished (Executive Decree 24629; Hall, Arce, and Monge-Naranjo 2002).[a]

The governance gap has been filled by *mancomunidades*—associations or alliances between twelve or more municipalities designed to provide a particular public good, such as waste management, transport, or financial and technical assistance to municipalities. Mancomunidades are conceived as task-specific local government (Elmenhorst et al. 2011).

Self-rule in Costa Rica

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Provincias	1950–1995	1	0	0	0	0	0	**1**
	1996–2010	0	0	0	0	0	0	**0**

Cuba

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Contemporary Cuba, with nearly 11.2 million inhabitants in 2012, has one intermediate level of governance—the *provincia* (province)—and one dependency—the *municipio especial* Isla de la Juventud. From 1878–1976 Cuba had six provinces and a fluctuating number of *municipios* (munipalities). The early revolutionary government responded to rapid population growth by significantly increasing the number of municipalities and adding an intermediate layer of *regionales* (up to fifty-eight in 1976, with an average population of 162,000) (Mendez Delgado and Lloret Feijoo 2007: 20).[a] In 1976 territorial governance was comprehensively recast: the number of *provincias* was increased from six to fourteen plus the special region of Isla de la Juventud

(which had been named Isla de Pinos until 1978), the number of *municipios* reduced from 407 to 169, and *regionales* abolished.[4] In 2011, the *provincia* of La Habana was divided into two *provincias*.

The 1940 constitution was in place until 1959, including during the dictatorship of Fulgencio Batista (1952–59). The revolution of 1959 replaced the constitution with the *Ley Fundamental de 1959* (Fundamental Law of 1959), which was superseded by a new constitution in 1976, which has been amended twice (in 1992 and in 2002).

Cuba's current constitution enshrines a socialist economic and political system. Cuba is not a liberal democracy, but regular elections take place at all levels of government. As of 1992 these elections are direct and secret, and other political parties than the communist party may field candidates, but they are not allowed to campaign and there is limited freedom of expression.

Subnational governance has historically had a strong local stamp. Under the constitution of 1940, *consejos provinciales* (provincial councils) were composed of the mayors of the *municipios*. While there was a provincial capital, the council could meet in any town it chose (C 1940, Art. 240). Local referenda were required for regional governments to increase municipal or provincial taxes (Arts. 213 and 242). Technically, provinces had a relatively broad policy remit: they could provide services of "provincial concern, especially in the departments of health and social assistance, education, and communications" (Art. 242.2). This was tempered by the fact that provinces were characterized as administrative rather than self-governing (Art. 250) and that the first task of the governor was to "carry out and enforce the bills, decrees, and regulations of the nation" (Art. 238). Provincial governance was further constrained by the authoritarian regime that ruled Cuba from 1952.[β] From 1950–59 provinces score 1 on institutional depth and 0 on policy scope.

The *Ley Fundamental de 1959* (Fundamental Law of 1959) kept the basic structure of territorial governance, but eliminated the national congress and put legislative responsibility in the hands of the national executive. The national executive—through the *consejo de ministros* (council of ministers) headed by the president—made changes to the *Ley Fundamental* throughout the next seventeen years, but not in ways that changed the character of regional authority.[γ] It served as the temporary constitution of Cuba until 1976.

[4] We do not score the short-lived *regionales* because we lack information about their structure and operation (Mendez Delgado and Lloret Feijoo 2007; <http://es.wikipedia.org/wiki/Historia_territorial_de_Cuba>). We suspect they were coordination vehicles for municipal government and party organization rather than general purpose government.

After 1959, the government initially sought to centralize authority, and provincial and municipal councils were side-stepped by a parallel party-dominated structure (Mendez Delgado and Lloret Feijoo 2007: 17). In 1961, the government created the *juntas de coordinación, ejecución e inspección* (committees for coordination, execution, and inspection, JUCEI). The bodies were deconcentrated, albeit with some input from societal organizations, with the task of coordinating and supervising central policies at the subnational level (Malinowitz 2006: 54; Mendez Delgado and Lloret Feijoo 2007: 17). Since provincial government was not operating, *provincias* score 0 for 1959–65.[α]

In 1966, Castro announced decentralization as the *leitmotiv* (*Los Angeles Times* 1966: 11). The new system—*poder local* (local power)—sought to subject party-appointed executives to regular scrutiny by instituting directly (or in the case of the provincial level, indirectly) elected assemblies. However, by the end of the 1960s centralization had renewed its grip and these institutions had become mostly administrative (Malinowitz 2006: 55; Mendez Delgado and Lloret Feijoo 2007: 18).

The first party congress in 1975 implemented a new system of territorial organization based on *órganos del poder popular* (organs of popular power), which had been piloted in the province of Matanzas from 1974. The *asambleas del poder popular* (popular power assemblies) exist at all three levels and still form the basis of territorial political organization today. The system was implemented nationwide in all *provincias* and *municipios* in 1976.

In the framework of the socialist constitution of 1976, *provincias* (and *municipios*) are conceived to be primarily responsible for implementing and administering national policy (Ch. IX, Art. 105). At the same time, the *provincias* are substantial administrative organizations, and their assemblies have limited autonomy in economic development and in drafting work plans for the *provincia* (Roman 2003, 2007). At least since the mid-1970s, provincial assemblies play an important role in administering health, education, housing, transport, sport, tourism, civil defense, economic policy, and retail distribution (Todd 1990: 18). Provincial government also supervises municipal government and is the final coordinator of municipal development and investment plans (Malinowitz 2006). However, this relative self-governance is tempered by the fact that governing decisions are primarily made by the Cuban Communist Party and the national assembly, which remains the only body with formal legislative power (Todd 1990)[5]. Provinces score 1 for institutional depth for the whole period, and 0 on policy scope 0 for 1959–75, and 1 from 1976.[β]

Isla de la Juventud becomes a *municipio especial* beginning with the 1976 constitution. The special region is governed directly by the central government.

[5] See also Cuban Communist Party Statute and Regulation. <http://www.pcc.cu/eo.php>.

FISCAL AUTONOMY

Subnational governments administer a significant amount of spending (Malinowitz 2006: 77), but neither *provincias* nor the Isla de la Juventud control taxes.

BORROWING AUTONOMY

Under the 1940 constitution, *provincias* could borrow money with express permission of the national *tribunal de cuentas* (Art. 242). After the revolution, private and foreign borrowing by *provincias* ceased.[α] Isla de la Juventud may not borrow.

REPRESENTATION

Under the 1940 constitution, each *provincia* had a governor and a *consejo provincial* (provincial council, Art. 233). Governors were directly elected every four years (Art. 235). The *consejos* were made up of all the mayors of the *provincia* (Art. 239). The authoritarian regime intervened extensively in provincial elections beginning in 1952. *Provincias* score 1 (assembly) and 2 (executive) for 1950–51, and 1 (assembly) and 1 (executive) for 1952–59.[β]

The revolution dismantled provincial representative institutions (Malinowitz 2006: 54–56; Mendez Delgado and Lloret Feijoo 2007: 16–21). Under the 1976 constitution, municipal assemblies elected provincial assemblies (Art. 106) from members recommended by party-dominated municipal candidacy commissions (Roman 2003: 17). Elections were held every two and a half years (Art. 111). *Comités ejecutivos* (executive committees) were chosen from among assembly members, and chose their president, vice president, and secretary (Arts. 114–115).

The central government had a limited formal role, but the communist party exercises a strong influence on candidate selection for important staff positions. Still, in the early nineties nearly 40 percent of elected municipal delegates were estimated to have no active party affiliation (Roman 1993: 8). Provincial governments appeared to be beholden more to municipal assemblies than to the party (Roman 1993).[γ] We interpret this as equivalent to dual government. *Provincias* score 1, 1 for 1976–91.

The *Ley Electoral de 1992* (Electoral Law of 1992, *Ley* 72) introduces direct provincial elections. Local governments still play a role—alongside the party—in choosing candidates, but voters now cast the decisive vote.[γ] The executive is chosen by the assembly and executive candidates continue to be vetted by the government; the *comisión electoral provincial* (provincial electoral commission) that selects provincial candidates is chosen by its national counterpart (*Ley* 72, Art. 23). *Provincias* score 1, 2 for 1992–2010. Isla de la Juventud has no representative institutions.

Shared rule

LAW MAKING

Under the 1940 constitution each *provincia* had nine directly elected senators (Art. 120). The senate had broad responsibilities: it could initiate legislation (Art. 135), it had a veto on organic laws (Art. 136), and while it could not veto an ordinary law from the lower house, it could postpone its adoption to the next legislature (Art. 137). The Batista dictatorship closed congress. Hence provinces score 0.5, 0, 0.5, and 0.5 for 1950–51, and 0 for 1952–59.

Cuba did not have a parliament between 1959 and 1975, and under the 1976 constitution, members of the *asamblea nacional* are elected by *municipal asambleas* (Art. 69).

Isla de la Juventud was not a unit of representation in the legislature at any time.

EXECUTIVE CONTROL

Provincias and Isla de la Juventud do not have access to intergovernmental negotiations on executive policy.[α]

FISCAL CONTROL

Under the 1940 constitution, the lower house played a dominant role in budgetary policy, but senate approval was required. Since 1952 *provincias* and Isla de la Juventud do not have access to intergovernmental negotiations on fiscal policy.

BORROWING CONTROL

Subnational governments are not routinely consulted on national or subnational borrowing decisions.[α]

CONSTITUTIONAL REFORM

Under the 1940 constitution, reform could be initiated by popular petition or by one-quarter of the members of congress (Art. 285). Comprehensive reform or a reform of fundamental articles required a special constitutional assembly composed of one delegate for each 50,000 citizens in a province, so the population criterion predominated. The route through the congress did not provide provincial senators with a veto.

Under the 1976 constitution, reform is initiated by the national assembly and passed by a two-thirds majority. A comprehensive reform—one that changes the structure of governance or the rights and obligations of citizens—requires a referendum (Ch. XII). Neither the referendum nor the legislative routes are territorially organized.

Central America and the Caribbean

Self-rule in Cuba

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Provincias	1950–1951	1	0	0	1	1	2	**5**
	1952–1958	1	0	0	1	1	1	**4**
	1959–1965	0	0	0	0	0	0	**0**
	1966–1975	1	0	0	0	0	0	**1**
	1976–1991	1	1	0	0	1	1	**4**
	1992–2010	1	1	0	0	1	2	**5**
Isla de la Juventud	1976–2010	1	0	0	0	0	0	**1**

Shared rule in Cuba

		Law making						Executive control		Fiscal control		Borrowing control		Constitutional reform		Shared rule
		L1	L2	L3	L4	L5	L6	M	B	M	B	M	B	M	B	
Provincias	1950–1951	0.5	0	0.5	0.5	0	0	0	0	2	0	0	0	0	0	**3.5**
	1952–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Isla de la Juventud	1976–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**

National legislature has: L1=regional representation; L2=regional government representation; L3=majority regional representation; L4=extensive authority; L5=bilateral regional consultation; L6=veto for individual region. Total for shared rule is either multilateral (M) or bilateral (B).

Dominican Republic

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

The Dominican Republic has one level of intermediate governance consisting of thirty-one *provincias* (provinces) and the *Distrito Nacional* (National District), which has special status. Decentralization was low on the political agenda until 1994 when, for the first time, national and local elections were held separately. Local government has been the main beneficiary of recent decentralization efforts—not the *provincias*, which have remained deconcentrated. A 2010 reform created a new intermediate tier, *regiones* (regions).

The Dominican Republic lived under an authoritarian regime until the 1990s. The dictator Rafael Trujillo ruled from 1930–61. After a brief democratic interlude in 1963, the military intervened, and from 1966 Joaquín Balaguer, a Trujillo supporter, took the reins. Civilian rule returned in 1978 though elections became consistently competitive only from the mid-1990s (Hartlyn 1998).

The constitution divides the country into *provincias* and *municipios* (municipalities), and recognizes the *Distrito Nacional* as regulated by a special law (C 1955, Arts. 80–85). National laws can change the number of *provincias* or create new territorial units, and central government allocates responsibilities (C 1966, Art. 83). Between 1950 and 2010 the number of *provincias* has grown from twenty-one to thirty-one. In 2010, a new constitution establishes *regiones* in addition to *provincias* and *municipios* (Art. 12). It characterizes them as the primary units for the formulation of national policies, while the provinces and municipalities are characterized as the key political units at the intermediate and local level respectively (Art. 196). The organization of regional competences requires enabling legislation, which at the time of writing (May 2015) had not been enacted. So *provincias* remain for now the only intermediate tier (Art. 197) and they continue to be deconcentrated.[6] They score 1 on institutional depth and 0 on policy scope.

The *Distrito Nacional* is represented in the senate as a *provincia*, but is otherwise treated as a *municipio*. It has an elected mayor and council, like the *municipios*. Until 2001 the *Distrito Nacional* was a large geographic area that included the city of Santo Domingo. In 2001 most of the territory of the *Distrito Nacional* was split off to become the province of Santo Domingo. The *Distrito Nacional* is, in essence, an urban *municipio* with the additional powers of a *provincia*. Prior to enabling legislation in 1953 (Laws 3455 and 3456), the *municipios* and the *Distrito Nacional* were deconcentrated. The 1953 *Ley de Organización Municipal* (Municipal Organization Law 3455) established the principle of municipal autonomy, but was vague on competences. This opened the door for recentralization in the 1950s and 1960s, but the *Distrito Nacional* escaped this trend to a large extent (PNUD 2008: 11).[a] For example, in the late 1950s and early 1960s municipal responsibilities concerning water supply and sanitation were recentralized, but not in the *Distrito Nacional* (Walker and Velázquez 1999). The capital was again the exception when in 1965 the *Liga Municipal Dominicana* (Dominican Municipal League), a central government institution, was given authority to reject or modify municipal budgets and manage transfers (Law 673; Ayuntamiento del Distrito Nacional 2012). The capital region scores 2 (depth) and 1 (scope) from 1953.

The constitutional reform of 1994 decoupled local and national elections, which initiated a slow process of decentralization culminating in the 2007 *Ley del Distrito Nacional y los Municipios* (National District and Municipal Law 176). This law devolved a series of concrete competences to the municipalities. Sanitation, municipal infrastructure, firefighting, transportation, and local economic development became exclusively local; social services and welfare,

[6] The most recent constitution promises to devolve additional taxation powers (Art. 200) and administrative responsibilities (Art. 204) to the *municipalidades* but not to the provinces.

public order, primary health care, primary education, water, culture, civil defense and disaster relief, domestic violence and women's issues, and tourism were defined as concurrent.[7] Local governments also acquired residual powers (PNUD 2008: 11, 141; Law 176 II.18–21). The *Distrito Nacional* scores 3 on policy scope from 2007.

FISCAL AUTONOMY

Provinces have no tax authority. Until 2007 the *Distrito Nacional* had no taxation authority.[8] The 2007 municipal reform provides the *Distrito Nacional* the authority to levy taxes on excise and property, provided these taxes do not duplicate what the central government imposes (PNUD 2008: 147; Law 176, Art. 254). The *Distrito Nacional* scores 2 from 2007 on.

BORROWING AUTONOMY

The *Distrito Nacional* has had restrictive borrowing authority since 1953. Borrowing plans must be approved by the ministry of the interior and by the national legislature (1953 Law 3255, Arts. 141–142). The law lays down the conditions for borrowing, which include that a loan application specifies how to pay for interest from permanent sources, that no loan may have an amortization of more than twenty years, and that bonds require prior authorization (Art. 125). Loans to pay for public works or services may be offset by new duties or taxes if the national government approves the plan (IADB 1997; Stein 1999: 379). We score these conditions as equivalent to *ex ante* central control.[β]

REPRESENTATION

Provincial administrations are headed by a centrally appointed governor. The *Distrito Nacional* has a directly elected *ayuntamiento* (city council), which elects its own *síndico* (mayor). In 2007 the name of the council was changed to *concejo municipal*. The council president serves for one year with the possibility of re-election (Law 176, Art. 53). During the authoritarian period the central government regularly intervened in local elections, which is reflected in a lower score for assembly until 1978. The 2010 constitutional reform introduces the possibility of direct democracy including local referendums (C 2010, Art. 203).

[7] The law defines competences as concurrent when more than one government level can (or must) take action and provide finance. Action can be successive or concurrent (PNUD 2008: 141).

[8] The *Distrito Nacional* has at times imposed a tourism tax on hotels. These taxes have been challenged in the courts by the tourism industry on the basis that *municipios* do not have taxation rights.[γ]

Shared rule

LAW MAKING

The senate consists of one senator per *provincia* and one for the *Distrito Nacional*. They are elected for four-year terms (five years until 1960) (C 1960, Arts. 22 and 25). Hence the senate is based on territorial representation.[9] The representative of the *Distrito Nacional* does not have special rights to be consulted over legislation affecting the region. The senate was weak under authoritarianism, but since 1978 we evaluate it to be a strong body. Its consent is required for all legislation; it approves treaties; it appoints the president; it initiates revenue-raising bills. Thus provinces and the *Distrito Nacional* have the capacity to affect national law making through their representation in the senate.

EXECUTIVE CONTROL

Provincias and the *Distrito Nacional* do not have executive control. A 2006 law (Law 496) provides for limited consultation on planning and economic development for the *municipios* and the *Distrito Nacional* through the *secretaría de estado de economía, planificación y desarrollo*, but this consultation does not appear to take the form of routinized meetings.[a]

FISCAL CONTROL

Provincias and the *Distrito Nacional* do not have fiscal control. Though a territorial body, the senate is composed of directly elected representatives—not government delegates.

BORROWING CONTROL

Provincias and the *Distrito Nacional* do not have borrowing control.

CONSTITUTIONAL REFORM

Constitutional amendments must be passed with a two-thirds majority in joint sessions of the two national chambers with at least half the members of each chamber present. Since the chamber can easily outnumber the senate, the senate can be overruled on constitutional reform. There are no special provisions for the *Distrito Nacional*.

Since the 2010 reform, constitutional changes on territorial organization require a nation-wide popular referendum (Art. 272). The proposal passes if an absolute majority of registered voters approves, but there is no requirement that the votes be distributed territorially.

[9] The Dominican Republic is an uncommon case of deconcentration in self-rule but shared rule in law making.

Central America and the Caribbean

Self-rule in the Dominican Republic

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Provincias	1950–2010	1	0	0	0	0	0	**1**
Distrito	1950–1952	1	0	0	0	1	1	**3**
Nacional	1953–1977	2	1	0	1	1	1	**6**
	1978–2006	2	1	0	1	2	2	**8**
	2007–2010	2	3	2	1	2	2	**12**

Shared rule in the Dominican Republic

		Law making						Executive control		Fiscal control		Borrowing control		Constitutional reform		Shared rule
		L1	L2	L3	L4	L5	L6	M	B	M	B	M	B	M	B	
Provincias	1950–1977	0.5	0	0.5	0	0	0	0	0	0	0	0	0	0	0	**1**
	1978–2010	0.5	0	0.5	0.5	0	0	0	0	0	0	0	0	0	0	**1.5**
Distrito	1950–1977	0.5	0	0.5	0	0	0	0	0	0	0	0	0	0	0	**1**
Nacional	1978–2010	0.5	0	0.5	0.5	0	0	0	0	0	0	0	0	0	0	**1.5**

National legislature has: L1=regional representation; L2=regional government representation; L3=majority regional representation; L4=extensive authority; L5=bilateral regional consultation; L6=veto for individual region. Total for shared rule is either multilateral (M) or bilateral (B).

El Salvador

El Salvador is divided into fourteen *departamentos* and further subdivided into 262 *municipalidades* (C 1983, Art. 200). Decentralization, which began in 1992, has focused on the *municipalidades* (Bird 2001: 5).[10] The central government delegates authority to *departamentos* and appoints *gobernadores* (governors) (C 1983, Arts. 150 and 200).[11] We conceive *departamentos* as deconcentrated throughout the period.

Since 1932 El Salvador has witnessed numerous military coups, and in the process, the state has become highly centralized (Bird 2001: 150). From 1980–92 the country endured a civil war during which many subnational governments ceased to operate (Bird 2001: 153), and we reflect this in the scoring. The current constitution was enacted in 1983 and partially reformed in 2003.

[10] The *municipalidades* have municipal councils which hold town meetings (*cabildos abiertos*). The councils appoint representatives to advisory local commissions, and they can issue local ordinances and regulations.

[11] During times of military dictatorship, military officers served as department *gobernadores* (Bird 2001: 150).

Overall, *gobernadores* have little functional power (Bird 2001: 144, 156, 167). Their primary role is to represent the president in the territory (Decree 54).[β] The *gobernador* also supervises local development, which he does in coordination with local *alcaldes* (mayors) (Decree 54, Art. 2); has responsibilities in sports, cultural, and educational activities at schools; manages public roads and bridges; and coordinates emergency aid.[12]

Self-rule in El Salvador

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Departa	1950–1979	1	0	0	0	0	0	**1**
-mentos	1980–1992	0	0	0	0	0	0	**0**
	1993–2010	1	0	0	0	0	0	**1**

Guatemala

Guatemala is a relatively centralized state where decentralization has largely skipped intermediate governance. With 15.5 million in 2013, Guatemala is the most populous country in Central America. The intermediate level consists of twenty-two *departamentos* (departments) which remain primarily deconcentrated. Decentralization, which began in 1996 after thirty-six years of civil war, has targeted the local level of *municipalidades* (municipalities), focusing on participatory local democracy and the empowerment of indigenous groups (Tulchin and Selee 2004: 9).

Beginning in 1945 with the first democratic constitution, *departamentos* had governors appointed by the president while *municipalidades* had directly elected executives and assemblies (C 1945, Title X). Municipal executives controlled local police and could raise taxes with the consent of the national executive (Art. 203), but *departamentos* were central government outposts which coordinated communication and policy between the center and the *municipalidades*. Subsequent constitutions in 1956, 1965, and 1985 made only minor changes to this basic territorial set-up.

Under authoritarian rule (1955–84), the junta changed the constitution twice (Tulchin and Selee 2004: 12). The 1956 constitution made communist and socialist parties illegal (C 1956, Art. 23), restricted citizenship for women

[12] Ministerio de Gobernación. "Funciones del Gobernador." <http://www.gobernacion.gob.sv/index.php?option=com_content&view=article&id=89&Itemid=151>.

to literate women (Art. 16), and centralized local finance, but the departmental regime did not change. The 1965 constitution, introduced in the midst of civil war, stated that the parliament would introduce *provincias* above the *departamentos* (C 1965, Art. 230), but this was never implemented.

Guatemala returned to democracy in 1985, and the new constitution deepened self-governance for the *municipalidades* (C 1985, Section VII),[13] created in each department a *consejo departamental de desarrollo* (Art. 228), and allowed for departments to be combined in *regiones de desarrollo* (development regions), which, like the departments, could set up a consultative council (Arts. 224 and 226). The constitution also recognizes and protects indigenous peoples, their lands, and customs (Arts. 66–70).

The departmental governor presides over the *consejo departamental de desarrollo*, which is composed of the *alcaldes* (mayors) of all municipalities and civil society representatives (Art. 228). The *consejos* coordinate economic development and propose changes or requests to the annual departmental budget (Decree 11 of 2002). The *consejo* constitutes an incipient form of departmental governance, but it falls short of qualifying as general purpose.$^{\beta}$ Departmental responsibilities are limited to the creation of a property registry and economic development (Art. 230).

Self-rule in Guatemala

	Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
					Assembly	Executive	
Departamentos 1950–2010	1	0	0	0	0	0	**1**

Haiti

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Haiti, a unitary state, is currently divided into ten *départements* (departments), forty-two *arrondissements* (called districts in the 1950 and 1957 constitutions), and 133 *quartiers* and *communes* (called rural sections in the 1950 and 1957 constitutions) as the smallest administrative territorial entity (C 1987, Art. 9). The average population of *départements* was just under one million in 2010 (C 1987, Art. 76). *Arrondissements* are primarily statistical categories.

[13] Including the right to borrow with *ex ante* approval by the national legislature (Burki et al. 2000: 380; IADB 1997; Stein 1999: 379).

The 1950 constitution recognized communal autonomy but *départements* were deconcentrated. The 1987 constitution grants administrative autonomy to the *départements* and the *communes*.[14]

Haiti had a longstanding history of limited statehood, racial exploitation, and urban–rural conflict, which "laid the foundations for a repressive, kleptocratic predatory state, which culminated in the Duvalier dictatorship" (Silvia 2009: 20; Fatton 2007). Riding on feelings of racially based exclusion Duvalier came to power in 1957, and his family ran a personalist dictatorship (Papa Doc until 1971 and Baby Doc until 1986). New constitutions were enacted in 1957 and 1964, neither of which increased the authority of *départements*. The Duvalier family fled in 1986, but this did not spur durable democratization. A new constitution was ratified in 1987, suspended in June 1988, and reinstated in March 1989. In 1992 a military coup ousted the regime but claimed that it would continue to observe the constitution. Since 1994 constitutional rule has returned—albeit punctuated by episodes of disorder and autocratic government. The 1987 constitution is in effect.

Until 1986, the Haitian regime was dictatorial and power was centralized, and roughly 95 percent of the territory and 75 percent of the population had no functioning government other than state repression (Downs 1989: 140).

In the early 1980s, domestic and international criticism led to a re-evaluation of the territorial organization of the state. The US government and other donor agencies were considering cutting the central government off from development aid and working directly through voluntary and local organizations (Downs 1989: 140–1). One outcome was the Regionalization Law of 1982, which created four development regions presided by a regional delegate, assisted by a regional policy staff, and advised by a regional planning council composed of government agency directors, departmental prefects and legislators, a regional development social and economic council, and a communal consultative council. However, the initiative never got off the ground: the regional delegates were never appointed and, though various consultative bodies were set up, regional development and investment remained centralized (Downs 1989).[α]

The 1987 constitution took the first significant steps towards decentralization. The constitution creates four tiers of territorial governance—*sections communales* (communal sectors), *communes* (municipalities), *arrondissements*, and *départements*, and decentralizes authority to the first two tiers and to *départements*. The communal sectors have directly elected councils and assemblies, and the other two levels are indirectly elected. Communal sector assembly members elect representatives for the municipal assembly, which in turn elects representatives for the departmental assembly. However, to date decentralization laws

[14] Florén-Romero (2008). "Researching Haitian Law." <http://www.nyulawglobal.org/globalex/haiti.htm>.

have at best been partially implemented (Cali 2010: 5; Lamp for Haiti Foundation 2010: 6; Reesor 2010: 12). The one exception is a brief period after the 1997 elections when free and fair communal elections were held. Soon after, however, all elected officials were suspended and replaced by appointed officials (Cali 2010: 5; Ramirez, Lafontant, and Enders 2006: 8). This period is too short to be picked up by annual scoring.[β] *Départements* score 1 on institutional depth and 0 on policy scope for the entire period.

FISCAL AUTONOMY

Under the 1983 constitution, *départements* acquire some tax autonomy, but until these provisions are implemented departments score 0.

BORROWING AUTONOMY

Départements do not have the authority to borrow.

REPRESENTATION

The 1950 constitution created the position of prefect for *départements*, and "where needed" for *arrondissements* (C 1950, Art. 127). The prefect was appointed by the national executive and was its representative in the region. The prefect was assisted by a non-elected council consisting of government officials including local magistrates, judges, government *commissaires*, school inspectors, and officials dealing with agricultural, public health, public works, and customs (C 1950, Art. 128). The position was preserved under the 1957 constitution, but became directly accountable to the president (C 1957, Art. 133; C 1964, Art. 137).

Under the 1987 constitution the *département* structure is intended to be dual. A self-governing component consists of the departmental assembly composed of municipal representatives who elect a three-member executive council for four years (C 1987, Art. 78). The executive council draws up the departmental development plan in negotiation with the central government, manages financial resources, and submits the accounts to the departmental assembly, which in turn reports to the central government. The organization and operation of the departmental council and assembly are to be regulated by law. The deconcentrated component consists of a delegate and two vice-delegates, appointed by the president (C 1987, Art. 85), to "ensure coordination and control of public services and exercise no repressive police function" (C 1987, Art. 86). The structure is topped by an interdepartmental council (CID), with one representative from each departmental council, to advise the central government. As with other components of this reform, the interdepartmental council awaits implementation (Cali 2010: 5, note 20). Departmental councils and assemblies have not yet been created (Reesor 2010).[α]

Shared rule

LAW MAKING

From 1950–56 there were two chambers and the senate was elected every six years by the *assemblées primaires* organized at the communal level in each *département* (C 1950, Art. 40). The *assemblées primaires* refer jointly to the general electorate, so the twenty-one members of the senate were "directly elected." The number of seats for each *département* varied by population and economic weight, ranging from three in several smaller *départements* to six in the *département* Ouest, and so the composition was not primarily based on the territorial principle. The senate was not a territorial body in this period.

From 1957–86 (C 1957, Art. 48; C 1964, Art. 49) the parliament was unicameral. Since 1987 the senate is directly elected for a six-year term (C 1987, Art. 94) and there are three senators per *département*. In principle, a third of senators are elected every two years, though in the context of frequent electoral irregularities that rule has not always been followed.[α] The senate has equal authority to the lower chamber.

EXECUTIVE CONTROL

The 1987 constitution sets up an interdepartmental council which consists of one member per *département* designated by the departmental assemblies. This council is intended to advise the national executive on planning economic, social, commercial, agricultural, and industrial development (C 1987, Art. 87–2). In concrete terms: "It attends working meetings of the Council of Ministers, when they discuss subjects mentioned in the preceding paragraph and has the right to vote" (C 1987, Art. 87–3). The frequency of the meetings, as well as their organization, will be determined by law (C 1987, Art. 87–5). This council has not yet been set up, but once it has, *départements* would score 1 on executive control.[α]

FISCAL CONTROL

The interdepartmental council would be able to provide non-binding advice on taxation and the allocation of the budget for the *collectivités territoriales* (Art. 217).

BORROWING CONTROL

Départements do not co-determine borrowing constraints.

CONSTITUTIONAL REFORM

Under the 1950 constitution, constitutional reform could be initiated with the consent of two-thirds of each house. The reform required a two-thirds majority in the joint chambers provided that two-thirds of each house was present (C 1950, Title X). Since the senate was not a territorial chamber, *départements* score zero. During the Duvalier reign (1957–86) the senate was abolished.

The post-Duvalier constitution lays down that a declaration to reform the constitution must be supported by two-thirds of each house, and the revisions require final approval of at least two-thirds of the national assembly (C 1987, Art. 281-1). The ratio of senators to deputies has changed over time. Until 2000, senators made up more than one-third of the national assembly, and hence could block constitutional change. As of 2001 this is no longer the case (thirty *versus* ninety-nine members), but since the senate still must consent to initiating constitutional reform we code it as having veto power.$^{\beta}$ Amendments come in effect after the next presidential election (C 1987, Art. 284–2). Constitutional change by referendum is forbidden (C 1987, Art. 284–3).

Self-rule in Haiti

	Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
					Assembly	Executive	
Départements 1950–2010	1	0	0	0	0	0	**1**

Shared rule in Haiti

		Law making						Executive control		Fiscal control		Borrowing control		Constitutional reform		Shared rule
		L1	L2	L3	L4	L5	L6	M	B	M	B	M	B	M	B	
Départe -ments	1950–1986	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
	1987–2010	0.5	0	0.5	0	0	0	0	0	0	0	0	0	3	0	**4**

National legislature has: L1=regional representation; L2=regional government representation; L3=majority regional representation; L4=extensive authority; L5=bilateral regional consultation; L6=veto for individual region. Total for shared rule is either multilateral (M) or bilateral (B).

Honduras

Honduras is divided into eighteen *departamentos* which are subdivided in 298 *municipalidades*, 3,731 *aldeas*, and 27,969 *caserios*. Some *caserios* are further subdivided into *barrios* or *colonias*. *Municipalidades*, with an average population of 28,000, are local government.[15]

There were seventeen *departamentos* until 1957, when an additional *departamento*, Gracias a Dios, was created from Colon's territory. Two departments, Tegucigalpa and Comayagüela, constitute the *Municipio del Distrito*

[15] In January 2011, congress passed a law for the creation of *Regiones Especiales de Desarrollo* (Special Development Regions) to promote investment and job creation.

Central or Central District (C 1965, Art. 338; C 1982, Art. 295). We code them alongside the other *departamentos* because they have no special competences.

Honduras revised its constitution in 1957, 1965, and 1982, and these constitutions remained in force during military dictatorship (Merrill 1995). There were military governments until 1955, from 1963–70, and from 1972–82. In 2010, elected President José Manuel Zelaya was deposed by a coup d'état. A popularly elected president assumed executive power later in the year.

The *departamentos* are headed by a *gobernador*, who is appointed and removed by the president (Decree 134, Arts. 5 and 6). The *gobernador* acts as the liaison between the national executive, the *departamento*, and the *municipalidades* (Decree 134, Art. 7). While *municipios* are defined as "autonomous" in the constitution (C 1936, Art. 179), the competences of the *departamentos* are determined by national congress (C 1936, Art. 176).[γ]

Departamentos "supervise" the central institutions that implement national policy in their area (Decree 134, Art. 7), and in this vein play some role in education, health, security, and public services. But they remain firmly deconcentrated institutions. To the extent that decentralization has occurred, as for example in the water and sanitation sector, it has meant "municipalization" (Dickson 2006). Hence, *departamentos* score 1 on institutional depth and zero on all other dimensions for the entire period.

Self-rule in Honduras

	Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
					Assembly	Executive	
Departamentos 1950–2010	1	0	0	0	0	0	**1**

Jamaica

Jamaica has a population of 2.85 million people and no intermediate governance. Local governance is organized in fourteen parishes, which have seen limited decentralization since 1993. In 1999, health provision was regionalized, and services were deconcentrated to four task-specific regions.

Mexico

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Mexico is a federation constituted by thirty-one *estados* (states) and a *Distrito Federal* (Federal District) encompassing Mexico City and the surrounding areas (C 1917, Arts. 40, 43, and 44). As of 2010, *estados* were further divided into 2,439 *municipalidades* (municipalities) and the *Distrito Federal* into sixteen *delegaciones* (delegations). We code *estados*, the *Distrito Federal* as an autonomous region, and three Mexican *estados* that were previously deconcentrated federal territories: Baja California (statehood in 1953), Baja California Sur (statehood in 1974), and Quintana Roo (statehood in 1974).

The current constitution was enacted in 1917 and amended 191 times prior to 2010.[16] From 1917 to 1982, the *Partido Revolucionario Institucional* (PRI) was hegemonic at all levels. Federal, state, and local elections regularly took place, but elections were often fraudulent and the president exerted control over state bosses.

Each *estado* has its own constitution and determines its internal organization (C 1917, Art. 40). Under hegemonic party rule, this autonomy was seriously subdued. While the *estados* had some autonomy by virtue of their control of resources within the PRI (Diaz-Cayeros 2006: 80–4), the president had a veto over state decisions (see Representation). The *gobernadores* (governors) could be appointed and removed by the president at will (C 1917, Art. 73.VI.1–2).[17] Since re-election was prohibited for governors, president, federal and local deputies, federal senators, and regents, the party became the sole channel for accessing the political system (Diaz-Cayeros 2006: 81). *Estados* score 1 on institutional depth until 1982.

A process of gradual opening (*apertura*) began after the peso crisis of 1982 with a shift from one-party rule to a competitive multi-party system at local and state level. The *Partido de Acción Nacional* (PAN) and the *Partido de la Revolución Democrática* (PRD) emerged as the most important opposition parties. The process took almost two decades to complete, and only by 2000, when the PRI presidential candidate was defeated, was Mexico generally considered a mature democracy (Wilson et al. 2008: 68, 76).

[16] Cámara de Diputados. "Reformas constitucionales en orden cronológico." <http://www.diputados.gob.mx/LeyesBiblio/ref/cpeum_crono.htm>.

[17] The governors of the territories and mayor of the *Distrito Federal* were representatives of the center: "[T]he government of the Federal District [is] entrusted to the President of the Republic, who shall exercise it through the organ or organs that are prescribed by law . . . The government of the Territories shall be entrusted to governors who shall depend directly on the President of the Republic, who shall freely appoint and remove them" (C 1917, Art. 73.VI.1 and VI.2).

The *apertura* gradually weakened the hold of the party and the presidency over state institutional autonomy. Early decentralization reforms in the 1980s shifted responsibilities toward the *estados* and, most prominently, the *municipalidades*. However, state autonomy remained subject to central veto until 1994: between 1983 and 1994 sixteen governors were pressured to resign, replaced, or promoted by the president. Starting in 1994, PRI President Ernesto Zedillo (1994–2000) introduced a series of reforms that reinforced state autonomy (Grindle 2007: 31). Hence, *estados* score 2 on institutional depth from 1983–93 and 3 thereafter.[β]

The *Distrito Federal* has always had more limited autonomy than the states (Merrill and Miró 1996). The president appointed a *regente* (regent) until 1997, and no elected assembly existed until 1988, when the first direct election of the *asamblea de representantes* of the *Distrito Federal* laid the foundation for self-governance. In 1993, the status of the *Distrito Federal* was legally recognized in a special statute (*Estatuto de Gobierno*) that provided the district with authority similar to the states (Jordana 2001: 77). Since 1997 the citizens of the *Distrito Federal* have elected the head of government (reformed Art. 122). Nevertheless, the powers of the *Distrito Federal* remain more limited. The *Distrito Federal*'s statute is set by the national government, and while its budget is proposed by the *regente* and approved by the *asamblea legislativa*, the national congress sets the ceiling of public debt issued by the *Distrito Federal*. The *Distrito Federal* scores 1 for 1950–87, and 2 from 1988 because its government is non-deconcentrated but subject to central government veto.

Estados have no reserved powers enshrined in the constitution, but they have residual powers (C 1917, Art. 124) as well as extensive control over local government. *Estados* have no power over immigration or citizenship. In recent decades, their policy scope has grown to include welfare, health, and educational policy. Public education was decentralized to all *estados* in 1992–93, when they acquired control over the federal education budget, including teacher salaries. In this period, some 100,000 schools were decentralized (Falleti 2010: 192; Jordana 2001: 80).[18] This reform resulted from an agreement between the president, the state governors, and the national teachers union (Grindle 2007: 31). In 1996, all thirty-one *estados* and the *Distrito Federal* signed a national agreement for the decentralization of health services, whereby the *estados* administer most of the health care budget (Wilson et al. 2008: 152–4). In addition, *estados* became responsible for primary and infectious disease care, nutritional services, and environmental health (Grindle 2007: 32). In 1997, the *estados* and the *Distrito Federal* obtained a greater role

[18] There was an initial attempt at decentralization of education in 1986 through bilateral agreements between the federal government and the governors, but the reform was only partially implemented (Falleti 2010: 191–2).

in the implementation of welfare policy, called PROGRESA (*Programa de Educación, Salud y Alimentación*—Education, Health, and Food Program), later renamed *Oportunidades* (Opportunities). Mexican *estados* are currently responsible for the delivery of a range of social services, but the federal government retains authority over guidelines and standards (Falleti 2010: 10). Hence, *estados* and *Distrito Federal* score 1 until 1992; 2 between 1993 and 1996, when *estados* obtain authoritative competences in education; and 3 since 1997 with the addition of responsibilities over welfare policies.

FISCAL AUTONOMY

In the first part of the twentieth century, *estados* had an unrestricted right to tax economic activities in their territory, though the constitution did not provide the states with authority over specific taxes (Falleti 2010: 221). After several failed attempts in the 1920s and 1930s to reorganize the tax system, the 1947 National Tax Convention agreed to a system in which the *estados* could opt to sign away a good part of their tax autonomy in return for a 60/40 split of federal taxes (Diaz-Cayeros 2006; Falleti 2010; Grindle 2007). The agreement provided exclusive federal authority over excise taxes on natural resources (including oil), alcohol, and other items; the introduction of a federal income tax; and the introduction of a unified sales tax (ISIM: *Impuesto Sobre los Ingresos Mercantiles*), administered centrally, but some discretion for the states to set the rate. *Estados* retained some authority over taxes on agriculture and livestock. In return, *estados* received 25 percent of federal tax revenues. *Estados* retained formal authority over income taxes, payroll taxes, sales taxes, and other taxes not listed in Art. 73. The states could opt out of the agreement. In actuality, the federal government came to monopolize all major revenue sources in return for mostly unconditional transfers or *participaciones* to the *estados*, which were established on a tax-by-tax basis (Diaz-Cayeros 2006: 95–6, 123–31).

As the 1947 agreement took hold, federal centralization tightened (Sobarzo 2004: 5). One-third of the *estados* accepted the unified sales tax immediately, with the number increasing to one-half by the end of the 1950s: Baja California Sur, Quintana Roo, *Distrito Federal* (1948); Aguascalientes (1949), Morelos, Querétaro, Tlaxcala (1950); Michoacán, Sinaloa (1951); San Luis Potosí, Colima, Yucatán, Hidalgo, Campeche, and Tabasco (1953); Puebla (1954); Guerrero (1957) (Diaz-Cayeros 2006: 126–7; 130). By 1974 every *estado* had signed up for the *Impuesto Sobre los Ingresos Mercantiles*. The upshot was that state tax autonomy over major taxes was severely curtailed. Our coding for the period 1950–79 reflects the fact that *estados* could set the rate and base of minor regional taxes, including property taxes, several regional business and service taxes, and had the authority to implement payroll taxes, but were signing away their authority over major taxes, and most importantly, income tax.

The gradual nationalization of the sales tax system set the stage for an integrated tax system in 1979, when state and federal sales taxes were replaced by a value-added tax, the *Impuesto al Valor Agregado* (IVA). In the system, the *estados* chose not to exercise their right to tax—including income tax, value-added tax, and certain state excises on production and selected services—in exchange for unconditional revenue-sharing (*participaciones*) in nearly all federal taxes. This sharing followed a complex formula, adjusted annually (Diaz-Cayeros 2006: 2; Giraudy 2009). *Estados* retained the option to withdraw from the pact every year (Haggard and Webb 2004: 245). The *Sistema Nacional de Coordinación Fiscal* came into force in 1980. The *estados* continued to set the rate and the base of property taxes until the 1983 reform of Art. 115 of the constitution (Art. 115 IV.a), which transferred this power to *municipalidades*; they also held on to payroll taxes, for which they set the rate but not the base. We register this further centralization by assigning a score of 1 to *estados* from 1980–96.

From 1997 modest fiscal decentralization took place, spurred by the threat by some *estados* to opt out of the system of national coordination (Diaz-Cayeros 2006: 145–7). In 1997 a modification to the Fiscal Coordination Law (*Ley de Coordinación Fiscal*, LCF) increased the state portion in the *participaciones*, decreased earmarks by creating a new line of unconditional funding (*aportaciones*), and provided *estados* with the authority over some new minor taxes, such as the tax on new automobiles and surcharges on federal taxes on hotels and car licenses (Falleti 2010: 9, 223). The number of regional taxes that *estados* impose varies from three to nine. The most common taxes are hotel occupancy, lottery, and payroll. Around 90 percent of *estados*' own revenues come from these three sources (Sobarzo 2004: 7–9), but *estados* have limited autonomy in defining the tax base or setting the rates (Wilson et al. 2008: 155, 160). Since 2004 the *estados* can top up the IVA (VAT) up to 2 percent (Wilson et al. 2008: 160). Hence, the scoring is increased in 1997 to reflect the restoration of state authority over some minor regional taxes, and again in 2004 to reflect the fact that *estados* can set a surcharge on a major tax.

The *Distrito Federal* had no autonomy over its own budget until 1997. Since 1997 it has the same authority as the *estados*.

BORROWING AUTONOMY

Subnational borrowing is partly regulated by the national constitution. The federal congress has the power to establish the bases on which the executive branch may arrange loans and take responsibility for public debt. *Estados* must respect the criteria contained in Art. 117, Section 8; and *municipalidades* the criteria outlined in Art. 115, Section 6. The constitution states that subnational governments can only borrow in Mexican pesos, from Mexican creditors, and for productive investments (C 1917, Art. 73.VIII;

Stein 1999: 379; Lora 2007: 249; Haggard and Webb 2004: 258; Giugale et al. 2000: 247).

The details for credit guarantees are contained in Art. 9 of the *Ley de Coordinación Fiscal*, created in 1980. Subnational governments can borrow from commercial and development banks to finance investment projects, and they must receive authorization from their state legislature (González Oropeza 2006: 199; Haggard and Webb 2004: 257). This amounts to post hoc control. Until a change in the law in 1997, *estados* could also use revenue sharing or *participaciones* funds as collateral provided that the ministry of finance and public credit approved the decision. This provision opened the door for federal–state bargaining, whereby the national president could decide to channel grants for debt payment to state governments (González Oropeza 2006: 199). From time to time, the federal government also bailed out politically friendly *estados* without subtracting that amount from *participaciones* (Haggard and Webb 2004: 258). The legal possibility to use federal grants as collateral, combined with the federal government's discretion in approving this option, amounted to *ex ante* control for the central government over significant chunks of subnational borrowing. In the 1995 financial crisis, all *estados* received bailouts (Haggard and Webb 2004: 258). Considering that the use of federal grants as collateral is just an alternative borrowing option to the normal route through the state legislature, *estados* score 2.

In 1997, a revision of the *Ley de Responsabilidad Fiscal* prohibited *estados* using federal grants as collateral. As a result, *estados* became fully responsible for their debts. *Estados* were also required to publish their debts (Giugale et al. 2000: 248–9). This was a first step toward a more rules-based and market-oriented system. A 2000 reform of the *Ley de Responsabilidad Fiscal*, introduced by President Zedillo in 1999, consolidated this evolution. The law laid down rules to limit state indebtedness by linking the level of state borrowing to various market-based mechanisms, including limits on the exposure of banks to state government debt; linking capital risk weighting of bank loans to subnational governments' credit ratings; and stricter registration rules for state loans (Giugale et al. 2000: 258–9). The federal executive also gave up power over discretionary transfers and securitization of debt, thereby signaling that it would no longer bail out *estados*. Since 2000 the central government has credibly committed to a no-bailout rule (Haggard and Webb 2004: 258). As before, foreign debt is prohibited and loans must be used for investments (Haggard and Webb 2004: 259). *Estados* continue to score 2 on borrowing autonomy.

Borrowing by the *Distrito Federal* requires *ex ante* approval by the president and the national congress. The mayor of the *Distrito Federal* submits annually to the president an estimate of the amount to be borrowed. The president needs to approve before sending it along to the national congress (C 1917, Art. 122B.III).

REPRESENTATION

Legislaturas (legislative assemblies) in the *estados* are unicameral and directly elected throughout the period. State governors have been directly elected since 1917 (C 1917 Art. 116.IV.a), but the president had the right to remove and replace governors (Art. 73.VI.1-2), which resulted in a potential veto over governorships. We judge this configuration as equivalent to a "dual executive" responsible to both the regional constituency and the central government.[β] The 1989 gubernatorial election in Baja California arguably broke this pattern, when a member of the PAN was the first non-PRI governor elected to office (Snyder 1999).[β] By the 2000s, parties other than the PRI controlled approximately 50 percent of state governments.

Until 1988, the *Distrito Federal* was governed by congress. The first direct election for the *asamblea de representantes* of the *Distrito Federal* took place in 1988. The *regente* (mayor) was appointed by the president until direct mayoral elections were introduced in 1996 (reformed Art. 122); the first election took place in 1997.

Shared rule

LAW MAKING

Throughout the period states have been the unit of representation in the senate and had majority representation (*L1*, *L3*); senators have been directly elected rather than appointed by state governments (*L2*). The senate and the house have equal power (*L4*); senators sit for six years, while members of the chamber of representatives serve for three years.

The implementation of these principles has changed over time. Under the 1917 constitution the *cámara de senadores* was composed of sixty-four directly elected members: two members for each *estado* and the *Distrito Federal* (Art. 56). After the 1993 reform, the senate doubled to 128 members, allocating four seats to each *estado* and the *Distrito Federal*—three for the majority party and one for the first minority party (reformed Art. 56). Since 1996, senate seats are filled by a combination of majority rule and proportional representation. Each *estado* and the *Distrito Federal* receive three seats, whereby two go to the majority party and one to the first minority party. The remaining thirty-two senators are elected by proportional representation in a single national multimember constituency (reformed Art. 56).

EXECUTIVE CONTROL

Under one-party rule there was virtually no coordination between the *estados* and the federal government. Executive policy making was primarily top-down and the limited coordination was organized through party channels.

This system began to change with the *apertura*. In 1982, the newly created *Sistema Nacional de Planeación Democrática* (National System of Democratic Planning, SNPD) enhanced coordination of national, state, and local executives in national policy. Given the dominance of the PRI, the National System of Democratic Planning was ignored during its first decade of existence. In the 1990s some *estados* and *municipalidades* started to implement decentralized planning (Wilson et al. 2008: 70). Although governors have participated in specific meetings to negotiate national policies such as health care decentralization in 1996, such meetings were never institutionalized. Bilateral ad hoc, i.e. non-routine, agreements between the federal government and an *estado* have been the predominant mode of coordination.

Executive coordination has increased under the rubric of the *Convenio Único de Desarrollo* (Unified Development Agreement) since the late 1990s, but an overarching legal framework for intergovernmental coordination is still lacking (Jordana 2001: 84). Coordination usually happens within the context of a national law. The federal government sets up a secretariat to provide administrative support to a joint federal–state committee that meets to coordinate implementation. State capacity to influence upstream policy making is limited and meeting decisions are non-binding; the particularities of intergovernmental coordination vary from sector to sector or from law to law. This configuration falls short of routinized coordination.$^{\beta}$

In a separate development, governors from the opposition party PRD began to organize in 1999 to discuss amongst themselves the decentralization of resources and responsibilities, especially in health and education. This concept was generalized and formalized in 2002 with the creation of the *Conferencia Nacional de Gobernadores* (National Conference of Governors, CONAGO). By 2007, CONAGO included all governors from different political parties and provided them with greater negotiation power in their dealings with the government (Falleti 2010: 73, 228).[19] According to CONAGO's webpage, the conference met an average of four times per year from 2001–10. The president of the republic signed a number of agreements reached by CONAGO. While the central government is not regularly and formally involved in this system, the governors' regular meetings provide the *estados* with some leverage to demand regular sectoral consultation and can occasionally secure binding agreements. Nevertheless, since no formal role exists for the federal government, we score *estados* and *Distrito Federal* 0 on executive control.$^{\beta}$

[19] In 2011, all thirty-one governors were part of CONAGO. "Listado de Gobernadores Miembros de la CONAGO." <http://www.conago.org.mx>.

FISCAL CONTROL

While the senate has extensive legislative authority, it has no authority over taxation or the budget, and fiscal control through intergovernmental channels has been weak.

There was limited, non-binding, intergovernmental coordination between 1953 and 1979. The 1953 Fiscal Coordination Law (*Ley de Coordinación Fiscal* (LCF)) created a consultative committee of three representatives of the federal government, five state representatives, and three non-voting citizens to supervise the share of revenues transferred to the *estados*; the committee did not determine the rules for the allocation of the *participaciones* (Diaz-Cayeros 2006: 129–30). Hence, the committee constituted a venue for ongoing negotiations on revenue sharing between *estados* and the *Distrito Federal*, on the one hand, and the federal government on the other, but did not provide *estados* with veto power over national taxation.

In 1980, the National System of Fiscal Coordination (*Sistema Nacional de Coordinación* (SNCF)) and the Fiscal Coordination Law centralized fiscal matters but did not set up routinized intergovernmental coordination. The LCF is approved every year in the lower house, but not in the senate. *Estados* voluntarily agreed to join the SNCF, and governors signed administrative collaboration agreements to work with the federal government to increase federal tax compliance (Diaz-Cayeros 2006: 133). *Estados* retain the right to withdraw from the arrangement at any time. The SNCF and LCF have undergone many adjustments, but none that provide direct participation for the *estados* (Jordana 2001: 86).[20]

BORROWING CONTROL

The constitution provides congress with the power to set the rules on borrowing, which are then executed by the federal government (C 1917, Art. 73). Until the late 1990s, the federal government (specifically the ministry of finance) executed borrowing policy in accordance with the LCF. There was no routinized system for federal–state consultation. Most negotiations on bailouts, or the use of federal grants as collateral, were bilateral and ad hoc (Giugale et al. 2000).

The 2000 reform of the LCF laid down a rules-based system for subnational borrowing, but did not set up a routinized executive coordination system involving state governments. Hence all subnational units score 0 throughout the period.

[20] This centralized system became increasingly contested as the party system became more pluralistic, which led in the early 2000s to a direct challenge by the governor of Baja California.

CONSTITUTIONAL REFORM

The constitution can be reformed by two-thirds of the attending members of congress. The amendments must then be approved by a majority of state legislatures (C 1917, Art. 135); therefore a majority of regional governments can veto constitutional change. In addition, an interpretation of the constitution explains that the reform initiative needs to be approved by both chambers, amendments must be approved by a simple majority of state

Self-rule in Mexico

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Estados	1950–1979	1	1	2	2	2	1	**9**
	1980–1982	1	1	1	2	2	1	**8**
	1983–1988	2	1	1	2	2	1	**9**
	1989–1992	2	1	1	2	2	2	**10**
	1993	2	2	1	2	2	2	**11**
	1994–1996	3	2	1	2	2	2	**12**
	1997–2003	3	3	2	2	2	2	**14**
	2004–2010	3	3	3	2	2	2	**15**
Baja California	1950–1952	1	0	0	1	0	0	**2**
Baja California Sur	1950–1973	1	0	0	1	0	0	**2**
Quintana Roo	1950–1973	1	0	0	1	0	0	**2**
Distrito Federal	1950–1987	1	1	0	1	0	0	**3**
	1988–1992	2	1	0	1	2	0	**6**
	1993–1996	2	2	0	1	2	0	**7**
	1997–2003	2	3	2	1	2	2	**12**
	2004–2010	2	3	3	1	2	2	**13**

Shared rule in Mexico

		Law making						Executive control		Fiscal control		Borrowing control		Constitutional reform		Shared rule
		L1	L2	L3	L4	L5	L6	M	B	M	B	M	B	M	B	
Estados	1950–1979	0.5	0	0.5	0.5	0	0	0	0	1	0	0	0	4	0	**6.5**
	1980–2010	0.5	0	0.5	0.5	0	0	0	0	0	0	0	0	4	0	**5.5**
California Baja	1950–1952	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
California Baja Sur	1950–1973	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Quintana Roo	1950–1973	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Distrito Federal	1950–1979	0.5	0	0.5	0.5	0	0	0	0	1	0	0	0	0	0	**2.5**
	1980–2010	0.5	0	0.5	0.5	0	0	0	0	0	0	0	0	0	0	**1.5**

National legislature has: L1=regional representation; L2=regional government representation; L3=majority regional representation; L4=extensive authority; L5=bilateral regional consultation; L6=veto for individual region. Total for shared rule is either multilateral (M) or bilateral (B).

legislatures, and state legislatures cannot cede their authority to other representatives in the *estado* (Carbonell 2006). The legislative assembly (*asamblea legislativa)* from the *Distrito Federal* has no control over its special statute (Carbonell 2006: 229–33).

Nicaragua

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Intermediate governance consists of the *Distrito Nacional* (National District of Managua), fifteen *departamentos* (departments), and the two *regiones autónomas del Atlántico Sur y Norte* (Autonomous Regions of the North and South Atlantic, RAAN and RAAS), which are primarily indigenous areas. The *departamentos* are deconcentrated.

There have been three constitutions during the 1950–2010 period: 1950, 1974, and 1987. *Departamentos* are not mentioned in the 1950 or 1974 constitutions except indirectly by saying that the president names a departmental *jefe politico* (political chief). The chiefs are appointed and directed by the national assembly and the president. *Departamentos* score 1 (depth) and 0 (scope) throughout the period.

Nicaragua was ruled by the Somoza family until 1979. Elections were fraudulent, political repression and political violence common, and elected opposition leaders replaced with regularity. After the Sandinista revolution of 1979, a new constitution was written, but since the country was in civil war, the new provisions were mostly not implemented. Legislation passed in 1984 created the means for electing a constitutional congress which wrote the 1987 constitution. With reforms in 1995 and 2000, this is the constitution in effect today.

From 1990 efforts to decentralize authority began in earnest, but the target was the municipal level and not the departments (Peterson 1997). By the mid-2000s decentralization of policy responsibilities to *municipios* (municipalities) was progressing rapidly (World Bank 2004: 1).[21]

Nicaragua has two autonomous regions located at the eastern Caribbean coast—known originally as *La Moskitia*. The area was a British protectorate for three centuries and is indigenous territory (González 2008). The 1860 treaty of Managua granted far-reaching autonomy to the coastal region (Hooker, Campbell, and Narvaez 2008; González 2008). The territories practiced

[21] Since the 2006 Sandinista return to power there has been intergovernmental conflict over how to implement decentralizing reforms, with *municipios* complaining that their independent policy efforts are being hampered by the center (Eaton, Kaiser, and Smoke 2010: 54).

extensive self-government, which included issuing their own currency and promulgating their own constitution in 1861. However, this autonomy ceased abruptly in 1894 when Nicaraguan and US forces invaded the territory. During US occupation and then Somoza rule, the coastal region was absorbed as a conventional department, named the *departamento de Zelaya*.

When the Sandinistas came to power, they sought to open up the coastal region to economic development, but met resistance from indigenous communities who demanded autonomy and respect for indigenous language and culture. The conflict escalated into violence. In the mid-1980s the Sandinistas became supportive of decentralization in the region, and in 1984, they, along with indigenous leaders and organizations and international experts, formed the *comisiones nacionales de autonomía* (national autonomy commissions), tasked with writing an autonomy statute for the area.

In 1987 a constituent assembly made up of 220 elected delegates from the *regiones autónomas* drafted and passed the statute of autonomy, based on the model of the Spanish *comunidades autónomas* (autonomous communities). It was incorporated into the 1987 Nicaraguan constitution. The statute of autonomy (Law 28) and the constitution of 1987 created two separate autonomous regions out of the original *departamento de Zelaya* (Law 28, Art. 6). Armed conflict over indigenous autonomy continued throughout the eighties until the broader peace accords were signed with the first elected national government in 1990.

The first elections in the autonomous regions took place in 1990, but enabling legislation on autonomy was not passed until 2003 (*Reglamento a la Ley* 28, Regulation of Law 28).[α] Law 28 provides far-reaching home rule. The regions can organize municipal governance (Art. 7; C 1987, Art. 89); they have concurrent competences in health, education, culture, and development (Art. 8.2); they can co-decide on the implementation of national development policy in the region (Regulation of Law 28, Art. 28; Law 28, Arts. 5 and 8). The elected *consejo regional autónomo* (autonomous regional council) can also initiate development and economic policies (Law 28, Arts. 5 and 8.3), create new taxes within the confines of national law (Art. 8.9), and develop economic and cultural relationships with other countries of the Caribbean (Art. 8.7–8). *Consejos* are responsible for legislating on the competences granted to the *regiones autónomas*, resolving boundary disputes between localities in the region, acting as the interlocutor with the central government on all policies that impact the region, drawing up the budget and deciding on taxation, and electing a *coordinador regional* (regional coordinator) from within their ranks (Art. 23).

The exploitation of natural resources abides by traditional land holding and communal ownership traditions (Art. 8.10; Law 445 *de demarcación y titulación de la propiedad comunal*). The judicial system follows indigenous traditions (Law 28, Art. 18). Moreover, the statute guarantees cultural rights such as

religious freedom and the right of inhabitants to be educated in their own language. The *regiones autónomas* therefore score 2, 1 for 1987–2002 and 2, 3 for 2003–10 when extended policy competence is mostly implemented.

The third special region, the *Distrito Nacional*, is of longer standing (since 1950). Managua is a *municipio* but has special status because its governance was reserved to the national executive. The 1950 constitution gives the *Distrito Nacional* of Managua (and other *municipios*) limited autonomy to levy fees and create laws. Institutional depth expanded when the legal autonomy of *municipios* was enshrined in the 1988 *Ley de Municipios* (Municipal Law 40). Policy responsibilities now included basic sanitation, infrastructure, parks and recreation, civil registry management, etc. (Art. 7), and *municipios* could enact supplementary policies in health, education, and culture (Art. 10). A municipal reform in 1997 lifted some of the more restrictive clauses undercutting authoritative policy scope (such as *ex ante* approval for spending) (Larson 2003). The *Distrito Nacional* of Managua scores 1 and 0 until 1987, 2 and 1 for 1988–96, and 2 and 2 from 1997.

FISCAL AUTONOMY

Departamentos have no fiscal autonomy.

Since 1987 the *regiones autónomas* have general authority to create taxes but within vague parameters (Law 28, Art. 32) (Hooker, Campbell, and Narvaez 2008: 8.1.1). The autonomy statute and Law 445 passed in 2003 provide for indigenous control over natural resources, resource extraction, and land. Law 445 states that benefits from natural resource exploitation in the *regiones autónomas* are to be partitioned four ways between indigenous landowners, *consejos regionales*, *municipios*, and the central government. The practice is not transparent and allegations of unfair distribution have been common (Brunnegger 2007: 7). Still, because the *regiones autónomas* are protagonists in decision making about natural resource extraction, their formal authority goes beyond traditional revenue sharing. *Regiones autónomas* score 1 for 1987–2002 and 2 for 2003–10.[β]

The *Distrito Nacional* has no tax autonomy. In the post-Somoza period Managua has greater access to fiscal resources than *departamentos* because *municipios* receive a share of the local sales tax, property tax (transferred from the center in 1992), some minor local taxes, and fees. Yet they do not control the base or rate of these taxes (UCLG 2008; USAID 2004).

BORROWING AUTONOMY

Departamentos do not have borrowing autonomy. The *regiones autónomas* also do not have borrowing autonomy.

In 1987 *municipios* were given a limited capacity for taking on debt (Wilson and Pendall 1987), and there are fairly intrusive administrative controls on

foreign and domestic borrowing, as well as a golden rule (Prud'homme and Shah 2002). Prior central approval is required for external debt, and debt is only permitted for investment purposes (Burki et al. 2000: 380). In all, restrictions amount to *ex ante* control.[β]

REPRESENTATION

Under the 1950 constitution, *departamentos* were led by a presidentially appointed *jefe político* (political leader) and *juez de policia* (police judge) (Art. 276). *Departamentos* continue to have centrally appointed leadership and score 0 on executive and assembly throughout the period.

The constitution of 1987 and statute of autonomy for the *regiones autónomas* created *consejos regionales*, which are comprised of forty-five directly elected members (Law 28, Arts. 19 and 25). National deputies from the two regions have seats on the *consejos* (Art. 20). The *consejos* choose the *coordinador regional,* who serves as the executive of the region, names functionaries, represents the region to the national executive, and controls regional development funds (Art. 30). The first elections took place in 1990. *Regiones autónomas* score 0 (assembly) and 0 (executive) for 1987–89, and 2, 2 for 1990–2010.

The *Distrito Nacional* remained under the direct control of the national government until 1990 (C 1974, Art. 245).[α] In 1977 an organic law created a provisional revolutionary government, which in 1985 was replaced by an appointed *alcaldía* (mayorship) with the status of national minister. In 1990 the *consejo municipal* became directly elected and the *alcalde* (mayor) was now chosen by the *consejo*. In 1995 the *alcalde* became directly elected (C 1995, Art. 178). The *Distrito Nacional* scores 0, 0 for 1950–89 and 2, 2 for 1990–2010.

Shared rule

LAW MAKING

Under the 1950 constitution neither chamber of the bicameral parliament was conceived as a territorial body. The sixteen senators were elected in a single national district (Art. 127). This principle also informed the composition of the senate in the 1974 constitution. The 1987 constitution eliminated the senate.

The *Distrito Nacional* is not a unit of representation. The *regiones autónomas* constitute separate units of representation in a chamber with significant legislative authority (*L1*). There appear to be no special arrangements for ensuring that regional representatives are consulted on national legislation affecting the region.[α]

EXECUTIVE CONTROL

The *departamentos* and the *Distrito Nacional* are not regularly consulted on national executive policy making.

The statute for the *regiones autónomas* (Law 28, Art. 8) and the 1987 constitution (Ch. 6 and Art. 180–1) make explicit that *regiones autónomas* are partners in developing policies affecting their territory across a wide array of matters including education, culture, and natural resources. These provisions spurred regular, non-binding consultation and collaboration. Since 2003, enabling legislation (Regulation Law, Art. 28) has created regular consultation with the capacity to make binding decisions on natural resources and communal land. *Regiones autónomas* score 1 from 1987–2002, and 2 from 2003.

FISCAL CONTROL

The *departamentos* and the *Distrito Nacional* are not regularly consulted on fiscal policy.

The *regiones autónomas* have acquired considerable influence on fiscal resources since 2003. Law 445 enshrines the rights of the indigenous inhabitants of communal land to an equitable share of resources. Binding agreements between regional and central governments specify how the benefits of exploitation will be distributed. *Regiones autónomas* score 0 for 1987–2002 and 2 from 2003.

BORROWING CONTROL

Subnational governments in Nicaragua do not have borrowing control.

CONSTITUTIONAL REFORM

The legislature is not a body of territorial representation, and there are no alternative channels (e.g. territorially organized referenda) that provide *departamentos* or the *Distrito Nacional* with control over constitutional reform.

Self-rule in Nicaragua

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Departamentos	1950–2010	1	0	0	0	0	0	**1**
RAAS and	1987–1989	2	1	1	0	0	0	**4**
RAAN	1990–2002	2	1	1	0	2	2	**8**
	2003–2010	2	3	2	0	2	2	**11**
Distrito	1950–1986	1	0	0	0	0	0	**1**
Nacional	1987	1	0	0	1	0	0	**2**
	1988–1989	2	1	0	1	0	0	**4**
	1990–1996	2	1	0	1	2	2	**8**
	1997–2010	2	2	0	1	2	2	**9**

Shared rule in Nicaragua

		Law making						Executive control		Fiscal control		Borrowing control		Constitutional reform		Shared rule
		L1	L2	L3	L4	L5	L6	M	B	M	B	M	B	M	B	
Departamentos	1950–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
RAAS and RAAN	1987–2002	0.5	0	0	0	0	0	0	1	0	0	0	0	0	2	**3.5**
	2003–2010	0.5	0	0	0	0	0	0	2	0	2	0	0	0	2	**6.5**
Distrito Nacional	1950–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**

National legislature has: L1=regional representation; L2=regional government representation; L3=majority regional representation; L4=extensive authority; L5=bilateral regional consultation; L6=veto for individual region. Total for shared rule is either multilateral (M) or bilateral (B).

The statute of the *regiones autónomas* is passed by the national legislature. Article 38 gives two-thirds of the members of the *consejos regionales* in joint session the right to initiate reform, but they cannot veto reform.

Panama

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Panama is an ethnically diverse state with a population of 3.45 million in 2010. Intermediate governance consists of ten *provincias* (provinces) alongside three indigenous *comarcas* (areas) with the status of a *provincia*—Emberá-Wouna'an, Kuna Yala, and Ngöbe-Buglé—and two Kuna indigenous *comarcas* with the status of *distritos* (municipal districts)—Madugandí in the *provincia* Panamá and Wargandí in the *provincia* Darién. We score the five areas as special regions. *Distritos*, with an average population of just below 55,000, constitute the highest tier of local government.

Panama was governed under two constitutions during this period—1946 and 1972. The 1972 military constitution has been amended several times, most recently in 2004. In the early decades national governance was unstable and frequent changes in government leadership were common, including a long stretch of military rule from 1968–89. Initially the military suspended civil liberties, but in 1972 it put in place a new constitution. The constitutional *actos reformatorios* (reform acts) of 1978 legalized political parties, and presidential elections took place that year, followed by competitive legislative elections in 1980. However, from 1983–89, the military took back the reigns. When military ruler Noriega nullified the results of the 1989 elections, the US deposed the dictator and paved the way for the elected president Guillermo Endara to take office.

Under the 1946 constitution, *provincias* were deconcentrated with an appointed *intendente* (mayor), renamed *gobernador* (governor) from 1972, who answered to the central executive (C 1946, Title VIII; C 1972, Art. 204). The 1972 constitution created the institution of the consultative *consejo provincial* (provincial council), which is composed of municipal executives plus any members that the national legislator chooses to include (Art. 205).

The 1983 constitution introduces some provincial autonomy. The *consejos* can elect their own president and *junta* (Board of Directors) (C 1983, Art. 251); the presidents serve as members of the *consejo general del estado* (general council of the state) (Art. 196); and they can propose national laws (Art. 159.b). Executive power is now to some extent shared, though the dominant player remains the centrally appointed governor and his staff. The governor is required to consult the council, report on matters of interest to the province, including local government, and conduct studies when requested by the council (Art. 252). *Provincias* do not control their institutional set up, though they must be consulted on boundary changes. For the first time provincial competences were specified (Art. 252), though these remain relatively weak and are focused on economic development and public investment.

Consejos do not have legislative authority; they draft an annual plan of public works, investment and services in their province which they submit to the governor and the national executive, and they monitor its execution. So they have initiative and oversight rights, but no decision rights, over economic development, and limited resources mean that their policy footprint remains modest (IADB 2003: 3).[β] The 2004 constitutional reform and the 2009 *Ley de Descentralización de la Administración Pública* (Public Administration Decentralization Law 37) expanded their role marginally. Both documents set out a framework for multilevel governance in economic development which privileges local over provincial government. Provinces score 1 on institutional depth and 0 on policy scope for 1950–82, and 2 and 1 from 1983.

Indigenous territories have been recognized in Panama longer than in many other Latin American countries. Indigenous *comarcas* were created early in the twentieth century as protected indigenous territories. There is no unified legal definition of a *comarca*; the status of each is defined by its organic charter (Jordan-Ramos 2010). Kuna Yala was created in 1870. One of the first was Kuna Yala (1870) which recognized indigenous land rights. When the territory was split between Panama and Colombia in 1903, the law was discontinued. In 1945 the government of Panama reinstated autonomy for the Kuna on its soil.

The 1972 constitution requires the central government to establish *comarcas* for indigenous groups, and Art. 123 guarantees the indigenous communities the territories and collective property necessary for economic wellbeing (Horton 2006: 838). The constitution also protects indigenous languages, identity and bilingual education (Wickstrom 2003).

To date, Panama recognizes five *comarcas*: Kuna Yala was created in 1945; Emberá-Wouna'an in 1983, Kuna de Madugandí in 1996, Ngöbe-Buglé in 1997, and Wargandí in 2000. The Ngöbe, the Buglé, the Emberá, the Wouna'an, and the Kuna are all distinct ethnic groups.[22]

The oldest *comarca* is Kuna, whose territory was first called San Blas and then Kuna Yala. The Kuna live in the archipelago formed by 365 islands off the Atlantic coast. The municipal *comarcas* of Wargandí and Madugandí are also Kuna, but were recognized later.[23] The *carta orgánica* (statute) for San Blas was approved in 1945, though its borders and administration were not formalized until 1953, when a law gives the *comarca* an *intendente* with the status of a centrally appointed governor (Law 16, Art. 3). The traditional system of chiefs was recognized. The highest authority in the *comarca* is the *Congreso General Kuna* (Kuna General Congress), composed of local representatives. Public security, own institutional set up, trade agreements with foreign countries, and community decision making according to custom were codified in the *carta orgánica* approved by the central government in 1945. In matters of natural resource and territorial control, the Kuna have established firmer authority than other groups, in part because of more powerful political mobilization.

The second *comarca*, Emberá-Wouna'an, was recognized in 1983. The largest group, the Ngöbe-Buglé, which accounts for almost two-thirds of Panama's indigenous population, has a long history of conflict with the central government over natural resource control and territorial boundaries, which delayed recognition to 1997 (Law 10) (Jordan-Ramos 2010: 198).

The *comarcas* have their own institutional and representative structure and have some policy autonomy, which varies by statute. Indigenous regulations cannot contradict the constitution, but indigenous institutions have full authority in their territory. The coordinating role of national ministries is similar to that for the provinces and the *intendente* (or *gobernador*) in the *comarca* plays the same role as a provincial governor.

Land, natural resource extraction, and economic development constitute the core of comarca competence. All *carta orgánicas* grandfather in the private property rights of those already on the land (e.g. Law 22, Art. 3 for Emberá), but specifications vary. In Ngöbe-Buglé, local governments can sell or lease communal property provided they give the community the option to purchase (Law 10). In Emberá-Wouna'an, the sale or lease of communal lands is

[22] In 2005 a legislative proposal (Law 19) was put forth to create the *comarca* Naso Tjër Di in Bocas del Toro *provincia*, but it has not yet become law.

[23] In April 2003, a meeting of representatives of the sixty-eight Kuna communities in Kuna Yala, Kuna de Madugandí, and Kuna de Wargandí, declared their desire to unite the three *comarcas* but the Panamanian government rebuked them.

prohibited (Law 22, Art. 2).[24] Indigenous territories cannot veto national development in their territory (Jordan-Ramos 2010), including concessions to third party developers for natural resource extraction. However, since 1998 national laws have put in place a system for profit sharing (Wickstrom 2003: 46; *Ley General del Ambiente*, General Environmental Law 41 of 1998). Indigenous territories also play a role in ensuring the incorporation of traditional medicine and education practices in their territory. The *comarcas* score 2 on institutional depth.

The government recognized two smaller *comarcas*, Madugandí in 1996 (Law 24) and Wargandí in 2000, which currently have municipal status, though with a special statute. Municipal government is protected from arbitrary central government interference (C 1972, Art. 232), and since 1973 (Law 106) *distritos* are in charge of local economic development (Luna 2009: 12). Gradually, *distritos* have become more active in public works and licensing, though their role is less pronounced in conventional municipal matters such as education, policing, internal institutional set up, or the justice system, which remain controlled by the central government (Quintero 2004). Law 37, passed in 2009, decentralizes competences in culture and tourism, education, transportation, social services, and local economic development to *distritos* (Luna 2009: 22). Consistent with the status of *distritos*, Wargandí and Madugandí score 1 on policy scope until 2008, and 2 from 2009.

FISCAL AUTONOMY

Provinces and *comarcas* have no fiscal autonomy. Taxation is firmly controlled by the center (Luna 2009; IADB 2003: 4). Provinces collect some revenue, but they do not have control over the base or rate of taxes (Quintero 2004: 16). The 1998 rules for profit sharing over natural resources in indigenous *comarcas* grant them increased revenue, but no autonomy.

BORROWING AUTONOMY

While municipal governments have limited borrowing autonomy (with a golden rule provision and prior central approval), provincial governments are prohibited from borrowing (Valpoort 2007). *Comarcas* do not borrow.[α]

[24] The legal protections for indigenous control—own institutional set up and indigenous land rights in particular—are contested. In 2010, Decree 537 unilaterally changed the Ngöbe-Buglé charter and named a central government appointee as *Cacique General* (General Chief) against the choice of the *congreso general*. Major conflict in 2011 over who can grant exploitation rights to the world's fifth largest copper mine in Ngöbe-Buglé exposes the fragility of the constitutional guarantees of sovereignty.

REPRESENTATION

Provincial governors are appointed by the national executive and can be removed at will (C 1972, Art. 249; C 1983, Art. 249). Since 1972 provinces have a *consejo provincial*, composed of municipal representatives (local mayors) plus other members that the national legislator chooses to include (Art. 205). Since 1983 councils can elect their own president as well as a *junta* (Board of Directors) from their members (C 1983, Art. 251). From 1972, provinces score 1 on assembly, and from 1983, they also score 1 on executive to reflect the co-existence of an autonomous and centrally appointed executive.

All the *comarcas* have dual executives with a centrally appointed governor as well as a *cacique general* chosen by the *congreso*. Each comarcal *carta orgánica* lays out selection procedures for the *congreso*, which usually follow custom. The overall structure varies by *comarca*. Each provincial *comarca* has an indirectly elected assembly. In Kuna Yala, for example, each locality has an *onmaked nega* (local council) made up of all adult males and elders elected by consensus (Martínez Mauri 2009: 5). These smaller congresses elect the *congreso general kuna*, which meets every six months. In Emberá-Wouna'an, the two regions (Sambú and Cémaco) have regional *congresos* that constitute the *congreso general*, which meets every one or two years. In Madugandí and Wargandí, local *congresos* elect the *cacique*, but there is also a *representante de corregimento*, the local counterpart of the centrally appointed governor.

Shared rule

LAW MAKING

Provinces and *comarcas* have no shared rule in law making. The national parliament has never had a chamber based on equal territorial representation. Since 1983, a provincial council (through its president) may propose legislation to the parliament (C 1983, Art. 159b). The right of initiative concerns only ordinary law, i.e. it does not include the constitution or state organization. Presidents of the provincial council present the bill in the chamber, but cannot vote. This provides a very weak channel for influence on law making.[β]

EXECUTIVE CONTROL

Provinces have no executive control. Since 1983 the presidents of the provincial councils have a seat in the *Consejo General de Estado*, which is chaired by the president (C 1983, Art. 196). Provincial representatives constitute a minority in the council, which also includes the vice-president, ministers of state, the directors of autonomous and semi-autonomous entities, the chief commander of the National Guard, the comptroller-general, the national attorney general, the solicitor general, and the president of the parliament. Moreover, provincial presidents do not have the right to put matters on the agenda, but can only

assist in advising the president or the parliament "on matters submitted to it by the President or the President of the Legislative Assembly" (C 1983, Art. 197).

The *comarca* statutory laws prescribe consultation (and sometimes consent) on development and land use,[25] but until 2000, there was no routinized channel. Since 2000, the *consejo nacional de desarrollo indígena* convenes regularly. The *consejo* is composed of indigenous and central representatives, including indigenous groups outside the recognized *comarcas*, and can make binding decisions about the implementation of public services impacting indigenous communities (Executive Decree 1, Art. 3). *Comarcas* score 0 through 1999, and 2 since 2000 on bilateral executive control.

FISCAL CONTROL

Provinces and *comarcas* have no fiscal control.

BORROWING CONTROL

Provinces and *comarcas* have no borrowing control.

CONSTITUTIONAL REFORM

Provinces play no role in constitutional reform. The *carta orgánica* of the communities requires approval of both the national executive and comarcal authorities (Jordan-Ramos 2010; Wickstrom 2003), which means that *comarcas* can veto. For example, the *carta organica* for the Ngöbe-Buglé *comarca* reads that "the present Charter may be amended by agreement between the [national] executive and the General Congress [of the Ngobe-Bugle comarca]" (1999, Art. 282).

Self-rule in Panama

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Provincias	1950–1971	1	0	0	0	0	0	**1**
	1972–1982	1	0	0	0	1	0	**2**
	1983–2010	2	1	0	0	1	1	**5**
Kuna Yala	1950–2010	2	2	0	0	1	1	**6**
Emberá -Wouna'an	1983–2010	2	2	0	0	1	1	**6**
Ngöbe-Buglé	1997–2010	2	2	0	0	1	1	**6**
Madugandí	1996–2008	2	1	0	0	2	1	**6**
	2009–2010	2	2	0	0	2	1	**7**
Wargandí	2000–2008	2	1	0	0	2	1	**6**
	2009–2010	2	2	0	0	2	1	**7**

[25] E.g. see Art. 19 of Law 22 of 1983, which created the *comarca* of Emberá-Wouna'an and requires consent of the *caciques* prior to natural resource extraction.

Shared rule in Panama

		Law making						Executive control		Fiscal control		Borrowing control		Constitutional reform		Shared rule
		L1	L2	L3	L4	L5	L6	M	B	M	B	M	B	M	B	
Provincias	1950–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Kuna Yala	1950–1999	0	0	0	0	0	0	0	0	0	0	0	0	0	4	**4**
	2000–2010	0	0	0	0	0	0	0	2	0	0	0	0	0	4	**6**
Emberá-Wounaʼan	1983–1999	0	0	0	0	0	0	0	0	0	0	0	0	0	4	**4**
	2000–2010	0	0	0	0	0	0	0	2	0	0	0	0	0	4	**6**
Ngöbe-Buglé	1997–1999	0	0	0	0	0	0	0	0	0	0	0	0	0	4	**4**
	2000–2010	0	0	0	0	0	0	0	2	0	0	0	0	0	4	**6**
Madugandí	1996–1999	0	0	0	0	0	0	0	0	0	0	0	0	0	4	**4**
	2000–2010	0	0	0	0	0	0	0	2	0	0	0	0	0	4	**6**
Wargandí	2000–2010	0	0	0	0	0	0	0	2	0	0	0	0	0	4	**6**

National legislature has: L1=regional representation; L2=regional government representation; L3=majority regional representation; L4=extensive authority; L5=bilateral regional consultation; L6=veto for individual region. Total for shared rule is either multilateral (M) or bilateral (B).

Trinidad and Tobago

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Trinidad and Tobago is made up of two primary islands and several smaller ones with a population of just over 1.3 million in 2011. Trinidad is divided into fourteen regional corporations and municipalities with an average population of 92,000. Since 1962, the island of Tobago, with 60,000 inhabitants, has had a differentiated arrangement (Hazel 2005; Ragoonath 1997). Constitutional reforms took place in 1961 and 1976.

Trinidad and Tobago was first a Spanish and then British colony and gained independence in 1962; it became a republic in 1976 but it has remained a member of the British Commonwealth.[26] Prior to 1980, Tobago was governed by a dual system with preponderant authority vested in the central government. A special central ministry, the Ministry of Tobago Affairs (replaced in 1976 by the Central Administrative Services in Tobago), set policy and decided on resource allocation. Tobago had an elected Tobago County Council, which could propose policies but its advice was non-binding and all recurrent and capital works required prior approval and financing from the central government. While this structure was not purely deconcentrated, the

[26] In the 1990s there was a failed attempt to unite Barbados, Trinidad and Tobago, and Guyana in a federation.

predominant role of central government suggests it was closer to deconcentrated than decentralized government.[β]

In 1977, the representative for Tobago-East in the national parliament put forth a proposal to develop plans for "internal self-government" on the island, which initiated a multi-year negotiation culminating in the passage of the Tobago House Assembly Act (1980, Act 37).[27] The Act set up the Tobago House Assembly, which was given responsibility to formulate and implement policy on matters devolved by the minister and as well as responsibility for implementing national policy in Tobago. Few policy tasks were devolved to the Tobago House Assembly and hence the body remained mainly charged with implementation rather than legislation. Moreover, the central government was unresponsive to attempts of the Tobago House Assembly to set up secretaries for daily policy management (Hazel 2005: 8). In all, Tobago House Assembly policy autonomy increased very slowly throughout the period.

The Tobago House of Assembly Act of 1996 (Act 40) replaced Act 37 and considerably deepened self-rule. The Act conferred to the Tobago House Assembly legal identity (Section 5.1), which means that it can conclude contracts nationally and internationally (Section 24.2.c and 24.3). The Assembly has now explicit authority to propose and implement legislation, though each legislative proposal requires the consent of the national parliament. The national cabinet is a gatekeeper because it can refuse to introduce Assembly proposals in the parliament. Tobago laws may not be contrary to any written national law or impose taxation (Section 26.1). So the central government retains a veto.

The Act divides competences in two categories: a long list of devolved but concurrent competences, which include education, health, land management, infrastructure, agriculture, finance, environmental policy, tourism, customs, and financial accounts related to Assembly activities, as well as a shorter list of exclusively national competences, which include national security, foreign affairs, judiciary, immigration, civil aviation, meteorology, and legal affairs (Section 25.1). The Tobago House Assembly has authority over local government. Residual powers, policing, and institutional set up remain national.

Tobago scores 1 on institutional depth and 0 on policy scope for 1962–79, 2 and 0 for 1980–95, and 2 and 2 from 1996.

[27] The original proposal of the Joint Select Committee called for extensive self-government, but was rejected on the grounds that it threatened the unitary nature of the state. The then Attorney General argued that in seeking internal self-government for Tobago, one was "asking (the) House to preside over the liquidation, or rather the fragmentation and disintegration, of the Republic of Trinidad and Tobago" (quoted in Dumas 2012: 18).

FISCAL AUTONOMY

The authority to tax is reserved to the central government (C 1976, Art. 63.2). Act 40 of 1996 details criteria that the central government must consider in allocating resources to Tobago (Section 43). Tobago is responsible for collecting taxes in its region and can use these revenues to finance its operations, but it cannot set the rate or base (Hazel 2005: 11).

BORROWING AUTONOMY

Borrowing was prohibited until 1996, when Tobago was allowed to take on debt for investments or for overdraft purposes (Act 40, Section 51). Prior central government approval is required (Hazel 2005: 15).

REPRESENTATION

Under the 1961 constitution Tobago had dual government with executive power in the hands of the central government, and a county assembly that was directly elected but consultative.

The 1980 reform (Act 27) instituted the Tobago House of Assembly. It consisted of twelve directly elected assembly persons, who chose a presiding officer, a chief secretary, and a minority leader. The presiding officer appointed three more assembly persons. There was no independent executive, though the assembly created over the years an internal structure of "secretaries." Their legal status remained uncertain.[a]

The 1996 reform created an executive as well as an assembly. The assembly consists of twelve directly elected members, four councillors appointed by the assembly from outside its ranks—three in accordance with the chief secretary's advice and one in accordance with the minority leader's (Act 40 Part II)—and a presiding officer who may or may not be a member of the assembly. The executive council is headed by the chief secretary and the deputy chief secretary, both elected from among the assembly members. The council can also have no more than seven other secretaries (increased from the original five via the Tobago House of Assembly Amendment Act 17 of 2006). They are selected from among the other assembly members and councillors upon advice of the chief secretary.

Shared rule

LAW MAKING

Neither chamber of the bicameral national parliament is organized on the basis of equal territorial representation. The senate has currently thirty-one members: sixteen senators for the majority appointed on the advice of the prime minister, six senators for the opposition appointed on the advice of the leader of the opposition, and nine independent senators appointed by

the president to represent civil society. Tobago has no reserved seats. There are no special provisions that allow the Tobago government to initiate, be consulted, or co-decide national legislation that may affect its territory.

EXECUTIVE CONTROL

The 1996 Tobago House of Assembly Act sets out two channels for communication between the Tobago House of Assembly and the central government. Article 30.b stipulates that the chief secretary may, if invited by the prime minister, attend national cabinet meetings (without voting rights) to represent the interest of Tobago in any matter likely to have an adverse effect on Tobago. Article 31 foresees regular meetings between the prime minister and the chief secretary to discuss the affairs in Trinidad and Tobago.[a] Since 1996 Tobago has non-binding bilateral executive control.

FISCAL CONTROL

The 1996 Act creates a dispute resolution commission for financial disagreements between the central government and the Tobago House of Assembly. It is composed of equal members from each body. The dispute resolution commission is not a permanent body and holds no regular meetings. It requires action on the part of the central executive to be set in motion, and cannot produce binding decisions.

BORROWING CONTROL

The Tobago government is not routinely consulted on borrowing policy.

CONSTITUTIONAL REFORM

A Tobago-based member of parliament may use the standard legislative procedure to introduce a change to the Tobago statute, but there are no provisions in the Act that grant the Tobago government (or its people) the right to initiate change, compel the national government to consider amendments, or prevent the central government from amending the Act unilaterally without Tobago consultation. Tobago scores 0 on constitutional reform.

Self-rule in Trinidad and Tobago

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Tobago	1962–1979	1	0	0	0	2	0	**3**
	1980–1995	2	0	0	0	2	0	**4**
	1996–2010	2	2	0	1	2	2	**9**

Central America and the Caribbean

Shared rule in Trinidad and Tobago

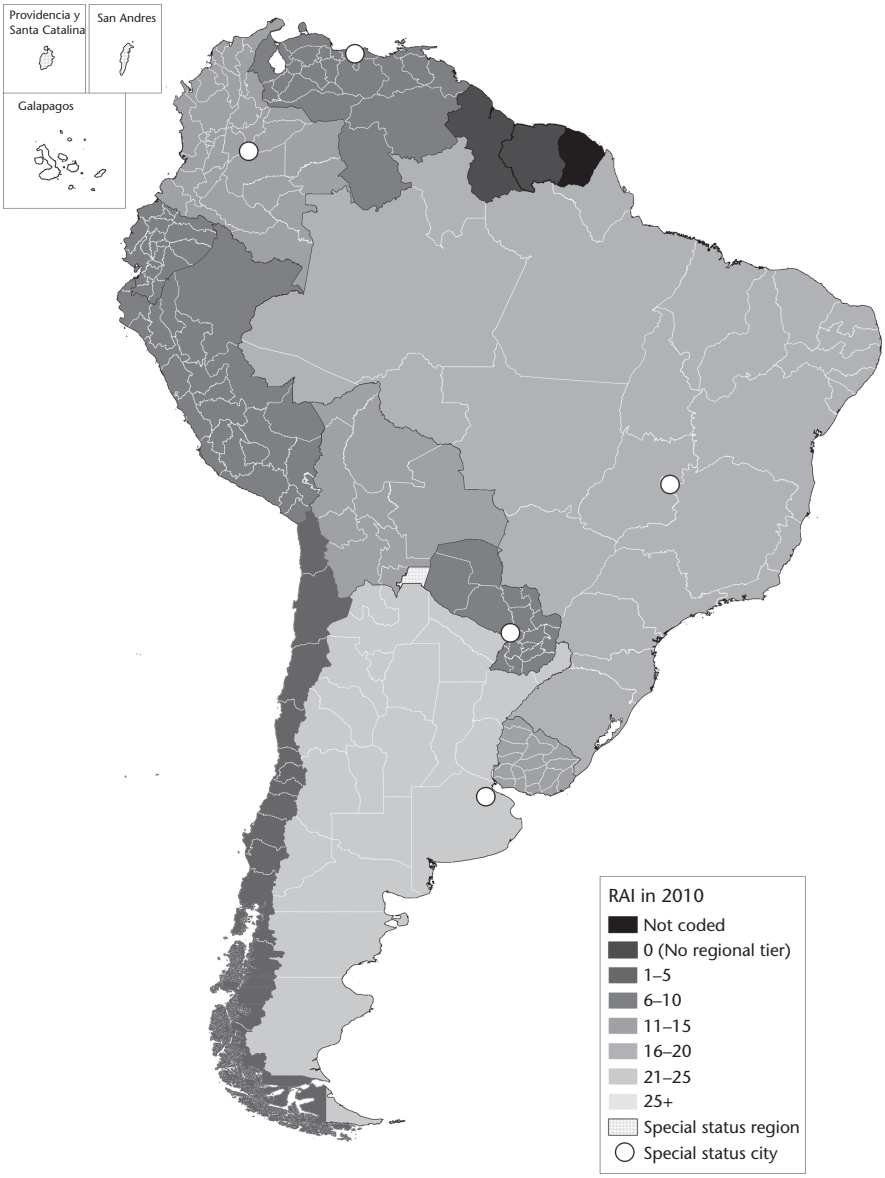
		Law making						Executive control		Fiscal control		Borrowing control		Constitutional reform		Shared rule
		L1	L2	L3	L4	L5	L6	M	B	M	B	M	B	M	B	
Tobago	1962–1995	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
	1996–2010	0	0	0	0	0	0	0	1	0	0	0	0	0	0	**1**

National legislature has: L1=regional representation; L2=regional government representation; L3=majority regional representation; L4=extensive authority; L5=bilateral regional consultation; L6=veto for individual region. Total for shared rule is either multilateral (M) or bilateral (B).

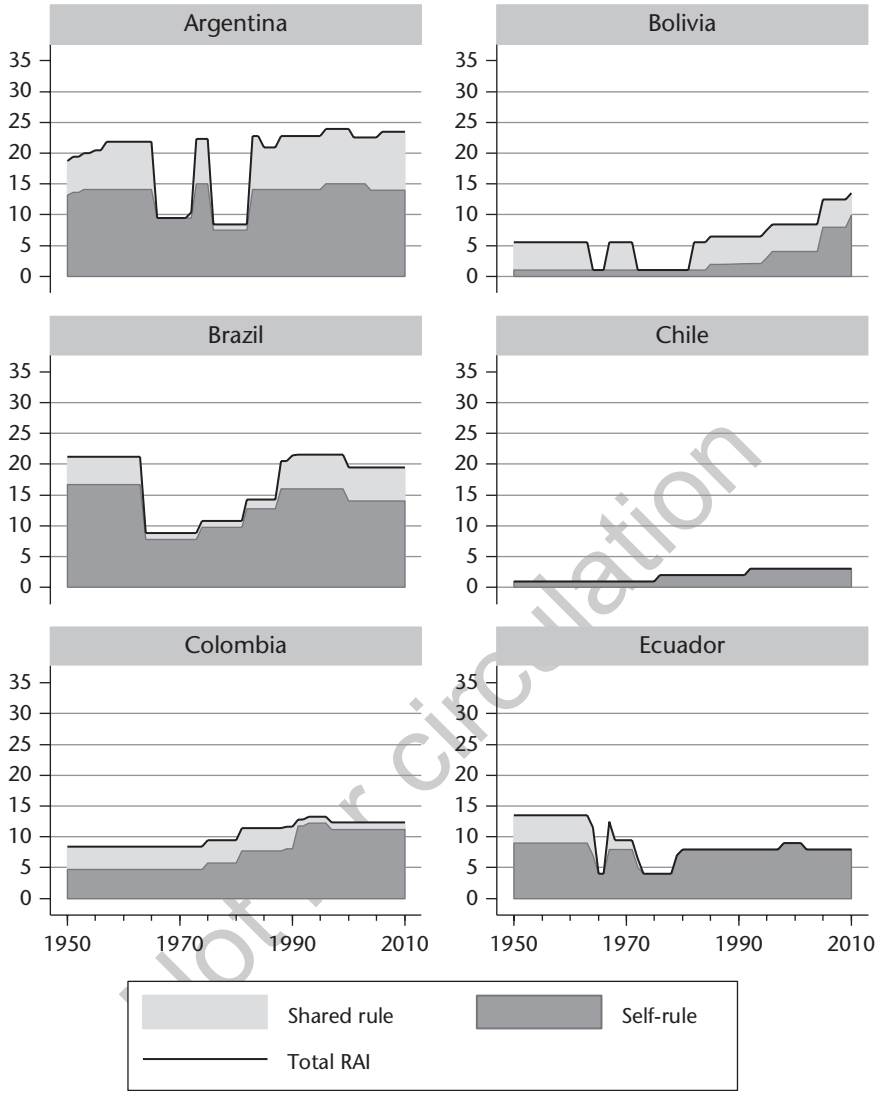
South America

100	Argentina (1950–2010)	114	Guyana (1966–2010)
104	Bolivia (1950–2010)	121	Paraguay (1950–2010)
105	Brazil (1950–2010)	122	Peru (1950–2010)
106	Chile (1950–2010)	123	Suriname (1975–2010)
107	Colombia (1950–2010)	125	Uruguay (1950–2010)
111	Ecuador (1950–2010)	126	Venezuela (1950–2010)

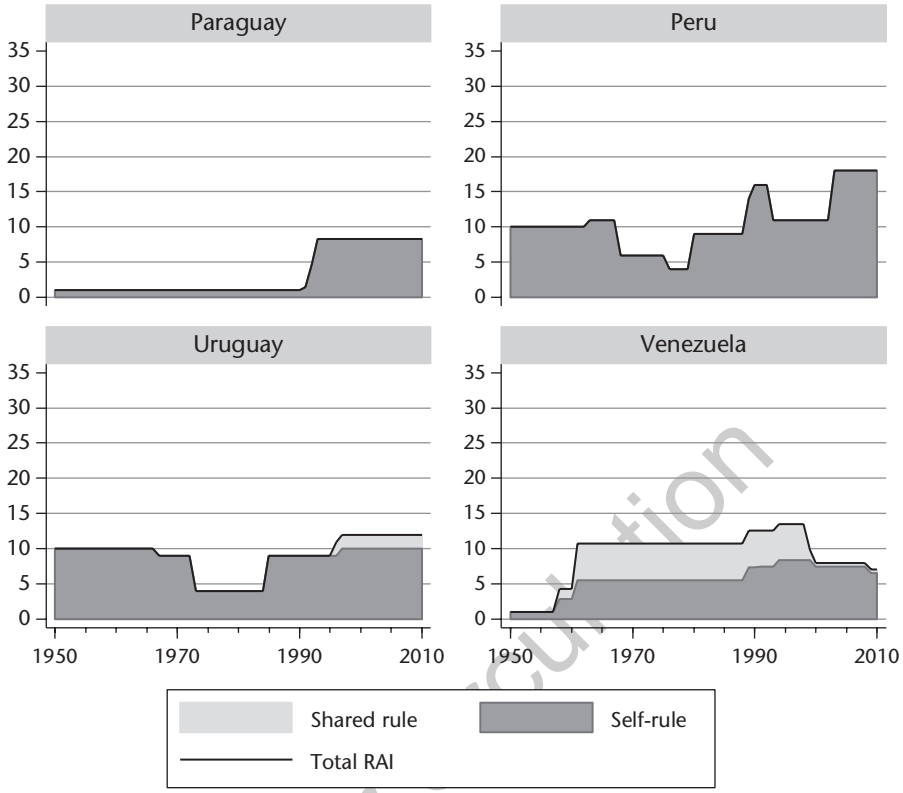
South America



Standard and differentiated regions in South America (2010)



Trends in regional authority in South America



Trends in regional authority in South America

Note: No general-purpose regional government in Guyana or Suriname.

Argentina

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Argentina is a federal country (C 1853, Art. 1) divided into twenty-three *provincias* (provinces) and the *Ciudad Autónoma de Buenos Aires* (Autonomous City of Buenos Aires, CABA). *Provincias* are geographically divided into *departamentos*, which are composed of *municipalidades* (or *partidos* in the province of Buenos Aires). CABA is further divided into *comunas*. We code *provincias*, CABA, and *territorios nacionales* (national territories). In 1862, territories under control of the federal government and outside the *provincias* were established as *territorios nacionales*, and in 1884 they were reorganized as *gobernaciones* (governorates). After 1950, these *gobernaciones* became *provincias* one by one: Chaco and La Pampa in 1951 (Law 14,037), Misiones in 1953, Formosa,

Neuquén, Río Negro, Chubut, and Santa Cruz in 1955 (Laws 14,408; 21,178), and Tierra del Fuego in 1991 (Law 23,775) (Cetrángolo and Jiménez 2004: 122).

The federation's founding constitution of 1853 "created both a high degree of provincial representation in national political institutions and a powerful central government" (Gibson and Falleti 2004: 239). The constitution was reformed four times in the twentieth century: 1949, 1957 (repealing the 1949 reform), 1972 (in effect until the 1976 coup), and 1994. From 1950 to 1982 Argentina faced three military dictatorships: *Revolución Libertadora* in 1955–58, *Revolución Argentina* in 1966–72, and *Proceso de Reorganización Nacional* in 1976–82. The Peronist party was banned from participating in elections from 1955 to 1972. The transition to democracy took place in 1983.

Provincias determine their own organization and each *provincia* has its own constitution (C 1853, Arts. 5 and 105; C 1994, Section 5). *Provincias* also set the date of elections for provincial offices and, until 2004, the date for national congressional elections (Ardanaz, Leiras, and Tommasi 2012: 8). However, throughout much of their existence, *provincias* were subject to central government veto because the federal government had the constitutional right to intervene. The constitution allows federal intervention "in the territory of the provinces to guarantee the republican form of government or to repel foreign invasions, and upon request of its authorities to sustain or re-establish them if they have been deposed by sedition or by the invasion of another province" (C 1853, Art. 6; C 1994, Art. 6).

It is not unusual for federations to have such provisions (see e.g. the US constitution, Art. IV, Section V). But in Argentina the provision was routinely invoked before 1983 by both civilian and military leaders. It was invoked more frequently and for longer periods under military dictatorship. We reflect this by scoring *provincias* 2 on institutional depth during non-military rule and 1 under military rule to capture the more indiscriminate central government veto under military rule. Since the return to democracy in 1983 federal intervention has been used infrequently (Tucuman (1991), Catamarca (1991), Santiago del Estero (1991), and Corrientes (1992)). Another intervention took place in 1999 (Corrientes), and the most recent intervention dates from 2004 (Santiago del Estero).[1] Newfound unwillingness to intervene was tested for the first time and proved robust in 1985, when then President Alfonsín decided not to intervene in the province of San Luis claiming that federal intervention had to be sanctioned by congress. This was reinforced by a

[1] President Kirchner applied Art. 6 to the province of Santiago del Estero after the *Gobernadora*, Mercedes Aragonés de Juárez, and her husband, the local *caudillo* Carlos Juárez, were accused of corruption and incitement to violence. The federal government appointed a temporary governor to restore human rights and prepare new elections (Gibson 2012).

constitutional revision in 1994. While before the revision the president could conduct a federal intervention in the provinces by executive order, the new constitution imposes that congressional authorization is required (C 1994, Art. 75.31) (Wibbels 2004: 232). We adjust the coding to 3 starting from 1983, the date of democratic transition.$^{\beta}$

CABA has had a unique status since the first Argentine constitution in 1853. The federal government exercised direct authority over the city though tempered by some self-governance. Until the constitution of 1994 the *intendente* (mayor) was appointed by the national executive in conjunction with the national senate and was advised by a directly elected council that lacked legislative authority (*consejo deliberante*).

Since CABA was primarily a deconcentrated administration, we code it 1 on institutional depth. CABA gained the status of autonomous entity in the 1994 constitution. Its own autonomy statute (*Constitución de la Ciudad de Buenos Aires*) came into effect in 1996. Although geographically CABA is a city within a *provincia* (Buenos Aires), the *provincia* of Buenos Aires has no jurisdiction over the *ciudad* of Buenos Aires.[2] Since 1996, CABA has had similar autonomy to the rest of the *provincias* with some restrictions in judicial, transport, and policing policy (Law 24,588 of 1996, Arts. 7–8). In matters of overlapping jurisdiction between CABA and the federal government, the federal judiciary takes precedence, whereas this is not the case for *provincias*.

Territorios nacionales can be considered internal colonies. Since they were led by a *gobernador* appointed by the federal government, they were deconcentrated governments. Over time, all of these governorates have been upgraded to provincial status. The last territory was Tierra del Fuego, which became a *provincia* in 1991. Tierra del Fuego originally had a distinctive regime: Decree No 5,626 of 1943 gave control of the territory to an officer of the armed forces who was appointed *gobernador* by the federal executive. The province of Tierra del Fuego also includes the territory of the Falkland Islands/*Islas Malvinas*, governed by the United Kingdom.[3]

In terms of policy scope, the 1853 constitution granted *provincias* residual powers (C 1853, Art. 104; C 1994, Art. 121), the power to determine their own local institutions (C 1853, Art. 105; C 1994, Art. 122), and authority over local government (C 1853, Arts. 106 and 123). Among the residual powers, *provincias* can issue their own currency, write their own procedural codes for criminal matters, and adopt their own legislation for the implementation of civil rights such as protection against gender violence (Smulovitz 2010) or freedom

[2] The constitution of the *provincia* of Buenos Aires does not mention the *ciudad* of Buenos Aires and makes it explicit that the capital of the *provincia*, and therefore the provincial government, is located in the city of La Plata (Art. 5).

[3] Provincia Tierra del Fuego, Antártida. "Historia de Tierra del Fuego." <http://gobierno.tierradelfuego.gov.ar/historia/>

of the press (Gervasoni 2010*a*, *b*). They also administer the judicial system, share competence over primary education, and promote industry, immigration, and the construction of railroads (C 1853, Arts. 5 and 107; C 1994, Arts. 5 and 122). Laws passed in 1979, 1982, and 1983 developed provincial authority over regional industrial policies. The bulk of authority over primary and secondary education was transferred to the *provincias* in 1979 and 1989 respectively (Eaton 2006: 9; Jordana 2002: 31; Falleti 2010). Decentralization of education had taken place by the late 1950s, when twenty-three schools were decentralized to the *provincia* of Santa Cruz, and in the late 1960s, when 680 schools were transferred to the *provincias* of Buenos Aires, Río Negro, and La Rioja (Falleti 2010). The *Ley Federal de Educación* of 1993 (Law 24,195) established the responsibilities of each level. In 1991, exclusive responsibility for twenty-one hospitals and secondary schools was transferred to *provincias* and CABA (Lora 2007; Cetrángolo and Jiménez 2003: 53). *Provincias* have also taken on housing, sanitation, social assistance and food programs, and some other major responsibilities such as environment or industrial development (Ardanaz, Leiras, and Tommasi 2012: 6; Trelles Zabala 2004: 224; Repetto and Alonso 2004: 29; Niedzwiecki 2014*b, forthcoming*; McGuire 2010). *Provincias* and the federal government share competence in matters such as social security and justice (Cetrángolo and Jiménez 2004: 117). Under the 1994 constitution *provincias* can conclude international treaties with federal consent. Citizenship and immigration policy is reserved for the federal government (C 1853, Art. 108; C 1994, Art. 126). Hence we code policy scope as extensive (3) for the entire period, except during the two later periods of military rule (1966–72 and 1976–82). Contrary to the first period of military rule, these later regimes sought to curtail provincial autonomy, reform subnational institutions and impose a particular economic policy, though internal incoherence seriously limited their ability to pursue their goals except for tax policy (Eaton 2004*a*: 120–32; Jordana 2002: 35). Therefore military rule constrained policy autonomy in limited ways, which we reflect by reducing the score from 3 to 2 in these years.

Before 1996 CABA was primarily deconcentrated. The national government controlled the port, the judicial system, the police, and had a direct hand in shaping policy through its control over the executive. Since 1996 CABA shares similar policy competences in education, health, the environment, and economic development as the rest of the *provincias*, though it was not originally given control over police or port facilities (CABA, C 1996, Title II). Only in 2010 did CABA create an autonomous municipal police force to deal with issues of public security, but the police force remains subject to constraints by the federal government. CABA does not have the residual powers of the *provincias* (Law 24,588, Art. 2), but controls its own institutional set up and local government. Its policy score is the same as that for *provincias*.

FISCAL AUTONOMY

The 1853 constitution gave *provincias* authority over direct taxes and concurrent authority over indirect taxes, while taxes on trade remained under exclusive federal control (C 1853; Eaton 2001*a*: 4).

Over the past eight decades, provincial tax autonomy—once supreme—has declined markedly. The first step occurred in 1934 when *provincias* signed away their exclusive right to set sales, excise, and income tax in return for a guaranteed and unconditional share of federally determined taxes. This newly established system was denominated *coparticipación* (Eaton 2001*a*: 6; see section on shared rule, fiscal control later). In subsequent years, *provincias* negotiated steady increases in their share of federal revenues, which were laid down in a series of time-limited intergovernmental agreements. Hence, while *provincias* retained constitutional ownership over all direct taxes until the constitutional revision of 1994, they renegotiated extensions of the system established in 1934 at irregular intervals. At no point did they withdraw their conditional consent to delegate direct tax authority to the federal government. Over time the agreements broadened the range of taxes included in the *coparticipación* system to virtually all federal direct taxes (Eaton 2004*a*; Jordana 2002: 35). The 1994 constitution formalized the situation by making clear that the federal government has authority to set indirect taxes concurrent with the *provincias*, and that the federal government levies direct taxes subject to *coparticipación* (C 1994, Art. 75.2).

Provincias are assigned the maximum score on fiscal autonomy until 1975 due to their authority to set the rate and base of two sales taxes: the *ingresos brutos*, which applies to companies' gross revenues, and the *impuesto a las actividades lucrativas*, which is a tax on gross sales. The latter tax, which was the major one of the two, was abolished in 1975 with the introduction of a federal VAT (Artana et al. 2012: 17). We recognize this reduced tax autonomy by lowering the score from 4—setting the rate and base of a major tax—to 2—setting the rate and base of minor taxes—from 1976.

In addition to the sales tax on companies' gross revenues, *provincias* continue to set the base and rate of various indirect minor taxes, including the property tax on real estate, a vehicle registration tax, and a stamp tax (Artana et al. 2012: 10; Trelles Zabala 2004: 222; Eaton 2001*a*: 6).[4] Subsequent reforms expanded tax autonomy to resource royalties for resource-rich *provincias*, mostly crude oil and natural gas. Some *provincias* also tax labor or sales of utilities, and twelve out of the twenty-four *provincias* that did not transfer the pay-as-you-go pension system to the federal government impose a public employee tax (Artana et al. 2012: 27).

[4] In 1993 *provincias* agreed to abolish these taxes but reinstated them in the late 1990s.

CABA was deconcentrated until 1996. Since it became autonomous, it has had control over a battery of municipal fees as well as provincial taxes (*ingresos brutos*, *patentes*, and *sellos*).[5] CABA reintroduced the stamp tax (*sellos*) that had been abolished during the 1990s (Artana et al. 2012: 27).

BORROWING AUTONOMY

Initially, there were no rules constraining borrowing for *provincias*. While the constitution establishes that only the federal government can contract debt ("Congress is empowered . . . to borrow money on the credit of the nation [our translation]," C 1853, Art. 64.3; C 1994, Art. 75.4), it also opens the door for subnational units to incur debt in Art. 124: "The provinces are empowered to . . . enter into international agreements provided they are consistent with the national foreign policy and do not affect the powers delegated to the federal government or the public credit of the nation [our translation]" (C 1994, Art. 124).[6]

Argentine *provincias* and CABA have borrowed money from national and international creditors since the 1930s (Diaz-Cayeros 2006: 190). *Coparticipación* funds were sometimes used as a guarantee of future payment (Cetrángolo and Jiménez 2003: 58). The federal government is the main creditor of *provincias* and has taken over provincial debt on several occasions, often in ad hoc federal–provincial agreements, thereby effectively eliminating the hard budget constraint (Eaton 2004*a*; Diaz-Cayeros 2006; Bonvecchi 2010: 9). Until the early 1990s, provincial governments had almost unrestrained access to deficit financing through provincially owned banks (Wibbels 2004: 214; Haggard and Webb 2004: 213–15).[7] Access to deficit financing was ultimately obtained through the central bank that issued currency to fund rediscounts for provincial banks, which in turn financed provincial treasuries. By the end of the 1980s, provincial debt accounted for more than half of all public debt (Wibbels 2004: 214). Since national regulation on subnational debt was poor, the burden fell on provincial regulation. Approval procedures vary a lot from province to province. While some provincial constitutions restrict borrowing (Cetrángolo and Jiménez 2003: 58), others require extraordinary legislative majorities or impose limits on the use of debt. Nicolini et al. (2002: 10) note that these restrictions are very mild in most *provincias* and quantitative limitations are rarely binding.[a]

[5] Gobierno de la Ciudad de Buenos Aires. "Rentas Ciudad." <http://www.agip.gov.ar/web/info-fiscal/agenda-fiscal-anual.html#>.

[6] The 1853 constitution also allows *provincias* to have partial agreements with knowledge of the federal congress (C 1853, Art. 104).

[7] International borrowing was constrained by the need to receive approval from the national chamber of deputies but, since international loans were not the major source of debt financing, this did not act as a constraint.

National rules were tightened somewhat in the 1990s. The 1991 Convertibility Plan and the 1993 Resolution (*Resolución Ministerial* 1075/93) provided the federal economics ministry with some monitoring capacity over the borrowing of foreign currency and put limits on *provincias*' ability to refinance existing debt from local banks, as well as their access to provincial banks (Trelles Zabala 2004: 225). The federal government also committed to a no-bailout clause, and acquired the authority to withhold *coparticipación* funds to pay outstanding debts if the provincial government consents through a financial agreement (Wibbels 2004: 226; Haggard and Webb 2004: 259).

Conditions tightened further in 2004, when the federal–provincial Fiscal Responsibility Law (25, 917) imposed limits on provincial spending and debt. Debt should generally not finance current expenditure and cannot exceed a certain share of annual revenue (Trelles Zabala 2004: 225; Lora 2007: 249). Prior central government approval is not required (Stein 1999: 379).[8] These modest constraints lead us to decrease the score for borrowing authority after 2003 from 3 to 2. *Provincias* retain the right to opt out of the Fiscal Responsibility Law. One *provincia* opted out in 2012 (Córdoba) and two more (Buenos Aires and Santa Fe) undertook similar legislative initiatives.

There are no special rules for CABA, but ultimate authority on borrowing rested with the federal government until 1996 since government was primarily deconcentrated until that year.

REPRESENTATION

Provincias can choose their own institutional set up: eight have bicameral assemblies and sixteen have unicameral assemblies (Suarez-Cao and Gibson 2010: 29). All of the legislatures are directly elected. *Gobernadores*, i.e. the regional executive leaders, are also directly elected. This has been the political organization during periods of non-military rule.

Political organization under military rule varied. While the 1955 military coup ousted Perón leaving subnational institutions essentially intact, subsequent periods of military rule limited subnational governments (Eaton 2004*a*: 71, 116–17). During the *Revolución Argentina* (1966–72) all *gobernadores* were appointed by the federal government and the provincial executive obtained control over provincial legislative responsibilities. During the 1976–82 dictatorship, elections for the regional legislative or executive positions were abolished, and the military junta distributed the governorships among the army (50 percent of the *provincias*), the navy (25 percent), and the air force (25 percent) (Eaton 2004*a*: 117–18; Falleti 2010; Bonvecchi 2006).

[8] The Fiscal Responsibility Law also gives the central bank the monopoly on issuing currency. It is not clear whether this law will prevent *provincias* from issuing their own currencies in times of crisis, since the constitution does not explicitly ban *provincias* from issuing currency.

For 1959 to 1965 we score executive autonomy 1 instead of 2 to reflect the fact that the federal government regularly invoked federal intervention to replace provincial governorships. Routine central intervention is akin to having a dual executive.[β]

CABA had a directly elected *concejo deliberante* originally composed of thirty members, which was suspended only during the 1976–82 dictatorship. Until 1996, the executive was appointed by the president. Since 1996, CABA has had a directly elected executive, the *jefe de gobierno*. The governorates in the national territories had no representative institutions.

Shared rule

LAW MAKING

Provincias are the unit of representation in the senate *(L1)*.[9] Before the 1994 constitution (with the exception of the 1973 elections), senators were appointed by the provincial legislature (C 1853, Art. 46). The 1949 reform of the constitution introduced direct election of senators (C 1949, Art. 47), but it was repealed by the 1957 reform which reinstalled the appointment of senators by the provincial legislature (C 1957, Art. 46). Following the 1972 constitutional reform senators were directly elected as of 1973 (C 1972, Art. 46). This reform was rescinded in 1982 when indirect election was restored. Since the constitution of 1994 (C 1994, Ch. II), senators are directly elected; the first direct election took place in 2001 *(L2)*. All senators represent provincial interests *(L3)*.

The senate stopped functioning during the 1966–72 and 1976–82 dictatorships.[10] In 1976, the congress was replaced by the *Comisión de Asesoramiento Legislativo* (Military Legislative Council), a nine-member council formed by three members from each branch of the military (Falleti 2010).

The senate has significant legislative and constitutional powers *(L4)*. It must introduce any changes to federal revenue sharing policy, ratify international treaties, approve changes to constitutional or federal criminal laws, as well as confirm or impeach presidential nominees to the cabinet, the judiciary, the armed forces, and the diplomatic corps, among other federal posts.

Hence multilateral shared rule on law making has been and remains substantial, but there is no institutionalized system that provides individual *provincias* with the right to be consulted or veto national legislation affecting their competences *(L5)*. So bilateral law making is zero.

[9] Although the chamber of deputies represents population and not provinces, there is a minimum of five deputies per *provincia* and therefore small *provincias* are over-represented (Ardanaz, Leiras, and Tommasi 2012: 11; Jordana 2002: 29).

[10] Inter-Parliamentary Union. "Argentina: Senado." <http://www.ipu.org/parline-e/reports/2012_A.htm>.

Though CABA was deconcentrated until 1996, the city elected senators by indirect election: citizens elected a *junta de electores*, consisting of twice the number of senatorial positions, who then elected the senators (C 1853, Arts. 46 and 81) *(L1, L2)*. The 1949 constitution mandated direct election of senators for CABA but the provision was repealed in the 1957 constitution, which restored the previous indirect system (C 1949, Art. 47; C 1957, Art. 81). Since 2001 CABA senators have been directly elected (C 1994, Art. 54). Therefore CABA's score on law making is consistent across direct and indirect popular election of its senators (outside periods of military rule). There is neither bilateral consultation nor a negotiation system for CABA senators *(L5, L6)*. The territories did not have representation in the senate.

EXECUTIVE CONTROL

Shared rule on executive policy making was virtually non-existent prior to the 1970s. We identify 1972 as the beginning of routinized executive control which has expanded its range since then.

In 1972 the *Consejo Federal de Educación* (Federal Council of Education, or Federal Council of Culture and Education since 1979) was set up to coordinate educational issues between the *provincias* and the federal government, and to determine nation-wide educational standards (Law 24195 of 1993, Art. 56; Falleti 2010). During the 1976–82 dictatorship, appointed *gobernadores* and their representatives voiced their concerns in regular meetings (Falleti 2010), but had no veto power. The *consejo* is headed by the federal ministry of education and is composed of all the provincial ministers of education (Falleti 2010). Since 1993, it also includes the CABA minister of education as well as a representative from the *consejo de universidades* (Law 24195, Art. 57), which we register for CABA from 1996 as a form of executive control. The *Consejo Federal de Educación* has become a significant player in the negotiation and design of educational reforms (Falleti 2010). The 1994 constitution (Ch. IV, Section 75) and Laws 24,195 of 1993 (Art. 3) and 26,206 of 2006 (Art. 4) consolidated this configuration by stating that the central government, the *provincias*, and CABA share responsibility to provide access to education. The national government has the authority to set framework legislation but is bound to respect provincial particularities (Law 26,206, Art. 5). Meetings are routinized and held at least once a year (Law 26,206, Art. 120). Since 2006, the decisions reached by the *Consejo Federal de Educación* are legally binding (Law 26,206, Art. 118).

In 1981, executive shared rule was extended to include health policy. National Law 22,373 created COFESA (*Consejo Federal de Salud*), which includes the health ministers of the national government, the *provincias*, CABA, and Tierra del Fuego (Law 22,373, Art. 1). The council coordinates health policy. The council meets at least two times a year (Law 22,373, Art. 3).

FISCAL CONTROL

All federal taxes, including revenue sharing and *coparticipación,* are decided by congress, where the senate has a veto (C 1994, Art. 74). In periods where the senate consisted of representatives elected by the provincial governments, this provided the *provincias* with an indirect veto.

Fiscal negotiations have been a hallmark of Argentinian federalism since the first *coparticipación* agreements of 1934, when *provincias* signed away authority over several provincial direct taxes in return for a share in federally raised direct taxes. The initial ten-year agreement contained ad hoc provisions by *provincia* (Eaton 2004*a*: 68). This became institutionalized in subsequent decades so that one can speak of a regularized and legally binding system of federal–provincial consultation about national fiscal redistribution.[11] The system involved a great deal of unpredictability and friction in provincial–federal fiscal relations. At times, the federal government engaged in bilateral deals with particular *provincias*, for example, trading the federal take-over of provincial debt for limitation of provincial tax authority. The result is what is arguably "the most complex fiscal federalism arrangement in Latin America" (Diaz-Cayeros 2006: 181).[β]

Unilateral re-interpretation of the contract by the federal government frequently took place, and during the second and third military regimes violations were systematic and substantial, and meetings became irregular (Eaton 2004*a*: 69; Diaz-Cayeros 2006: 181–98). However, the military regimes did not completely dismantle the system and provincial governments managed to increase their competences in intergovernmental bargaining after the 1976 coup (Bonvecchi 2006). In fact, the hard-line third regime extended the 1973 *coparticipación* agreement by a year in its dying days to give the incoming democratic government a chance to broker a new arrangement (Eaton 2004*a*: 145). Nevertheless, the additional constraints imposed by the military regimes appear sufficiently severe to reduce fiscal control to 0.

A new *coparticipación* law was enacted in 1973 (Law 20,221). Co-participation was now regulated by a single law which required nationally collected taxes to be shared with the *provincias*, Tierra del Fuego, and CABA (Law 20,221, Arts. 4 and 8; Cetrángolo and Jiménez 2004: 121; Eaton 2001*a*: 15).[12] A *Comisión*

[11] The first *coparticipación* regime was established in 1934–35 through different laws, in which the agreement of all *provincias* was necessary for rules to take effect (Laws 12,139; 12,143; 12,147, and 12,956 of 1946 as cited in Cetrángolo and Jiménez 2004: 123; Nicolini et al. 2002: 9: Eaton 2001*a*: 5). The 1951 co-participation system (Law 14,060 as cited in Cetrángolo and Jiménez 2004: 123) stayed in place until 1973, and it determined the mechanisms for tax sharing to the *provincias* (Cetrángolo and Jiménez 2004: 121).

[12] Nevertheless, not all taxes are distributed to *provincias*, such as export duties and check deposit taxes. There are also discretionary flows to the *provincias*, particularly national treasury contributions to *provincias* in the case of provincial fiscal disequilibrium (Giraudy 2015).

Federal de Impuestos, composed of one representative of the federal government and one representative of each *provincia*, was created, and its *comité ejecutivo* granted the authority to control and promote the implementation of the law (Law 20,221, Art. 10). Its decisions were binding (Law 20,221, Art. 12).

During the 1976–83 dictatorship, congress ceased to function and a military commission (*Comisión de Asesoramiento Legislativo*) took over its responsibilities. There was no routinized intergovernmental negotiation on fiscal policy (Eaton 2006: 17).

The system of *coparticipación* broke down at the end of 1984 when *provincias* and the newly elected democratic government failed to agree on transfers in the context of high inflation. Tax revenue sharing to *provincias* was now at the discretion of the federal government (Bonvecchi 2010: 63). A new system, agreed in late 1987, came into effect in 1988 (Law 23,548; Jordana 2002: 40; Eaton 2004*a*: 146). The 1988 *coparticipación* law (Law 23,548) allocated around 55 percent of revenues to the *provincias*, 42 percent to the national government, and the remainder to the National Treasury Contributions Fund for discretionary distribution among the *provincias* (Bonvecchi 2010: 17; Bonvecchi and Lodola 2011; Nicolini et al. 2002: 9).

The 1994 constitution strengthened the provincial role in the *coparticipación* regime (C 1994, Art. 75.2). According to Art. 75.2 the federal government has authority to levy direct taxes subject to *coparticipación*. However, *coparticipación* laws must originate in the senate and are enacted with the absolute majority of all the members of each house. The laws cannot be unilaterally amended or regulated, and must be approved by the *provincias* collectively and individually. A transfer of jurisdictions or functions requires the consent of each *provincia* and the CABA. *Provincias* that do not consent can opt out.

The CABA was incorporated in tax-sharing from the first *coparticipación* law, but since its government was predominantly deconcentrated until the 1996, the Ciudad Autónoma did not share fiscal control until that year.

BORROWING CONTROL

There is a long history of one-to-one negotiation between the national and provincial governments regarding borrowing constraints, but these tended to be ad hoc negotiation in the context of an acute debt crisis. In 1999 congress passed a National Fiscal Solvency Law, which set strict deficit limits for 1999–2002 and a balanced budget thereafter. Even though it was intended as a model for *provincias*, the law bound only national government debt for there was no enforcement at the provincial level (Liu and Webb 2011).

In 2004 congress passed a fiscal responsibility law which in principle applies to the provincial as well as the national government. It mandates three-year

budgets; a debt management program designed to limit debt service to 15 percent of net revenue; approval of the economics ministry for new borrowing or guarantees; the denomination of domestic bonds by *provincias* or *municipalidades* in pesos; and a standard form for *provincias*' fiscal accounts and debt transactions. It also established a stabilization fund and a Federal Council for Fiscal Responsibility composed of the national and provincial ministries of finance to monitor budgets. Provincial governments were not consulted in crafting the law but the law has a covenant format so that only consenting provincial governments are bound by the law. We consider this to be bilateral control over borrowing. Initially twenty-one out of twenty-four provinces and CABA signed up. The law sets up a routinized system for intergovernmental coordination and monitoring of budgets and borrowing that pertains in principle to both national and provincial levels. We code *provincias* 1 on bilateral borrowing control as of 2004. In 2009 congress suspended the key fiscal targets in the law but it is unclear whether this has ground the system to a halt (Liu and Webb 2011).[a]

CONSTITUTIONAL REFORM

The constitution may be totally or partially amended by a constitutional assembly, which decides by simple majority. The process requires initiation in the sitting congress and a vote by two-thirds of the members of both houses of the congress (C 1853, Art. 30; C 1949, Art. 21; C 1994, Art. 30). The next stage consists of the popular election of a constitutional assembly which accepts or rejects the congressional declaration of the necessity of reform. If rejected, the process ends. If accepted, the assembly produces a final text for adoption by simple majority. Hence the consent of provincial representatives in the senate is required to initiate reform—which is equivalent to a veto—though they cannot determine the final outcome. However, while pre-2001 representatives were direct representatives of provincial governments (except for 1950–56), from 2001 they are directly elected in provincial constituencies. In both cases, the final decision lies with the constitutional assembly.

Since 1996 CABA has had its own constitution. Its special status is protected in the federal constitution and is subject to the same reform procedure as the constitution itself. There is no special provision in the constitution that protects against unilateral reform, but senators representing the city have been full participants in national constitutional politics from at least 1950. Contrary to provincial senators, CABA's senators have always been elected rather than appointed by the government. CABA scores 0 on bilateral constitutional reform.

Self-rule in Argentina

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Provincias	1950–1954	2	3	4	3	2	2	**16**
	1955–1958	1	3	4	3	2	2	**15**
	1959–1965	2	3	4	3	2	1	**15**
	1966–1972	1	2	4	3	0	0	**10**
	1973–1975	2	3	4	3	2	2	**16**
	1976–1982	1	2	2	3	0	0	**8**
	1983–2003	3	3	2	3	2	2	**15**
	2004–2010	3	3	2	2	2	2	**14**
Ciudad Autónoma de Buenos Aires (CABA)	1950–1975	1	0	0	0	2	0	**3**
	1976–1982	1	0	0	0	0	0	**1**
	1983–1995	1	0	0	0	2	0	**3**
	1996–2003	3	3	2	3	2	2	**15**
	2004–2010	3	3	2	2	2	2	**14**
Tierra del Fuego	1950–1990	1	0	0	0	0	0	**1**
Misiones	1950–1952	1	0	0	0	0	0	**1**
Chaco	1950	1	0	0	0	0	0	**1**
La Pampa	1950	1	0	0	0	0	0	**1**
Formosa	1950–1954	1	0	0	0	0	0	**1**
Neuquén	1950–1954	1	0	0	0	0	0	**1**
Río Negro	1950–1954	1	0	0	0	0	0	**1**
Chubut	1950–1954	1	0	0	0	0	0	**1**
Santa Cruz	1950–1954	1	0	0	0	0	0	**1**

Shared rule in Argentina

		Law making						Executive control		Fiscal control		Borrowing control		Constitutional reform		Shared rule
		L1	L2	L3	L4	L5	L6	M	B	M	B	M	B	M	B	
Provincias	1950–1956	0.5	0	0.5	0.5	0	0	0	0	2	0	0	0	3	0	**6.5**
	1957–1965	0.5	0.5	0.5	0.5	0	0	0	0	2	0	0	0	4	0	**8**
	1966–1971	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
	1972	0	0	0	0	0	0	1	0	0	0	0	0	0	0	**1**
	1973–1975	0.5	0	0.5	0.5	0	0	1	0	2	0	0	0	3	0	**7.5**
	1976–1982	0	0	0	0	0	0	1	0	0	0	0	0	0	0	**1**
	1983–1984	0.5	0.5	0.5	0.5	0	0	1	0	2	0	0	0	4	0	**9**
	1985–1987	0.5	0.5	0.5	0.5	0	0	1	0	0	0	0	0	4	0	**7**
	1988–2000	0.5	0.5	0.5	0.5	0	0	1	0	2	0	0	0	4	0	**9**
	2001–2003	0.5	0	0.5	0.5	0	0	1	0	2	0	0	0	3	0	**7.5**
	2004–2005	0.5	0	0.5	0.5	0	0	1	0	2	0	0	1	3	0	**8.5**
	2006–2010	0.5	0	0.5	0.5	0	0	2	0	2	0	0	1	3	0	**9.5**
Ciudad Autónoma de Buenos Aires (CABA)	1950–1965	0.5	0	0.5	0.5	0	0	0	0	0	0	0	0	3	0	**4.5**
	1966–1972	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
	1973–1975	0.5	0	0.5	0.5	0	0	0	0	0	0	0	0	3	0	**4.5**
	1976–1982	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
	1983–1995	0.5	0	0.5	0.5	0	0	0	0	0	0	0	0	3	0	**4.5**
	1996–2003	0.5	0	0.5	0.5	0	0	1	0	2	0	0	0	3	0	**7.5**
	2004–2005	0.5	0	0.5	0.5	0	0	1	0	2	0	0	1	3	0	**8.5**
	2006–2010	0.5	0	0.5	0.5	0	0	2	0	2	0	0	1	3	0	**9.5**
Tierra del Fuego	1950–1990	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Misiones	1950–1952	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Chaco	1950	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
La Pampa	1950	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Formosa	1950–1954	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Neuquén	1950–1954	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Río Negro	1950–1954	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Chubut	1950–1954	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Santa Cruz	1950–1954	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**

National legislature has: L1=regional representation; L2=regional government representation; L3=majority regional representation; L4=extensive authority; L5=bilateral regional consultation; L6=veto for individual region. Total for shared rule is either multilateral (M) or bilateral (B).

Bolivia

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Bolivia is divided into nine *departamentos* (departments); 112 *provincias* (provinces); 337 *municipios* (municipalities); autonomous regions, which may be at the level of municipalities, provinces, or combinations of municipalities or provinces; and *Autonomía Indígena Originaria Campesina* (AIOC, native community lands). The average population of *departamentos* is 1.1 million; AIOC and Gran Chaco are coded as differentiated regions. *Provincias*, with an average population of 88,800 in 2010, are conceived as local governance. According to the 2010 *Ley Marco de Autonomías y Descentralización* (Art. 6, Section II.3), all autonomous territories (*departamentos*, *provincias*, *municipalidades*, and AIOC) have equal status under the 2009 constitution.

Over the past sixty years, the constitution has been revised several times. The 1947 constitution was reformed in 1961, nullified by a military coup in 1964, and replaced in 1967 (Hudson and Hanratty 1989). Revisions in 1994 and 2009 put in place a framework for decentralization.

In the early 1950s Bolivia was a limited democracy, but in 1964 a military coup initiated almost two decades of political instability characterized by short periods of partial democracy, coups, and counter-coups. A more robust transition to democracy took place beginning in 1982. National elections by and large continued to take place during the two decades of military rule, though from 1949–85 no subnational elections took place.

The 1947 constitution dedicates only one article (Art. 106) to the political and administrative organization of the *departamentos*, and the 1967 constitution three (Arts. 108–110), specifying that territorial organization is to be determined by law. Departmental executives were appointed by the president. They were a deconcentrated "arm of the central government" (Mackenzie and Ruíz 1997: 430).

Prior to the 1952 revolution, "the degree of regionalism was such that we can fairly say that until 1952, no national central government had ever really established effective sovereignty over the entire geographic Bolivian unit" (Klein 1969: 250; see also Klein 1982). The national revolution of 1952 sought to break the hold of the ruling regional elites over the country's large indigenous and mestizo population by nationalizing landholding and mining, and putting a bureaucratic state in place. The new regime centralized authority to exert control over key economic sectors, break provincial fiefdoms, and launch state-led modernization (Dunkerley 1984; Faguet 2005, 2008, 2009). Building a centralist state was one of the key goals of the national revolution (Faguet 2011*b*; Eaton 2007). As a result, the *departamentos* became outposts of central government and, with the exception of the thirty to forty largest and

most important cities, there was no functioning local government below the nine *departamentos* (Faguet 2008: 7). Indigenous self-government was tolerated but left to its devices; at best a central government representative would come by from time to time to assess law and order (Yashar 1999).

The 1967 constitution makes provision for administrative decentralization (C 1967, Art. 110), but implementation only became relevant after the 1982 transition to democracy. In 1972 the military government set up regional development corporations at the departmental level (*Corporaciones de Desarrollo Departamental*, CDDs), which were financed by a mix of direct central government transfers and royalties on regionally produced minerals and petroleum. The CDDs represented the first serious move toward deconcentration of central government in Bolivia. The CDDs rapidly absorbed basic local service provision from municipalities, starting off in the departmental capitals and subsequently broadening their remit throughout the region. They attached minimal importance to strengthening regional self-governance. Each *departamento* had a civic committee, officially recognized since 1950, which brought together the regional urban elites (teachers, business leaders, priests, etc.) and functioned as a "civil society" check on departmental investment (Peirce 1998: 47).

At the same time, from the mid-1960s decentralization to the nine *departamentos* was a recurrent theme. However, desires to decentralize were dampened by secessionist fears stemming from the irredentist threats by regional elites of Santa Cruz and Tarija (Faguet 2005). The state structure was altered fundamentally through the decentralization reforms in 1994–97 (primarily for *municipios* and secondarily through the constitutional anchoring of native community lands) and 2006–10 (primarily strengthening the departmental level and the creation of autonomous indigenous communities).

In 1994, the *Movimiento Nacionalista Revolucionario* (National Revolutionary Movement, MNR) government under the presidency of Gonzalo Sánchez de Lozada embarked on radical decentralization which initially strengthened the local level. It created 311 (now 337) popularly elected municipal governments and a more objective and equalizing system of financial allocation, gave municipalities responsibility for local infrastructure in sports, culture, health, irrigation, education, and roads, and set up oversight committees constituted by grass-roots representatives (Mackenzie and Ruíz 1997; Faguet 2005, 2008; World Bank 2006).[13]

In 1995, *prefecturas* (departmental governments) were established in the country's nine *departamentos* with indirectly elected *consejos departamentales*

[13] At the same time, the introduction of a mixed-member electoral system had profound consequences in the empowerment of indigenous and peasant groups. The rise to power of Evo Morales and the increasing representation of previously marginalized groups was greatly facilitated by these reforms (Anria 2015).

(departmental councils) and limited competences. *Prefectos* (prefects) remained centrally appointed (World Bank 2006, Vol. 1: 2). This placed the Bolivian *departamentos* in the gray zone between deconcentrated government and decentralized governance. A 2000 Inter-American Development Bank report described them as "hybrid institutions which are simultaneously deconcentrated units of the central government and (at least in an embryonic fashion) decentralized units of government" (Prud'homme, Huntzinger, and Guelton 2000: 22), and a 2006 World Bank report characterized them as "not yet fully autonomous sub-national governments but instead hybrid institutions" (World Bank 2006: 1). While we recognize the limited actual authority of these *departamentos*, our coding picks up the important changes in authority around 1995, which warrants a shift from 1 to 2 on institutional depth.[β]

A second wave of decentralization was triggered by rising regionalism in the early to mid-2000s (especially in Cochabamba and Santa Cruz, but also in Tarija, Beni, and Pando) and by indigenous mobilization. In 2005, the first direct elections for *prefectos* took place, and in its wake, five *departamentos* unilaterally (albeit illegally) declared themselves autonomous. These declarations catapulted the autonomy debate to the center of politics. Direct *prefecto* elections severed the hierarchical link between center and subnational units.

Authorized by a popular referendum in 2006, a constitutional assembly was convened to prepare a new constitution. The new constitution radically "re-founded" the republic. It also formally enshrined subnational autonomy and, importantly, explicitly recognized indigenous communities. In January 2009, after another referendum, the new constitution came into force. This constitution describes Bolivia as "a state that is unitary, social, of plurinational communitarian character, free, independent, sovereign, democratic, intercultural, decentralized, and with autonomies" (C 2009, Art. 1). It recognizes the precolonial existence of the indigenous nations and peoples, and prescribes a system of governance that combines representative democracy, direct and participatory democracy, and communal democracy (Zegada Claure 2010: 139). The constitution confirms the territorial organization in *departamentos, provincias, municipios*, and *territorios indígena originario campesinos* (C 2009, Art. 269), and lays down the conditions of autonomy for *departamentos* (C 2009, Arts. 277–279), *municipios* (Arts. 283–284), and *territorios indígena originario campesinos* (Arts. 289–296). The three autonomous types have equal constitutional status (C 2009, Arts. 1, 272, and 276); they elect their authorities by popular vote; they administer their own economic resources; they exert legislative, statutory, fiscal, and executive authority (C 2009, Art. 272). *Provincias* remain deconcentrated, but there is the possibility of creating autonomous *regiones* (regions), which can be combinations of *provincias*, *municipios*, or indigenous communities; they must be within departmental boundaries, and have executive (not legislative) autonomy over competences devolved by the

departmental councils of which they are part (C 2009, Arts. 280–282; Romero 2010: 32–3). Autonomous regions receive their resources directly from the central government and can decide autonomously how to spend these.

The *Ley Marco de Autonomías y Descentralización* (LAD), approved by the legislature in July 2010, regulates the enactment of autonomous statutes or charters (*cartas orgánicas*), the transfer of competences and resources, and coordination.

Arguably, a majority of the Bolivian population is indigenous or mestizo. For decades, there has been pressure to recognize indigenous peoples' territorial rights, as well as collective rights of autonomous self-government. The first concrete steps were taken in September 1990, when the four indigenous territories were recognized by supreme decrees after the constitutional court intervened. The 1993 Agrarian Reform Law recognized native community lands and authorized communal land ownership. Responsibility for verifying and awarding titles fell to the National Institute of Agrarian Reform. In the 1994 revision of the constitution, indigenous rights to exercise "social, economic, and cultural rights" through native community lands were recognized in Art. 171. But indigenous communities did not enjoy significant autonomy until the 2009–10 constitutional change and enabling legislation. Hence we begin coding them as special regions from 1990, but they obtain autonomy from 2009.

There are three routes for the establishment of an *Autonomía Indígena Originaria Campesina*, or AIOC. First, an indigenous territory (*Tierra Comunitaria de Origen*, or TCO) can be set up as an AIOC within an existing region or *departamento*. In this case, the two types of subnational units co-exist. By means of a *consulta*, a public consultation according to their own norms and procedures, a TCO may decide to become an AIOC. The main characteristic of AIOCs is that land is collectively owned, though the communities are also bound to respect the constitutional right to private property on their territories. Second, a municipality can become an AIOC. Third, a region composed of various *municipios* can become an AIOC. In these cases, *municipios* and regions must endorse this in a popular referendum.[14]

In December 2009, five Andean departments (La Paz, Cochabamba, Oruro, Potosí, and Chuquisaca) and a dozen *municipios* voted for autonomy (Centennas 2010). One region, the *provincia* of Gran Chaco in the *departamento* of Tarija, also voted for autonomy (Ayo Saucedo 2010: 176, Ley Departamental No. 10, 2010). In 2010 the first departmental elections took place under the new autonomy rules.

Constitutional entrenchment of autonomy has put the institutional self-government of *departamentos*, regions, and AIOCs on firmer footing. While

[14] In general, indigenous territories from highlands must have a population larger than 10,000 inhabitants and 1000 inhabitants in the case of minority groups, but the criteria are applied flexibly (2010 LAD Law, Art. 58).

some observers intimate that this moves the system—at least at the departmental level—closer to a federal system with constitutionally guaranteed safeguards for subnational autonomy (Centennas 2010), others observe "that the political foundations, legitimacy and accountability of each level of government would be changed far more than its specific attributes and powers" (Faguet 2011*a*: 10). So the new system falls somewhere between 2 on institutional depth—self-government subject to central veto—and 3—self-government not subject to central veto. We continue to code 2 on institutional depth.[β]

Until 1995 departments were deconcentrated. Regional and local investment projects were decided and managed by regional development corporations steered from the center (Faguet 2008: 8). This changed in 1996 when Law 1654 (Art. 5) gave *departamentos* authority over public investment (particularly roads, electricity, and agriculture), scientific research, tourism, and social assistance (Mackenzie and Ruíz 1997: 430; International Monetary Fund 2006: 52). In addition, the 1994 Law of Popular Participation (Law 1551) and the 1995 Law of Administrative Decentralization (Law 1654) established shared responsibilities on primary and secondary education between *municipios* and *departamentos* (Daughters and Harper 2007: 228), as well as health personnel (International Monetary Fund 2006: 52).[15] Policy competence is divided between the departmental councils, which prepare the programs and budgets, and the prefect, who decides and implements (World Bank 2006: 2). As long as the prefect remained a central appointee and controlled the final decision, *departamentos* had limited autonomous policy authority and we adjust policy scope downwards. From 2005 the prefect is elected through direct popular elections, and *departamentos* now enjoy significant policy discretion across economic, cultural-educational, and welfare policy. They do not have authority in local government or police and do not possess residual powers or control over their own institutional set-up.

The 2009 constitution rewrites the division of competences across all levels, and in the process significantly deepens departmental competences (Romero 2010: 31). Certain competences are reserved for the central level (*privativas*),including taxation and immigration; certain competences are reserved for the *departamentos*, including economic development, industrialization, tourism, human development, job promotion, public health, energy, interprovincial transport, railways, airports, and culture (e.g. libraries, archives). *Departamentos* also have exclusive competence over territorial organization, departmental referenda and consultation, and they can write their own

[15] The Law of Administrative Decentralization was specifically intended to regulate decentralization to the *departamentos*. The Law gave certain policy prerogatives and resources to *departamentos* to take care of areas that had been previously assigned to *municipios*. This generated tensions between *departamentos* and *municipios* regarding their competences.

statutes (C 2009, Art. 300; also Romero 2010: 32). Other competences are concurrent between central and departmental government (C 2009, Art. 297), including the management of health and education, science and technology, ports, internal security, water and energy projects, agriculture, and fishing (C 2009, Art. 299). In terms of health, *departamentos* design the regional health plan and enforce it throughout the territory, including in *municipios* and indigenous territories (LAD, Art. 81). There is no mention of residual powers (C 2009, Art. 297.II; LAD, Art. 72). Hence since 2009, *departamentos* have significant exclusive or concurrent powers in the three major policy areas plus authority over institutional set up and co-authority over local security.

The competences of the autonomous region of Gran Chaco are primarily concerned with regional and spatial development (LAD, Art. 37), though the *departamento* may delegate more competences if it sees fit (LAD, Art. 41). Like other autonomous entities, Gran Chaco has control over its institutional set up. We code policy scope 2 from 2010.

AIOC have similar competences to those of *departamentos* and have special authority to protect their economic, social, cultural, and political organization. They can determine their political organization within the bounds of their statute (LAD, Art. 45). Their institutions and norms can be expressed orally or in written form. Indigenous territories are also authorized to preserve and promote traditional medicine, and can design their own local health system. They also have concurrent competences over housing, education, culture, and irrigation (LAD, Art. 82–9). A recent report by Tierra Fundación (Chumacero 2011) warned that while the government has recognized large numbers of *Tierras Comunitarias de Origen*, it restricts the exercise of their rights.

The experience with AIOCs is very new. Only a few territories (*municipios*, regions, and TCOs) have completed the formal process. Incongruences between the constitution and the legislation may further delay this process. The constitution, for instance, reserves to the central government control over natural resources, especially non-renewable natural resources, which contradicts the idea that AIOCs have the authority to protect their economic organization (C 2009, Art. 349).[a]

FISCAL AUTONOMY

Until 2009, *prefecturas* or *departamentos* had no taxation; their primary source of revenue was a centrally determined percentage of a tax on oil and gas (Brosio 2012: 10). Only the central government and *municipios* could levy taxes, although the *departamentos* can charge fees (e.g. on roads) or use income from their property (since 1994, when they inherited the assets of the regional development funds that existed before) (Prud'homme, Huntzinger, and Guelton 2000: 22–3; World Bank 2006: 56–8; Brosio 2012: 5–10). Their main

source of income comes from central government block grants, which are financed by royalties from forestry, petroleum, and minerals extraction; they also receive a percentage of co-participation from the tax on hydrocarbons (*Impuesto Directo a los Hidrocarburos)*. In addition, the *Fondo Compensatorio Departamental* (Departmental Equalization Fund) is an equalizing transfer from the national government for the poorer *departamentos* (Mackenzie and Ruíz 1997: 431; International Monetary Fund 2006: 44; Alemn Rojo et al. 2009). All in all, the budget of the *departamentos* is small relative to what is spent directly in the region by the central government, and smaller than the total budgets of municipal governments (Prud'homme, Huntzinger, and Guelton 2000: 25; World Bank 2006).

The 2009 constitution created concurrent competences in taxation for all autonomous governments (C 2009, Art. 209). *Departamentos* can now create and administer taxes (C 2009, Art. 300), but the constitution did not specify what these might be and application requires enabling law (C 2009, Art. 323). In 2011, the *Ley de Clasificación y Definición de Impuestos de Dominio de los Gobiernos Autónomos* was passed assigning to *departamentos* inheritance tax, the taxation of property of motor aircraft and boats, and the possibility of levying taxes on damages to the environment not attributable to vehicles, minerals, hydrocarbons, or electric energy. Control over the tax base and rate of inheritance tax and vehicle tax remains with municipal and central governments respectively; the base and rate of environmental tax could in principle become controlled by *departamentos,* though current provisions are too vague to be implementable by *departamentos*. As of 2012, no central law or executive order had defined the tax base more precisely (Brosio 2012: 14–15). Hence d*epartamentos* could not set the base and/or rate of a tax throughout the 1950–2010 period (Daughters and Harper 2007: 228; Brosio 2012).

AIOCs, most of which are at the municipal level, can create taxes within the realm of their territory (LAD, Art. 106.2), but this provision has yet to be implemented (Brosio 2012). They depend in practice on government transfers. Their own revenues include local charges, licenses, and fees as defined in the constitution, a share of departmental royalties and natural resource exploitation rights, income from the sale of property and services, and legacies or donations (Faguet 2011*b*: 9).

The autonomy statute of the Gran Chaco region foresees that the regional government will be able to collect and/or create its own taxes pending a framework law. As for *departamentos*, implementation has been delayed (Faguet 2011*b*: 8).

BORROWING AUTONOMY

Departamentos were deconcentrated until 1995. With the 1996 reforms *departamentos* acquired restricted authority to borrow (Prud'homme, Huntzinger,

and Guelton 2000: 53;World Bank 2006: 3). Debt by subnational governments must be approved by their respective legislatures and by the national government (Stein 1999: 379; Lora 2007: 249), and foreign debt must be approved by the national legislature. Funds from loans can only be used for investments (World Bank Qualitative Indicators).[α]

From 2009, these rules have been extended to all autonomous governments, including AIOCs (Faguet 2011*b*). Autonomous governments can finance investments through public debt with prior approval from the *asamblea legislativa plurinacional* and the national executive (LAD, Art. 108). Subnational governments need to justify their choice of borrowing source, provide information on interest rates and amount, as well as show that they will be able to pay it back (LAD, Art. 108.VI). A no-bailout clause in the law states that "debt contracted by autonomous and decentralized entities is the strict responsibility of the borrowing entity, and not of the national government nor subnational governments" (Faguet 2011*b*: 10; LAD, Art. 108.IX).

REPRESENTATION

Departamentos are headed by a governor (called *prefecto* before 2009) who—until 2005—was appointed by the president (C 1967, Art. 109.I; C 2009, Art. 279). Since 2005 governors are directly elected (C 2009, Art. 274; LAD, Art. 30. II; Daughters and Harper 2007: 218).[16]

In principle, the *asamblea departamental* (departmental assembly) was elected by the municipal councils (*concejos municipales*) in each *provincia* of that *departamento*.[17] But from 1949–85 no local elections took place, municipal councils were abolished, and mayors were appointed by the central government (Peirce 1998: 44). The first municipal elections took place in 1985, after which municipal councils could send delegates to the departmental assemblies. In 1994, Law 1585 modified Art. 110 of the 1967 constitution and established a *consejo departamental* (departmental council), which was headed by the *prefecto*, who continued to be appointed by the president. The composition of the council changed slightly under Law 1654 (Art. 11), which determined that it would be made up of at least one representative per *provincia* complemented by a number of representatives proportional to the provincial population.

[16] After 2005 the presidency refrained from appointing governors. The only presidential appointee took office in the *departamento* of Pando in September 2008, after the first elected governor was arrested on allegedly organizing the Porvenir Massacre, an ambush in which fifteen peasants were killed and thirty-seven wounded.

[17] *Revisión Constitucional y Legal realizada por el Programa Colombia del Centro de Estudios Latinoamericanos de la Universidad de Georgetown*, Noviembre 2001. <http://pdba.georgetown.edu/Decen/Bolivia/bolivia.html>.

The 2009 constitution determined that departmental assemblies (*asambleas legislativas departamentales* or *consejos departamentales)* would be directly elected (C 2009, Art. 278; LAD, Art. 30), and implementing legislation was passed in 2009. The first elections took place in April 2010 for *departamentos*, the region of Gran Chaco, and all *municipios*. The departmental councils are elected via a combination of universal suffrage and the traditional customs of indigenous and rural communities (Faguet 2011*a*). The *asamblea regional* of the autonomous region of Gran Chaco is elected according to similar principles and Gran Chaco has an elected executive.

AIOCs have had their own representative institutions since 1990, and these have been constitutionally recognized since 1994 (Art. 171). The 2009 constitution authorizes the AIOCs to organize their own representation (C 2009, Arts. 289 and 290). There is no general blueprint, and indigenous assemblies may have diverse names such as assemblies, councils, districts, or captaincies, while indigenous executives may be called executive secretaries, *apumallkus*, *mamatajllas*, captains, or chiefs. The law requires autonomous communities to choose a name for their institutions, define attributes and functions, have a procedure for periodic renewal, and determine sanctions for non-compliance (Faguet 2011*a*: 9). We conceive this as equivalent to extensive autonomy for both assembly and executive.

Shared rule

LAW MAKING

Bolivia's legislative assembly (*asamblea legislativa plurinacional* since 2009) consists of two symmetric chambers and each has a veto (C 1967, Art. 71; C 2009, Art. 162). The senate has thirty-six seats (twenty-seven until 2009) and senators are directly elected (C 1967, Art. 63; C 2009, Art. 162). Each of the nine *departamentos* has four seats. Since 2009 seven seats are reserved for indigenous delegates—one each for the seven *departamentos* with the largest indigenous populations. These delegates are directly elected and subsequently appointed by traditional custom. The indigenous delegates can influence national legislation alongside the other senators, but there are no special arrangements for indigenous input. Gran Chaco does not send a representative.

Hence *departamentos* and, since 2009, indigenous communities, have extensive shared rule in law making except for periods in which the senate was closed (1964–66, and most of 1972–78) or functioned intermittently (1979–80).

EXECUTIVE CONTROL

There was no executive shared rule before 2010. The 2009 constitution and enabling 2010 *Ley Marco de Autonomías y Descentralización* set up the *Consejo Nacional para las Autonomías y la Descentralización* (National Autonomy

Council). This is a permanent body for coordination, consultation, and deliberation between the autonomous territories and the central government (LAD, Art. 122). The council consists of thirty-five members, including the president, three national ministers, the governors of the nine *departamentos*, five representatives of the municipalities, five representatives of the AIOCs, and one representative of the autonomous regions (LAD, Art. 123). The council meets twice a year when called by the president or one-third of its members. Meetings are consensual and consultative.

FISCAL CONTROL

The *Consejo Nacional para las Autonomías y la Descentralización* set up in 2010 also has consultative competences with respect to the *pacto fiscal* (fiscal pact) between the national and subnational entities.

BORROWING CONTROL

There have been calls for the *Consejo Nacional para las Autonomías y la Descentralización* to cover borrowing, but its role has apparently been limited (Frank 2010). Congress is the main venue for borrowing.

CONSTITUTIONAL REFORM

Until 2002, reform of parts of the constitution or its entirety could be initiated by any chamber that passed a declaration to establish the necessity of reform with at least two-thirds of its members present (C 1947, Arts. 177–179; C 1967, Arts. 230–232). This reform was then detailed into law and enacted; the executive could not veto. In the next legislature, each chamber approves the reform by a two-thirds majority (C 1967, Art. 231).[18] The reformed constitution must be enacted by the president (C 1967, Art. 232). Since the senate is organized according to the regional principle, this provides regional representatives—though not regional governments—with a veto.

In 2002, a new article (Art. 232) creates a special track for "total" constitutional reform (C 2000, Art. 232). Total reform must be decided by a constituent assembly, which is convened after a convocation act is passed by two-thirds of the combined chambers of the national congress. The convocation act sets out the election modalities for the constituent assembly. Since initiating the reform requires approval by two-thirds of the combined chambers, regional representatives play a role. However, since the senate has only twenty-seven seats against 130 in the lower house, *departamentos* can neither raise the hurdle nor veto total constitutional reform as of 2002. They retain the ability to veto partial

[18] Since 2004 a constitutional reform must first pass in the chamber that initiated the process (Law 2631).

constitutional reform, and since the partial reform procedure was used most frequently, we continue to code the "partial track."[β]

In the 2009 constitution (C 2009, Art. 411), the senate loses its veto on partial reform as well. A reform may be initiated by popular initiative of at least 20 percent of the electorate, or by a two-thirds majority in the combined chambers. Any partial reform must pass a national referendum. With thirty-six senate seats in a 166-seat legislative assembly, departments control less than one-third of the votes and thus can neither raise the hurdle nor veto.[19]

Between 1990 and 2008, indigenous communities could apply for the status of *Tierra Comunitaria de Origen* with the ministry of agriculture. This was mostly confined to the recognition of communal land ownership, but since this is central to their identity we begin coding a limited right for consultation and initiation from 1990. Since 2009, entities below the departmental level (municipalities, indigenous territories, and regions composed of various municipalities) can initiate the creation of autonomous territories, whether indigenous or not (C 2009, Art. 269). The reform requires endorsement by the departmental government in case of autonomous regions and by the national parliament for AIOCs. The principle and boundaries need approval in a popular referendum (Albó and Romero 2009). Gran Chaco and AIOCs score 3 from 2009.

Self-rule in Bolivia

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Departamentos	1950–1984	1	0	0	0	0	0	**1**
	1985–1994	1	0	0	0	1	0	**2**
	1995–2004	2	0	0	1	1	0	**4**
	2005–2009	2	2	0	1	1	2	**8**
	2010	2	3	0	1	2	2	**10**
Gran Chaco	2010	2	2	0	1	2	2	**9**
Autonomía Indígena Originaria Campesina	1990–2009	1	0	0	0	2	2	**5**
	2010	2	3	0	1	2	2	**10**

[19] The rules governing total reform are also amended. Such reform can now be initiated by citizen initiative of at least 20 percent of the electorate; by an absolute majority in the Pluri-National Legislative Assembly; or by the president. A constituent assembly must approve the text by a two-thirds majority before it is submitted in a national referendum.

Shared rule in Bolivia

		Law making						Executive control		Fiscal control		Borrowing control		Constitutional reform		Shared rule
		L1	L2	L3	L4	L5	L6	M	B	M	B	M	B	M	B	
Departamentos	1950–1963	0.5	0	0.5	0.5	0	0	0	0	0	0	0	0	3	0	**4.5**
	1964–1966	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
	1967–1971	0.5	0	0.5	0.5	0	0	0	0	0	0	0	0	3	0	**4.5**
	1972–1981	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
	1982–2009	0.5	0	0.5	0.5	0	0	0	0	0	0	0	0	3	0	**4.5**
	2010	0.5	0	0.5	0.5	0	0	1	0	1	0	0	0	0	0	**3.5**
Gran Chaco	2010	0	0	0	0	0	0	1	0	1	0	0	0	0	3	**5**
Autonomía Indígena Originaria	1990–2009	0	0	0	0	0	0	0	0	0	0	0	0	0	2	**2**
Campesina	2010	0.5	0	0	0.5	0	0	1	0	1	0	0	0	0	3	**6**

National legislature has: L1=regional representation; L2=regional government representation; L3=majority regional representation; L4=extensive authority; L5=bilateral regional consultation; L6=veto for individual region. Total for shared rule is either multilateral (M) or bilateral (B).

Brazil

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Brazil has one intermediate subnational tier, the *unidades federativas* or *estados* (federal units or states). There are currently twenty-six *estados* as well as the *Distrito Federal* (Federal District) of Brasília, which has a special statute.[20] Brazil has over 5500 *municipalidades* with an average population of 36,500.[21] *Territórios federais* (federal territories), which we code as dependencies, were eliminated in 1987. The capital was moved from Rio de Janeiro to Brasília in 1960. Historically, Brazilian states have been powerful political entities that vied with the central government for control over resources and authority, though their power has weakened in the post-1950 period.

The 1946 constitution provided *estados* with broad policy responsibilities. They could pass "supplementary and complementary" legislation even in areas of central government responsibility (Art. 6). Education policy was a shared competence (Art. 170–1). Immigration and citizenship remained under national control (C 1946, Art. 137).

Estados had authority over all institutional–coercive policies except for local government. They had residual powers (C 1946, Art. 18). They could change their borders and combine or create new *estados* with the approval of their *assembléias legislativas* (legislative assemblies), a popular referendum in the affected jurisdictions, and the national congress (Art. 2). *Estados* had the authority to run state militias (Diaz-Cayeros 2006) and regained control over the military police with the passage of Decree Law 8660 in 1946. They could set up state courts within strict limits established in the constitution (C 1946, Title II). *Estados* were prohibited from intervening in *municipalidades* except under particular conditions: governors could appoint the *prefeitos* (mayors) of the capital city, municipalities with strategic mineral or water resources (Art. 23), and those declared by the national congress to be of strategic military importance (Art. 28). To summarize, from 1950–63 *estados* enjoyed legal, institutional, and territorial autonomy, residual powers, control over police, and the authority to pass supplementary legislation across a broad range of policies. *Estados* score 3 on both institutional depth and policy scope.

[20] One state has been abolished, and six have been created since 1950. From 1960–75 Guanabara, composed of the former capital Rio de Janeiro, became the only single-municipality state; in 1975 it was merged with the state of Rio de Janeiro. Mato Grosso do Sul was created in 1979 and Tocantins in 1988. The *território* of Guaporé (renamed Rondônia in 1956) became a state in 1982. The *territórios* of Rio Branco (renamed Roraima) and Amapá became states in 1988. The *território* of Fernando de Noronha became part of Pernambuco in 1988.

[21] The *municipalidades* (municipalities) have equal constitutional standing alongside the state and federal government (C 1946, Art. 1).

The 1946 constitution ushered in multi-party, open, and competitive elections, but with the electoral franchise limited to literates (Art. 132). In 1964 a bureaucratic authoritarian government came to power after a military coup. From 1964–69 a series of *atos institucionais e complementares* (institutional and complementary acts) were passed, which superseded the constitution and granted greater central control to the military.

In 1967, the congress controlled by the military leadership approved a new constitution that institutionalized these legal changes (Samuels and Mainwaring 2003: 93; Wilson et al. 2008: 72). *Ato Institucional 5* banned freedom of assembly (Dickovick 2004: 42). In 1969 the *Lei de Segurança Nacional* (National Security Law) further suppressed dissent and organized opposition to the regime (Decree 898). The *atos institucionais* allowed direct central intervention in *estados* and *municipalidades* and instituted indirect elections for governors and mayors in municipalities of large size or strategic importance for national security.

The combination of military government, the regular use of decree powers by the central government, and direct central intervention represented a significant loss of autonomy for the *estados*. *Estados* did, however, retain some capacity for policy implementation (Wilson et al. 2008: 147). We reflect this by reducing the scores for *estados* to 2 on institutional depth and 1 on policy scope.[β]

Between October 1978 and January 1979 the *atos* were overturned under President Geisel (Amendment 11, Art. 3; Codato 2005). In 1982 direct subnational elections for governors were held in an atmosphere of increasing political openness (*abertura*). With the return of direct elections in 1982, policy scope gradually increased. Direct popular legitimacy provided governors with leverage to demand control over revenues and policy (Montero 2001: 59; Samuels and Mainwaring 2004: 97). *Estados* therefore score 2 on policy scope from 1982–87.

The 1988 constitution reaffirmed equal juridical status for the three territorial levels of government. All subnational legislative and executive offices were directly elected for the first time, including the offices in the *Distrito Federal*. As in the 1946 constitution, the federal government retained the right to intervene in case of foreign invasion, guarantee constitutional rights, and organize the finances of the union (C 1988, Arts. 34 and 84), a form of ordinary *ex post* control within federal systems.

The 1988 constitution created also new opportunities for subnational governments to extend their policy reach. States, muncipalities, and the federal government have concurrent competences in social policy. Notably, health care and education have become more decentralized, though subnational initiatives must still follow national guidelines (Arretche 2003; Wilson et al. 2008: 163). During the 1990s, states and municipalities acquired the property

and personnel of the old contribution-based health system (*Instituto Nacional de Assistência Médica da Previdência Social*, INAMPS) (Almeida 2007). Control of the military police also returned to the *estados* (C 1988, Art. 144). Subnational units do not have competences in immigration and citizenship (C 1988, Art. 22).

Since 1988, over fifty amendments to the constitution have produced a moderate shift back toward centralization (Souza 2004; also Montero 2001; Serra and Afonso 2007). The federal government has taken the lead in legislating major social policies like health and education, determining spending levels for subnational units, and setting the broad parameters of these policies, even if it has allowed substantial innovation and administrative decision making at subnational levels (Chapman Osterkatz 2013; Niedzwiecki 2014*a*). At the same time, *estados* have gained authority and oversight responsibilities over competences and resources allocated to *municipalidades* (Magdaleno 2005: 126). *Estado* competences remain broad from 1988.

Special regions do not have the same constitutional autonomy as the *estados*. According to the 1946 constitution, the administrative and judicial organization of the *Distrito Federal* and *territórios* fell under the exclusive competence of the central government (C 1946, Art. 25).

The 1946 constitution provided the *Distrito Federal* with significant institutional autonomy, but the governor was appointed rather than elected. The *Distrito Federal* lost institutional autonomy under military rule, and, unlike *estados,* did not regain its autonomy until 1988. The 1988 constitution has aligned the juridical status of the *Distrito Federal* with that of the states and introduced direct elections of governors and *deputados* (deputies). However, while *estados* have their own constitutions, the *Distrito Federal* is regulated by a national organic law,[22] which is reflected in a score of 2 on institutional depth for the *Distrito Federal* before 1962 and after 1988.

The 1946 constitution assigned to the *Distrito Federal* competences similar to those of the states in certain policy areas, but imposed stricter central constraints, which produces a lower score on policy scope.[α] Military rule centralized discretion in most policies until the introduction of the 1988 constitution. Under the new constitution, the *Distrito Federal*'s policy competences have become more similar to those of *estados*. Hence policy scope is the same as for *estados* starting in 1988.

The *territórios* were deconcentrated units governed by the center (C 1946, Art. 170–1) and changes to their territorial structure required a national law (C 1946, Art. 3). The last remaining territory became a state under the 1988 constitution.

[22] Amaral, Luiz Octavio de O. 2001. "Brasília, Distrito Federal, Capital Federal." <http://www.advogado.adv.br/artigos/2001/luizamaral/conceitos.htm#_ftn1>.

FISCAL AUTONOMY

The core of Brazil's contemporary tax system was established in the 1920s and 1930s. The two most important taxes, apart from social security contributions, are income tax, created in 1924 and controlled by the federal government, and sales tax/value added tax, created in 1934 and controlled by the states. During the first half of the twentieth century, tariffs and export taxes were also important for both levels of government, but their significance has declined sharply. Through their control over the sales tax, Brazilian *estados* have had extensive fiscal autonomy (Diaz-Cayeros 2006: 210; Rodden 2006; Samuels and Abrucio 2000).

The 1946 constitution enshrined *estado* rights to set the base and rate of property taxes outside metropolitan areas, inheritance tax, and export tax—up to 5 percent—on goods produced in the state (Art. 19), as well as on any newly created tax. The 1946 constitution also laid the foundation of an intergovernmental revenue sharing system between *estados* and the federal government, on the one hand, and the *municipalidades*, on the other. Each higher level transferred a percentage of its major tax—sales tax and income tax, respectively—to the municipalities. Exclusive control over the rate and the base of the sales tax justifies a score of 4 for the *estados* from1950–63.

The military regime that came to power in 1964 immediately sought to centralize subnational tax bases (Samuels and Abrucio 2000: 49), which they were able to implement under the 1967 constitution (Lopreato 2000: 5; Mora and Varsano 2001). *Estados* lost control over the base of the sales tax, which was replaced by a federal value added tax of which the base and rate were set by the senate (Rodden 2006: 192; Diaz-Cayeros 2006: 220). *Estados* also lost their residual power to create taxes (C 1967, Art. 20).

To offset the loss in state revenue, the constitution expanded the intergovernmental revenue sharing system to include the *estados*. The national government transferred revenues collected from personal income and industrial production taxes to states and municipalities through two newly created *fondos de participação* (participation funds). The flipside of the reform was tighter central control on spending: the military regime earmarked a share of these transfers for particular expenditures. The 1967 constitution was in effect throughout the *abertura* period, though in 1979 the regime eliminated the requirements that states spend only in certain areas (Samuels and Abrucio 2000: 57). Since *estados* lost control over their major tax, fiscal autonomy declines to 2 from 1964–87.

The 1988 constitution revived and expanded the fiscal competences of the *estados* in several ways. First, it empowered them to increase the rates (but not change the base) on personal and corporate income tax (up to 5 percent of the total income tax paid to the center), as well as the rate and the base of inheritance and vehicle tax (Arts. 155–177; Rodden 2006: 192). Second, *estados* regained control over the rate of the *Imposto sobre Circulação de Mercadorias*

e Serviços (ICMS, the state value added tax), which replaced sales tax (Serra and Afonso 2007: 33) and has remained the most important state tax (Magdaleno 2005: 127; Rodden 2006; Souza 2004). The base is set by the senate (Diaz-Cayeros 2006: 228). Initially, the senate allowed individual states considerable leeway in defining their tax bases (Shah 1991: 13–14) but the principle of central determination of the base was reaffirmed by the 1996 *Lei Kandir* (Kandir Law, *Lei Complementar* 87; Arretche 2007: 52). Third, authority over tax incentives became a subnational competence (Magdaleno 2005: 127). Fourth, automatic transfers from the center were included in the constitution with few strings attached (Dickovick 2004: 70). Fifth, the 1988 constitution gives residual tax authority to the *estados* (Diaz-Cayeros 2006: 228). Because *estados* have regained some control over the rate of the value added tax and the authority to increase the rates on income tax, they score 3 for 1988–2010.

The *Distrito Federal* was subject to the same rules as the states until the military coup. Thereafter, the national congress took full control of the budget and the tax system (C 1967, Art. 17).“ Under the 1988 constitution, the central government has lost the power to legislate on the *Distrito*'s fiscal affairs (C 1988, Art. 32). Hence, we assign the *Distrito* the same score as the *estados* from 1988. Finally, the *territórios* were under full central control.

BORROWING AUTONOMY

Under the 1946 constitution, borrowing by *estados* (and *municipalidades*) in principle required prior approval by the senate (Art. 62), though such provision remained dead letter. *Estados* had multiple venues to borrow extensively on domestic and foreign markets, including contractual borrowing from private foreign or domestic banks (especially banks owned by the subnational governments), issuance of domestic or foreign bonds, and the running up of arrears to suppliers and personnel (Dillinger and Webb 1999*a*; Rodden 2006: 196–7). Hence, borrowing autonomy was extensive and centrally imposed restrictions absent. States score 3 on borrowing autonomy between 1950 and 1963.

In the first decade of military rule, the *junta* cracked down on subnational borrowing by enforcing administrative guidelines, which required prior senatorial approval (Samuels and Abrucio 2000: 49).[23] Increased central control warrants a shift to 1 in the score for 1964–73.

After 1974, state governors obtained authority to access credit markets in exchange for support of the military regime (Diaz-Cayeros 2006: 222; Rodden 2006; Samuels and Abrucio 2000). Since central control over borrowing was again made inoperative (Dillinger 1998), borrowing autonomy increases to 3 from 1974.

[23] At the same time, the center facilitated the creation and proliferation of subnational enterprises (Eaton 2006).

By the mid-1980s, several states had accumulated extensive debts, mostly domestic, which threatened to undermine national fiscal solvency. Throughout the 1980s and 1990s, the federal government honored state obligations to their creditors. This led to federal bailouts in 1989, 1993, and 1997, in which the federal government effectively federalized the debt in return for tightening restrictions on subnational borrowing through a series of bilateral and multilateral deals (Dillinger 1998; Rodden 2006).

The 2000 *Lei de Responsabilidade Fiscal* (Law of Fiscal Responsibility, *Lei Complementar* 101) implemented *ex ante* central approval by effectively enforcing three long-standing mechanisms: the role of the senate, which has the authority to regulate state borrowing and, at least since 1975, capped total debt service and new borrowing; the authority of the central bank, which supervises borrowing from domestic banks; and a series of regulations that constrain state borrowing from federal institutions (Dillinger 1998). In addition, the Law laid down strict conditions on *estado* borrowing. It requires the president to set yearly debt limits and states that violation of these limits can lead to a prohibition on borrowing. *Estados* are required to submit multi-year plans on the use of resources. A golden rule provision stipulates that credit operations may not exceed capital expenditures. Furthermore, the federal government can withhold constitutional transfers to states failing to repay debts. Finally, finance ministers must impose hard constraints on borrowing (Rodden 2006: 247). As a result, government borrowing at any level requires approval in the relevant legislature, authorization from the central bank, and approval by the national senate (Souza 2004: 5).

The *Lei de Responsabilidade Fiscal* also compels subnational executives to present their accounts to tribunals. If the accounts are rejected, subnational executives face fines and leaders are held criminally responsible for violations (Dickovick 2004: 73). This law is rigorously applied, but some of the fiscal authority is shifted horizontally rather than vertically because all three levels of government play an oversight role.

The *Distrito Federal* falls under *estado* rules, with the exception of the authoritarian period, when fiscal matters, including borrowing, were brought under central control.[a] Therefore, Brasília scores 0 instead of 1 during this period. The *territórios* had no borrowing autonomy.

REPRESENTATION

The *assembléias legislativas* are the unicameral legislative bodies of the *estados*. The 1946 constitution established direct election of legislative assemblies and of governors and vice-governors, and defined the number of *deputados* (deputies) (Art. 11 Transitory Dispositions).

The military regime interfered in the selection of legislative and executive representation. In 1964, the governors of Amazonas, Goiás, Pará, Pernambuco,

Rio de Janeiro, and Sergipe were removed by the new military regime. Direct elections were held in eleven *estados* in 1965, but the victory of opposition candidates in four states prompted the suppression of political parties under *Ato Institucional 2* and the introduction of indirect gubernatorial elections under *Ato Institucional 3*. Under the indirect system, legislative assemblies chose governors from a set of candidates presented by the central government (Samuels and Abrucio 2000: 48). We conceive this as a form of dual executive. Unlike the bureaucratic authoritarian regimes in Chile and Argentina, elections were not canceled. Legislative assemblies continued to be directly elected (C 1967, Art. 16), but severe restrictions on political parties and civil liberties applied (Samuels and Abrucio 2000: 49). We account for this by reducing the score for assembly from 2 to 1.

In 1982 the direct election of governors resumed, albeit under the legal framework of the 1967 military constitution. Because the *atos institucionais* were repealed in 1979 and the ban on political parties lifted (Law 6767), legislative representation is given the maximum score (=2) starting from 1982.[β] The 1988 constitution regularized this system.

Under the 1946 constitution, the *Distrito Federal* had fifty elected *vereadores* (city council members) and a presidentially appointed *prefeito* (Art. 87 and Art. 11 Transitory Dispositions). The 1967 constitution changed the name of the office to governor. In 1991, the governor was directly elected for the first time. The representatives of the assembly (*deputados distritais*) are directly elected. In the *territórios*, the president appointed the governors and there were no assemblies.

Shared rule

LAW MAKING

Multilateral shared rule in law making is strong. Brazil has a bicameral legislature composed of the senate and chamber of deputies. Under the 1946 constitution, each *estado* and the *Distrito Federal* directly elected three senators to serve eight-year terms (*L1, L2, L3*); *territórios* did not elect senators (Art. 60). The principle of *estado* representation also applied to the lower chamber, where the *estados*, the *Distrito Federal*, and the *territórios* served as districts (Art. 56; C 1946, Art. 58).

The national congress had broad legislative authority (C 1946, Art. 5) (*L4*). Legislation had to be approved by a majority in both houses, with a majority of their members present (Art. 42). In joint session the houses could overrule a presidential veto with a two-thirds majority of those present (Arts. 68–70). Members of either chamber, as well as the executive, could initiate legislation (Art. 67). In addition to having the right to legislate in most matters (C 1946, Art. 65), the legislature had exclusive competences in a number of important

areas including approving federal interventions; a final decision on proposals from state legislative assemblies regarding the territorial reorganization of *estados*; judging the accounts of the executive branch; and approving international treaties (C 1946, Art. 66). The senate also approved the appointment of the members to the *Supremo Tribunal Federal* (the highest federal court), which adjudicated conflicts between the center and the *estados*, as well as between *estados* (Art. 99).

After the 1964 military coup, the legislature remained operative except for brief closures of the congress in 1966, 1968, and 1977 (Falleti 2011; Fleischer 2010). Under the *atos institucionais* and the 1967 military constitution, the president acquired broader executive powers which allowed him to legislate in some areas without the national congress (Art. 8 and Section V). The constitution also eliminated the representation of the *Distrito Federal* in both chambers (Arts. 41 and 43) and granted the senate exclusive competences over the administrative organization and fiscal matters of the capital (Arts. 17.1 and 45). The new rules came into effect for the 1970 election (C 1967, Art. 175). The *atos institucionais* were lifted in 1979. In 1978, a change in the electoral rules introduced the indirect election of one-third of the senate by the *estados*. In 1980 the structure of the congress outlined by the 1946 constitution was restored (Falleti 2010).

Under the 1988 constitution, the *Distrito Federal* regained representation in both chambers (Arts. 45–46). Currently, the senate comprises eighty-one seats. Three senators from each of the twenty-six *estados* and the *Distrito Federal* serve eight-year terms. Elections are staggered: two-thirds of the upper house is elected at one time and the remaining third four years later. The senate gained control over international financial operations and borrowing (Art. 52).

EXECUTIVE CONTROL

Multilateral intergovernmental bargaining between central ministries and subnational *secretariados* (secretariats) has been common throughout the history of Brazil, but a routinized system of executive coordination is of recent vintage.

Routinized bargaining in *conselhos* (councils) took place from the early twentieth century in health and education, but the main actors were nongovernmental professional groups. After democratization in the late 1980s, the greater emphasis on community participation revived these institutions, and the councils became venues for intergovernmental policy development and negotiation.

From 1990, the legislation creating the *Sistema Único de Saúde* (Unified Health System) institutionalized health conferences and councils at the three levels of government. These councils are dominated by government representatives, though they usually also include policy makers, citizens or service users, nongovernmental organizations, and the private sector. Policy recommendations generally percolate up: local councils vote on recommendations to be sent with

representatives to the *estado* councils, which then vote on and take these recommendations to the federal level (Pogrebinschi and Santos 2009). At each subnational level the councils can veto actions by the corresponding subnational health secretariats (Coelho 2006: 660), though the national health ministry can veto council decisions. In health care, the councils meet regularly and, together with the ministries of health, produce recommendations that are translated into health pacts. Since 2011, health pacts are legally binding (Decree 7508). The *conselho* system exists in many other spheres including education, transportation, and justice, and allows for both vertical and horizontal coordination. The *estados* and *Distrito Federal* score 1 from 1990.

FISCAL CONTROL

Regional governments in Brazil do not have regular access to intergovernmental bargaining on national fiscal policy. No collective standing institution for regional executives exists. Instead, it is common for *estados* to enter bilateral, generally informal, negotiations with the central government for one-off increases in transfers in a particular policy area or for a particular project.

Specific rules about the distribution of taxes are written into the constitution, and an amendment process is required to modify these rules, which falls under constitutional reform.

BORROWING CONTROL

Before the late 1990s, federal and *estado* governments addressed debt crises in ad hoc fashion through a series of bilateral and multilateral deals.

In 1997 and 1998, following the passage of Law 9496, the federal government negotiated agreements with the *estados* to reschedule *estado* debt provided they undertook fiscal reforms and fulfilled fiscal goals. These agreements established a comprehensive list of fiscal targets, including debt-to-revenue ratio, which were then codified in the *Lei de Responsabilidade Fiscal* in 2000. Hence there was a substantial one-time subnational input, but no routinized bargaining or monitoring emerged. The new system imposed national standards and control on national and subnational debt.

Subnational interests—but not governments—may influence decision making through the senate. Indeed, the *Lei de Responsabilidade Fiscal* mandates that the senate set targets for subnational government debt and fiscal balances (Liu and Webb 2011). All borrowing requires prior approval by the national senate (Souza 2004).

CONSTITUTIONAL REFORM

Under the 1946 constitution, reforms could be initiated by the chamber, the senate, or a majority of the state *assembléias legislativas* (Art. 217). The reform required an absolute majority in the two federal houses in two consecutive

meetings, or a two-thirds majority in each. In 1964, the *atos institucionais* superseded the constitution, and these could only be modified by the military leadership.

The 1988 constitution restored the right of reform initiative by the *assembléias legislativas*, the senate, or the house (Art. 60). A reform must be approved by three-fifths of each federal house, which gives the senate a veto.

Self-rule in Brazil

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Estados	1950–1963	3	3	4	3	2	2	**17**
	1964–1973	2	1	2	1	1	1	**8**
	1974–1981	2	1	2	3	1	1	**10**
	1982–1987	3	2	2	3	2	2	**14**
	1988–1999	3	3	3	3	2	2	**16**
	2000–2010	3	3	3	1	2	2	**14**
Distrito	1950–1963	2	2	4	3	2	0	**13**
Federal	1964–1981	1	1	0	0	1	0	**3**
	1982–1987	1	1	0	0	2	0	**4**
	1988–1990	2	3	3	3	2	0	**13**
	1991–1999	2	3	3	3	2	2	**15**
	2000–2010	2	3	3	1	2	2	**13**
Territórios	1950–1987	1	0	0	0	0	0	**1**

Shared rule in Brazil

		Law making						Executive control		Fiscal control		Borrowing control		Constitutional reform		Shared rule
		L1	L2	L3	L4	L5	L6	M	B	M	B	M	B	M	B	
Estados	1950–1963	0.5	0	0.5	0.5	0	0	0	0	0	0	0	0	3	0	**4.5**
	1964–1981	0.5	0	0.5	0	0	0	0	0	0	0	0	0	0	0	**1**
	1982–1987	0.5	0	0.5	0.5	0	0	0	0	0	0	0	0	0	0	**1.5**
	1988–1989	0.5	0	0.5	0.5	0	0	0	0	0	0	0	0	3	0	**4.5**
	1990–2010	0.5	0	0.5	0.5	0	0	1	0	0	0	0	0	3	0	**5.5**
Distrito	1950–1963	0.5	0	0.5	0.5	0	0	0	0	0	0	0	0	3	0	**4.5**
Federal	1964–1969	0.5	0	0.5	0	0	0	0	0	0	0	0	0	0	0	**1**
	1970–1987	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
	1988–1989	0.5	0	0.5	0.5	0	0	0	0	0	0	0	0	3	0	**4.5**
	1990–2010	0.5	0	0.5	0.5	0	0	1	0	0	0	0	0	3	0	**5.5**
Territórios	1950–1987	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**

National legislature has: L1=regional representation; L2=regional government representation; L3=majority regional representation; L4=extensive authority; L5=bilateral regional consultation; L6=veto for individual region. Total for shared rule is either multilateral (M) or bilateral (B).

Chile

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Chile has two layers of intermediate governance—the *región* (region) and the *provincia* (province). There are currently fifteen *regiones* and fifty-four *provincias*, neither of which has significant political authority. The *Región Metropolitana de Santiago* (Metropolitan Region of Santiago) is one of the fifteen *regiones*. In 2007, *Isla de Pascua-Rapa Nui* (Easter Island) and the *Archipiélago Juan Fernández* (Juan Fernández Archipelago) obtained the constitutional status of "special territories," but their special statutes are awaiting approval.

Chile reorganized territorial governance in the 1970s. Originally twenty-five *provincias* were the highest tier, *departamentos* (departments) the second tier, and *subdelegaciones* (municipal units) the lowest tier. Currently, *comunas* (communes, whose governments are called *municipalidades*) represent the municipal level, *departamentos* no longer exist, *provincias* have become the second tier, and *regiones* are the first subnational tier below the national government. The change was phased in between 1974 and 1976 (*Decreto Ley* 573 and 575),[24] though Santiago was not established as the thirteenth *región* until 1980.[25] Therefore, while *regiones* enter the dataset in 1976, *provincias* exist for the entire 1950–2010 period. However, *provincias* are the predecessor of *regiones* until 1976 and become second-order units after that year.[26]

The 1925 constitution, which remained in effect until 1980, enshrined the territorial division in provinces, departments, municipal units, and districts (C 1925, Art. 88), but enabling legislation defined many territorial responsibilities. *Provincias* administered a small budget and provincial public works (C 1925, Art. 89), both before and after they became the second intermediate tier (C 1980, Arts. 100–106). Provincial assemblies were foreseen (C 1925, Arts. 97–100) but never implemented and, in 1942, provincial responsibilities were formally and exclusively transferred to the centrally appointed *intendente* (superintendent) (Carrasco Delgado 1997: 325). Between 1950 and 2010 *provincias* never acquired significant competences, neither constitutionally nor

[24] In 1976 a constitutional limit of thirteen *regiones* was in place. Twelve were functioning by the beginning of that year, while Santiago became operative in 1980. The limit was lifted in 2005. In 2007, *Ley* 20193 established two additional *regiones*—*Arica-Parinacota* and *Los Ríos*—and created the special territories of *Isla de Pascua* and *Archipiélago Juan Fernández*. The number of *provincias* did not change until 2010 when the merger of *Valparaíso and Quillota* gave birth to the *provincia Marga Marga* (*Ley* 20368).

[25] The *Subsecretaría de Desarrollo Regional y Administrativo* (Subsecretariat for Regional and Administrative Development, SUBDERE) was created in 1974 within the interior ministry to administer the *regiones* (Eaton 2004*b*: 221).

[26] At the end of the 1970s, the average population of the eighty-four *departamentos* was around 134,000.

through organic law. They therefore score 1 on institutional depth and 0 on policy scope throughout the period.

On September 11, 1973, General Augusto Pinochet and the armed forces removed the democratically elected government of Salvador Allende in a *coup d'etat*. While the *junta* declared the constitution of 1925 still in effect, congress was closed and all governing power was concentrated in the national executive. The country was reorganized into new *regiones*, *provincias*, and *municipalidades,* and governance was deconcentrated (Bland 1997). A plebiscite conducted in 1980 by the military regime approved a new constitution, which was expected to come into effect in 1988. In the interim, transitory dispositions retained authority in the hands of the president and the governing *junta*. Elections were abolished and subnational officials appointed by the generals (Eaton 2006: 17). Major deconcentrating reforms took place during the military regime in the second half of the 1970s. These reforms included increased policy responsibilities for municipalities in basic health and education (Kubal 2001) and increased taxation powers (Mardones 2006). Reforms targeted to the intermediate tier were more modest.

The institutions that accompanied the creation of the *regiones* between 1974 and 1976—the regional *intendente* and the *consejos regionales de desarrollo* (regional development councils, COREDES)—were designed to facilitate the deconcentration of central power in economic development (Rehren 1989). The *intendente* and the *consejo* answered to the functionally deconcentrated ministerial branches (*direcciones regionales,* i.e. regional directorates), which began to operate in the mid-1970s and were institutionalized by the 1986 *Ley Orgánica Constitucional de Bases Generales de la Organización del Estado* (Constitutional Organic Law on the General Basis for the Organization of the State, LOCBGAE 18575). The *direcciones regionales* were not general purpose governments and were subordinate to the *secretarías regionales ministeriales* (regional ministerial secretariats, SEREMI) (OECD: Chile 2009).

During the transition to democracy in 1990, the right negotiated limited regional decentralization in exchange for acquiescing to the left's demands for municipal elections (Eaton 2004*b*). These reforms left the *regiones* subordinate to the *direcciones regionales*, but they did create a moderate check on the appointed *intendente* by introducing indirect elections for the *consejos regionales de desarrollo* (see Representation). The 1991 reform, implemented in 1992 after the return to municipal democracy, does mark a shift in institutional depth, but one that we estimate to be too modest to garner a score of 2.[β]

In terms of policy scope, regional governments are currently administrative rather than policy making bodies (C 1925, Art. 107; Carrasco Delgado 1997: 322–3). According to the 1991 reform, *regiones* are responsible for the social, cultural, and economic development of their territories (*Ley* 19097, Art. 7). A reform in 2007 gave some authority over regional economic development to

the *intendente* and the *consejo* (OECD: Chile 2009), which is reflected in increased policy scope to 1.

In 2009 a constitutional amendment (*Ley* 20390, Art. 5) introduced three changes. First, the members of the *consejos regionales* will become directly elected. Second, the councils will elect a president chosen from their members, thereby ending the dominance of the appointed *intendente* within the assembly. Third, the *consejos regionales* will become responsible for approving the annual budget of the region. In 2011 the president signed proposed legislation that would allow regions to individually solicit competences from the central government (Chile 9/12/2011). These reforms will certainly impact future policy scope and representation, but enabling legislation has yet to pass (Law 20,678).

FISCAL AUTONOMY

Regions and provinces lack the authority to levy taxes (C 1925, Art. 9). The most important tax that funds the *regiones*, *provincias*, and *municipalidades* is the *Impuesto Territorial* (property tax), which is levied by the central government (Yáñez and Letelier 1995; Pribble 2015: 102). Although *Decreto Ley* 19097 of 1991 allows value added taxes with special denominations for regional or municipal development, the fiscal reform awaits approval by the national legislature.

Regional governments do not receive automatic revenue sharing from the central government. In fact, congress votes annually on regional transfers, and the central government earmarks most transfers (Eaton 2006: 19). The president proposes regional budgets and congress may reduce, but not increase, the allocations. Since democratization regional governments' budget for regional economic development has been increased only slightly (Waissbluth 2005: 50). Chilean central governments have had tightly controlled fiscal policy at the subnational level under both dictatorship and democracy.

BORROWING AUTONOMY

The central bank is not permitted to lend money to the government, and subnational governments are prohibited from taking on debt (Burki et al. 2000: 380; Daughters and Harper 2007: 249; Singh et al. 2005: 42). Municipalities have some limited borrowing autonomy. In recent years there have been some bailouts of *municipalidades* unable to meet public pension requirements (Letellier 2010).

REPRESENTATION

Under the 1925 constitution, *provincias* were governed by the *intendente*, a representative of the president who served a three-year term. Provincial

assemblies were never instituted (Carrasco Delgado 1997: 325).[27] In 1974, *Decreto Ley* 573 introduced a presidentially appointed provincial governor, who answers to the newly created regional *intendente*, as the head of the *provincia* (C 1980, Art. 102).

Under the dictatorship, the military cancelled all elections and intervened directly in municipal governance (Eaton 2006: 6). *Consejos regionales de desarrollo* began to operate in the mid-1970s as advisory bodies to the *intendentes*. They were presided over by the *intendente* and were made up of the provincial governors and representatives of all the military institutions existing in the region (C 1980, Art. 101). The legislation enabling these institutional reforms was not passed until 1987. The law added labor, business, and other government officials to the original group (*Decreto Ley* 18605, Art. 2). The *consejos regionales de desarrollo* were deconcentrated bodies, and do not qualify as autonomous assemblies.

Beginning in 1992, the *consejos regionales* (regional councils) replaced the regional development councils. They are composed of representatives of the directly elected municipal councils. The president continues to appoint the *intendente*. All national presidents since the return to democracy have either expressed support or proposed legislation for direct regional elections, but the proposed bills have always died in the senate. Until 2013, therefore, Chile had a regional representative configuration in which the highest subnational assembly was beholden to the lowest tier, and the government of the second tier was beholden to the highest tier.

Shared rule

Regiones and *provincias* do not have access to shared rule. Neither the lower house nor the senate is organized according to the principle of equal territorial representation. Interestingly, under the 1925 constitution, the basis of representation in the senate consisted of groups of provinces (C 1925, Art. 40).[28] The 1980 constitution foresaw two senators for each *región* and introduced nine *senadores designados* (appointed senators) and several *senadores vitalicios* (senators for life—former national presidents), which would have created a territorial chamber, but these provisions were never enacted. Reforms in 1989 created nineteen circumscriptions with seats assigned based on population (Law 18825) while maintaining a number of *senadores designados* and *vitalicios*. A 2005 constitutional reform eliminated the appointed seats.

[27] *Asambleas provinciales* functioned on and off in the early nineteenth century and before the system of *intendentes* was established under the 1833 constitution.

[28] Ten in 1967.

Self-rule in Chile

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Regiones	1976–1991	1	0	0	0	0	0	**1**
	1992–2006	1	0	0	0	1	0	**2**
	2007–2010	1	1	0	0	1	0	**3**
Provincias	1950–2010	1	0	0	0	0	0	**1**

Colombia

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Colombia is divided into thirty-two *departamentos* (departments), six *distritos* (districts) that include the *Distrito Capital de Bogotá* (Capital district of Bogotá), around 644 *resguardos indígenas* (indigenous reserves), and 1102 *municipios* (municipalities), which compose the local level. The *departamento* of San Andrés, Providencia and Santa Catalina, and the *Distrito Capital de Bogotá* have special status, as well as the *resguardos indígenas*, which constitute about 31.5 percent of the Colombian land area but only 3.3 percent of its population.[29] Until 1991, Colombia had also eleven dependencies: the *intendencias* of Arauca, Casanare, Putumayo, San Andrés, Providencia, and Santa Catalina; and the *comisarías* of Amazonas, Guaviare, Guainía, Vaupés, and Vichada. All but three became *departamentos*; the *intendencias* of San Andrés, Providencia and Santa Catalina were merged into a single *departamento* with special status.

Two constitutions have governed territorial governance since 1950. The 1886 constitution stayed in place until 1990.[30] Unlike other countries in South America, Colombia did not face a bureaucratic–authoritarian regime or a long-lasting dictatorship. However, political competition was constrained through the 1970s. After *La Violencia* (The Violence) from 1948–53 and a brief military intermezzo (1953–58), the conservative and liberal political parties concluded the National Front pact, whereby the presidency rotated between

[29] Ministerio de Educación. "Listado de Resguardos Indígenas." <www.mineducacion.gov.co/1621/articles-163147_Archivo_doc3.doc>. AfroCubaWeb. The Indigenous Native People of St Andres, Providencia, and Santa Catalina. <http://afrocubaweb.com/news/raizales.htm>.

[30] The 1886 constitution was reformed in 1954, 1957, 1958, 1968, and 1984. The 1968 reform regulated transfers from the central government to the *departamentos*, the national territories, and the *Distrito Capital* (Law 46 of 1971 implemented in 1973; see Acosta and Bird 2005).

liberals and conservatives and legislative seats, governorships, and mayors were split equally between the parties (Hartlyn 1988). Open elections resumed in 1974, though the governing party continued to share appointed positions with the main opposition party until 1986 (O'Neill 1999; Penfold-Becerra 1999: 199; Skidmore, Smith, and Green 2010: 205–18). In 1991 a new constitution was passed, which set the stage for extensive decentralization (Falleti 2010: 123).

In the 1886 constitution, *departamentos* were divided into *provincias* and then *municipios*. Only *departamentos* and *municipios* had political representation (C 1886, Art. 182). Senators were directly elected with equal representation for each *departamento*. Under the 1991 constitution, *departamentos, distritos, municipios*, and *territorios indígenas* (currently *resguardos indígenas*) are recognized as territorial entities (C 1991, Art. 286).[31] Most *resguardos indígenas* are located in the *departamentos* of Amazonas, Cauca, La Guajira, Guaviare, and Vaupés. The constitution also provides for the possibility of setting up *provincias*, which consist of *municipios* or *territorios indígenas* located within a single *departamento*. Among the thirty-two *departamentos* we include the former *intendencias* and *comisarías* that became *departamentos* in 1991 (C 1991, Art. 309).

The 1886 constitution concentrated political power in the national government. *Departamentos* and *municipios* implemented national policies (Bonilla 2014: 2; Penfold-Becerra 1999). This central control was reinforced under the National Front. Until 1991, the national government appointed the departmental governors (C 1886, Art. 196), who combined the roles of departmental executive chief and agent of the central administration (C 1886, Art. 193; Acosta and Bird 2005). However, *departamentos* had elected assemblies, controlled some revenues, and some policy responsibilities. Hence while some describe departments as "regional administrations under the control of the central government" (Acosta and Bird 2005), there was limited self-governance.$^{\gamma}$ Nevertheless, the strong position of the centrally appointed governor and the constraints on political competition under the National Front created a situation where the institutional depth of *departamentos* was closer to 1 than 2.$^{\beta}$ The end-point of this period is contestable. Some indicate 1968 as a turning point when a constitutional revision compelled the central government to devolve substantial fiscal resources to the *departamentos* (Penfold-Becerra 1999: 199), while others highlight the first competitive national election in 1974 (O'Neill 1999). What is certain is that the National Front had been disintegrating in the face of increasing political opposition at

[31] Two or more *departamentos* could become administrative regions (C 1991, Art. 306), but no region has been created in the country because the normative framework (i.e. the *Ley de Ordenamiento Territorial*) had yet to be approved in 2010 (Bonilla 2014: 9; Restrepo 2004: 85).

the local and regional levels. The first gestures toward decentralization in the late 1960s and early 1970s were motivated by a national desire to co-opt oppositional figures into the system (Penfold-Becerra 1999). Hence we end the period of deconcentrated government around 1974, though substantial political and administrative decentralization would only take off in the 1990s.[7]

The 1991 constitution paved the way for full-fledged decentralization. The key element of the reform was the direct election of governors from 1992, even though the governor remains also an agent of the president in maintaining order and implementing general economic policies (C 1991, Arts. 303 and 296). In addition, the president can suspend or remove governors under conditions specified by law (C 1991, Art. 304). *Departamentos* remain subject to central veto but have considerably greater authority to set policy and raise and spend taxes (C 1991, Art. 287).

Bogotá is the capital of Colombia and the capital of the Cundinamarca department. It has a special statute and representation in the parliament (Pening Gaviria 2003: 124). Before the 1989 election, the president appointed the *alcalde* (mayor), who responded directly to the central government (Acosta and Bird 2005). There was, however, a directly elected council with limited policy responsibilities. After the adoption of the 1991 constitution, and according to a 1993 decree (Decree 1421, Art. 7), the *Distrito Capital de Bogotá* obtained the same political, fiscal, and administrative authority as the *departamentos*, with a directly elected mayor since 1988. Like departmental governors, the mayor can be removed by the president under conditions determined by law (C 1991, Art. 323).

Also in 1991, a *departamento* was created to incorporate the archipelago of San Andrés, Providencia, and Santa Catalina. The three former *intendencias* have a large Raizal Protestant Afro-Caribbean population who speak Creole. The *departamento* is governed by the same rules as the other *departamentos*—with slightly greater central control (C 1991, Art. 310).

The 1991 constitution also allows for the creation of *territorios autónomos indígenas* (indigenous autonomous territories). These territories may extend across more than one *departamento*, and are carved out by the national government in consultation with the indigenous communities (C 1991, Art. 329; *Departamento Nacional de Planeación*). *Territorios indígenas* are to be structured by the guidelines set in the *Ley Orgánica de Ordenamiento Territorial* (Law 1454 Territorial Organization Law; C 1991, Art. 329), which was finally enacted in June 2011.

The existing *resguardos indígenas* (indigenous reserves), instituted by Simón Bolívar in 1820, obtained special status in the 1991 constitution, and for most purposes exercise the authority that the constitution assigns to the *territorios indígenas* (Bonilla 2014: 9). Legally, *resguardos indígenas* are not governmental

units but lands.[32] They are the collective property of indigenous communities (Decree 2164 of 1995, Art. 21; Rudqvist 2002: 31). When the indigenous territory spans more than one *departamento*, indigenous councils need to coordinate with the governors of affected *departamentos* (C 1991, Art. 329). *Resguardos* have no control over their finances; central transfers are administered by the *departamentos* to which they belong, and *departamentos* and *resguardos* must write contracts that dedicate this money exclusively to investments in the indigenous community (Decree 1809 of 1993, Art. 2).

The 1886 constitution enumerates a detailed list of policy competences of the *departamentos*, including primary education, social assistance, internal migration, industry and inward investment, colonial expansion, transport (railways, rivers, canals), forest exploitation, local government, and local police (C 1886, Art. 185). *Departamentos* did not have residual powers, but could exercise other functions devolved by congress (C 1886, Art. 188). However, until the 1990s, *departamentos* exercised very few of these policies (Acosta and Bird 2005). Assembly ordinances could be, and often were, suspended by the governor or a court pending a final decision by the central government (C 1886 Arts. 191 and 195.7). Moreover, in the 1960s, the central government set up semi-autonomous department-level agencies for social services, which undercut the primary policy competence of departmental assemblies (Falleti 2010: 124). Hence departmental policy making was heavily constrained by central government leadership. We assign a score of 1 on policy scope until 1991.$^{\beta}$

The 1991 constitution confirms these policy competences, and expands their economic, social, educational, and health competences. In contrast to the 1886 constitution, the territorial allocation of competences across tiers was to be specified by an organic law (C 1991, Art. 288). This law was finally approved in 2011 after nineteen failed attempts, but *departamentos* had, in varying degrees, appropriated these competences long before the enabling act (Acosta and Bird 2005). Our coding is based on the constitutional provisions. Regional development remains the departments' main responsibility (C 1991, Arts. 300 and 300.3). Departments administer also tourism, transport, environment, and public service provision (C 1991, Art. 300.1.2). They can regulate sports, education, and health together with *municipios* (C 1991, Art. 300.10; Law 60 of 1993, Art. 3). The role of departments in health and education grew considerably in the 1990s when national programs and funds were decentralized (Acosta and Bird 2005; Falleti 2010; Penfold-Becerra 1999). In addition, *departamentos* supervise *municipios* (Law 60 of 1993, Art. 3), can create or abolish *municipios* (C 1991, Art. 300.6), organize local police (C 1991, Art.

[32] "Territorio Indígena y Gobernanza." <http://www.territorioindigenaygobernanza.com>.

300.8), and determine their own institutional organization (C 1991, Art. 300.7). Since *departamentos* have obtained substantial (mostly shared) authority in a broad range of policy fields except for immigration and citizenship, we score 3 from 1991.

The special *departamento* of San Andrés, Providencia, and Santa Catalina is subject to somewhat greater national constraints. The national parliament can limit immigration and residence, population density, and the use of soil and environment with the aim of protecting the African–Colombian communities. The national parliament legislates on these restrictions without input from the special autonomous region, and so we adjust policy scope to 2.

The *Distrito Capital de Bogotá* is governed by the *concejo distrital* (district council). The *concejo* designs the budget (Decree 1421, Art. 12.2), authorizes loans (Decree 1421, Art. 12.17), and decides its own institutional set up (Decree 1421, Art. 12.8.9). It can also decide on investment and development, regulate urbanization, cultural and recreational activities, and the environment (Decree 1421, Art. 12.5.6 and 12.7). Hence the *Distrito Capital* scores 3 on policy scope from 1991–2010.

The *resguardos indígenas* control their local government and their own institutional setup, which may reflect the norms of the indigenous community (Decree 2164 of 1995, Arts. 21–22). While *resguardos* can design and implement economic and social policies (C 1991, Art. 330), their policy autonomy is constrained by the need to coordinate with the *departamento* (C 1991, Art. 329). Policy scope scores 1 for 1991–2010.

FISCAL AUTONOMY

Fiscal resources have historically been administered by the central government (C 1886, Title VI–IX; Bonilla 2014: 5). Throughout the period, departments have been able to set the rate of some excise taxes, in particular liquor, and charge royalties on mineral resources, though the rules have altered over time.

A 1983 law rearranged taxation (Law 14, Arts. 52 and 61; Forero and Salazar 1991: 122). On the one hand, it ceded the national tax on vehicles to departments and Bogotá. On the other, it authorized the departments to set both the base and the rate of the so-called taxes *del vicio* (vice taxes), including liquor, tobacco, and lottery, but made this conditional on a "certification process" with the national government. This amounted in effect to a standardization of many excise taxes (Dillinger and Webb 1999*b*).

The 1991 constitution stipulates that *departamentos* can raise taxes to meet their needs (C 1991, Art. 300.4), but implementation has been restrictive. Subnational units have, at the most, the authority to implement taxes enacted by congress (Bonilla 2014: 19). *Departamentos* cannot create new taxes and the

national congress sets the base and rate of most taxes.[33] Taxing authority transferred by the national government is earmarked (Iregui, Ramos, and Saavedra 2001: 3). Excise taxes remain the main source of autonomous income for *departamentos*, and the bulk of their revenues continues to come from national transfers (Restrepo 2004: 83).

Since 1993, the *concejo distrital* of Bogotá can establish, reform, or eliminate taxes, as well as decide over exemptions (Decree 1421, Arts. 12.3 and 153). The *concejo* can set the rate of industry and commerce tax according to the overall income of the taxpayer, which is a major tax, and of minor taxes on gasoline, construction activities, and tolls (Decree 1421, Arts. 154.2a, 156, 158, and 159; Acosta and Bird 2005; Pening Gaviria 2003). The *Distrito Capital* scores 3 from 1993–2010.

Resguardos indígenas do not have tax authority. The *alcaldes* or *gobernadores* of the territory within which the *resguardos* lie administer central grants for the *resguardos* (Decree 1386, Art. 3).

BORROWING AUTONOMY

Until 1981 borrowing was marginal and decided on a case by case basis by the ministry of finance (Dillinger and Webb 1999*b*: 17). This changed when departments became self-governing. In 1981 a rule-based debt regime was conceptualized for *departamentos, Distrito Capital de Bogotá, intendencias, comisarías,* and *municipios* (Olivera, Pachón, and Perry 2010: 54; Law 7, Art. 1). *Departamentos* and *Bogotá* could borrow after approval by the *asambleas departamentales* and the governor, in the case of *departamentos,* and the *concejo distrital,* in the case of Bogotá (Law 7, Arts. 3–5 and 27). *Intendencias* and *comisarías* remained under central tutelage. Foreign government bonds were prohibited (Law 7, Art. 28), but other restrictions were very light. There was, for example, no *ex ante* control on cash advances from banks (Dillinger and Webb 1999*b*: 17–18). By the early 1990s, this contributed to a serious debt crisis (Daughters and Harpers 2007: 248).

After several failed attempts to control regional indebtedness, President Samper pushed through the *Ley de Semáforos* in 1997 (Traffic Lights Law, Law 358). The Law set clear debt ceilings: an annual debt not higher than 40 percent of savings, and a total debt not higher than 80 percent of current income. These two criteria motivate a fiscal and financial monitoring system of "lights" (green, amber, or red) whereby subnational units with red light status were prohibited from borrowing, and those with amber light status were subject to prior approval by the ministry of finance (Daughters and Harpers

[33] The constitutional court has repeatedly confirmed that *departamentos* and *municipios* cannot create new taxes (Rulings C-517 de 1992, C-486 of 1996, C-579 de 2001, as cited by Bonilla 2014: 19).

2007: 250; Olivera, Pachón, and Perry 2010: 29). These new provisions were accompanied by debt restructuring and benchmarks for subnational public expenditures. In 2003 a fiscal responsibility law further tightened borrowing conditions (Lora 2007: 227), including that subnational government debt cannot be used for current expenditures (Stein 1999: 379) and that prior central government approval is required for foreign debt (World Bank Qualitative Indicators). While the new provisions do not quite amount to *ex ante* central approval across the board, the real threat of the red and amber light scenario and tighter conditions warrant a decrease in score from 2 to 1 from 1997.

REPRESENTATION

Each *departamento* and the special region of *San Andrés, Providencia and Santa Catalina* have a departmental assembly and a governor (C 1886, Art. 183). The assembly has been popularly elected throughout the period (Falleti 2010; C 1991, Arts. 260 and 299).

The governor exercises executive power in the *departamento* and acts both as an agent of the central administration and as the chief of the departmental administration (C 1886, Art. 193). Mayors are directly elected since 1986, and governors since 1991 (Falleti 2010: 125).

In the *Distrito Capital* the council is composed of one directly elected councilor for every 150,000 inhabitants (Decree 1421, Art. 6). The mayor was popularly elected for the first time in 1988 (C 1991, Art. 323; Decree 1421, Art. 36; Falleti 2010: 125). Before 1988, the executive of the *Distrito Capital* was headed by a centrally appointed governor (C 1991, Art. 327).

Resguardos Indígenas are governed by either a *cabildo* (administrative council) or traditional indigenous authorities (Decree 1088 of 1993; Decree 2164 of 1995, Art. 22).

Shared rule

LAW MAKING

Under the 1886 constitution, the senate was composed of three directly elected senators per *departamento* (C 1886, Art. 93). Legislation had to be approved by both chambers (C 1886, Art. 81; C 1991, Art. 157). *Departamentos* were the unit of representation in the senate; the senate had extensive legislative authority; and regional representatives constituted the majority in the senate. Since 1991, senators have been elected in one national constituency (Falleti 2010).[34] Hence the senate no longer represents regional interests.

[34] Inter-Parliamentary Union. "Colombia: Senado de la República." <http://www.ipu.org/parline-e/reports/2068_B.htm>.

Two senate seats are reserved for the *resguardos indígenas* (C 1991, Art. 171; De La Calle 2008) (*L1*). No special provisions enable these senators to influence national legislation affecting their territory (*L5*, *L6*).

EXECUTIVE CONTROL

The 1991 constitution introduced a consultative National Planning Council (*Concejo Nacional de Planeación),* which advises on the design of the National Plan of Development (*Plan Nacional de Desarrollo).* The council is dominated by local and civil society interests (C 1991, Arts. 340 and 341).

The constitution also stipulates that the *resguardos indígenas* must be consulted on the exploitation of natural resources within their territories (C 1991, Art. 330.9), and we code this as non-binding bilateral executive control.

FISCAL CONTROL

In the 1886 constitution, only the lower chamber (*cámara de representates*) had the authority to "establish contributions" (C 1886, Art. 102.2). Under the 1991 constitution, the senate and the chamber of representatives co-decide on taxes and budget allocation (C 1991, Art. 150.12), but the senate was no longer regionally based (C 1991, Art. 189.20). *Resguardos indígenas* do not have shared rule on fiscal matters.

BORROWING CONTROL

The national parliament approved the fiscal responsibility laws of 1997, 2000, and 2003 without subnational input. There is no system of ongoing national–regional consultation on borrowing or debt management.

CONSTITUTIONAL REFORM

Amendments to the constitution of 1886 required a two-thirds majority in both chambers (C 1886, Art. 209).

Regional authorities are no longer involved in constitutional change under the 1991 constitution. The constitution can be reformed by congress, a constituent assembly, or a popular referendum (C 1991, Art. 374), and both chambers must approve the changes (C 1991, Art. 375). Congress can also call a referendum to convene a constituent assembly (C 1991, Art. 376).

The national government is required to consult the indigenous communities in creating or changing the indigenous territorial entities (C 1991, Art. 329). Indigenous communities can initiate the process through the ministry of the interior.

Self-rule in Colombia

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Departamentos	1950–1974	1	1	1	0	2	0	**5**
	1975–1980	2	1	1	0	2	0	**6**
	1981–1990	2	1	1	2	2	0	**8**
	1991–1996	2	3	1	2	2	2	**12**
	1997–2010	2	3	1	1	2	2	**11**
Distrito Capital de Bogotá	1950–1974	1	1	0	0	2	0	**4**
	1975–1980	2	1	0	0	2	0	**5**
	1981–1988	2	1	0	2	2	0	**7**
	1989–1990	2	1	0	2	2	2	**9**
	1991–1992	2	3	0	2	2	2	**11**
	1993–1996	2	3	3	2	2	2	**14**
	1997–2010	2	3	3	1	2	2	**13**
Resguardos Indígenas	1991–2010	2	1	0	0	2	2	**7**
San Andrés, Providencia, and	1991–1996	2	2	1	2	2	2	**11**
Santa Catalina	1997–2010	2	2	1	1	2	2	**10**
Intendencias and comisarías*	1950–1990	1	0	0	0	0	0	**1**

Note: *Arauca, Casanare, Putumayo, San Andrés, Providencia, Santa Catalina, Amazonas, Guainia, Guaviare, Vaupés, Vichada.

Shared rule in Colombia

		Law making						Executive control		Fiscal control		Borrowing control		Constitutional reform		Shared rule
		L1	L2	L3	L4	L5	L6	M	B	M	B	M	B	M	B	
Departamentos	1950–1990	0.5	0	0.5	0.5	0	0	0	0	0	0	0	0	3	0	**4.5**
	1991–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Distrito Capital de Bogotá	1950–1990	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
	1991–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Resguardos Indígenas	1991–2010	0.5	0	0	0	0	0	0	1	0	0	0	0	0	2	**3.5**
San Andrés, Providencia, and Santa Catalina	1991–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Intendencias and comisarías*	1950–1990	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**

National legislature has: L1=regional representation; L2=regional government representation; L3=majority regional representation; L4=extensive authority; L5=bilateral regional consultation; L6=veto for individual region. Total for shared rule is either multilateral (M) or bilateral (B).
Note: *Arauca, Casanare, Putumayo, San Andrés, Providencia, Santa Catalina, Amazonas, Guainia, Guaviare, Vaupés, Vichada.

Ecuador

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Ecuador has three tiers of subnational governance, of which one is intermediate: twenty-four *provincias* (provinces), including the special autonomous province of Galápagos. These *provincias* are subdivided into 221 *cantones* (cantons), and further subdivided in more than a thousand *parroquias* (parishes) (C 1946, Art. 124). Since 1998, the constitution allows for the creation of *circunscripciones territoriales indígenas y afroecuatorianas* (CTI, indigenous and afro-Ecuadorian territorial circumscriptions; C 1998, Art. 224). The 2008 constitution and the 2010 COOTAD decentralization law (*Codigo Orgánico de Ordenamiento Territorial Autonomía y Descentralizacion*) set out how *parroquias rurales*, *cantones*, or *provincias* may become a CTI after consultation of the indigenous population, but by 2010 no CTI had been created. Land belonging to indigenous populations is constitutionally inalienable, including the natural resources within it, but these rights are poorly observed (Watson 2011; Alatorre 2012). Some 25 percent of Ecuador's population is indigenous, with most of the remainder of mixed blood.

The number of *provincias* has increased from seventeen in 1950 to twenty-four in 2010.[35] The 2008 constitution provides incentives for two or more *provincias* to form an autonomous *region* (C 2008, Art. 244). The *provincias* in the Amazonas territories receive special recognition in the 2008 constitution because they "form part of an ecosystem that is essential for the environmental balance of the planet" (C 2008, Art. 250). The provision states that there will be an integral development plan for the entire region to ensure the conservation and protection of the ecosystems and *sumak kawsay*—which is Quechua for "Good Life, or Good Living." There is then an opening for special statute regions in the future, but to date, no special legislation has been passed. The 2008 constitution also grants special autonomous status to *distritos metropolitanos* including Quito and Guayaquil, but while there is a special law for Quito (2001 *Ley del Distrito Metropolitano de Quito*), the process has not been initiated. We code the *provincias* since 1950 and the Archipiélago de Colón, or Galápagos, as a special autonomous region since 1998.

[35] In 1953, Santiago Zamora *provincia* was divided into two: Morona-Santiago and Zamora-Chinchipe. In 1959, Napo Pastaza province split into the *provincias* of Napo and Pastaza. In 1973, the Territorio Insular del Archipiélago de Colón became the *provincia* of Galápagos. In 1989 Sucumbíos *provincia* split from Napo; and in 1998 Orellana *provincia* split from Napo. Finally, in 2007 two *provincias* were carved out of cantons from existing provinces: Santa Elena was formed by the *cantons* of La Libertad, Salinas, and Santa Elena (formerly Guayas *provincia*); and Santo Domingo de los Tsáchilas was formerly part of Pichincha *provincia*.

Ecuador changed its constitution five times: 1946, 1967, 1978 (*codificada* in 1984, 1993, and 1997), 1998, and 2008. The country was under military rule during 1963–66 and 1972–79 (Skidmore, Smith, and Green 2010: 186–90). During the democratic interlude between 1966 and 1972 the military kept its role as arbiter (Frank 2007: 137). The period 1996–2000 was characterized by great political volatility, with the rotation of six different presidents in five years (O'Neill 2003: 163).

The architecture of subnational government was essentially frozen until 1998. *Provincias* had a dual structure of deconcentrated and decentralized governance: a *régimen seccional dependiente* (dependent regime) and *gobiernos seccionales autónomos* (autonomous governments). The *régimen seccional dependiente* was headed by a *gobernador* (governor) appointed by the president (C 1946, Art. 92.6; C 1967, Art. 184.5). The *gobernador* represented the president in the *provincia*, and coordinated national policies in the *provincia* (C 1998, Art. 227). The *gobiernos seccionales autónomos* included a *consejo provincial* (provincial council) and, since 1967, a directly elected *prefecto* (prefect). We estimate that *provincias*, on balance, come closer to decentralized than deconcentrated governance.[β]

Continuity was interrupted by military rule. From 1964–66 and 1972–79, the military closed congress and replaced elected *prefectos* and councilors (Frank 2007: 138). These bans were eliminated in 1979. Institutional depth drops to 1 for these years.

The 1998 constitution is the first to explicitly regulate the authority of *provincias*: it enumerates provincial competences (including limited taxation powers), and stipulates that the central government can devolve more competences. In addition, the constitution establishes the principle that decentralization is mandatory for the central government when a subnational unit requests it and is capable of carrying out the requested activities (C 1998, Art. 226). However, little was consolidated in enabling law (O'Neill 2003: 163), and the most important of these laws, the *Ley Especial de Descentralización del Estado y Participación Social* (Decentralization Law, 27, 1997) strengthened local governments over *provincias* (Frank 2007: 225).

In the late 1990s demands for greater provincial autonomy intensified (Frank 2007: 241). A new constitution in 2008 responded by setting out a framework for comprehensive reorganization and decentralization. In a series of implementing laws the architectural landscape was transformed. The *Código Orgánico de Organización Territorial, Autonomía y Descentralización* was passed in October 2010, replacing previous legislation, with the explicit aim of providing political, administrative, and financial autonomy to subnational governance and creating, by 2016, seven or eight regions (COOTAD, Art. 1). Until 2016, the creation of new regions is a voluntary process, after which the president will present a plan to combine *provincias* into regions.

By the end of 2010 no new regions had been created. *Provincias* score 2 on institutional depth during the democratic periods: 1950–63, 1967–71, and 1980–2010, and 1 for periods of military rule.

Galápagos became a *provincia* in 1973 with the same dual structure of centrally appointed *gobernador* and locally elected *prefecto*, but with a special legal regime restricting residence, property, and commerce on the island (C 1973, Art. 154). In 1998 the national parliament passed a special statute for the Galápagos (C 1978 *codificada* in 1997, Art. 154; C 1998, Art. 239; Law 67 of 1998), and this was revised in 2009. Galápagos is a sparsely populated area in the Archipiélago de Colón, including twenty-two islands and 107 islets. In 2010 it was estimated to have some 30,000 inhabitants (not including more than 130,000 tourists each year). It has a unique natural environment, and its special status is aimed to preserve that (C 1998, Art. 238; C 2008, Art. 258). About 97 percent of its territory is UNESCO-protected natural habitat. Until 2009, this area was run by the Galápagos National Park under direct ministerial guidance, while the 3 percent outside the park enjoyed limited provincial, municipal, and parochial self-government in the cantons of Santa Cruz, San Cristobal, and Isabela Islands.

While central control over provincial ordinances in the rest of Ecuador is mostly *ex post*, the provincial council of Galápagos needed to have its planning and budget pre-approved by a centrally controlled institution, the *Instituto Nacional Galápagos* (National Galápagos Institute), known as INGALA, set up in 1980. The *Instituto Nacional Galápagos* managed infrastructure development and oversaw implementation of provincial and municipal policies. The provincial council and the prefecture were set up in 1996 when the first elections took place, but policy authority was only devolved in 1998. From 1973–97 we score Galápagos as a dependency (=1), and from 1998–2010 we score it as a decentralized region with autonomous status (=2).

The 1998 *Ley Especial para la Provincia de Galápagos* (Special Law for the Galápagos) strengthened self-governance (Hoyman and McCall 2012).[36] The big change was that INGALA, initially a deconcentrated institution, was reformed into the hub of co-governance between central and local governments, consisting of a technical service and new political council. The technical department, headed by a presidentially appointed civil servant, was charged with providing technical assistance to central and decentralized governing bodies on the islands, facilitating coordination among organizations, and delivering public services not provided by the municipal governments (Hennessy 2009; Law 67, Art. 4). A newly created Governing Council of the INGALA was to give guidance to developing the Galápagos. It consists of key

[36] This followed a threat by UNESCO to remove the islands from the world heritage list.

decision makers including the provincial *gobernador*, the provincial *prefecto*, a representative of municipal governments, key national ministers, the director of the National Park, and local stakeholders (e.g. the Charles Darwin institute, and the local chamber of commerce) (Law 67, Art. 5). The council was initially headed by the *gobernador* (C 1998, Art. 239), later by the minister of environment (Law 67, Art. 5). In 2002, a comprehensive regional development plan was approved by the Governing Council. The provincial, municipal, and parochial governments remain subject to the general national policies and regional planning guidelines adopted by the Council of INGALA. Centrally appointed officials remain in the majority in both the Governing Council and the Technical Committee, but stronger co-governance in INGALA combined with the existence of a provincial council justifies an increase in institutional depth as of 1998.

After UNESCO placed the Galápagos islands on the "in danger" list (Hennessy 2009, 2010), the government revised the national constitution in 2008. Article 258 of the new 2008 constitution now enshrines the status of the Galápagos more clearly: "The Galápagos province will have a special governance structure. Planning and development will be conducted in strict adherence to the principles of conservation of the Nation's natural heritage in accordance to law." This paved the way for a revision of the special law. Under a 2009 presidential decree (Decree 1880), the two main governing institutions in Galápagos, INGALA and the Provincial Government of Galápagos, were merged. The process of combining the two institutions began on October 20, 2008, with the formation of the Governing Council of the Special Region of Galápagos. The new *Consejo de Gobierno* is headed by a representative of the president of the republic, and is further composed of representatives of the three Galápagos municipalities, a representative of *juntas parroquiales,* and three ministerial representatives (*Registro Oficial No. 449 del 20 de Octubre del* 2008). Local representatives have equal representation (four out of eight), but there is no longer a provincial *prefecto* and the head answers to the president. From 2009, the council has six members of which three are central appointees. The council is responsible for immigration control, information and communication technologies for development, local government, zoning planning, education and human resource capacity building, and management of the natural resources of Galápagos, with special emphasis on the control of invasive species (Charles Darwin Foundation, Galapagos National Park, and Governing Council of Galapagos 2010). Rule-setting remains primarily national.

Galápagos scores 1 on institutional depth during the military dictatorship (1973–79), it keeps a 1 after the *Instituto Nacional Galápagos* is created from 1980 and until the onset of decentralization. Since 1998 the score increases to 2. The merger of INGALA and the Provincial Government of Galápagos in

2009 increases the central government veto in Galápagos but falls short of turning it into a deconcentrated unit.[β]

The distribution of competences between *comunas, provincias*, and Galápagos has been dynamic (Frank 2007: 168). Although the constitution mandates that *provincias* only have competences in rural areas (C 1998, Art. 233), the *Ley de Régimen Provincial* (Provincial Code) also allows jurisdiction in urban areas (Frank 2007: 168), and the 2008 constitution abolishes the distinction between rural and urban areas.

The core of provincial competence has always been economic policy: roadworks, environment, irrigation, and river basin administration (C 1998, Art. 233; C 2008, Art. 263). *Provincias* can pronounce *ordenanzas* (ordinances) on a range of public services, and charge special fees necessary to finance their functions (C 1978 *codificada* in 1997, Art. 155). Since the 1998 constitution, the central government can devolve competences to lower levels of government, with the exception of defense and national security, foreign policy and international relations, economic and tax system, foreign debt, and all the rest excluded in international agreements. *Provincias* have acquired responsibility for hydroelectricity, rural development, and rural education (Law 27, Art. 10). *Provincias* also have responsibility for development planning in coordination with the other levels of government (C 2008, Art. 263). *Provincias* have no explicit competence over local government, police, or own institutional set up. Immigration and citizenship are national.

The 1998 constitution establishes the principle of petition by the provincial and municipal councils for the transfer of responsibilities. If the subnational entity has the capacity to assume a responsibility, the central government is obliged to transfer it (Faust et al. 2008). Relatively few *provincias* seem to have taken advantage of this mechanism (Faust et al. 2008: 105). We reflect the changing situation by scoring *provincias* 1 for 1950–97 and 2 for 1998–2010.

The provincial government in Galápagos also takes responsibility for health and social services to complement municipal initiatives, but until the 2008 revision these functions were mostly performed by the deconcentrated branch of INGALA. From 2009, the provincial government has become more involved in social care and education. Special residency rules apply to the Galápagos Islands which can be decided locally within a national framework, but this falls short of a separate immigration regime. Galápagos scores 1 on policy score from 1998–2008, and 2 from 2009–2010.

FISCAL AUTONOMY

Until 1964, *provincias* could set base and rate of a sales tax on liquor, which was also shared with the *comunas* (Frank 2007: 131). In 1964, the military government centralized provincial and municipal taxes in exchange for larger

transfers (Frank 2007, 138–41). Hence, *provincias* score 2 for 1950–64 and 0 for 1965–2010.

There is a special tax regime for Galápagos, but the central government determines rates and base of all taxes.

BORROWING AUTONOMY

From 1970 *provincias* could borrow without central government authorization, but debt could not be used for current expenditures and could not be foreign (Frank 2007: 141; Lora 2007: 249; Stein 1999: 379). In 2002, the rules were tightened. The 2002 Fiscal Responsibility, Stabilization, and Transparency Law (revised in 2005 and 2010) includes additional restrictions on subnational borrowing (Lora 2007: 229). *Provincias* now need prior central government authorization and there are restrictions on the amount borrowed and in the use of the funds, i.e. only for investments (Lora 2007: 249; World Bank Qualitative Indicators). The 2008 constitution (Art. 289) states that all levels of government can contract public debt, but all debt needs to be authorized by a *comité de deuda y financiamiento* (debt and funding committee) composed of independent experts.

REPRESENTATION

The composition of the *consejo provincial* (provincial council) has changed multiple times over the past six decades (C 1946, Art. 125; C 1967, Art. 239; C 1998, Art. 228). From 1950–63, the majority of its members were elected and the rest indirectly elected by the *consejos municipales*.[37] From 1964–66 and 1972–78 the military regime replaced elected councilors with appointed councilors (Frank 2007: 138, 143). From 1967–72 and 1979–98 all members of the *consejo provincial* were popularly elected (C 1967, Art. 239; C 1978, Art. 57; C 1978, Art. 120; C 2008, Art. 252). In 1998, the election of the *consejo provincial* went back to the mixed 1946 system (C 1998, Art. 233). Since the 2008 constitution, the *consejo provincial* is indirectly elected; it is made up of municipal mayors and up to seven rotating presidents of *juntas parroquiales*.

From 1950–66, the executive was a *gobernador* appointed by the president (C 1946, Art. 92.6; C 1967, Arts. 184.5 and 238; C 1978 *codificada* in 1984, Art. 78.e; C 1978 *codificada* in 1993, Art. 79.d; C 1978 *codificada* in 1997, Art. 103.e; C 1998, Art. 227). In 1967, dual government was introduced with the creation of a directly elected *prefecto* alongside the appointed *gobernador* (C 1967, Art. 239; C 1978 *codificada* in 1984, Art. 120; C 1998, Art. 233; C 2008, Art. 252). Between 1972 and 1978 the military replaced elected *prefectos* with appointed

[37] The size of the *consejo* is proportional to the population in the *provincia*.

ones (Frank 2007: 138, 143). Since 2008 there is only a directly elected *prefecto* who is also the president of the *consejo provincial*.

From 1973–95 Galápagos was deconcentrated, and executive power resided with the *Instituto Nacional Galápagos* (INGALA), which reported to the central government. The first provincial council and prefect elections took place in 1996. The *prefecto* shared executive power with the head of the INGALA from 1996 until 1998, and thereafter with the head of the INGALA council.[β] In 2009 the provincial council became indirectly elected. It consists of representatives of the three Galápagos municipalities and a representative of the *juntas parroquiales* as well as three ministerial representatives (Decree 1880). The head is presidentially appointed. Contrary to other provincial councils or to its predecessor, the *consejo de gobierno* combines assembly and executive tasks. This is coded as dual government.

Shared rule

LAW MAKING

National congress changed from bicameral to unicameral in 1978. Before 1978, the senate was based on the territorial principle though it had also a strong functional component (Frank 2007: 162). The senate consisted of two directly elected senators per *provincia* (C 1946, Art. 42; C 1967, Art. 119), one from the Archipiélago de Colón (later Galápagos) (C 1967, Art. 119), and one from the eastern *provincias* (C 1946, Art. 42). They were directly elected. In addition, nine (C 1946, Art. 42) to fifteen (C 1967, Art. 119) *senadores funcionales* were elected by societal sectors: education; vocational training; journalism; scientific and literary societies; security forces and national civil police; agriculture; commerce; workers and industry (C 1946, Art. 42). The senate was closed during military rule (Frank 2007: 138, 142). The senate had equal powers to the chamber.

EXECUTIVE CONTROL

The 1978 constitution created the *Consejo Nacional de Desarrollo* (National Development Council) to set economic and social policies. It includes provincial representatives, but its composition is dominated by central representatives (C 1978 *codificada* in 1984, Art. 90). The projects proposed by the *Consejo Nacional de Desarrollo* require presidential approval (C 1978 *codificada* in 1984, Art. 89).

In 1998 the government announced the creation of the *Consejo Nacional de Gobernadores Provinciales* (National Council of Provincial Governors), but it was never instituted (Faust et al. 2008: 95). The 2008 constitution set up the *Consejo Nacional de Competencias* (National Council of Competences), which is a "technical" committee that regulates the transfer of competences to

gobiernos autónomos descentralizados (C 2008; Art. 269).[38] *Provincias* allocate just one of four seats on the commission (COOTAD, Art. 154). There are no special provisions for the Galápagos Islands beyond the ones set out earlier (see institutional depth and policy scope).

FISCAL CONTROL

Taxes and expenditures are decided by the *Ley de Presupuesto General* (General Budget Law), passed every year by congress (C 1946, Art. 131). Until 1977, both the senate and chamber of deputies had the authority to establish or abolish taxes (C 1946, Art. 53.5; C 1967 Art. 99), but since regional governments did not have representatives in the senate, this falls outside the remit of fiscal shared rule. From 1978–2007 the chamber of deputies had authority (C 1978 *codificada* in 1997, Art. 82.e). Since 2008, the president has exclusive authority on taxes (C 2008, Art. 135)

Provinces have some indirect lobbying capacity through peak organizations. The *Comisión Nacional de Descentralización y Organización Territorial* (National Commission of Decentralization and Territorial Organization—CONADE), a consultative committee, was set up in the 1970s to provide peak organizations of local and provincial governments access to economic and social development policy, including negotiations on the financial envelope (Frank 2007: 165). Since 2003, the body has been composed of eight members, among whom there is one representative of the *Consorcio de Consejos Provinciales* (Consortium of Provincial Councils). There are no special provisions for Galápagos.

BORROWING CONTROL

The 2002 Fiscal Responsibility, Stabilization, and Transparency law sets out borrowing conditions for all levels of government. *Provincias* have no input.

CONSTITUTIONAL REFORM

Until 1967, regionally elected senators had veto power over constitutional reform because reforms needed a majority in each chamber (C 1946, Arts. 62 and 190). From 1968–78, the president could call a nation-wide plebiscite to override the congressional decision (C 1967, Art. 258), which nullified provincial control. After the abolition of the senate, *provincias* lost control over constitutional reform.

The Galápagos government and its population are not consulted on changes to the statute.

[38] *Consejo Nacional de Competencias*. <http://www.competencias.gob.ec/institucion/autoridades-miembros>.

Self-rule in Ecuador

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Provincias	1950–1963	2	1	2	2	2	0	**9**
	1964–1966	1	1	0	2	0	0	**4**
	1967–1971	2	1	0	2	2	1	**8**
	1972–1978	1	1	0	2	0	0	**4**
	1979	1	1	0	2	2	1	**7**
	1980–1997	2	1	0	2	2	1	**8**
	1998–2001	2	2	0	2	2	1	**9**
	2002–2008	2	2	0	1	2	1	**8**
	2009–2010	2	2	0	1	1	2	**8**
Galápagos	1973–1995	1	0	0	0	0	0	**1**
	1996–1997	1	0	0	0	2	1	**4**
	1998–2008	2	1	0	0	2	1	**6**
	2009–2010	2	2	0	0	1	1	**6**

Shared rule in Ecuador

		Law making						Executive control		Fiscal control		Borrowing control		Constitutional reform		Shared rule
		L1	L2	L3	L4	L5	L6	M	B	M	B	M	B	M	B	
Provincias	1950–1964	0.5	0	0.5	0.5	0	0	0	0	0	0	0	0	3	0	**4.5**
	1965–1966	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
	1967	0.5	0	0.5	0.5	0	0	0	0	0	0	0	0	3	0	**4.5**
	1968–1972	0.5	0	0.5	0.5	0	0	0	0	0	0	0	0	0	0	**1.5**
	1973–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Galápagos	1973–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**

National legislature has: L1=regional representation; L2=regional government representation; L3=majority regional representation; L4=extensive authority; L5=bilateral regional consultation; L6=veto for individual region. Total for shared rule is either multilateral (M) or bilateral (B).

Guyana

Guyana was first a Dutch and then a British colony until 1966. It is a member of the Commonwealth of Nations. The country has a population of 770,000 and there are ten regions with an average population below 150,000 inhabitants. In the 1990s there was a failed attempt to unite Barbados, Trinidad and Tobago, and Guyana in a federation.

Paraguay

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Paraguay has been highly centralized, though in recent decades it has experimented with decentralization. The country is organized into seventeen *departamentos* (departments) and 249 *distritos* (districts, whose governance institutions are called *municipios*). The *departamentos* constitute intermediate governance. The Ciudad de Asunción, the national capital city, is not contained within a *departamento*—as all other *distritos* are—and is not treated on equal footing with *departamentos*. Its governance tends to follow that of *municipios*. While it is mentioned separately in the constitution, it does not have a special statute.

There have been three constitutions during our period: 1940, 1967, and 1992. Until 1992, the *departamentos* were deconcentrated outposts of the central government. The 1992 constitution introduced direct elections for councils and governors.

The 1940 constitution concentrated authority in the national executive, and did not specify territorial organization (Bruneau 1990). In 1945, Decree Law 9484 divided the country into two statistical regions: the *región occidental* (western region) with five *departamentos* and the *región oriental* (eastern region) with eleven *departamentos* and Asunción. The *región occidental* had been under military rule since the *guerra del Chaco* (Chaco war), fought between Paraguay and Bolivia in the 1930s.

The five *departamentos* in the eastern region were placed under the administration of other *departamentos* "until they arrive at a level of development sufficient to enjoy administrative autonomy [translation]" (Decree Law 9484, *Registro Oficial* 1945: 567–8). In the eastern region the *Departamento Central*, where the capital is located, was also placed under the administrative authority of the central government (Decree Law 9484, *Registro Oficial* 1945: 566).

In 1967 a new constitution introduced administrative decentralization as a goal (Art. 14), but central control over subnational units remained tight.[a] The *departamentos* were headed by *delegados del gobierno* (executive delegates)

appointed by the national executive to coordinate central government policy (Turner 1998: 11).

In 1973 the five departments in the eastern region were removed from military control, though a special clause retained some central government authority over territorial organization (Law 426).[39] The *Departamento Central* remained under direct central administration. All *departamentos* score 1 on institutional depth during this period.

The Stroessner military regime was overthrown in 1989. The 1992 constitution set in motion a process of limited decentralization. Direct elections were introduced at municipal and departmental level for both councils and executives. In the department, the executive head was now called *gobernador* instead of *delegado*. Departments were granted autonomy in the management of their own affairs (C 1992, Art. 156).[40] Departmental governance is dual by virtue of the double role played by *gobernadores*. They represent departmental interests, and they also represent the national executive in matters of national policy (Art. 161). The central government can intervene in departmental affairs when requested by an absolute majority of the *junta departamental* (department council) or in cases of mismanagement (Art. 165). *Departamentos* were permitted to group together to form regions, which would be regulated by national laws (Art. 160), but thus far these have not been created. Asunción, now carved out of the *departamento* Central, was given the status of a *distrito* independent of all *departamentos* and regulated by special law (C 1992, Art. 157).

Implementation of the reforms happened more fully and more quickly in *departamentos* than in *municipios*.[41] The core responsibility for *departamentos* is economic development: departments provide input in national *consejos de desarrollo* (development councils), produce development plans and budgets, and coordinate departmental-wide public works (C 1992, Art. 163). They were also set to take up health services and education in their areas, but implementation has been slow and partial (Angeles et al. 1999: vii; see also Nickson and Lambert 2002). Initially, the 1993 *Ley Orgánica del Gobierno Departamental* (Organic Law of Departmental Governance) was restrictive. While it fleshed out the role of the *departamentos* just as their newly elected representatives were preparing to take office, it defined their role as administrative (Law 214;

[39] The five *departamentos* were combined into three in 1992 (Law 71).

[40] The strongest support for municipal decentralization came from urban elites in the dominant Colorado Party, which conceived of decentralization as a way of protecting their interests (Nickson and Lambert 2002: 170). Stronger departments appear to have appealed primarily to rural elites. As one observer notes, "it has been argued that support for decentralization may well have been a conservative rearguard action by rural Colorado caudillos who saw decentralization as a possible defence against political change at the national level" (Nickson and Lambert 2002: 170).

[41] Not until 2010 was the 1987 municipal code (Ley 1294) brought fully into line with the constitution (*Ley Orgánica Municipal* 3966).

Turner 1998: 13). Subnational representatives immediately pressured the government to modify the most limiting aspects of the regulations and the next year a new version was promulgated which softened the *gobernadores'* duty to represent the national executive. It also codified the "decentralized" nature of the Paraguayan state and recognized the political autonomy of subnational governments (Law 426/94; Turner 1998: 13). The *juntas departamentales* (departmental councils) now play a modest role in overseeing the departmental budget process and the actions of the *gobernador* (Turner 2004).

The capital district of Asunción acquired competences in sanitation, education, culture, transport, social assistance, local police, and banking (C 1992, Art. 168), but implementation has been seriously impeded by a reluctant central bureaucracy, corruption, and a narrow political support base among Paraguay's party elites (Nickson and Lambert 2002).[a]

Departamentos and Asunción score 1 on policy scope from 1992.

FISCAL AUTONOMY

Departamentos and Asunción cannot set the rate or base of taxes.

Beginning with enabling legislation in 1994 (Law 426), *departamentos* receive a transfer from the *municipios*, as well as proceeds from gambling taxes (30 percent) and VAT (15 percent) collected in their territory (Nickson and Lambert 2002: 170). They cannot set the rate or base of these taxes (Rezk, Ganame, and Rodas 2002: 19).

Since 1991, Asunción collects its property taxes and keeps 70 percent of this amount, but it cannot set the rate or base. While other *municipios* must transfer 15 percent of their proceeds to the *departamento*, Asunción's 15 percent goes into a special fund for public works jointly conducted with the two surrounding *departamentos* of Central and Presidente Hayes (Rezk, Ganame, and Rodas 2002: 17; Law 125/91; C 1992, Art. 164).

In 1998 *municipios* and *departamentos* lobbied to get half of the income from the national hydroelectric companies. The legislation has been implemented haltingly and incompletely (Nickson and Lambert 2002: 171).

BORROWING AUTONOMY

Until 1992 *departamentos* were deconcentrated. Self-governing *departamentos* cannot take on debt without prior authorization by congress (Lora 2007). Debt service needs to be financed from the department's general budget. *Departamentos* score 1 from 1992.

Since 1987 *municipios,* including Asunción, can take on debt without prior central authorization and without restrictions (Municipal code of 1987, Art. 38, Section d; Arts. 143–144). The heavy hand of the authoritarian government made this provision moot until democracy. Hence Asunción scores 0 until 1991, and scores 3 from 1992.

REPRESENTATION

Departmental and municipal assemblies did not exist prior to 1991,[42] and the executives—departmental *delegado* or municipal *intendente* respectively—were appointed by the president (C 1967, Arts. 14 and 19). From 1991, a directly elected *junta* was created at each level, as well as a directly elected *gobernador* (Arts. 161 and 167), all elected for five-year terms. The first elections for Asunción took place in May 1991, and the first departmental elections took place in 1993.[43]

Shared rule

Departamentos and Asunción have no shared rule. Neither the senate nor the house are bodies with equal territorial representation. The senate, which was created in 1967 (C 1967, Art. 133), consists of representatives elected by proportional representation in a single national constituency. Representatives for the house are elected in departmental electoral districts whereby seats are allocated proportional to the department's population. In 2015 the number of seats by department varied from one for Bocquerón to nineteen for Central.

Departamentos were involved in the *Comisión Nacional para la Descentralización del Estado* (National Commission for State Decentralization, CONADE), which was created in 1995 to implement the constitutional provisions for decentralization. It was made up of representatives of the executive, legislative, departmental, and municipal governments (Nickson and Lambert 2002: 171). The CONADE did not meet regularly, and *departamentos* had a minority position.

Self-rule in Paraguay

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Departamentos	1950–1991	1	0	0	0	0	0	**1**
	1992	2	1	0	1	0	0	**4**
	1993–2010	2	1	0	1	2	2	**8**
Asunción	1950–1990	1	0	0	0	0	0	**1**
	1991	1	0	0	0	2	2	**5**
	1992–2010	2	1	0	3	2	2	**10**

[42] *Juntas municipales* existed but were heavily constrained by central government intervention.
[43] Municipal elections are non-concurrent with national elections, while departmental elections take place in the same year as national elections (Turner 2004).

Peru

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Peru has currently twenty-five *departamentos* (departments): twenty-four *departamentos* created in 1979, and the *Provincia Constitucional del Callao* (Callao Constitutional Province) created in 2002. *Departamentos* are sometimes called *regiones* because they have *gobiernos regionales* (regional governments).[44] Subnational governance divides further in *provincias* (provinces), *distritos* (districts), and *centros poblados* (towns) (C 1933, Art. 183; C 1993, Art. 189). With an average population of 151,000, the 195 *provincias* constitute the second-tier subnational layer.

We code the *Provincia Constitucional de Lima* as an autonomous region. The city of Lima used to belong to Lima department,[45] but since 2002, it has its own jurisdiction. Callao, too, has the special status of *provincia constitucional* (C 1933, Art. 183). We therefore code Lima and Callao as differentiated regions starting from 2003.

Peru enacted constitutions in 1933, 1979, and 1993. The 1933 constitution created centralized departments (Wilson and Garzon 1985: 331–2). The central government appointed *prefectos* (governors) as head of the *departamentos* (Arce 2008: 45), and although the 1933 constitution provided for directly elected *concejos departamentales (*department councils) such entities were never created (Céspedes Zavaleta 2005: 42). Centralization was reinforced by the 1948 and 1968 military coups. Given their predominantly deconcentrated characteristics, *departamentos* score 1 for 1950–2002.

In 1975, the military government set up a regional structure parallel to the *departamentos* and called them ORDEs (*Organismo de Desarrollo*). The central government appointed the presidents of ORDEs. Each of the twenty-four ORDEs consolidated the deconcentrated regional offices into one regional development institution. In 1981, ORDEs were replaced by twenty-four CORDEs, a much weaker departmental development corporation which managed only public works programs, provided limited representative input, and was urban-based (*Ley de Corporaciones*, as cited in Wilson and Garzon 1985: 332–3). ORDEs and CORDEs are not general purpose.

The 1979 constitution marked the transition to democracy. The new constitution provided for a third intermediate level of government and set 1983 as the

[44] The original plan provided two or more *departamentos* with the authority to create a *región*, but this configuration only existed from 1989–92. Since no *regiones* are established today, we refer to the intermediate tier as *departamentos* throughout the period. The term *regiones* in this profile refers to *departamentos* with regional governments except for the brief interlude from 1989–92.

[45] Since 1979, the government of Lima was regulated by the *Ley Orgánica de Municipalidades* (C 1979, Art. 258; C 1993, Art. 198).

deadline. The administration submitted the *Plan Nacional de Regionalización* (National Regionalization Plan), but congress rejected it. In 1987, congress did accept a revised plan, the *Ley de Bases de la Regionalización* and its 1988 modification (Law 24792; Céspedes Zavaleta 2005: 43),[46] which envisaged the voluntary merger of departments into twelve *regiones*. Enabling laws for all but the Lima-Callao region passed in 1989,[47] which paved the way for direct elections in five regions in the same year and in six more in 1990 (Kim 1992: 255). Hence, between 1989 and 1992, Peru had three intermediate levels of governance: eleven *regiones* (plus Lima–Callao), twenty-four *departamentos*, and 183 *provincias*.

According to the 1988 legislation, *regiones* could approve regional development plans, budgets, and accounts. They could create, modify, impose, or rescind some taxes and engage in inter-regional and international trade (Zas Friz Burga 2001: 72–3). But their taxing authority was never fully implemented (see fiscal autonomy) and the institutions remained embryonic (Daughters and Harper 2007). Contrary to *departamentos*, which could only exercise powers delegated by the central government, regional governments played an explicit role in the drafting, implementation, and adjustment of national plans and budgets in the regions. The president could veto regional laws if he thought they violated the constitution, but the *asamblea regional* could override the presidential decision and the national constitutional court could challenge the president's interpretation. If the president refused to promulgate the law, the national congress could enact it autonomously (C 1979, Art. 267; Kim 1992: 253–5).

This development was stopped in its tracks when *regiones* were abolished in the wake of the 1992 *auto-golpe* (self-coup) by then president Alberto Fujimori (Jordana 2001: 98; Arce 2008: 45). An *asamblea constituyente* (constituent assembly) approved a new constitution in 1993. Although the 1993 constitution incorporated a section on decentralization, authority flowed back to the central government (Jordana 2001: 99; Arce 2008: 43). The regional governments were replaced by *Concejos Transitorios de Administración Regional* (Transitory Councils of Regional Administration or CTARs), headed by Fujimori appointees. *Departamentos* once again became deconcentrated (Jordana 2001: 99, 199).

Fujimori's authoritarian regime ended in 2002, and with greater democracy came greater decentralization for *departamentos*. Congress approved the *Ley de Bases de la Descentralización* (Law 27783) which regulates *departamentos* (and

[46] The *regiones* are mentioned for the first time in the 1979 constitution (C 1979, Art. 259), which provided for some administrative autonomy, very limited revenue sources, and an assembly with limited legislative powers (Wilson and Garzon 1985: 335).

[47] Grau (Tumbes and Piura); Nor Oriental del Marañón (Cajamarca, Lambayeque, Amazonas); La Libertad- San Martín; Amazonas (Loreto); Cáceres (Junín, Pasco, Huánuco); Libertadores-Wari (Ica, Ayacucho, Huancavelica); Arequipa; Inka (Cusco, Apurímac, Madre de Dios); José Carlos Mariátegui (Puno, Moquegua, Tacna); Ucayali; Chavín (Ancash); and the Lima metropolitan area (Lima and Callao) (Zas Friz Burga 2004: 57–8).

deactivates the CTARs), and the *Ley Orgánica de Gobiernos Regionales* (Law 27867 and its revision Law 27902) which devolves competences. The *Ley de Bases de la Descentralización* specifies that national executive and legislative powers cannot affect or restrict the exclusive constitutional competences of regional and local governments (Art. 10.2). The *Ley Orgánica de Gobiernos Regionales* details the transfer of functions to the *departamentos*, which acquire responsibility for regional planning and public investment, and more generally for promoting economic activities (Art. 4) (Céspedes Zavaleta 2005).

The lowest level of intermediate government, 195 *provincias* by 2010, had always had constitutionally guaranteed "administrative and economic autonomy" (C 1933, Art. 206), but this was seriously constrained by the 1948 and 1968 coups (Zas Friz Burga 2001).[α] After the 1979 democratic transition, provincial autonomy was restored (C 1979, Art. 252; C 1993, Art. 194).[48]

Lima has combined provincial and regional governance since 2002. The *Municipalidad Metropolitana de Lima* is part of the *provincia* of Lima (C 1993, Art. 198), but the 1993 *Ley Orgánica de Municipalidades* establishes that the *Municipalidad Metropolitana de Lima* has supremacy if there is a discrepancy between the *municipalidad* and the *provincia* (1993 *Ley*, Art. 152). Territorial authority in Lima is exercised by the *Concejo Metropolitano*, the *Alcaldía Metropolitana*, and the *Asamblea Metropolitana de Lima* (*Ley*, Art. 153). The *Provincia Constitucional del Callao* also combines regional and provincial governance (*Ley de Bases de la Descentralización*, Art. 34).

There is a wide gap between the letter and practice of the law in terms of what these entities do. According to the constitution, subnational governments "organize, administer and control" sanitation, public works, agriculture, industry, mining, pension, and labor laws (C 1933, Art. 192; C 1979, Art. 261; C 1993, Art. 192). In addition, they have authority over indigenous communities (C 1933, Art. 193). Education is also decentralized (C 1993, Art. 16). However, since the 1933 constitution and the subsequent *Ley Orgánica de Descentralización Económica y Administrativa* (1933) were never implemented, these provisions remained dead letter for the *departamentos* until the 2000s. Only *provincias* obtained a measurable amount of policy autonomy.[β]

During the military regimes and through the late 1980s the centrally controlled CORDEs implemented central policy in the *departamentos*. After 1988 the *departamentos* acquired some measure of authority over economic policy, but they had to share these with the *regiones* and with the central government. Policy authority remained essentially central during this brief democratizing interval (Kim 1992: 155).[β] From 1993–2002, the CTARs displaced *departamentos*.

[48] Provincias exploited their new-found autonomy slowly. In the early years, weak capabilities hamper decentralization (Ahmad and García-Escribano 2006: 5; PNUD 2006: 127), but especially since 2003, provincial self-government has matured (Céspedes Zavaleta 2005: 44).

CTARs oversaw the implementation of centrally designed public services, coordinated with local governments, and promoted economic development and tourism (Jordana 2001: 99).

The 2002 *Ley Orgánica de Gobiernos Regionales* was a game changer. It specifies the constitutional competences of the *regiones*/*departamentos* (Arts. 9–10). Regional governments now acquire exclusive authority in regional economic development (Art. 10.a and 10.b), investment in energy and communication (Art. 10.d), agricultural export (Art. 10.g), and tourism (Art. 10.h). They share competences with the central government on education (Art. 10.2.a), public health (Art. 10.2.b), environment (Art. 10.2.d), culture (Art. 10.2.f), and citizen participation (Art. 10.2.h) (Ahmad and García-Escribano 2006: 12). Departments have no authority over their own institutional set up, local government, police, residual powers, and immigration.

In the mid-1970s and the 1980s the ORDEs and CORDEs usurped provincial self-governance, but outside this period *provincias* have extensive competences. They can set up their own institutions, decide their budget, regulate public local services, implement local development programs (C 1979, Art. 254; C 1993, Art. 195), and develop culture and tourism (C 1979, Art. 255; C 1993, Art. 195). *Provincias* have also residual powers (C 1979, Art. 255.6).

The *Ley Orgánica de Municipalidades* regulates the competences of Lima since 2002. The *concejo metropolitano* has control over urban development (Art. 161.1); socio-economic development (Art. 161.2); provision of basic services (Art. 161.3); industry, commerce, and tourism (Art. 161.4); health (Art. 161.5); environment (Art. 161.6); transport and communication (Art. 161.7); and local security (Art. 161.8), which amounts to decision making power over its own police force. Lima also has authority over its own institutional set up (Art. 122). Lima combines local competences with regional (i.e. departmental) competences.[49] Very similar provisions apply to Callao.[50]

FISCAL AUTONOMY

Peru has remained a fiscally centralized country (Haldenwang 2010: 650; Ahmad and García-Escribano 2006: 13; Zas Friz Burga 2004: 72–3). In principle the 1933 and 1979 constitutions provide for *departamentos* to be able to set the rate and base of certain major taxes,[51] but these provisions were never implemented (Dickovick 2003: 7).[γ] Not until 1988 did a law flesh out departmental authority, and this Law 24792 assigned to departmental governments 25

[49] Base de Datos Políticos de las Américas. (2002). "Peru: Political Organization." <http://pdba.georgetown.edu/Decen/Peru/peru.html#nivelintermedio>.

[50] Municipalidad del Callao official webpage. <http://www.municallao.gob.pe>.

[51] In particular, the *concejos* could determine the base and rate of minor taxes concerning mining, patents, inheritance, and property (C 1933, Art. 194). *Concejos departamentales* could also set the base and rate of a major tax, i.e. personal income tax (C 1933, Art. 194.6).

percent of the sales tax revenues and transfers from property and occupation taxes, but no control over base or rate (Kim 1992: 254).

A major source of income for *departamentos* has been the so-called *canon minero*, a co-participation scheme whereby a share of corporate income tax from specific economic activities is allocated to the *provincias* and *regiones/departamentos* affected by that activity. The canon concerns mining, fishery, forestry, gas, oil, and hydro-energy sectors (Haldenwang 2010: 650).

The same restrictions apply to *provincias*. This appeared to change in 1979, when the constitution foresaw that the *provincias* would get authority to decide on regional taxes, such as property tax, vehicle tax, and construction tax (C 1979, Art. 257). However, central governments have continued to set the base of all taxes and determined very strict parameters for rate discretion (Ahmad and García-Escribano 2006: 15). "Even the rates of revenues from 'local' taxes (such as the property tax) that accrue entirely to the local governments are centrally determined. In this sense, such revenues are closer in concept to shared revenues (with a 100 percent share) than own-source taxes" (Ahmad and García-Escribano 2006: 15). Therefore, it seems reasonable to conclude that both base and rate continue to be determined by national law (Haldenwang 2010: 651).[γ] *Provincias* collect minor taxes such as those concerning motor vehicles, real estate, conveyancing, non-sportive public events, gambling, betting, and traffic fines, and obtain non-tax revenues—but without control over rate or base (Haldenwang 2010: 652).

BORROWING AUTONOMY

Until 2002 *departamentos* did not have the authority to borrow on the international markets. Domestic debt was allowed but limited to smaller short-term credits, and was usually funded by local credit institutions (Ter-Minassian and Craig 1997: 161). *Provincias* could in principle borrow but debt was tied to conditions. For example, it could not be used for current expenditures (Stein 1999: 379). Except for the big cities of Lima, Arequipa, and Cusco, borrowing was almost non-existent.[β]

A series of laws beginning with the 2002 Fiscal Decentralization Law put in place a regulatory framework for subnational borrowing, which requires that: the central government guarantees external debt; loans are only used for investment; the three-year average primary balance is positive; and the annual real primary expenditure does not grow more than 3 percent. Each government must publish an annual development plan that is consistent with the national fiscal framework (Liu and Webb 2011: 15). The laws also established a fiscal reporting system. Loan guarantees require compliance with the Annual Debt Law and proof of the capacity to pay, which gives the national government the authority to veto subnational borrowing (Liu and Webb 2011: 18). While this procedure does not necessitate central government approval for every loan, the

International Monetary Fund, the World Bank, and the Inter-American Development Bank consider it equivalent to prior central approval (Ahmad and Garcia-Escribano 2006: 9–11; Lora 2007: 249; Liu and Webb 2011: 18).

Borrowing continues to be low. In 2011 borrowing accounted for only 1 percent of investment funding, virtually all concentrated in Lima.[52]

REPRESENTATION

Under the 1933 constitution, government-appointed *prefectos* headed *departamentos* (C 1933, Art. 185). No departmental assembly existed before 2002.

From 1988–92 *regiones* had a directly elected executive (Dickovick 2003: 6; C 1993, Art. 191). In the *asamblea regional*, 40 percent of the delegates were directly elected, 30 percent were representatives of the provincial mayors, and the remaining 30 percent were representatives of interest associations (Kim 1992: 255; Wilson and Garzon 1985: 335). By 1990, *asambleas regionales* existed in all *regiones* (Kim 1992: 255).

Since 2002, departments are sometimes called regions. Executive power is exercised by the *presidente regional* (regional president), who is elected by popular vote. The *concejo regional* (regional council), also directly elected, exercises legislative power.

Provincias have had *concejos municipales* chaired by *sub-prefectos*, later renamed *alcaldes* (mayors), since 1933 (C 1933, Arts. 185 and 194; C 1993, Art. 194). The *concejos municipales* and the *alcaldes* have always been directly elected. *Provincias* score the maximum on representation except for a twelve-year hiatus during military rule (1968–79).

Lima's government is made up of the *Concejo Metropolitano*, the *Alcaldía Metropolitana*, and the *Asamblea Metropolitana de Lima* (*Ley Orgánica de Municipalidades*, Art. 153). The *Concejo Metropolitano* is composed of the *alcalde* and the *regidores*, both directly elected (*Ley Orgánica de Municipalidades*, Art. 156). In the *Provincia Constitucional del Callao*, both the *presidente regional* and the *concejo regional* are directly elected.

Shared rule

Departamentos, *provincias*, and the special regions of Lima and Callao have no shared rule. Until 1992 Peru had a senate which was non-territorial (*senado funcional*). The 1979 constitution foresaw a senate composed of representatives from the *regiones* (C 1979, Art. 165), but this provision was never implemented. Since 1993 Peru has a unicameral parliament (C 1993, Art. 90).

[52] Public–Private Infrastructure Advisory Facility. (2011). Impact Stories: PPIAF Helps Peruvian Sub-Nationals Tap Financial Markets. <http://ppi.worldbank.org>.

Self-rule in Peru

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Departamentos	1950–2002	1	0	0	0	0	0	**1**
	2003–2010	2	2	0	1	2	2	**9**
Regiones	1989–1992	2	0	0	0	1	2	**5**
Provincias	1950–1962	1	2	0	2	2	2	**9**
	1963–1967	2	2	0	2	2	2	**10**
	1968–1975	1	2	0	2	0	0	**5**
	1976–1979	1	0	0	2	0	0	**3**
	1980–1989	2	0	0	2	2	2	**8**
	1990–2002	2	2	0	2	2	2	**10**
	2003–2010	2	2	0	1	2	2	**9**
Lima	2003–2010	2	3	0	1	2	2	**10**
Provincia Constitucional del Callao	2003–2010	2	3	0	1	2	2	**10**

There are also no routinized channels for executive, fiscal, or borrowing shared rule. Regional presidents can exert some indirect influence through the *Asamblea Nacional de Gobiernos Regionales* (National Assembly of Regional Governors), which began to function in 2007, but the central government does not generally participate. For example, Peru's fiscal responsibility law of 2000 (amended in 2003), which constrains borrowing and fiscal policy for *departamentos* and *provincias*, came into being without subnational input. There is no intergovernmental coordination on debt management.

Suriname

Suriname gained independence from the Netherlands in 1975. It has ten *distrikten* (districts) at the intermediate level and sixty-two *ressorten* (subdistricts) at the local level. *Distrikten* are governed by a commissioner appointed by the president and an indirectly elected assembly composed of deputies from the *ressorten* councils. The *distrikten* have relatively extensive competences in implementing national policy. Their average population is just under 50,000.

Uruguay

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Uruguay has one intermediate level of governance made up of nineteen *departamentos* (departments). Nine *departamentos* were created in 1830 and the rest were carved out over the course of the nineteenth and early twentieth centuries. Historically, the *departamentos* have exercised municipal and departmental functions, but because *juntas locales* (local councils) existed throughout the 1950–2010 period, we consider *departamentos* an intermediate tier. There are three constitutions in this period: 1942, 1952, and 1967, as well as a major reform in 1997.

Departamentos have been decentralized governments subject to central veto since the nineteenth century, though the extent of decentralized authority has waxed and waned. Decentralization has often been used by partisan elites to resolve national conflicts (Eaton 2004*a*: 84, 99). Elected executives (*intendentes*) and legislatures (*juntas*) were introduced in 1918 as part of a broader pact between the Colorado Party and the Blanco Party. The 1918 constitution also devolved significant taxation, borrowing, and policy competences to the departments. A new pact between the two parties, formalized in the 1934 constitution, rolled back decentralization: *juntas* remained elected but *intendentes* became government-appointed, new taxation became subject to central

approval, borrowing was prohibited, and, in enabling legislation, some economic competences related to the milk and meat industries were recentralized (Eaton 2004*a*: 103–4, 106).

The 1942 constitution, the first one of relevance to our coding, re-introduced elections for the *intendente* (mayor) (Art. 236). Governance of the *departamentos* consisted of the *intendente* and the *junta departamental* (departmental council), as well as the *juntas locales*, which were under the control of the department (Art. 233). Departmental *juntas* were endowed with unspecified legislative powers, but departmental laws could be overturned by the national courts.

The 1952 constitution replaced the *intendente* with a *concejo departamental* (departmental council). Its composition followed a Swiss-inspired *Proporz* system with six seats allocated to the majority party and three to the minority party.[53] The 1967 constitution reinstated the *intendente* and eliminated the *concejos*. Under both the 1952 and 1967 constitutions, citizen initiatives could subject departmental laws and elected officials to national review (Arts. 303 and 305).

In 1973, Juan María Bordaberry carried out a pacted coup with the help of the military which dissolved the legislature but allowed him to stay on as president, and from 1976 this morphed into direct military rule. National elections were suspended from 1973–84. In 1980 the military government proposed a constitutional reform, which was rejected in a plebiscite. So began the transition to democracy, culminating in general elections at the end of 1984. Departmental governments continued to exist during this period, but with diminished authority, which is reflected in a reduced score on institutional depth from 1973–84.

The constitutional reform of 1997 broke the link between national and departmental elections, which were now held at different times.[54] It also shifted some power from the national legislative branch to the executive, reducing the opportunity for a legislative veto, but many other aspects of the reform on fiscal or policy competences have only been slowly implemented (Eaton 2004*a*: 188). One of these—local *junta* and *alcalde* elections—was introduced only in 2010, and then only for the larger municipalities.[55] The central government retains a potential veto over *departamentos*.

[53] This mirrored the system introduced at the central level.

[54] This reform took place in the context of a broader electoral reform that ended the electoral *lema* system (double simultaneous vote) used for aggregating votes from sublists for coalitions. Unique departmental *sublemas* and separate, but simultaneous, ballots existed for departmental and national elections under the 1942 constitution.

[55] Law 18567 of 2009 created general purpose, directly elected municipal governments in localities with more than 2000 inhabitants, but in 2010 this was modified to encompass only localities with more than 5000 inhabitants, to be extended to the smaller localities in 2015 (Law 18644). Four *concejales* (councilors) and an *alcalde* (mayor) are elected in each municipality for five-year terms.

The 1942 and 1952 constitutions did not enumerate departmental competences, except to say that they had general legislative competence in their territory (Art. 273.1) and could grant concessions to run public services (Art. 273.8). *Departamentos* were responsible for many basic services, with some taxation rights, as well as shared competences in health care and education, albeit secondary to the central government (Filgueira et al. 2002; Sureda 2007). Few responsibilities were exclusively reserved to either departmental or central government. *Intendentes* named local leaders with approval of the *junta*, hired and fired departmental and local public employees, and represented the *departamento* to the central government (C 1942, Art. 238). The powers of the *junta* were mostly confined to approving decisions of the *intendente*, but they could request that the national legislature expand their powers (C 1942, Art. 239.7). Until 2010, local government was under departmental control. The 1935 *Ley Orgánica Municipal* (Organic Municipal Law 9515), still in effect, allows *departamentos* to create *juntas locales*, even though they made use of this right sporadically and haphazardly (Alvarado Quetgles 2011: 6). Local police is explicitly exempt from departmental control—departmental police chiefs are appointed by the national government.

In the 1960s some policy functions spilled back. The 1967 constitution introduced sectoral regional planning which undercut departmental activities in economic development. Departmental executives were denied participation in the new central planning office, and essentially the reform "reduced departments to bodies implementing centrally devised plans."[a] (Eaton 2004*a*: 101). This centralization was reinforced under military rule.

The 1996 reform did not explicitly expand the responsibilities of the departments, and implicitly restricted them by paving the way for self-governing local government (C 1996, Art. 262). However, the central role of the departments in territorial governance was reconfirmed, departments were authorized to cooperate amongst themselves or organize local government to facilitate service delivery, and they were given a form of shared rule through a *Congreso de Intendentes* (see Executive control) (C 1996, Art. 262).

Constitutional reform in Uruguay has been open-ended with respect to subnational responsibilities, avoiding explicit allocation of competences and embedding the authority of *intendentes* and *juntas* in extra-legislative norms. While the *de jure* distribution of territorial authority has not changed dramatically over time, *departamentos* and localities have found themselves co-responsible for health care, housing, urban development, and the environment (Eaton 2004*a*: 192; Lanzaro 1994: 175), in addition to their long-time role as providers of local services and supervisors of local government (Prud'homme 2006*a*: 19).

We reflect the ups and downs in policy decentralization by scoring 2 between 1950 and 1966, 1 between 1967 and 1996, and increasing policy

scope to 2 since 1997.[β] The introduction of local elections from 2010 in some localities may reduce, but not eliminate, the authority of *departamentos* over local governments.

FISCAL AUTONOMY

A large proportion of departmental revenues come from taxes, but departmental authority to set the base and rate is restricted (Eaton 2004*a*: 237; Filgueira et al. 2002; Prud'homme 2006*a*: 19). While transfers make up a tiny portion of revenue in Montevideo, they comprise much more in the interior (Sureda 2007).

The 1942 constitution did not specify a right of subnational government to set the base and rate of taxes. However, under the 1952 constitution, *departamentos* could set the rate of property and other minor taxes subject to central government veto (Art. 279). The central government could appeal a new departmental tax before the legislature within fifteen days, which would automatically suspend it. If the tax was not approved by both houses within sixty days, it would be nullified (Art. 300).

The 1967 constitution did not change this situation, except to add a resource from the central government—the *departamento*'s share of the national budget for public works (Art. 297.13). During the authoritarian period, fiscal responsibilities were not re-centralized. Rather, the regime placed its people in executive positions at the subnational level to ensure that its mandates were enacted (Eaton 2004*a*: 118).

Although the 1996 constitutional reform included automatic revenue sharing with *departamentos* (Art. 214.c), the language was sufficiently vague that congressional action is required every year to determine the percentage (Eaton 2004*a*: 189).[β] Currently a little over 3 percent of state revenue is shared directly through this process. The *departamentos* score 1 throughout the 1950–2010 period.

BORROWING AUTONOMY

Under the 1942 and 1952 constitutions, and confirmed by the 1996 constitution, *departamentos* could issue public debt only with prior permission of the *tribunal de cuentas* (audit court) and the departmental legislature (C 1942, Arts. 256-7; C 1952, Art. 301). External debt must be approved by the national legislature (Burki et al. 2000: 380), while domestic debt only requires approval by the departmental legislature (World Bank Qualitative Indicators). Subnational governments in Uruguay have traditionally financed deficit spending by taking on debt with other government agencies or through the fungibility of discretionary transfers from the central government (Filgueira et al. 2002). Within various constraints, departmental borrowing has been permitted throughout the period (Eguino and Aguilar 2009).

REPRESENTATION

Under the 1942 constitution *juntas* formed the subnational assembly and *intendentes* the executive (C 1942, Section XVI, Ch. I). The *juntas* had fifteen members except in Montevideo, which had thirty-one (Art. 234). This constitution introduced the direct election of the *intendente* and the *junta* for four-year terms.

In 1952, the *concejos departamentales* replaced the *intendente*. *Juntas* were expanded to thirty-one members except in Montevideo, the national capital, which had sixty-five (Art. 263). The *concejos* had seven members in Montevideo and five in the other *departamentos* (Art. 266). In Montevideo the ruling party received four seats and the minority party received three, while in the remaining *departamentos* the split was three to two (Art. 271).

The 1967 constitution restored the *intendente*. The *juntas* were reformed too, but the principle that the largest party receives a majority of the seats was retained. Under military rule, subnational governments were dismissed and replaced with military officials (Eaton 2004*a*: 117; Falleti 2010).

The 1997 reform formally distinguished between *municipalidades* and *departamentos*, but the reform was not implemented until 2010 (Eaton 2004*b*: 15). The first municipal elections took place in 2010.

Shared rule

LAW MAKING

Departamentos are not represented at the national level. Uruguay has a bicameral legislature—the lower house with ninety-nine members and a thirty-member senate, together forming the *asamblea general* (general assembly).[56] Neither chamber is elected on the basis of equal territorial representation, though each *departamento* receives a minimum of two deputies in the lower chamber (C 1942, Arts. 78 and 85). The *asamblea* (joint chambers) can create new *departamentos* or change their boundaries with a two-thirds majority (Art. 75.9).

In 1973, the *asamblea* was disbanded with military rule (Hudson and Meditz 1990), and from 1976 a series of *actos institucionales* (institutional acts) overrode the 1967 constitution (Pirotto 2000). The 1967 constitution was re-enacted in 1985.

[56] The 1952 constitution added one member to the senate—the individual at the top of the list of the largest party, who became the president of the senate and the assembly (C 1952, Art. 94). This position was abolished under the 1967 constitution.

EXECUTIVE CONTROL

The 1997 constitutional reform institutionalizes coordination among the *intendentes* by formally recognizing the *congreso nacional de intendentes* (national congress of governors) (C 1997, Art. 262). The congress, which may also conclude agreements referring to the preceding paragraph, can "communicate directly with the branches of government" (Art. 262). This body had existed since the 1940s as an informal forum (Filgueira et al. 2002). Its decisions are non-binding.

In addition, a *comisión sectorial* (sectoral commission), composed of members of the *congreso nacional de intendentes* and national ministries, was also established in 1997 (Art. 230.B). The *comisión* can, and does, draft proposals for decentralization, but the president and the national legislature have the last word.

FISCAL CONTROL

The *comisión* referred to above was also charged with advising the national government on the percentage of revenue to be shared with departmental governments (Art. 230). The *comisión* is composed of representatives of national and regional governments and makes non-binding recommendations (Eaton 2004*a*: 189).

In 2001, the *fondo de desarrollo del interior* (fund for the development of the interior) was created. The *fondo* gives departmental governments a say in the distribution of 25 percent of the funds from the revenue sharing scheme, though within the bounds of nationally determined criteria (IICA 2010). *Departamentos* score 1 on fiscal control from 1997.

BORROWING CONTROL

Departmental governments are not routinely consulted on borrowing policy.

CONSTITUTIONAL REFORM

Departamentos cannot influence constitutional reform. There are four major paths to reform: by popular initiative (10 percent of registered voters); upon the proposal of two-fifths of the *asamblea*; upon proposal of one of the chambers or the executive to be passed in the next session by an absolute majority of the *asamblea*; or by two-thirds majorities in both houses in the same legislative session. Constitutional reforms require ratification by an absolute majority in a national referendum or election (C 1997, Art. 331). These rules have carried over since 1942.

Self-rule in Uruguay

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Departamentos	1950–1966	2	2	1	1	2	2	**10**
	1967–1972	2	1	1	1	2	2	**9**
	1973–1984	1	1	1	1	0	0	**4**
	1985–1996	2	1	1	1	2	2	**9**
	1997–2010	2	2	1	1	2	2	**10**

Shared rule in Uruguay

		Law making						Executive control		Fiscal control		Borrowing control		Constitutional reform		Shared rule
		L1	L2	L3	L4	L5	L6	M	B	M	B	M	B	M	B	
Departamentos	1950–1996	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
	1997–2010	0	0	0	0	0	0	1	0	1	0	0	0	0	0	**2**

National legislature has: L1=regional representation; L2=regional government representation; L3=majority regional representation; L4=extensive authority; L5=bilateral regional consultation; L6=veto for individual region. Total for shared rule is either multilateral (M) or bilateral (B).

Venezuela

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Venezuela's intermediate governance consists of twenty-three *estados* (states) and the *Distrito Capital* (Capital District, formerly the *Distrito Federal*), as well as twelve island groupings which make up the *dependencias federales* (federal dependencies) with 6500 inhabitants, and until 1998, the *territorios federales* (federal territories), which were dependencies. The three *territorios federales* were granted the status of *estados*: Delta Amacuro in 1991, Amazonas in 1992, and Vargas in 1998.[57] *Estados* are divided into statistical *regiones* which have no administrative life. New constitutions were passed in 1947, 1953, 1961, and 1999 (and revised in 2009).

Venezuela was established as a federation by its first constitution in 1811 (Hernández-Mendible 1998: 2), but is today the most centralized of the four federal states in Latin America (Escobar Lemmon 2003; Lijphart 1999: 190; Levine 1989: 273; Bland 1997: 38, 2002). *Estados* gained some authority when the 1947 constitution was revised with the onset of democracy in 1961. A significant increase in regional authority also took place in the late eighties and early nineties (Penfold-Becerra 1999). In contrast, the presidency of Hugo Chávez (1999–2013) was centralizing.

Article 3 of the 1947 constitution divides the national territory in *estados*, the *Distrito Federal*, and the *Territorios Federales* and *Dependencias Federales*. *Estados* were recognized as autonomous entities (Title VI, Art. 120), vested with competences over local police (Art. 93), own institutional set up (Art. 121.1-4), and residual powers (Art. 121.8), but they were not endowed with specific competences other than to help the national and municipal government improve living standards and carry out public works, which required prior approval of the national government (Art. 121.6-7). *Estados* had an elected assembly (Art. 129) with full legislative powers and control over the administration (Art. 128), and a governor who was described as "the agent of the national power in the state concerned" (Art. 134). The constitution left open how the governor would be selected (Hernández-Mendible 1998: 3), but he was accountable to the assembly (Art. 131.2). Further decentralization was to be detailed in enabling law, but the onset of the military regime blocked this (Hernández-Mendible 1998: 6).[58]

[57] In the nineteenth century the number and boundaries of *estados* shifted many times, but since 1909 the number was a stable twenty *estados*. The current number of states is twenty-three, which includes the three former territories which have existed from 1909. In 1953 Zamora changed its name to Barinas. Vargas had previously been a district of the *Distrito Federal*.

[58] A plebiscite was supposed to follow to determine the method of choosing governors. But after the coup, the plebiscite never took place and when the constitution came into effect during the transition period, the central government took it upon itself to name and remove governors (Hernández-Mendible 1998).

The military dictatorship of Delgado Chalbaud and Marcos Pérez Jiménez (1948–58) overturned the 1947 constitution (Kornblith and Levine 1995: 41). A new constitution was passed in 1953 but invalidated in 1958 when Jiménez was deposed. During the military regime (1948–58) and subsequent transition period (1958–61), *estados* functioned as deconcentrated units.

The 1961 constitution copied many provisions of the 1947 constitution. *Estados* were deemed autonomous legal entities (Art. 16), which could join together or modify their boundaries with the approval of directly elected *asambleas legislativas* (legislative assemblies) and the national senate, and in the case of the *dependencias federales* and *territorios*, the central executive (C 1961, Art. 10). *Estados* had a presidentially appointed governor who represented the national executive (Art. 21), but a directly elected assembly was responsible for approving the budget and could sanction or remove the governor with a two-thirds majority (Arts. 20 and 24).

Estados had control over their institutional set up, local government, the police (including the option to delegate control over local police to the municipalities), the right to manage their investments, and residual powers (Art. 17). No substantive policy areas were reserved for *estados*; new competences required approval by a two-thirds majority in the national congress (Art. 137). The central government's competences were enumerated in detail (Art. 136), and covered the major social policy fields, nation-wide infrastructure and investment, immigration, citizenship, currency, taxation, trade, customs, foreign policy, and defense, among others. Beginning in 1961, the *estados* score 2 (depth) and 1 (policy scope).

The government of Jaime Lusinchi in 1984 set up a *Comisión para la Reforma del Estado* (Commission for the Reform of the State, COPRE), an independent body with representatives from the major parties, civil society, and academia. The COPRE advocated decentralizing reforms that later became the basis for legislation (García-Guadilla and Pérez 2002: 97; Kornblith and Levine 1995: 38).

A 1988 reform instituted direct elections for governors (Garman, Haggard, and Willis 2001: 223; Penfold-Becerra 1999: 14; Escobar Lemmon 2003: 684), which came into effect in 1989. Also, in 1989 the *Ley Orgánica de Descentralización, Delimitación y Transferencia de Competencias del Poder Nacional* (Organic Law of Decentralization, Delimitation, and Transfer of Competences from the National Government) allowed *estados* to request competences in education, culture, sports, human development, environmental protection, health, consumer protection, and civil defense (Escobar Lemmon 2003: 684). The central government determined the pace and extent of devolution in bilateral negotiations (Penfold-Becerra 1999: 16; Daughters and Harper 2007: 231). Although *estados* began requesting health competences as early as 1991, for example, no transfer was made until 1994 (Penfold-Becerra 1999: 17). We register the piecemeal expansion of policy scope by raising the score to 2 from 1994.[β]

The 1999 constitution, passed in the first months of Chávez's presidency, made participatory democracy a fundamental governance principle. It maintained, and in some ways strengthened, *estado* competences. Collection of own taxes, building and maintenance of roads and harbors, and exploitation of non-metallic minerals, including oil, were added to the list of exclusive *estado* competences.

Yet this was counteracted by the Plan Bolívar 2000, which authorized some 40,000 soldiers to engage in door-to-door anti-poverty activities, including mass vaccinations, food distribution, and education (Hawkins 2010; León and Smilde 2009). These *misiones bolivarianas* (bolivarian missions) were complemented by *consejos comunales* (communal councils) based on the principle of direct participation. Together they set up a parallel governance system that vied for control with *estado* and municipal governments. This gradually eroded many of the subnational authorities' recently acquired social, cultural, and economic tasks.[γ] *Estados* score 1 on policy scope from 2000.

The Chávez regime tightened central control over subnational governments. In 2007, there was a constitutional amendment that would have centralized control over funding to community councils, but a flurry of laws in 2008 and 2009 seriously undermined municipal and *estado* authority. The government set up "regional authorities" that can directly distribute resources—thereby bypassing governors and mayors. A number of the laws also gave new duties to the *consejos comunales*, including roles in national defense, agro–industrial policy, and the fomentation of the "popular economy" (León and Smilde 2009: 5).

Finally, a 2009 reform to the Decentralization Law enables the central government to unilaterally withdraw devolved competences (after authorization by the national legislature) "in order to ensure service quality under ideal conditions and respect for the constitutional rights of users and consumers fundamental to the satisfaction of public needs of scope and influence on various aspects of society [own translation]" (Arts. 9–10). Moreover, *estados* are required to allocate at least 50 percent of their annual share of national taxes to investment that is coordinated with the national government (Art. 20). While *estados* retain some institutional autonomy, the parameters have narrowed significantly. Estados score 1 on institutional depth from 2009.[β]

The *Distrito Federal* gained independent judicial status along with the *municipios* under the 1961 constitution (Arts. 9 and 12), but was regulated differently. Until the turn of the twenty-first century, the *Distrito Federal* was made up of two *municipios*, Libertador and Vargas. Vargas broke off to become an *estado* in 1998. In 2000 the *Municipio Libertador de Caracas* became the *Distrito Federal*, embedded in a larger *Distrito Metropolitano de Caracas*. The larger metropolitan area is a standard *municipio*, but the *Distrito Federal* is coded here as a special capital region.

Until a reform in 1986 (*Ley Orgánica del Distrito Federal*, Organic Law of the Federal District), the *Distrito Federal* was structured as a hybrid entity—neither an *estado* (though it encompassed several *municipios*) nor a *municipio* (because it lacked municipal autonomy). The government consisted of an executive appointed by the president and unelected municipal councils. Congress was not given the authority to decentralize competences to the capital as with *estados* (Hernández-Mendible 1998: 8). With the 1986 reform, a clearer decoupling was made between the *Distrito Federal* as federal district and as municipal regime, with separate competences, political structure, and budgets (Hernández-Mendible 1998: 5).

Over the next few years, the municipal regime gained in authority. With the 1988 *Ley Orgánica del Régimen Municipal* (Organic Law of the Municipal Regime) direct elections were introduced for mayors and councils for the different *municipios* in the *Distrito Federal*. In 1989 the Decentralization Law (discussed earlier) gave the *Distrito Federal* representation in the lower house (Garcia-Guadilla and Pérez 2002). In 1995, the governor of the *Distrito Federal* gained the right to sit in the meetings of the *Consejo de Ministros* (Council of Ministers) (Hernández-Mendible 1998: 6).

The 1999 constitution renamed the *Distrito Federal* the *Distrito Capital*, and transferred its organization and governance to the central government (Arts. 18 and 156.10). The national congress became the *Distrito*'s assembly, and the central government took over administration. Municipal governance was severed from district governance, and this situation was formalized with a special law passed by Congress in 2009.

Dependencias federales are governed directly by the national executive.

Territorios federales originally existed in three *estados*: Delta Amacuro, Amazonas, and Vargas. They had appointed governors (*Ley Orgánica de los Territorios Federales*, Organic Law of the Federal Territories, Art. 12), as well as *concejos municipales* (municipal councils) elected according to the standard municipal regime. The national constitutions placed them under the direct management of the presidency (C 1961, Art. 198; *Ley Orgánica de los Territorios Federales de 1984*, Art. 9). When Vargas was split off from the *Distrito Capital*, it became a *territorio federal* in 1998 before becoming an *estado*.

FISCAL AUTONOMY

Estados have no independent authority to set the base or rate of taxes (Penfold-Becerra 1999: 28). Article 18 of the 1961 constitution specifically prohibits *estados* from taxing trade, consumption, and production, and Art. 136 reserves all major taxes to the national government.[59]

[59] This has roots in the nineteenth century, when Guzmán Blanco struck a deal in 1881 with regional *caudillos* whereby federal control over mining and salt taxes was exchanged for the transfer of federal subsidies to *estados* (Diaz-Cayeros 2006: 158–9).

The primary source of income for *estados* is revenue sharing. Federal authority over natural resources became the cornerstone of a fiscal pact (C 1961, Art. 20), which was deepened when oil became Venezuela's most important export. The rules were first stipulated in the 1961 constitution, and have changed little. Each year the national budget law includes a transfer to the *estados*, *Distrito Capital*, and *territorios federales*. Of this sum, 30 percent is distributed equally to each unit and 70 percent is based on population. The constitution allows national laws to regulate how this money is spent (Art. 229), and national congress controls the creation of *estado*-run parastatal enterprises (banks, utilities) (Art. 230).

The *estado* share in national revenues has increased: from no less than 12.5 percent in the 1961 constitution to no less than 20 percent in the 1999/2009 constitution. The decentralization law of 1989 made grants less conditional (Garman, Haggard, and Willis 2001: 215; Penfold-Becerra 1999: 19). The *Fondo Intergubernamental para la Descentralización* (Intergovernmental Fund for Decentralization, FIDES), created in 1993, encouraged *estados* to take on new competences. The 1999 constitution increased revenue sharing (Art. 167.4), but scaled back the discretionary use of funds (Escobar Lemmon 2003: 685; León and Smilde 2009; Penfold-Becerra 1999: 20).

The lack of *estado* fiscal autonomy contrasts with municipal governments, which control property taxes (Bland 1997: 22; Daughters and Harper 2007; Escobar Lemmon 2003: 685). Contrary to estados, *municipios* deepened their right to tax under the 1989 decentralization law (Penfold-Becerra 1999: 2).

Like *estados*, the *Distrito Capital*, *dependencias*, and the *territorios* do not have fiscal autonomy, but they participate in the revenue sharing system (Hernández-Mendible 1998).

BORROWING AUTONOMY

According to the 1947 constitution *estados* could borrow for public investment provided that the annual interest payment did not exceed 10 percent of the regular budget. Foreign loans were prohibited (C 1947, Art. 121.6). However, the constitution was suspended with military rule.

The 1961 constitution allows public debt by *estados* in accordance with national laws (Art. 17). Hence prior approval by central government is required (Garman, Haggard, and Willis 2001: 220). *Estados* score 1, while the *Distrito Capital*, *dependencias*, and *territorios* score 0 because of their dependent status.

REPRESENTATION

Following the 1947 constitution and 1948 coup, no regional elections were held until 1952 (Lott 1957). The 1953 constitution, in its transitory dispositions, grants the *asamblea constituyente* (constitutional assembly) the right to

name all of the offices of the country for five years (Title VII.2), offices that had previously been directly elected. The assembly was stacked with supporters of the regime (Lott 1957). For 1950–57 all *estados*, the *Distrito Federal*, and the *territories* score 0 on representation. In 1958 the existing constitutional provisions, discussed below, come into effect.

The 1947 and 1961 constitutions called for each *estado* to have a directly elected *asamblea legislativa* (legislative assembly, C 1961, Art. 19; C 1947, Art. 128; Lucena 2003). Concurrent elections for all offices at all three levels were held every five years.[60] A constitutional amendment in 1983 allowed separate elections and separate electoral rules for local and *estado* assemblies (*Enmienda* 2, Art. 1). This reform was followed up with enabling legislation in 1988 and 1998. Hence from 1989, elections employ an open list system, and from 1998, *estado*, national, and local elections take place on different dates (Lucena 2003: 253). The 1999 constitution changes the name of the assemblies from *Asambleas Legislativas* to *Consejos Legislativos* (legislative councils) (C 1999, Ch. III). *Consejos* have between seven and fifteen directly elected members (Art. 162).

The *gobernador* was an appointed representative of the national executive and was responsible for planning the budget (C 1961, Art. 23). Since 1989, the governor is directly elected for a four-year term. Since 1999, he or she can be re-elected only once (C 1999, Art. 160).

Until the 1999 constitution, the *Distrito Capital* was made up of multiple *municipios*. The appointed governor was beholden directly to the president, and there was no assembly. The 1999 constitution separated municipal and district government. The first elections for the *Distrito Metropolitano de Caracas* were held in 2000, but the *Distrito Capital* remained under direct central control. The governorship was abolished. In 2009 the *Ley Especial sobre la Organización y Régimen del Distrito Capital* recreated the governor position, the *Jefe de Gobierno del Distrito Capital*, who is appointed by the central government. The national congress operates as the legislative assembly of the *Distrito Capital*.

The *dependencias* were governed directly from the center while the *territorios* had appointed governors, like the *estados*. The *territorios* had directly elected *concejos municipales* (C 1947, Arts. 109 and 114; *Ley Orgánica del Regimen Municipal*, 1989, Art. 56).

[60] Voters cast two votes: one for the presidency, and one for a closed block party list for all the other offices, so the names of the candidates do not appear on the ballots (Lucena 2003: 247; Willis, Garman, and Haggard 1999: 36–7).

Shared rule

LAW MAKING

The 1947 constitution called for a directly elected chamber, not based on territorial representation, and a senate with two senators for each *estado* and two for the *Distrito Federal*.[61] The legislature only became operative in 1958, and so *estados* and the *Distrito Federal* score 0 for 1950–57.

The 1958 elections were held under the rules of the 1947 constitution. The 1961 constitution maintained the two-per-unit distribution, except that a handful of seats were added for former democratically elected presidents and for indigenous groups (C 1961, Art. 148). The senate had significant law making and oversight responsibilities, including checks on the military and the executive branch (C 1961, Art. 150).[62] *Estados* and the *Distrito Federal* score 1.5 for 1958–98.

The 1999 constitution turned the congress into a unicameral body with approximately 165 directly elected deputies. A minority is allocated according to the principle of equal territorial representation: three seats for each *estado,* three seats for the *Distrito Capital,* as well as three seats for indigenous people. The majority is allocated through proportional representation (Art. 186). The unicameral legislature is less powerful than its predecessor. Significant legislative power was shifted to the presidency and to the new referendum system (C 1999, Arts. 71-4 and 187). Petitions from 10 percent of the electorate can trigger a referendum to change a law, thereby bypassing congress. Taxation and debts are exempt (Art. 74). *Estados* and the *Distrito Capital* score 0.5 for 1999–2010.

Neither *dependencias* nor *territorios* have special representation in the legislature.

EXECUTIVE CONTROL

There is no routinized executive shared rule, despite several attempts to set up a system.

Following the introduction of direct gubernatorial elections in 1989 the *gobernadores* began to coordinate informally, and in response, a *Ministerio de Descentralización* (ministry of decentralization) was created in 1993. The

[61] The 1953 constitution had envisaged a senate composed of delegates from the *estado asambleas* and the *concejo municipal* for the *Distrito Capital*, but this constitution never came into effect (C 1953, Arts. 69–70).

[62] Until 1989, closed list proportional representation and congruent national and subnational elections meant that citizens cast ballots for national political parties. However, the 1988 reform that instituted direct elections of subnational executives also created a mixed electoral system, introducing single member districts for half the seats of the chamber of deputies (Penfold-Becerra 1999: 8). After a 1993 reform pushed by the Association of Venezuelan Governors, lists changed from closed to open, the plurality system was increased from half to two-thirds of seats, and it was extended to the senate (Escobar Lemmon 2003; Garman, Haggard, and Willis 2001).

gobernadores institutionalized their cooperation in the Venezuelan Governors Association, which immediately called for changes in the electoral system and the devolution of responsibilities (Penfold-Becerra 1999: 17). In 2005, the body changed its name to the *Consejo Bolivariano de Gobernadores* (Bolivarian Governors Council). The body operates as a lobby group rather than a mechanism for routinized intergovernmental coordination.

A potential venue for executive control opened up in the 1999 constitution, which created a *Consejo Federal de Gobierno* intended to coordinate the transfer of competences (C 1999, Art. 185). However, enabling legislation was slow to be passed (Bland 2002: 2). The *Ley Orgánica del Consejo Federal de Gobierno* (Organic Law of the Federal Council of Government) was passed in 2005, but was vetoed by President Chávez. The veto was overcome in 2010, but the *Consejo* did not begin to function until 2013.

Since 1995, the governor of the *Distrito Federal* has the right to sit in the meetings of the *Consejo de Ministros* (Council of Ministers), though without a vote (Hernández-Mendible 1998: 6). However, since the governor is a government appointee, it does not meet the criterion for bilateral executive control.

FISCAL CONTROL

Fiscal policy is decided by congress. No other multilateral or bilateral mechanisms for intergovernmental coordination exist.

BORROWING CONTROL

Borrowing policy is decided by congress.

CONSTITUTIONAL REFORM

During military rule there were no avenues for regional participation in constitutional reform.

The 1961 constitution laid down two procedures. Amendments to particular articles of the constitution—partial reform—could be initiated by a quarter of the members of either chamber or a quarter of the *Asambleas Legislativas* of the *estados* (with absolute majorities in each *asamblea*). The amendment had to pass both houses as regular legislation, and was then put to the vote in each *estado asambleas*, where it required an absolute majority of the members in the assembly to be passed. The national congress then sat in joint session the next year to consider the votes of the *estados*. An amendment was declared ratified if two-thirds of the assemblies passed it (Art. 245). *Estado* governments therefore had a veto over partial constitutional reform.

A general reform could be initiated by one-third of the members of congress or an absolute majority of the *estado asambleas*. Once this hurdle was passed, the president of congress convoked a joint session of congress. If two-thirds of those present voted in favor, the reform was submitted to a referendum where

it was passed if supported by a majority of eligible voters (Art. 246). Hence *estados* or *estado* representatives could initiate reform, but could not prevent reform, and the final say was by popular referendum. We code the higher of the two paths—partial reform.

The 1999 constitution no longer provides a role for *estados*. Reform initiatives can be brought by the executive, a congressional majority, or 15 percent of the electorate (Art. 342). The reform project must be passed within two years by two-thirds of the national assembly (Art. 343), and then requires approval in a referendum (Art. 344). With just forty-two seats in the congress, representatives of the *estados* and the *Distrito Federal* do not have a blocking minority. In addition, a constitutional congress can be called for major state reforms by the executive, two-thirds of congress, two-thirds of the *consejos municipales*, or 15 percent of registered voters (Art. 348). Neither route provides the *estados* with the authority to affect constitutional reform.

Self-rule in Venezuela

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Estados	1950–1957	1	0	0	0	0	0	**1**
	1958–1960	1	0	0	0	2	0	**3**
	1961–1988	2	1	0	1	2	0	**6**
	1989–1993	2	1	0	1	2	2	**8**
	1994–1999	2	2	0	1	2	2	**9**
	2000–2008	2	1	0	1	2	2	**8**
	2009–2010	1	1	0	1	2	2	**7**
Distrito Federal	1950–2010	1	0	0	0	0	0	**1**
Dependencias Federales	1950–2010	1	0	0	0	0	0	**1**
Territorios Federales	1950–1957	1	0	0	0	0	0	**1**
	1958–1991	1	0	0	0	2	0	**3**

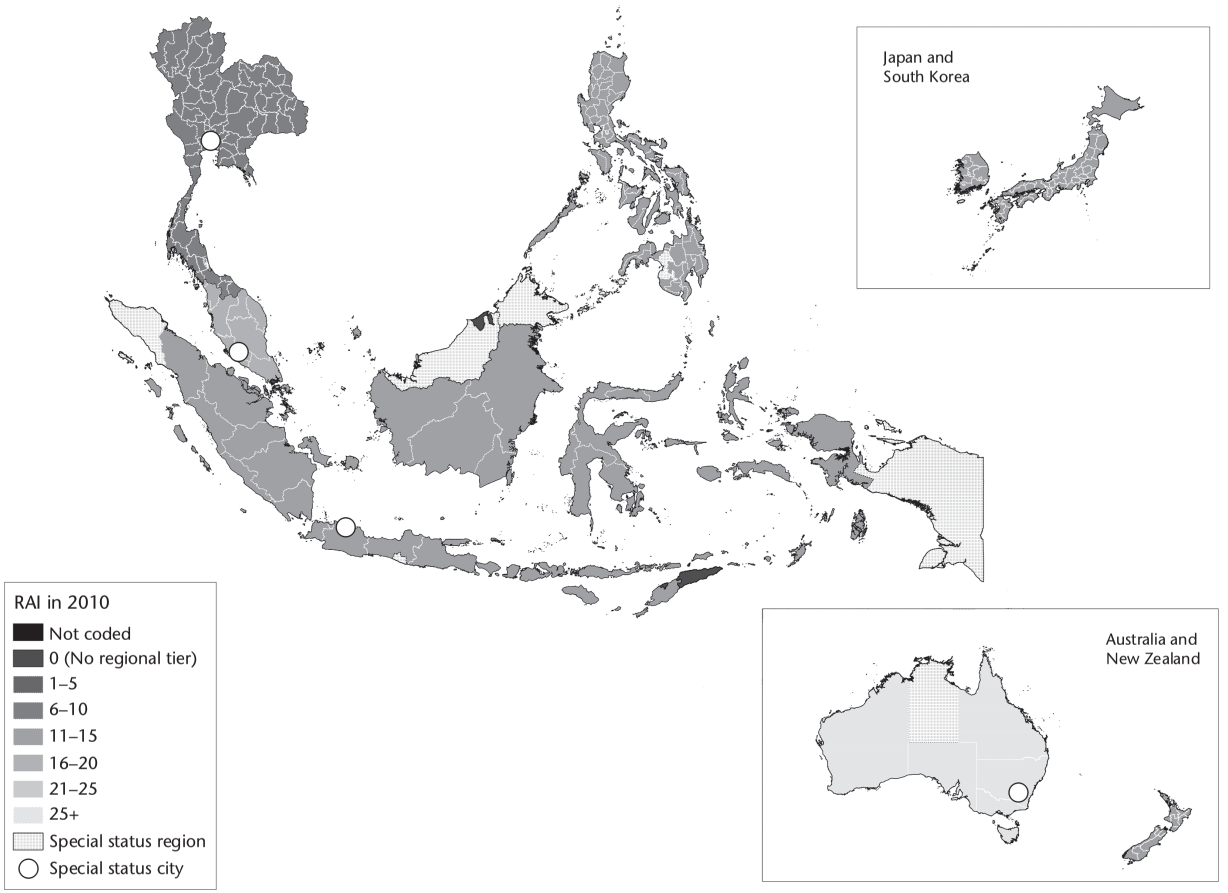
Shared rule in Venezuela

		Law making						Executive control		Fiscal control		Borrowing control		Constitutional reform		Shared rule
		L1	L2	L3	L4	L5	L6	M	B	M	B	M	B	M	B	
Estados	1950–1957	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
	1958–1960	0.5	0	0.5	0.5	0	0	0	0	0	0	0	0	0	0	**1.5**
	1961–1999	0.5	0	0.5	0.5	0	0	0	0	0	0	0	0	4	0	**5.5**
	2000–2010	0.5	0	0	0	0	0	0	0	0	0	0	0	0	0	**0.5**
Distrito Federal	1950–1957	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
	1958–1999	0.5	0	0.5	0.5	0	0	0	0	0	0	0	0	0	0	**1.5**
	2000–2010	0.5	0	0	0	0	0	0	0	0	0	0	0	0	0	**0.5**
Dependencias Federales	1950–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Territorios Federales	1950–1991	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**

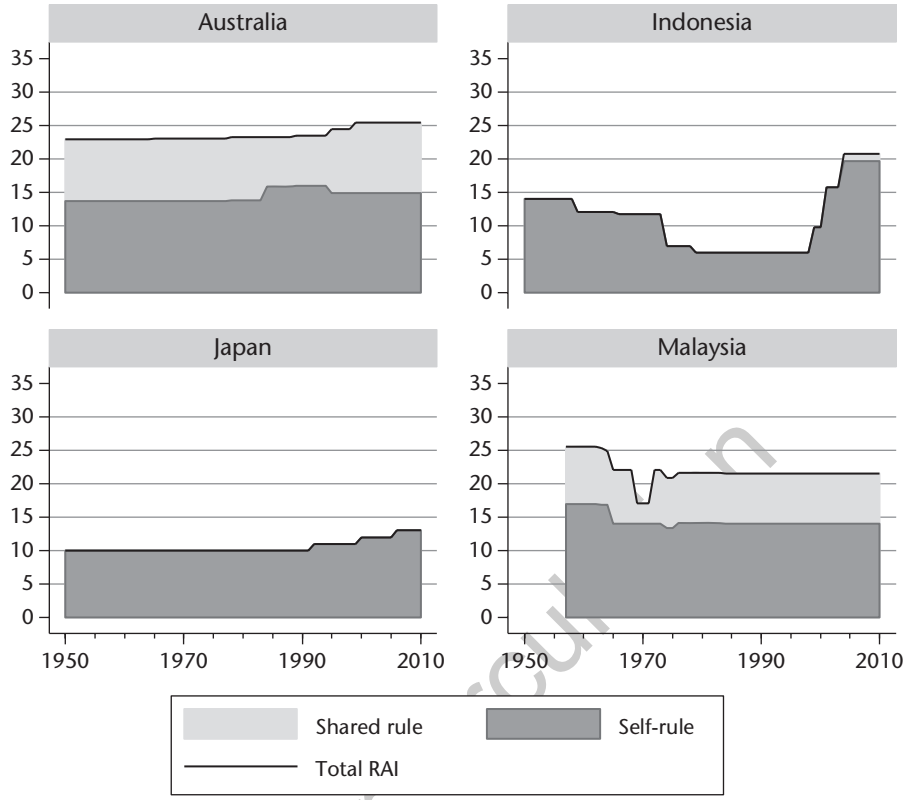
National legislature has: L1=regional representation; L2=regional government representation; L3=majority regional representation; L4=extensive authority; L5=bilateral regional consultation; L6=veto for individual region. Total for shared rule is either multilateral (M) or bilateral (B).

Asia Pacific

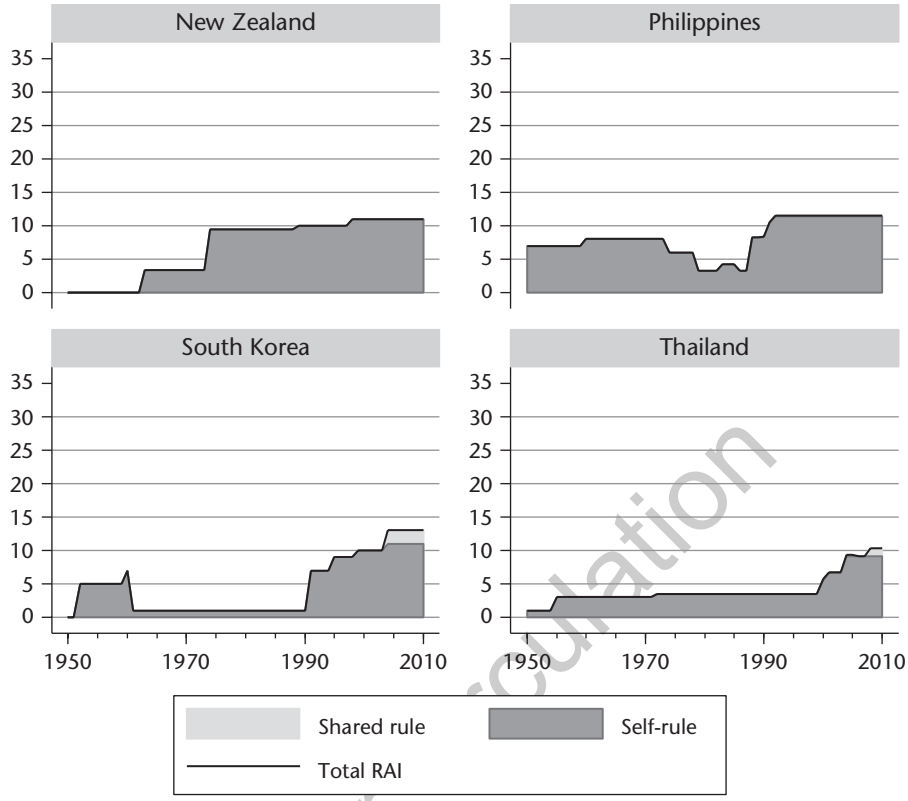
2	Australia (1950–2010)
86	Brunei (1984–2010)
80	Indonesia (1950–2010)
21	Japan (1950–2010)
81	Malaysia (1957–2010)
28	New Zealand (1950–2010)
82	Philippines (1950–2010)
85	Singapore (1965–2010)
84	South Korea (1950–2010)
83	Thailand (1950–2010)
87	Timor-Leste (2002–2010)



Standard and differentiated regions in Asia Pacific (2010)



Trends in regional authority in Asia Pacific



Trends in regional authority in Asia Pacific

Note: No general purpose regional government in Brunei, Singapore, or Timor-Leste.

Australia

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Australia is a federation with a strong regional tier consisting of six states plus two territories that became autonomous in 1978 and 1989. Throughout its history Australia has also had second tier counties in New South Wales, but their average population in 2010, at just over 120,000, does not meet our threshold for a regional tier.[1]

[1] C 1889, Art. 52, C 1902, Art. 51, C 1934 (SA), Art. 64A, C 1934 (TA), Art. 45A, C 1975, Art. 74A–B, and C 2001, Arts. 70–71.

The constitution enumerates federal legislative powers in trade and commerce, taxation, defense, banking, census and statistics, currency, weights and measures, naturalization, marriage and divorce, copyright and patents, foreign affairs, railways, and immigration (C 1900, Art. 51). These federal powers are concurrent with state powers, in that states may exercise such powers as long as state law is not inconsistent with Commonwealth law (C 1900, Art. 109). States and territories legislate on all other policies, including health, education, social welfare, criminal and civil law, local government, and citizenship (C. Saunders 2002; Watts 1999*a*, 2008).[2]

The Northern Territory and the Australian Capital Territory (Canberra) were directly governed by the federal government from 1910 (Law Nos. 20/1910 and 25/1910). Unlike a state, the powers of a territory are not constitutionally guaranteed and the governor-general could withhold assent or recommend amendments to its proposed laws (Law No. 58/1978, Arts. 6–9; No. 106/1988, Art. 35).[3] Also, the federal parliament retains authority over uranium mining and Aboriginal lands—powers it does not possess in the states. Notwithstanding these limitations, the Northern Territory gained self-government in 1978, followed by the Australian Capital Territory in 1989. The territories now have extensive authority over a range of policies similar to the states, with the exception that territories do not have control over immigration or citizenship (Law No. 58/1978, Art. 31 and No. 106/1988, Art. 37).

FISCAL AUTONOMY

The tax system is unusually centralized for a federation. The federal government emphasizes uniformity of public services across the country and uses conditional grants to achieve this. Tax administration and collection are centralized, representing 80 percent of revenues. According to the constitution (C 1900, Art. 51), states have concurrent tax authority with the federal government on personal income tax, company tax, and sales tax, but federal tax legislation is paramount (Watts 2008). Territories have similar fiscal powers (Law No. 58/1978, Art. 44 and No. 106/1988, Art. 37). Centralization dates from the Second World War, when the federal government appropriated control over income tax for persons, enterprises, and non-residents. Subsequent

[2] Until 1967 Aboriginal relations were a state matter. In 1967 a constitutional amendment gave the federal government concurrent competences in Aboriginal affairs. Aboriginal peoples are able to exercise land rights through local land councils which fall under the authority of states or territories. Land councils deal mostly with land claims, exploitation of land resources, and, to some extent, Aboriginal culture, but are not a form of general purpose governance. Land councils were set up in 1976 (Law No. 191/1976). By 2010, sixteen acts had been passed. See also Museum of Australian Democracy. "Documenting a Democracy: Aboriginal Land Rights (Northern Territory) Act 1976." <http://foundingdocs.gov.au/item-sdid-57.html>.

[3] Since December 2011, decisions of the territorial assembly can be overruled by a majority of both houses of the federal parliament instead of the governor-general (Law No. 166/2011).

court decisions eliminated states' rights to control sales and excise taxes. The federal government sets the base and rate for major taxes after consultation with the states.[β] In return, states receive conditional and unconditional grants, which together make up the bulk of their revenues (Twomey and Withers 2007). In 1999 states agreed to scrap some of their own taxes in return for a greater share of unconditional grants.[4]

States and territories have tax authority over non-major taxes, including payroll taxes (since 1971) and property, motor vehicle, gambling, and insurance taxes, for which they can set the base and the rate.

BORROWING AUTONOMY

Representatives from federal and state governments sit on the Australian Loan Council which was created in 1923 to coordinate federal and state borrowing (Craig 1997; Grewal 2000). Initially states were still allowed to borrow for defense and temporary purposes without the approval of the Loan Council but these exceptions were removed in 1936 (Grewal 2000; Von Hagen et al. 2000). In 1983 the federal government relaxed controls in response to states' demands for more borrowing autonomy. States could then refinance securities and loans and borrow almost freely (Craig 1997). The following year the Loan Council adopted a "global limit approach" which allocated borrowing limits to states based on their population (Grewal 2000; Von Hagen et al. 2000). However, compliance was voluntary, and the limits were quickly disregarded.

In the early 1990s extensive borrowing autonomy contributed to fiscal crises and credit downgrading in several states (Robinson 2001). In response, state governments adopted balanced budgets and the voluntary global limit approach was replaced by a binding, *ex post* constraint on borrowing (Robinson 2001; Joumard and Kongsrud 2003). The "financial agreement between the Commonwealth, states and territories (approval) act 1994" (Law No. 106/1994) requires each state to submit net financing requirements for the forthcoming year which the Loan Council considers in the light of each state's fiscal position, infrastructure needs, and macro-economic projections (Craig 1997; Von Hagen et al. 2000). If the Loan Council believes that adjustment is necessary it enters into negotiations with the state. The new arrangement is supplemented by more stringent reporting requirements (Joumard and Kongsrud 2003).

[4] Fiscal centralization was halted, and perhaps reversed in 2008, when the federal government and the states agreed to cut back the number of conditional grants from about ninety to five and made their distribution subject to joint discussion (Braun 2011).

The financial management of the territories fell under control of the federal government until the introduction of self-government in 1978 for the Northern Territory and in 1989 for the Australian Capital Territory at which time they were subject to the same rules as states.[α]

REPRESENTATION

States and territories hold elections at least once every four years, except Queensland, which has a three-year parliamentary term.[5] Each state and each territory has a parliament and an executive appointed by, and accountable to, the assembly. There is also a (mostly ceremonial) governor appointed by the Queen on the recommendation of the Australian federal government.[6]

From 1947 the Northern Territory had an assembly, the majority of whom were government appointees. Directly elected members became the majority in 1960, and from 1965 the executive head was elected by the assembly. In 1974 the assembly of the Northern Territory became entirely elected with a fully accountable executive.[7] The Australian Capital Territory held its first direct elections in 1989, and the executive is appointed by its assembly.

Shared rule

LAW MAKING

States and territories are the unit of representation in the directly elected senate (*L1, L3*), which can veto proposals from the lower house (*L4*). In case of legislative deadlock, the governor-general can dissolve one or both chambers. Each state is represented by six or more senators, and territories have two senators each (C 1900, Art. 7; Law No. 39/1974).

The Australian Capital Territory and the Northern Territory have had representation in the lower chamber of the Australian parliament since 1950 (Law No. 18/1922; Law No. 57/1948). Until 1966, the member of the House of Representatives for the Australian Capital Territory could vote only on matters directly concerning the territory (*L5*) but thereafter obtained full voting rights.[8] The representative for the Northern Territory was given the right to

[5] C 1889, Arts. 2 and 38, C 1902, Arts. 5 and 11A, C 1934 (SA), Arts. 4 and 27, C 1934 (TA), Arts. 10 and 19, C 1975, Arts. 15 and 34, C 2001, Arts. 7, 10, and 23, Law No. 58/1978, Art. 13, and Law No. 106/1988, Art. 66B.

[6] C 1889, Art. 50, C 1902, Art. 5A, C 1934 (SA), Art. 65, C 1934 (TA), Art. 10, C 1975, Art. 6, and C 2001, Art. 29.

[7] Northern Territory Government. "Brief History of Administration in the Northern Territory." <http://www.nt.gov.au/lant/about-parliament/history-of-nt-parliament.shtml>.

[8] Museum of Australian Democracy. Documenting a Democracy. "ACT Representation (House of Representatives) Act 1974." <http://foundingdocs.gov.au/item-sdid-116.html>.

vote on motions for the disallowance of Northern Territory ordinances in 1936 and in 1959 the vote was extended to any matter relating solely to the Northern Territory (*L5*). In 1968 the representative for the Northern Territory obtained full voting rights.[9] The Australian Capital Territory and the Northern Territory gained senate representation in 1975 (Law No. 39/1974) and this has put both territories on equal footing with states.

EXECUTIVE CONTROL

The first intergovernmental meetings took place after the First World War. The premiers of the states attended, but not the federal government, and the meetings were ad hoc. The first Commonwealth–state intergovernmental forum was the Loan Council (1927), which managed public debt and borrowing. This was followed by ministerial councils for agriculture, transport, immigration, education, and regional development. These councils met regularly and could reach binding decisions leading to federal or federal–state legislation.[a]

In 1992—after the arguably "most fundamental rethinking and restructuring of the Australian federal system by political leaders since federation in 1901" (Fletcher and Walsh 1992: 592)—ministerial councils were brought under the umbrella of the Council of Australian governments (COAG), which includes the prime minister, state premiers, territory chief ministers, and the president of the Australian local government association (ALGA). On average one intergovernmental body was established each year between 1970 and 1992 and this increased to four during the 2000s (Australia 2011). By 2006 there were over forty Commonwealth–state ministerial councils and forums. In December 2013 the COAG agreed to re-organize these into eight councils which meet no more than twice per year.[10] Decisions are usually made by consensus, but the council can reach a decision by majority, though in such cases the dissenting minority is not bound to implement the decision (Australia 2014; Hueglin and Fenna 2006: 226–8).

There is also horizontal coordination. Since 2006, the premiers and chief ministers of all states and territories regularly meet in the Council for the Australian federation, whose objective is to reach consensus on inter-jurisdictional issues where Commonwealth involvement is considered unnecessary or premature (Twomey and Withers 2007).

[9] Museum of Australian Democracy. Documenting a Democracy. "Northern Territory Representation Act 1922." <http://foundingdocs.gov.au>.

[10] Council of Australian Governments. <https://www.coag.gov.au>.

FISCAL CONTROL

Fiscal intergovernmental relations have always been highly institutionalized, but until 1998 there was no formal binding mechanism.[a] The premiers' conference is the most senior forum and meets at least once a year to deliberate fiscal transfers, but it does not reach binding decisions on finance. The Loan Council assists the premiers' conference in its fiscal discussions. Since 1933 the Commonwealth Grants Commission, a standing body of independent experts, has advised the federal government on equalization transfers (Australia 2009; Law No. 54/1973).[11]

In 1999 the ministerial council for Commonwealth–state financial relations was set up to oversee implementation of the intergovernmental agreement that changed the base and rate of a new general sales tax. Decisions are made by unanimity, and representatives of the territories have equal voting rights. Intergovernmental transfers between the Commonwealth and the states and territories were significantly reformed in 2008, which led to the adoption of the Federal Financial Relations Act (Australia 2008). This act regulates intergovernmental transfers and performance indicators through national agreements in health care, education, skills and workforce development, disability services, affordable housing, and indigenous reform (Law No. 11/2009).[12]

BORROWING CONTROL

Borrowing by states and territories is regulated by the Australian Loan Council. The Loan Council meets once per year, often at the same time as the premiers' conference (Grewal 2000). The Loan Council comprises one representative of the Commonwealth—the prime minister or a nominee—and one representative of each state—the state premier or a nominee. Decisions in the Loan Council are made by qualified majority, with the Commonwealth holding two votes plus a casting vote. Hence it takes five states to form a majority against the Commonwealth (Craig 1997: 186; Hueglin and Fenna 2006: 228; Von Hagen et al. 2000: 12).

Until the 1980s, the Loan Council could determine the amount, timing, and interest rates of state borrowing and states could only borrow under prior authorization. In 1983, the federal government significantly reduced the role of the Loan Council by introducing the global limit approach (see borrowing autonomy, discussed earlier). Pressed by excessive state borrowing in the early 1990s, the federal government replaced the voluntary global limit approach

[11] Australian Government, Commonwealth Grants Commission. <https://www.cgc.gov.au/>.
[12] Council on Federal Financial Relations. <http://www.federalfinancialrelations.gov.au/>.

with a binding 1994 financial agreement (Law No. 106/1994) which reintroduced the Loan Council's authority to make binding rules (Australia 2008; Webb 2002).

Until 1994 both territories held observer status in the Loan Council. The 1994 financial agreement (Law No. 106/1994) promoted both territories to full voting membership, so from 1995 onward the territories' score on borrowing control matches that for states.

CONSTITUTIONAL REFORM

Constitutional amendments require absolute majorities in both chambers of parliament and then must gain the support of a majority of the national electorate and a majority of states and territories in a referendum (C 1900, Art. 128). If there is disagreement between the chambers, the objections of one chamber can be overridden if the amendment passes the other chamber by absolute majority after a reflection period of at least three months and succeeds in a national referendum under the double majority rule above.

Territorial governments have multilateral constitutional shared rule. Between 1975 and 1977, they were represented in the senate but could not hold a referendum. From 1978, a revision of Art. 128 of the Australian constitution entitled the Australian Capital Territory and the Northern Territory to vote in a referendum, which puts the territories on equal footing with the states. However, territories are not consulted over amendments to their acts.

Self-rule in Australia

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
States	1950–1983	3	4	2	1	2	2	**14**
	1984–1994	3	4	2	3	2	2	**16**
	1995–2010	3	4	2	2	2	2	**15**
Northern	1950–1959	1	0	0	0	0	0	**1**
Territory	1960–1964	1	0	0	0	2	0	**3**
	1965–1977	1	0	0	0	2	2	**5**
	1978–1983	2	3	2	1	2	2	**12**
	1984–1994	2	3	2	3	2	2	**14**
	1995–2010	2	3	2	2	2	2	**13**
Australian	1950–1988	1	0	0	0	0	0	**1**
Capital	1989–1994	2	3	2	3	2	2	**14**
Territory	1995–2010	2	3	2	2	2	2	**13**

Shared rule in Australia

		Law making						Executive control		Fiscal control		Borrowing control		Constitutional reform		Shared rule
		L1	L2	L3	L4	L5	L6	M	B	M	B	M	B	M	B	
States	1950–1983	0.5	0	0.5	0.5	0	0	2	0	1	0	2	0	3	0	**9.5**
	1984–1994	0.5	0	0.5	0.5	0	0	2	0	1	0	0	0	3	0	**7.5**
	1995–1998	0.5	0	0.5	0.5	0	0	2	0	1	0	2	0	3	0	**9.5**
	1999–2010	0.5	0	0.5	0.5	0	0	2	0	2	0	2	0	3	0	**10.5**
Northern Territory	1950–1974	0.5	0	0	0	0.5	0	0	0	0	0	0	0	0	0	**1**
	1975–1977	0.5	0	0.5	0.5	0	0	0	0	0	0	0	0	1	0	**2.5**
	1978–1983	0.5	0	0.5	0.5	0	0	2	0	1	0	1	0	3	0	**8.5**
	1984–1994	0.5	0	0.5	0.5	0	0	2	0	1	0	0	0	3	0	**7.5**
	1995–1998	0.5	0	0.5	0.5	0	0	2	0	1	0	2	0	3	0	**9.5**
	1999–2010	0.5	0	0.5	0.5	0	0	2	0	2	0	2	0	3	0	**10.5**
Australian Capital Territory	1950–1974	0.5	0	0	0	0.5	0	0	0	0	0	0	0	0	0	**1**
	1975–1977	0.5	0	0.5	0.5	0	0	0	0	0	0	0	0	1	0	**2.5**
	1978–1988	0.5	0	0.5	0.5	0	0	0	0	0	0	0	0	3	0	**4.5**
	1989–1994	0.5	0	0.5	0.5	0	0	2	0	1	0	0	0	3	0	**7.5**
	1995–1998	0.5	0	0.5	0.5	0	0	2	0	1	0	2	0	3	0	**9.5**
	1999–2010	0.5	0	0.5	0.5	0	0	2	0	2	0	2	0	3	0	**10.5**

National legislature has: L1=regional representation; L2=regional government representation; L3=majority regional representation; L4=extensive authority; L5=bilateral regional consultation; L6=veto for individual region. Total for shared rule is either multilateral (M) or bilateral (B).

Brunei Darussalam

Brunei Darussalam has 400,000 inhabitants. It boasts one of the highest gross domestic product (GDP) per capita in Asia, thanks to vast oil and natural gas reserves. Brunei has three levels of administrative subdivision: four *daerah* (districts), thirty-eight *mukim* (wards), and hundreds of *kampung* (villages). Only the largest of the four districts has a population of more than 150,000 and the average for the four is much lower, so that the administrative divisions do not meet our population criteria.

Brunei was a British protectorate until 1984 (except during Japanese occupation for 1942–45). In the early 1950s Sultan Omar Ali pursued autonomy at the same time that Malaysia sought to become an independent state. The sultan, who believed that Brunei was too small to survive alone, initiated talks to join Malaysia as an autonomous region, similar to Singapore, Sabah, and Sarawak, but the talks broke down over control of Brunei's vast oil resources (G. Saunders 2002). Brunei remained a British protectorate with extensive internal autonomy until it become independent in 1984 (Poole 2009). It continues to be an absolute monarchy with hereditary rule. National elections were abolished in 1970 though officials at the *mukim* level are directly elected (Poole 2009: 148). The 1984 constitution makes no mention of local government or decentralization.

Indonesia

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Indonesia is an archipelago composed of more than 17,000 islands with a total area of almost two million km² and a population of 237 million (2010 National Census). According to its constitution, Indonesia is a unitary country with four subnational territorial layers: provinces, regencies/districts, towns and subdistricts, and villages (C 1945, Art 1; Amended C 1945, Art. 1). The highest tier consists of thirty-three *provinsi* (provinces), including four provinces with special autonomy: *Nanggroe Aceh Darussalam* (Aceh), Papua, *Daerah Istimewa Yogyakarta* (Yogyakarta), and *Daerah Khusus Ibukota Jakarta* (Jakarta). As of 2010, the *provinsi* are further divided into 465 regencies/districts called *kabupaten* (regencies) and *kota* (cities).[13] We code provinces and regencies/districts as well as the four special regions.

[13] The words *provinsi*, *kabupaten*, and *kota* refer to a single province, regency, or district, but in this book we use the singular form to refer to one or several units. We apply the same rule to *gubernor*, *walikota*, and *bupati* later in this chapter.

Irian Jaya (now named Papua and West Papua)[14] was annexed from the Dutch in 1962 and formally incorporated in Indonesia in 1969. The eastern part, which is the western part of the New Guinea island, became the fourth special region in 2001 under the name Papua. East Timor was established as an Indonesian province in 1975 and remains coded as a province until 1999, when it becomes a United Nations territory (until independence in 2001).

The current constitution was enacted in 1945 but not implemented until 1959. It has since been amended only once: in 1999–2002 following the transition to democracy. After four years of independence struggle, the Netherlands relinquished control in December 1949 and left a federal constitution. This constitution was unpopular, and in August 1950 the revolutionaries adopted a provisional constitution which created a relatively decentralized unitary state. Over the next years some decentralization occurred, and functioning subnational governments emerged in many parts of the islands (Reid 2010*a*; UNESCAP 2014*a*). In 1957 the provisional constitution was suspended by Sukarno and the 1945 constitution was reinstated two years later.

The 1945 constitution designs a considerably more centralized state than the 1950 constitution; it concentrates executive power in the president, who is accountable to a *majelis permusyawaratan rakyat* (people's congress) composed of members of the parliament and regional representatives (Logemann 1962). The full congress meets every five years to appoint the president and as needed to amend the constitution or remove the president.[15] Article 18 of the 1945 constitution prescribes how subnational governments can be created.

The Local Government Act of 1957 details the responsibilities of subnational government, which is described as both autonomous and administrative (*Undang-Undang* 1/1957; UNESCAP 2014*a*). The act establishes three subnational levels with an assembly and an advisory board headed by a chief who is responsible to the assembly. However, a presidential decree in 1959 cut the line of accountability between executive and assembly; subsequent decrees and amendments tightened the hierarchical relationship between the executive and the central government and strengthened the executive's preeminence over the legislature (UNESCAP 2014*a*: 8). *Provinsi* and *kabupaten/kota* continue to be general purpose, non-deconcentrated

[14] In 2003, the central government reduced the size of the autonomous region by carving out a new province, Irian Jaya Barat (Papua), in the western-most part of Irian Jaya, and allocating it the same powers as any standard province. Irian Jaya Barat was later renamed Papua Barat (West Papua). In 2007, the central government attempted to further shrink the autonomous region by converting the central part of former Irian Jaya into a standard province. However, the Papuan assembly vetoed the decision maintaining that the government's unilateral decision constituted a violation of the Papuan special autonomy law. The constitutional court ruled in favor of the Papuan assembly and upheld the territorial division of 2003.

[15] By virtue of its two-thirds majority in the full congress, the legislature had the ability to appoint and remove the president and vice president in a de facto parliamentary system from 1950 until 2003 (King 2004).

units, but the weight of the central government, through the executive, grows over the years.

The martial law under the "Guided Democracy" of President Sukarno (1959–66, without an election) was followed by Suharto's authoritarian "New Order" regime with highly restrictive elections from 1967–98. Sukarno was deposed in 1966 by the army after being accused of leading a communist plot. Widespread killings of presumed communists, secularists, Chinese, or Christians by primarily Islamist or military groups ensued, but the Suharto regime gradually restored order. New Order was hierarchical, military-controlled, electoral, and authoritarian.

Initially, central–subnational relations changed only piecemeal, but in 1974 a new *undang-undang* (law) started a process of controlled territorial decentralization, which set up a parallel structure of deconcentrated administration to match autonomous government (*Undang-Undang* 5/1974). A government-appointed chief executive headed both autonomous and deconcentrated governments (Yusuf 1997; UNESCAP 2014*a*). Under the direction of the *gubernor* (governor) and *bupati/walikota* (regent head/mayor), regional (and local) agencies coordinated planning activities of the regional offices of the central ministries. These channels became the major vehicles for national resource allocation. Hence, while the law still recognized *provinsi* and *kabupaten/kota* right to self-government, the balance tipped heavily toward deconcentration, especially for *provinsi* (UNESCAP 2014*a*).

In 1998, following the Asian financial crisis, Suharto was forced to step down. His successor Habibie ushered in technocrats to revise the election law, the political party law, and decentralization laws. Law No. 22/1999 (*Undang-Undang* 2/1999), which came into force in 2001, emphasizes local (*kabupaten/kota*) autonomy, but also restores the provision that the governor is accountable to the *provinsi* assembly and can be forced to resign (UNESCAP 2014*a*). The subsequent constitutional amendment process in 2000–01 produced the country's first (and to date only) major constitutional revision, which established directly elected executives at all levels of government, created a second legislative chamber based on the principle of regional representation, and codified the role of *provinsi* and *kabupaten/kota*.

While the 1999 decentralization law sought to prioritize the *kabupaten/kota* over the *provinsi* in response to secessionist mobilization in some *provinsi* (Rasyid 2003: 63), the 2004 decentralization law was more balanced. *Provinsi* and *kabupaten/kota* work within the legislative parameters set by the national government, such as those pertaining to natural resources and industries, but enjoy considerable discretion over short and long term planning in their territories (Malley 2009). *Provinsi* can subsume policy and budget authority of underperforming *kabupaten/kota*, particularly in the case of rural districts with limited infrastructure capability.

The four special status *provinsi* are*:* Yogyakarta (from 1950), the special capital region of Jakarta (from 1966), Aceh (established in 1959 and re-created in 2001), and Papua (from 2001).

Yogyakarta received special autonomy when Indonesia gained independence in 1950, as recognition for its longstanding anti-colonial resistance. After their voluntary adhesion to Indonesia, Yogyakarta and the neighboring duchy of Pakualaman, which had self-government under the Dutch, were allowed to keep self-rule if they merged. The *sultan* became the *gubernor* of Yogyakarta and the *paku alam* (prince) of Pakualaman the vice-governor, wielding authority alongside an elected provincial assembly. The Special Region of Yogyakarta was legalized on August 3, 1950, and bears the same institutional structure as the other *provinsi* except in terms of representation (*Undang-Undang* 3/1950; 19/1950; 5/1974). Yogyakarta is the only *provinsi* headed by a pre-colonial monarch until today. Thus Yogyakarta scores 2 on institutional depth from 1950 to 1973, 1 for 1974–2000, and 2 from 2001 on.

Jakarta was initially governed as a *kota*, but the 1965 coup attempt and the ensuing communist purge resulted in the establishment of Jakarta as the special capital district in 1966 (when it enters the dataset) at the level of the *provinsi*. While the capital functioned in a more deconcentrated fashion than the *provinsi* during authoritarian rule, it received the same jurisdiction as the *provinsi* when Indonesia transitioned to democracy. Therefore, Jakarta scores 1 on institutional depth from 1966–2000 and 2 starting from 2001.

Jakarta is divided into five *kota*, which do not have the same authority as the *kabupaten*/*kota* in other *provinsi* since the subdivisions within Jakarta do not elect local assemblies or executives. The *kota* are governed by *walikota* appointed by the *gubernor*, to whom they are responsible (e.g. *Undang-Undang* 29/2007). These *kota* function as deconcentrated governments and are beholden to the *gubernor*. They score 1 on institutional depth and 0 on all other dimensions from 1966 on.

Aceh established de facto self-government at independence. In 1951, Jakarta revoked this status and merged Aceh with the North Sumatra *provinsi* (Reid 2010*a*: 41). Aceh provincial status was restored in 1957, and special status granted in 1959. However, it lost its institutional concessions under New Order (Bertrand 2010: 189). Hence, Aceh scores 2 on institutional depth for 1957–73 and 1 from 1974–2000. Aceh regained special status in 2001 when it was given the authority to introduce Sharia law. Its special status was deepened under the 2006 Law on Aceh Governance, including an exception to allow for province-wide political parties and greater natural resource revenue control (*Undang-Undang* 11/2006). While the 2006 Law falls short of providing the Aceh government with a veto over central government policies,[β] the central government is heavily constrained legally and politically

in its interventions.[16] Aceh scores 2 on institutional depth for 2001–05 and 3 from 2006 on.

Forced by Suharto to join the Indonesian republic in the 1960s, the *provinsi* of Irian Jaya became the special *provinsi* of Papua in 2001. The special autonomy agreement offered fewer concessions to the regional government than in Aceh, focusing primarily on cultural protection and representation (*Undang-Undang* 21/2001; Bertrand 2007). For example, the *provinsi* is the only one with a second chamber reserved for indigenous Papuans (Aspinall 2011: 310). These institutional distinctions and greater concessions to indigenous group authority, in place since 2001, result in a score of 2 on institutional depth for 2001–10.$^{\beta}$

In terms of policy scope, prior to 1974 subnational units had limited policy discretion in economic development, welfare, and cultural–educational policies: agriculture and animal husbandry (1951), fisheries (1951), local education and libraries (1951), forestry (1957), urban planning (1958), homeless shelters, workers welfare, and unemployment welfare (1958). After 1974 the *provinsi* became de jure and de facto administrative vehicles for the central state, performing bureaucratic implementation of national development policies; we reflect this change by reducing the score on policy scope. *Kabupaten/kota* local autonomy, on the other hand, remained formally recognized, though it was in practice heavily constrained (UNESCAP 2014*a*).

After democratization, subnational authorities regained and expanded their competences. The 1999 decentralization law provides *kabupaten/kota* with specific competences on economic development; health and social services; and education,[17] but leaves the role of *provinsi* vague (*Undang-Undang* 22/1999, Art. 9; see Sudarmo and Sudjana 2009: Table 1); it also states that *provinsi* and *kabupaten/kota* are independent (*Undang-Undang* 22/1999, Art. 4). Full-scale implementation of the 1999 decentralization law began in January 2001 and largely ignored *provinsi* (Hofman and Kaiser 2002). The 2004 law, which came into effect immediately, extends the same list of competences to *provinsi* (*Undang-Undang* 32/2004, Arts. 13 and 14) and allocates them residual power for competences not taken up by the *kabupaten/kota* (*Undang-Undang* 32/2004, Art. 13, Section 10). The *provinsi* are also charged with coordinating provision among *kabupaten/kota* (*Undang-Undang* 32/2004, Art. 13, Sections 1G, 1H, 1I,

[16] The 2005 Helsinki Memorandum of Understanding that ended the conflict between the Indonesian military and the Free Aceh Movement stipulated a full provincial veto over central intervention, but the stipulation was not adopted in the 2006 Law on Aceh Governance.

[17] This list includes: development and planning control; planning, utilization and supervision of zoning; public order and peace; public facilities; health; education; social issues; serving manpower sector; cooperatives, small and medium business; environment; agrarian services; demography and social registry; serving government administration; serving capital investment administration; providing other basic services; and other mandatory affairs as instructed by laws and regulations.

1K, and 1N). Five competences remain exclusively national: foreign policy, defense and security (foreign and inter-regional), judiciary, monetary and fiscal policy, and religion (*Undang-Undang* 22/1999, Art. 7; 32/2004, Art. 10). *Provinsi* and *kabupaten/kota* do not have exclusive competences.

Thus the core of *provinsi* and *kabupaten/kota* policy scope lies in cultural–educational policies and welfare policies (*Undang-Undang* 22/1999; 32/2004), where *kabupaten/kota* and *provinsi* have broad discretion to tailor policy to local needs (especially to ethnic or religious groups) within national benchmarks. *Provinsi* and *kabupaten/kota* have in addition a more restricted authority in economic development. Neither *provinsi* nor *kabupaten/kota* governments have authoritative competence over police, their own institutional set up, or local government (*Undang-Undang* 3/1999; 12/2003; 10/2008). The exceptions are Aceh and Yogyakarta (see later in the chapter). The national government confirms the selection of local police chiefs. Hence, *provinsi* score 0 for 2000–03 and 2 thereafter, while *kabupaten/kota* score 2 on policy scope from 2001.

The special status *provinsi* of Yogyakarta and the special capital city of Jakarta have the same policy competences as the *provinsi*. Jakarta scores 0 on policy scope for 1966–2003 and 2 from 2004 on. Yogyakarta has additional control over its institutional setup, i.e. a sultanate with its own system of representation, which has been in place throughout the period. Yogyakarta scores 1 on policy scope for 1950–73, 0 for 1974–2003, and 3 from 2004 on.

The special autonomous *provinsi* of Papua has some capacity to determine cultural–educational practices (*Undang-Undang* 21/2001). Papua obtained the authority to set up an additional legislative assembly designed to represent indigenous Papuan and other minority groups, which possesses powers of consultation and assent with respect to Papuan regulations (*Undang-Undang* 21/2001, Arts. 19–21). Papua also has the unique right to require candidates for elected offices in the *kabupaten*/*kota* to be indigenous (Aspinall 2011: 310). The special autonomy law provides in principle "jurisdiction over all matters except foreign policy, defense, monetary and fiscal policy, religion and justice and certain authorities in other fields stipulated according to statutory regulations" (*Undang-Undang* 21/2001, Art. 4). The law, which came into effect in 2001, lacks detail on these "other fields" and its implementation remains open for negotiation (Bertrand 2010: 186, 188). From 2001–03, Papua had limited competence over cultural–educational policy and beginning in 2004 gained some authority over its own institutional set up, and cultural–education and welfare policies (endowed to the other *provinsi* in *Undang-Undang* 32/2004). Papua scores 1 on policy scope for 2001–03 and 3 from 2004.

After returning to provincial status in 1957, Aceh received special status in 1959, through which it held extensive authority over religious and education matters, but did not possess specific authority over Islamic law (Bertrand 2010: 189). This configuration lasted only until New Order. From 2001, Aceh

regained autonomy on par with the other *provinsi*. In 2001, the first Special Autonomy Law transferred control over Sharia law, the courts, and police to the province, so alone among Indonesian *provinsi* Aceh has control over local police (*Undang-Undang* 18/2001, Arts. 25–26; Bertrand 2010: 191). From 2004, Aceh obtained self-government on culture, education, and welfare. In 2007 Aceh became exempt from the national ban on regional parties in *provinsi* and *kabupaten/kota* elections and the only province in the archipelago allowed to field candidates from non-national parties (*Undang-Undang* 11/2006, Ch. 11). Aceh does not have control over immigration or citizenship. Aceh scores 1 on policy scope for 1957–73, 0 for 1974–2000, 1 for 2001–03, and 3 for 2004–10.

FISCAL AUTONOMY

Under New Order, subnational units could in theory create regional taxes (World Bank 2006), but, as deconcentrated jurisdictions, they did this on behalf of the center. *Provinsi* and *kabupaten/kota* therefore score 0 on fiscal autonomy from 1950–2000 (Lewis 2003; Lewis and Oosterman 2011; World Bank 2003).

The 1999 decentralization laws produced the following changes: 1) subnational governments gained some tax authority, 2) the revenues shared from the center increased substantially, and 3) subnational governments determined their own budgets independently.[18] From 2001 *provinsi* or *kabupaten/kota* can introduce taxes approved by regional parliaments within the bounds of national law. They can set the rate for a closed list of pre-allocated taxes (World Bank 2006; *Undang-Undang* 34/2000). The list contains four taxes for provincial governments and seven for regencies/districts; the base of these taxes is set by the national government. Subnational governments receive major revenues from property and income taxes, but they have no capacity to set the base or rate (World Bank 2006: 29; USAID DRSP 2006: 9–10). Thus, the *provinsi* and *kabupaten/kota* score 1 on fiscal autonomy from 2001, the year in which the 1999 decentralization comes into force (Eckardt and Shah 2006: 235).

Yogyakarta and Jakarta have the same fiscal powers as the other *provinsi*. Aceh and Papua receive special autonomy funds and large proportions of tax revenues locally generated from natural resources, but they do not have greater control over the base or rate of taxes.

BORROWING AUTONOMY

Borrowing was only partially regulated until the major decentralization laws of the late 1990s. Local and regional borrowing remained, on the whole, "insignificant by international standards" (Eckardt and Shah 2006: 261),

[18] Regional governments draw up their own budgets, which are approved by the national ministry of home affairs before funds are allocated (*Undang-Undang* 32/2004, Art. 185).

though by the early 2000s most *provinsi* and half of local governments had exercised their borrowing right (Lewis 2003: 1051).

Under New Order subnational governments borrowed through two central government mechanisms: the subsidiary loan agreements, and the regional development account (or the latter's predecessor, the regional investment funds account). Both mechanisms channeled international funds through the ministry of finance to pay for infrastructure projects (Lewis 2003: 1048). The funds came online in 1978, but we do not conceive this as regional authority because subnational government lacked meaningful autonomy under New Order.[β]

The Asian financial crisis spurred the central government to regulate borrowing more closely. *Undang-Undang* 25/1999 and 33/2004 allow for *provinsi* borrowing from both domestic and international sources, but government regulation sets tight limits on debt-revenue and debt service–revenue ratios, establishes ceilings on short term limits, and limits borrowing to revenue-generating investments. Moreover, long term or medium term borrowing requires prior approval by the ministry of finance. *Kabupaten/kota* cannot borrow on international markets (World Bank 2003; Eckardt and Shah 2006). These new rules came into force in 2004 for *kabupaten/kota* (Eckardt and Shah 2006: 261).

REPRESENTATION

From 1950, *provinsi* and *kabupaten/kota* had legislatures and executives. Legislatures have always been directly elected, while *gubernor*, *walikota*, and *bupati* were elected by the assembly. From 1959 (presidential decree 6/1959), executives assumed the dual role of representing local interests and the central government; they were no longer responsible to the assembly that elected them. We conceive this system as a form of dual government (UNESCAP 2014*a*). Hence, *provinsi* and *kabupaten/kota* score 2 on assembly and 2 on executive from 1950–58; for 1959–73, they score 2 on assembly and 1 on executive.

With the decentralization law of 1974 (*Undang-Undang* 5/1974), *gubernor* at the *provinsi* level needed to be approved and appointed by the New Order government. Legislatures nominated a list of candidates from which the president chooses the next governor (*Undang-Undang* 15/1974, Art. 15). In 1979 the practice was extended to *kabupaten/kota*.

Since 1999, *provinsi* and *kabupaten/kota* legislatures are directly elected concurrently with the national legislature.[19] From 1999–2004, the *gubernor*,

[19] The exception to this parallel system is the parliamentary threshold adopted at the national level for the 2009 elections but not adopted at the provincial or municipality levels. All other seat allocation and election conduct rules, as well as the rights, responsibilities, and penalties for legislative representatives, are the same at all levels of government. The consistency reflected in these laws is a commonly stated goal of law makers.

walikota, and *bupati* were elected by their respective legislatures for five-year fixed terms (*Undang-Undang* 22/1999, Ch. 4). The 2004 decentralization law (*Undang-Undang* 32/2004, Ch. 8) introduced direct elections, which would be staggered over a five-year period; the first election took place in 2005. Political parties must be registered across the majority of *provinsi* and across *kabupaten/kota* within *provinsi*; district head candidates must be from a party or coalition that received at least 15 percent of the regional legislative vote or seat share (*Undang-Undang* 32/2004, Art. 59). Since 2008, independent candidates can run provided they collect signatures of 3–6.5 percent of residents in their district (depending on the population).

Representation in Jakarta is identical to that of all other *provinsi*, but the *kabupaten*/*kota* in Jakarta do not have assemblies or executives (*Undang-Undang* 29/2007).

In Yogyakarta, the special law specified that the *sultan* would remain the *gubernor* for life (*Undang-Undang* 3/1950).[20] Upon the sultan's death in 1988, the central government controversially forced the governorship on the vice-governor. Following the fall of New Order in 1998, the question of succession arose again. The central government tried to force an election, and in the end, a confrontation was avoided when the *sultan* voluntarily entered, and won, a popular election. Yogyakarta follows national laws to elect the *provinsi* legislature.

Aceh is the only province where local parties can run for provincial and municipality offices though not for national offices (*Undang-Undang* 11/2006). The concession was part of the self-government agreement, and came into force in 2006.

Since 2001, only indigenous Papuans can contest elections for the second chamber of the provincial assembly (*Undang-Undang* 21/2001).

Shared rule

LAW MAKING

There is limited shared rule for *provinsi*. Prior to 2004, the national legislature included some regional appointees. Delegates from the regional territories and functional groups were selected by the national government to represent local, minority (ethnic, religious), and social (labor, farmers) groups (C 1945, Art. 2). Number and composition of delegates were not specified in the constitution, but they were never a majority.

In 2001, a new *provinsi*-based national house was set up (Amended C 1945, Ch. 7A): the *dewan perwakilan daerah* (regional representatives' council, DPD),

[20] The *gubernor* combined this position with executive positions in the Sukarno and Suharto government until 1978.

to which each *provinsi* elects four members according to a multi-member district plurality system. Candidates cannot represent a party but only their *provinsi*. The population-based lower house and the *dewan perwakilan rakyat* (people's representative council, DPR) make up the *maejelis permusyawaratan rakyat* (people's consultative assembly, MPR). Regional council elections are held concurrently with house and local elections every five years (*Undang-Undang* 12/2003, Arts. 3–4; 10/2008, Arts. 3–5).

The current regional council has 132 seats, compared to 560 seats in the lower house. The regional council can initiate laws on regional governance (Amended C 1945, Art. 22D), but does not have decision making power. The council has a standing committee overseeing regional authority matters and works directly with the ministry of home affairs. Thus, *provinsi* are a unit of representation in the legislature (*L1*), *provinsi* governments do not designate a representative to the legislature (*L2*), *provinsi* constitute a majority in the chamber (*L3*), and the province-based legislature does not have extensive authority over legislation (*L4*). *Provinsi* governments do not have bilateral consultation (*L5*) or veto rights (*L6*) over national legislation affecting their own regions. *Kabupaten/kota* have no representation.

Since 2004, Yogyakarta, Jakarta, Papua, and Aceh have identical shared law making power as all other *provinsi*. The Acehnese and Papuan provincial assemblies, including the Papuan people's consultative assembly, can also influence the implementation of national education and cultural legislation, but this falls under self-rule rather than shared rule. Representatives of these special regions have no input on national legislation affecting their region. There are provisions in the 2006 Aceh statute for regular legislative consultation between the Aceh parliament and the Indonesian parliament, but as of 2011 these had not been implemented.

EXECUTIVE CONTROL

There are no routine meetings—bilateral or multilateral—between central and regional governments to negotiate policy.[21]

Aceh is the exception. A 2008 presidential decree partially implemented the provisions in the 2006 Aceh law for non-binding consultation on law making, administrative policy (*sic*), and international relations (*Peraturan Presiden* 75/

[21] *Provinsi* and *kabupaten/kota* have a limited voice, but not on laws governing regional autonomy or national security (such as the deployment of troops to some regions in the case of national security interests). Provincial or municipal ministries are in contact with national ministries, and this provides subnational units with early warning on national law but little two-way flow. Yogyakarta and Jakarta have never had routine meetings between central and regional governments. There is limited executive control for the special autonomy regions of Aceh and Papua. Routine meetings between central and regional governments to negotiate policy related to those regions occurred during periods of unrest, but none of the meetings produced binding decisions.

2008, Art. 8). The presidential decree details a process for the second and third matters, but leaves it to the Indonesian parliament to organize consultation on law making. Recent reports indicate that routinized consultation between the Aceh government and the Indonesian government takes place with respect to international affairs and executive policy making (Ahtisaari 2012; Suksi 2011: 363–5), but not on law making.[β] We score Aceh 1 for bilateral shared rule on executive policy from 2008.

FISCAL CONTROL

The central government is not required to consult subnational governments on the distribution of tax revenues. Yogyakarta and Jakarta function similarly to the *provinsi*.

The 2001 Aceh law stipulates that the regional government retains 80–90 percent of tax revenues generated by the *provinsi* in key economic sectors, such as timber, but a smaller proportion of oil and gas tax revenues (*Undang-Undang* 18/2001, Art. 4, Sections 3–4). These proportions were fixed for eight years (*Undang-Undang* 18/2001, Art. 4, Section 4). Following the 2006 law, the regional government collects the taxes on oil and gas revenues, and can retain 70 percent for the next twenty years (*Undang-Undang* 11/2006, Arts. 181–182). Neither law sets up a permanent system for routinized input on taxation.

Since 2001 Papua also possesses a great deal of tax revenue control, with 70–90 percent of tax revenues generated by the key economic sectors, such as timber and fishing, set aside for the *provinsi* for twenty-five years (*Undang-Undang* 21/2001, Art. 34). The special autonomy law does not foresee routinized consultation on taxation (Bertrand 2007: 597), except on additional funds for infrastructure development, which are decided by national government and parliament based on an annual proposal of the *provinsi* (Art. 34(f)).

BORROWING CONTROL

The central government is not required to consult subnational governments on debt and borrowing. The same rules apply to Yogyakarta and Jakarta. Neither the Law on Aceh Governance (*Undang-Undang* 11/2006) nor previous Acehnese or current Papuan special autonomy laws (*Undang-Undang* 18/2001; 21/2001) stipulate subnational government consultation on borrowing.

CONSTITUTIONAL REFORM

Prior to the existence of the regional representatives' council (DPD), constitutional amendments had to be approved by two-thirds of the members of the non-regional national legislature, the people's consultative assembly (MPR) (C 1945, Art. 37).

Since 2004, constitutional amendments require submission by at least one-third of the national legislature and can only be passed in a joint session of the

legislature with a two-thirds quorum present and an absolute majority (Amended C 1945, Art. 37). Thus, the regional council takes part in submitting, voting on, and passing constitutional amendments, but is not large enough to either initiate, approve, or veto proposals (Bertrand 2007: 593). Therefore, on multilateral and bilateral constitutional reform the *provinsi* and *kabupaten/kota* score 0 throughout the period. Jakarta functions in the same manner as the other *provinsi*.

Yogyakarta has special status regarding gubernatorial selection; since the return to democracy, the selection can be overturned by the lower house

Self-rule in Indonesia

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Provinsi	1950–1958	2	1	0	0	2	2	**7**
	1959–1973	2	1	0	0	2	1	**6**
	1974–1998	1	0	0	0	2	0	**3**
	1999–2000	1	0	0	0	2	2	**5**
	2001–2003	2	0	1	0	2	2	**7**
	2004–2010	2	2	1	1	2	2	**10**
Yogyakarta	1950–1973	2	1	0	0	2	2	**7**
	1974–2000	1	0	0	0	2	2	**5**
	2001–2003	2	0	1	0	2	2	**7**
	2004–2010	2	3	1	1	2	2	**11**
Jakarta	1966–1973	1	0	0	0	2	1	**4**
	1974–1998	1	0	0	0	2	0	**3**
	1999–2000	1	0	0	0	2	2	**5**
	2001–2003	2	0	1	0	2	2	**7**
	2004–2010	2	2	1	1	2	2	**10**
Aceh	1957–1958	2	1	0	0	2	2	**7**
	1959–1973	2	1	0	0	2	1	**6**
	1974–1998	1	0	0	0	2	0	**3**
	1999–2000	1	0	0	0	2	2	**5**
	2001–2003	2	1	1	0	2	2	**8**
	2004–2006	2	3	1	1	2	2	**11**
	2007–2010	3	3	1	1	2	2	**12**
Papua	2001–2003	2	1	1	0	2	2	**8**
	2004–2010	2	3	1	1	2	2	**11**
Kabupaten/kota	1950–1958	2	1	0	0	2	2	**7**
	1959–1973	2	1	0	0	2	1	**6**
	1974–1978	1	0	0	0	2	1	**4**
	1979–1998	1	0	0	0	2	0	**3**
	1999–2000	1	0	0	0	2	2	**5**
	2001–2003	2	2	1	0	2	2	**9**
	2004–2010	2	2	1	1	2	2	**10**
Kabupaten/kota in Jakarta	1966–2010	1	0	0	0	0	0	**1**

Shared rule in Indonesia

		Law making						Executive control		Fiscal control		Borrowing control		Constitutional reform		Shared rule
		L1	L2	L3	L4	L5	L6	M	B	M	B	M	B	M	B	
Provinsi	1950–2003	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
	2004–2010	0.5	0	0.5	0	0	0	0	0	0	0	0	0	0	0	**1**
Yogyakarta	1950–2003	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
	2004–2010	0.5	0	0.5	0	0	0	0	0	0	0	0	0	0	0	**1**
Jakarta	1966–2003	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
	2004–2010	0.5	0	0.5	0	0	0	0	0	0	0	0	0	0	0	**1**
Aceh	1957–2000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
	2001–2003	0	0	0	0	0	0	0	0	0	0	0	0	0	2	**2**
	2004–2007	0.5	0	0.5	0	0	0	0	0	0	0	0	0	0	2	**3**
	2008–2010	0.5	0	0.5	0	0	0	0	1	0	0	0	0	0	2	**4**
Papua	2001–2003	0	0	0	0	0	0	0	0	0	0	0	0	0	2	**2**
	2004–2010	0.5	0	0.5	0	0	0	0	0	0	0	0	0	0	2	**3**
Kabupaten/kota	1950–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Kabupaten/kota in Jakarta	1966–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**

National legislature has: L1=regional representation; L2=regional government representation; L3=majority regional representation; L4=extensive authority; L5=bilateral regional consultation; L6=veto for individual region. Total for shared rule 20 is either multilateral (M) or bilateral (B).

without consent of the provincial government. While there is a strong norm of consultation with the *provinsi*, the provincial government cannot actually propose changes to that legislation nor veto the revocation of the provisions. Hence, Yogyakarta scores 0 on bilateral constitutional reform.

Aceh (created in 2001, expanded in 2006) and Papua (created in 2001) possess the right of non-binding consultation ("consideration" is the term used in the special laws) affecting the regions' position in the national state. The special autonomy laws for Aceh and Papua were drafted by the provincial governments, but the national legislature, with input from the ministry of home affairs, was responsible for final amendments and approval (McGibbon 2004). Thus both regions score 2 on bilateral constitutional reform because their regional governments can propose legislation about their special status but lack veto power.

Japan

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Japan has one level of intermediate government: forty-seven *todofuken* (prefectures), which have an average population of about 2.7 million. There are also eight regions which serve only as statistical categories.

Japan's post-war jurisdictional architecture was laid down in the constitution (C 1946) and a law on local autonomy law (Law No. 67/1947), which empowered *todofuken* and installed prefectural governors and directly elected assemblies. *Todofuken* had administrative responsibility for economic development, social assistance, child care, public health, agriculture, environment, policing, and primary and secondary education (CLAIR 2002, 2010). *Todofuken* have no authority over own institutional set up, local government, police, or residual powers. However, the extent of subnational authority was determined by the center within the confines of uniform laws for the country as a whole. Subnational competences were formally described as "agency-delegated functions," by which is meant that governors acted as agents of the national government under the relevant central ministry's supervision (Ikawa 2008).

Japan embarked on meaningful decentralization with the 1999 Omnibus Decentralization Act, which amended 475 laws. First of all, the Law established the principle that central state control of subnational government policy requires an explicit statutory basis. The goal was to constrain the informal pressures that central ministries had previously exerted on subnational governments. Second, the Law explicitly deepened subnational autonomy over more than half of the previously "agency-delegated functions." These now became "inherent functions" of subnational government. Third,

the Law abolished the central government's authority to remove a popularly elected *todofuken* governor if he or she defied a government order (Law No. 87/1999). The omnibus decentralization law transformed the relationship between central and prefectural government "from a 'superior–subordinate or master–servant' type of relationship to one based on 'equality between partners and co-operation'" and "increased the decision-making power of local governments" (Tanaka 2010: 6; see also Council of Local Authorities for International Relations 2010). Hence, before the omnibus decentralization law *todofuken* had limited rights to enact bylaws in economic, cultural–educational, and welfare policy (Matsufuji 2010),[a] but authoritative competences in these policy areas significantly increased from 2000 (Konishi 2010) and we increase policy scope from 1 to 2 to capture this change.

FISCAL AUTONOMY

Todofuken administer budgets amounting to around 35 percent of general government expenditure and about 25 percent of *todofuken* revenues consist of shared income and national value added taxes, plus a local allocation tax and a local consumption tax, of which the base and rate are set by the central government (Ikawa 2007; Ogata 2007). Around 20 percent comes from earmarked central grants (Joumard and Yokoyama 2005). Both types of revenue are designed to redistribute income across the *todofuken*.

Since 1950, *todofuken* can increase the rate of the corporation income tax, a major tax, above the standard rate set by national government (up to a maximum of 20 percent in the 2000s) (Matsufuji 2010: 34–5; Mochida 2006).[a] The base of the corporation income tax is set by the national government. *Todofuken* also have thirteen of their own taxes, specified in a local tax law (Law No. 226/1950), including inhabitant tax, house tax, and a land tax, for which they can set the rate (Harada 2009).

BORROWING AUTONOMY

Until 2006, Japan's forty-seven *todofuken* could only borrow for the purpose of financing capital outlays (Mihaljek 1997). They needed prior authorization by the central government (Law No. 109/1948; Matsufuji 2010). Rules governing the authorization process were specified in the annual local loan program (Joumard and Kongsrud 2003). The 1999 omnibus decentralization act (Law No. 87/1999) replaced this system of strict central control with a consultation process. Starting in 2006, *todofuken* may now borrow without seeking formal prior authorization by the central government. They do, however, need to consult with the ministry of internal affairs and communications prior to issuing bonds. These relaxed rules do not apply to highly indebted *todofuken* which still require central government approval prior to issuing bonds (Council of Local Authorities for International Relations 2010; Konishi 2011: 22–4;

Tanaka 2011). Further restrictions on the issuance of bonds apply when the debt expenditure ratio exceeds 20 percent or when the deficit exceeds 5 percent, and the central government retains the right to impose a financial rehabilitation plan when the deficit exceeds a certain level (Mochida 2006).

REPRESENTATION

The *todofuken* assembly as well as the governor are directly elected every four years (C 1946, Art. 93). Before 1992 governors were obliged to act as agents of the central government even if they were popularly elected (Law No. 67/1947, Art. 150). If a popularly elected governor were to defy a government order, he or she would be dismissed (Matsufuji 2010: 16). We score this as a dual executive.$^{\beta}$ In 1992, the central government's authority to remove governors from office was abolished (Mochida 2006: 151).

Shared rule

The upper house (House of Councillors) does not qualify as a chamber with regional representation. Its composition combines senators elected in the *todofuken* with senators elected on nation-wide party lists. Until 1998, the first type constituted the majority, but seats are allocated in proportion to their population. *Todofuken* governments have also no shared rule on executive, fiscal, borrowing policy, or on constitutional reform.

Self-rule in Japan

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Todofuken	1950–1992	2	1	3	1	2	1	**10**
	1993–1999	2	1	3	1	2	2	**11**
	2000–2005	2	2	3	1	2	2	**12**
	2006–2010	2	2	3	2	2	2	**13**

Malaysia

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Malaysia is a federation with two subnational layers (C 1957, Art. 1): thirteen *negeri* plus three federal territories, which are divided in eleven cities, thirty-nine municipalities, and ninety-seven districts. Two *negeri* have a special

status: Sabah and Sarawak.[22] They are located on the island of Borneo, which is separated from mainland Malaysia by the South China Sea, and which also contains five Indonesian provinces and the independent state of Brunei. Sabah and Sarawak negotiated, with Singapore, membership of the Federation of Malaysia in 1963, but Singapore left the federation two years later. The three federal territories—the cities of Kuala Lumpur, Labuan, and Putrajaya—fall under direct federal control. They were carved out from the *negeri* of Selangor, Sabah, and Selangor, respectively (C 1957, Art. 1, Section 4).

Malaysia became independent from Great Britain in 1957. Initially the country consisted of the eleven *negeri* that had been cobbled together by the British into the Federation of Malaya in 1948. In July 1963, through the Malaysia Act, Britain relinquished control of "North Borneo" (renamed Sabah), Sarawak, and Singapore. These joined the Federation of Malaya, which was now renamed the Federation of Malaysia. The constitution was amended to reflect the greater autonomy granted to Sabah, Sarawak, and Singapore, which had been necessary to entice the three entities to join the federation (Harper 1999; Reid 2010*b*). Two years later Singapore became independent. The 1957 constitution has been amended numerous times since then.

Malaysia was democratic and pluralistic in its first decade, though de facto dominated by a single party, the alliance of *Barisan Nasional* (Harper 1999). In August 1969, race riots triggered a short but sharp period of military rule (1969–71), and Malaysia has been a limited democracy since in terms of the fairness and competitiveness of elections, government control of the media, and the degree of political and legal control exercised by the ruling coalition (Reid 2010*b*). The federal government and most state governments have been controlled by the same (and subsequently enlarged) coalition since independence (Lange 2009; Lim 2002; Puthucheary and Norani Osman 2005).

The federal structure of Malaysia provides *negeri* with constitutionally entrenched legislative and administrative competences. The *negeri* have individual constitutions but their political and electoral structures, as well as their geographic boundaries, are set by the federal constitution and federal law. *Negeri* can legislate, but in cases of inconsistency between *negeri* law and federal law, federal law prevails (C 1957, Art. 75; see also Watts 2008). The federal parliament has also the power to amend *negeri* constitutions if they do not contain the essential provisions or have provisions that are inconsistent with them (Art. 71, Section 4). *Negeri* autonomy is most extensive on Islamic affairs, where federal laws must be passed separately by *negeri* legislative assemblies as *negeri* laws before coming into force (C 1957, Art. 76). Hence

[22] The words *negeri* and *menteri* refer to a single state or minister, but in this book we use these terms to refer to both the plural and singular forms.

negeri are not invulnerable to central government intervention, albeit dependent on consent by the *negeri* in the higher chamber. Therefore, *negeri* score 2 on institutional depth from 1957 to the present.

During the short period of emergency rule (1969–71) power was consolidated in the hands of a newly created national operations council (Bass 1970, 1971). The state of emergency appeared to have little effect on the relationship between the federal and *negeri* governments (Kok Wah Loh 2010).[23]

The *negeri* of Sabah and Sarawak have governments that function similarly to the rest of the Malaysian *negeri*, but fewer laws are subordinate to federal law, in particular on Islamic affairs, land use, local government, development, and immigration. Moreover, the constitutional position of Sabah and Sarawak is stronger than that of other *negeri* because some provisions of special interest to these *negeri* can only be amended with the consent of the *ketua menteri* (chief minister) of the region (C 1963, Art. 161E, Section 2). Hence Sabah and Sarawak score 3 on institutional depth from 1963 to the present. Singapore scores the same for the period 1963–64.

The cities, municipalities, and districts have limited autonomy, though they are significant vehicles for policy provision. The laws formalizing the authority of these governments differ between Sabah and Sarawak on the one hand and the other *negeri* on the other hand, but the extent of authority is similar.[24] They act on behalf of two masters: the federal government and the *negeri* government.$^{\beta}$ On behalf of the federal government, they coordinate urban planning and development projects (Commonwealth Local Government Forum 2011), and as such they fall under the jurisdiction of the ministry of housing and local government. In addition, they execute a variety of policy tasks within their area on behalf of the *negeri*. The Local Government Act (1976) sets out the policy tasks and their authority relations with federal and *negeri* authorities. All cities, municipalities, and districts score 1 on institutional depth from 1957 (1963 for those in Sabah and Sarawak).

The Malaysian constitution enumerates three lists of competences (C 1957, 9th Schedule). Exclusive federal competences consist of external affairs; domestic security; criminal and justice proceedings; citizenship; government administration (including national and state elections); finance, trade, commerce, and industry; shipping, fishing, and water rights; communications and

[23] Most decisions revolved around economic development and race relations (Milne 1970). The military rulers worked on restoring the confidence of the Chinese members of the Barisan Nasional who had withdrawn from the ruling coalition following the race riots (Bass 1971; Kok Wah Loh 2010).

[24] The 1976 Local Government Act regulates lower level intermediate government for the eleven *negeri* of peninsular Malaysia; before 1976, they were regulated by the provisional laws of 1959 and 1973. Local Government Ordinances of 1948 and 1961 regulate these governments in Sabah and Sarawak.

transportation; federal works and power (utilities); education and health/medicine; and labor and social security (C 1957, 9th Schedule, List 1). The exclusive *negeri* competences consist of Islamic affairs; land use, agriculture, and forestry; and local government services (burial services, markets and fairs, licensing of theaters and cinema) (C 1957, 9th Schedule, List 2). Concurrent competences consist of social welfare and protection of women and children; scholarships; national parks; veterinary and other animal inspections; city planning, public health, and sanitation (except in federal territories); and drainage, irrigation, and erosion (C 1957, 9th Schedule, List 3).

The core of *negeri* policy scope lies in religious–cultural policies (specifically Islamic affairs), but they have also some broad competences in land (agricultural) and local policy delivery. *Negeri* governments have no authoritative competence over police or own institutional set up, though they have residual powers (C 1957, Art. 77). With the exception of Islamic affairs, *negeri* competences are not fully protected against federal encroachment. For one, the federal parliament may legislate on exclusive *negeri* competences if it deems this necessary because of an international treaty or to create uniform *negeri* laws. On some matters, such as land (e.g. acquisition of land) or local government, the federal parliament can act unilaterally (C 1957, Art. 76). On other matters, a federal law requires consent of the *negeri* legislature. Furthermore, the federal executive (formally, the king acting on the advice of the prime minister) may proclaim a development plan for an area (C 1957, Art. 92), which it may do following a simple (non-binding) consultation between the government of the affected *negeri* and the national land or finance council.[25] In all, the distribution of policy competences is relatively top-heavy for a federation (Watts 2008).

The autonomous *negeri* of Sabah and Sarawak have additional exclusive legislative competences in native customs and laws (including marriage, divorce, guardianship, and inheritance); ports and harbors that do not fall under national jurisdiction; and libraries, museums, and historical sites not regulated by national jurisdiction (C 1957, 9th Schedule, List IIA). They also have additional concurrent competences in personal law (including marriage, divorce, guardianship, and inheritance); hydroelectric power; and agricultural and forestry research and pest control (C 1957, 9th Schedule, List IIIA). Sabah and Sarawak are exempt from federal laws that ensure uniformity among *negeri* laws on land and local government and from development plans

[25] After the race riots of the late 1960s *negeri* powers have been interpreted restrictively in the name of a "national ideology" that seeks to balance non-ethnic Malay (Chinese and Indians) and ethnic Malay interests (Milne 1970). In addition, the nation-wide new economic policy developed in the 1970s has constrained *negeri* autonomy with respect to economic development (Kok Wah Loh 2010).

proclaimed by the executive under Art. 92. In addition, Sabah and Sarawak have wide powers to control immigration and residence under the Immigration Act of 1963, and these powers cannot be changed without their consent (C 1957, Art. 161E; Reid 2010*b*). Sabah and Sarawak score therefore the maximum on policy scope compared to 2 for other *negeri*. During its three-year membership of Malaysia, Singapore had greater autonomy on financial and legal matters, though not control over immigration or residence (Reid 2010*b*); Singapore scored 3 on policy scope.

As for cities, municipalities, and districts, their central functions concern urban planning and development, in particular maintenance and regulation of public places, roads, bridges, tunnels, markets, and buildings (Local Government Act 1976; UNESCAP 2014*b*; Commonwealth Local Government Forum 2011). As primarily deconcentrated units, they have no self-governing authority.

FISCAL AUTONOMY

The subnational units are highly reliant on the central government for revenues (Fjeldstad 2001: 8–9). Resource-sharing and redistributive policies are designed by the federal government. *Negeri* have no authority to generate major revenues independently (C 1957, Art. 96). Though *negeri* control spending (C 1957, Art. 100; C 1957, 10th Schedule, Part 3), the federal government sets the base and rate of all major and minor taxes except for property assessment rates, through which *negeri* can set assessed values for the purpose of levying a property tax (UNESCAP 2014*b*).[a] Since this is the only tax for which *negeri* control the base and (indirectly) the rate (Local Government Act 1976, Section XV, Arts. 127 and 130), *negeri* score 2 on fiscal autonomy from 1957 to the present. Government block grants to *negeri* finance subnational government spending, but the amount is determined by the national government (C 1957, Art. 108). All in all, there is limited fiscal autonomy for *negeri* (Kok Wah Loh 2010).

The special *negeri* of Sabah and Sarawak have broadly similar fiscal powers, with some greater control over locally generated revenues from timber and natural resources (C 1957, 10th Schedule, Part 5). Sabah and Sarawak can also set an additional rate on the sales tax on top of the federal sale tax (C 1957, Art. 95B, Section 3; C 1957, 10th Schedule, Part 5). Thus Sabah and Sarawak score 3 on fiscal autonomy from 1963 to the present. Singapore scores 3 on fiscal autonomy from 1963–64.

City, municipal, and district councils can set the rates of the *negeri*-controlled property tax; the rate is subject to approval by the *negeri* authorities (e.g. Local Government Act 1976, Part 15; for Sabah and Sarawak, Local Government Ordinance 1961, Arts. 72–74). Local authorities receive a significant portion of their operating budget from this taxation. Cities, municipalities, and districts in

the Peninsular *negeri* score 1 on fiscal autonomy from 1957–2010; those in Sabah and Sarawak score 1 on fiscal autonomy from 1963.

BORROWING AUTONOMY

Negeri may borrow for up to five years from sources other than the central government but subject to central government approval of the loan and terms and conditions specified or approved by the central government (C 1957, Art. 111; Setapa and Lin 2003). *Negeri* thus score 1 on borrowing from 1957 to the present.

Sabah and Sarawak may borrow under broader provisions than other *negeri*, i.e. no five-year limit on borrowing, but both still require Malaysian central bank approval of the loan(s) and thus receive the same score as regular *negeri* (C 1957, Art. 112b), from 1963. Singapore scores 1 from 1963–64.

Cities, municipalities, and districts can borrow for a pre-approved narrow range of purposes—primarily property acquisition in order to fund development/building projects—and loans are subject to approval from the *negeri* government (Local Government Act 1976, Art. 41). Prior to the 1976 act cities and municipalities could not borrow. In Sabah and Sarawak, the local government laws (e.g. Local Government Ordinance 1961, Art. 58) allowed borrowing from the time they entered the federation. Thus cities, municipalities, and districts in peninsular Malaysia score 0 from 1957–75, 1 from 1976; those in Sabah and Sarawak score 1 from 1963.

REPRESENTATION

Each *negeri* has a directly elected *negeri* legislative assembly. The executive is headed by a largely symbolic *sultan* (sultan), *raja* (monarch), *yang di-pertuan besar* (ruler), or *yang di-pertua negeri* (governor). The *negeri* legislative assembly chooses an executive council that functions primarily as a *negeri*-level cabinet and has a *menteri besar* (great minister) or *ketua menteri* (chief minister) with executive power. The *menteri besar* or *ketua menteri* is selected by the party winning the largest number seats in the *negeri* assembly (C 1957, 8th Schedule, Part 1, Section 8.2). *Negeri* score 4 on representation since 1957. Representation in Sabah, Sarawak, and Singapore is identical.

City, municipal, and district governments are led by a *majlis* (council) and a council mayor (for cities) or a council president (for municipalities and districts). According to a system inherited from the British local councils were initially directly elected and mayors and presidents were elected by and from the council (Local Authorities Elections Ordinance 1950). In 1965 direct elections were suspended in peninsular Malaysia (Emergency (Suspension of Local Government Elections) Regulations 1965; Emergency (Suspension of Local Government Elections) Amendments Regulations

1965; UNESCAP 2014*b*), and councils and their executives became appointed by the *negeri* government (Local Government Ordinance 1961, Art. 6; Local Government Act 1976, Art. 10). In Sabah and Sarawak, the change came in 1963 (e.g. Local Government Ordinance 1961, Art. 6, Section 1e). Thus cities, municipalities, and districts score 2 on assembly and 2 on executive for 1957–64, and 0 and 0 thereafter (or since 1963 for Sabah and Sarawak). The three federal territories have no elected assemblies or executives.

Shared rule

LAW MAKING

The Malaysian parliament is composed of two chambers: an upper chamber called the *dewan negara* (country council) and a lower chamber called the *dewan rakyat* (people's council). The upper chamber consists of seventy seats, with forty-four appointed by the central government and twenty-six selected by the *negeri* assemblies (two from each *negeri*). Each member is selected for a three-year fixed term with a two-term limit (C 1957, Art. 45). The king appoints two senators for the federal territory of Kuala Lumpur, and one respectively for the federal territories of Labuan and Putrajaya on the advice of the prime minister, and the remaining forty are selected irrespective of their *negeri*. The lower chamber consists of 222 seats directly elected to five-year fixed terms in single-member districts with seats allocated to each *negeri* based on population.

The senate is a relatively weak body. The lower chamber plays the leading role. The upper chamber cannot introduce or originate money bills (C 1957, Art. 67) and can only delay legislation in case of disagreement with the lower chamber (C 1957, Art. 68).

The ratio of *negeri*-elected representatives in the upper chamber has changed over time. Prior to 1964 *negeri*-appointed members dominated, but since then, king-appointed members dominate.[β] With the change in the ratio of federally appointed to *negeri*-elected members of the upper chamber, *negeri* become a minority in a relatively weak body and score 1 on law making. During 1969–71 the parliament was suspended following race riots in Kuala Lumpur, and so law making was zero.

The special *negeri* of Sabah and Sarawak have the same multilateral shared law making capacity as the rest of the Malaysian *negeri*, but no additional bilateral shared rule. The absence of bilateral shared rule is balanced by the fact that the constitution emphasizes self-rule for Sabah and Sarawak in key areas including citizenship, the special high court, religion, language, and parliamentary seat allocation (C 1957, Art. 161E(2)). Sabah, Sarawak, and for its

short membership of Malaysia, also Singapore, have the same score as the other *negeri*.

The federal territories of Kuala Lumpur, Labuan and Putrajaya, and the cities/municipalities/districts do not share authority in law making.

EXECUTIVE CONTROL

Numerous national councils exist to coordinate national and *negeri* policy. Two of these produce legally binding bills: the national land council (C 1957, Art. 91) and the national council on local government, established through a constitutional amendment in 1986 (C 1957, Art. 95A). Each of these councils is convened by the corresponding federal government minister along with a single representative sent from each *negeri* government. They each include up to ten federal government representatives; the number of federal government representatives cannot outnumber the number of *negeri* representatives (C 1957, Art. 95A). These councils create policies in the areas of local government development, agricultural benchmarks, and land use. The plans and programs put forth by these councils are legally binding, but since numerous other national councils do not produce legally binding agreements, we score 1 on multilateral executive control from 1957 to present.

Sabah and Sarawak participate in these meetings on equal footing, but are not bound by decisions by the two councils with the authority to conclude binding agreements, the national land council, and the national council on local government (C 1957, Art. 95E). They can participate, but solely in a consultative capacity. Thus Sabah and Sarawak, and Singapore for its brief existence as a *negeri*, score 1 on multilateral and 0 on bilateral executive control.

Federal territories and cities/municipalities/districts receive guidelines on local development and planning from the ministry of housing and local government.

FISCAL CONTROL

The central government is required to consult *negeri* (including Sabah and Sarawak) on the distribution of tax revenues in the national finance council (C 1957, Art. 108). The council consists of the prime minister, other ministers as designated by the prime minister, and one representative of each *negeri*. The council meets at least once per year or more frequently as determined by the prime minister. The results of these meetings are not binding (C 1957, Art. 92; C 1957, 10th schedule, Part I). *Negeri* score 1 on multilateral fiscal control.

The special *negeri* of Sabah and Sarawak receive, in addition to the revenue allocated above, block grants from the central government. The level is set by the federal government after (non-binding) consultation of the national finance council in which they participate on equal footing with the standard *negeri*.

Federal territories and cities/municipalities/districts score zero.

BORROWING CONTROL

The central government is required to consult the national finance council on borrowing and debt management by the *negeri*.[26] The constitution (Art. 108, Section 4) stipulates that "It shall be the duty of the Federal Government to consult the National Finance Council in respect of: . . . (c) the annual loan requirements of the Federation and the States and the exercise by the Federation and the States of their borrowing powers; (d) the making of loans to any of the States." This consultation is non-binding. Federal territories and cities/municipalities/districts have no borrowing control.

CONSTITUTIONAL REFORM

Constitutional amendments require a two-thirds majority in each chamber of the parliament (C 1957, Art. 159). Thus, from 1957–63, when *negeri* representatives occupied the majority of the seats in the upper chamber, it was sufficient for six out of eleven *negeri* to unite to veto constitutional amendments.

However, over the years, the number of federally appointed senators has increased sharply so that, by 2010, *negeri* representatives now hold only twenty-six of the seventy seats (37 percent). *Negeri* must form a near-unanimous front—twenty-four out of twenty-six—to block constitutional reform.

In addition to the upper chamber, the Malaysian government system has a *majlis raja-raja* (conference of rulers) consisting of each *negeri*'s sultan, *raja*, *yang di-pertuan besar*, or *yang di-pertua negeri* (C 1957, Art. 38). Ostensibly created to protect the power and status of the rulers and to observe traditional power lineage, this body has limited effect on the governance of Malaysia except to choose the prime minister and his deputy in five-year cycles, a largely symbolic task.

[26] For a report on the role of the national finance council in discussing borrowing and debt management: "National Finance Council too lackadaisical and feeble in dealing with the huge RM 6 billion unpaid loan arrears owed by states to Federal Government," Lim Kit Siang. <http://www.limkitsiang.com/archive/1999/dec99/lks0063.htm>.

The one exception is that its consent is required for certain constitutional amendments, and the article of the constitution that enumerates these aspects cannot, itself, be altered without consent of the rulers (Art. 159, Section 5). These provisions concern mainly the position and privileges of the rulers themselves and the politically sensitive subjects of citizenship, language, and the special rights of Malays and natives in Sabah and Sarawak. The conference of rulers thus provides an additional safeguard for these regions against central interference through constitutional reform. However, there is no requirement that the rulers and governors represent their respective *negeri*, and since most rulers and governors are appointed by the king, we do not conceive them as representing their region.[β]

Sabah and Sarawak co-decide constitutional change affecting the region's position in the federation with respect to their legislative authority, powers over judicial administration, religion, language, immigration, and residence within the region (C 1957, Art. 161E). Hence Sabah and Sarawak (and Singapore during its brief existence as a Malaysian *negeri*) have full bilateral constitutional shared rule in addition to full multilateral shared rule.

Federal territories and cities/municipalities/districts cannot initiate, amend, or block constitutional reform.

Self-rule in Malaysia

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Negeri	1957–2010	2	2	2	1	2	2	**11**
Sabah	1963–2010	3	4	3	1	2	2	**15**
Sarawak	1963–2010	3	4	3	1	2	2	**15**
Singapore	1963–1964	3	3	3	1	2	2	**14**
Kuala Lumpur	1974–2010	1	0	0	0	0	0	**1**
Labuan	1984–2010	1	0	0	0	0	0	**1**
Putrajaya	2001–2010	1	0	0	0	0	0	**1**
Cities	1957–1964	1	0	1	0	2	2	**6**
	1965–1975	1	0	1	0	0	0	**2**
	1976–2010	1	0	1	1	0	0	**3**
In Sabah and Sarawak: cities	1963–2010	1	0	1	1	0	0	**3**

Shared rule in Malaysia

		Law making						Executive control		Fiscal control		Borrowing control		Constitutional reform		Shared rule
		L1	L2	L3	L4	L5	L6	M	B	M	B	M	B	M	B	
Negeri	1957–1963	0.5	0.5	0.5	0	0	0	1	0	1	0	1	0	4	0	**8.5**
	1964–1968	0.5	0.5	0	0	0	0	1	0	1	0	1	0	4	0	**8**
	1969–1971	0	0	0	0	0	0	1	0	1	0	1	0	0	0	**3**
	1972–2010	0.5	0.5	0	0	0	0	1	0	1	0	1	0	4	0	**8**
Sabah	1963	0.5	0.5	0.5	0	0	0	1	0	1	0	1	0	4	4	**12.5**
	1964–1968	0.5	0.5	0	0	0	0	1	0	1	0	1	0	4	4	**12**
	1969–1971	0	0	0	0	0	0	1	0	1	0	1	0	0	0	**3**
	1972–2010	0.5	0.5	0	0	0	0	1	0	1	0	1	0	4	4	**12**
Sarawak	1963	0.5	0.5	0.5	0	0	0	1	0	1	0	1	0	4	4	**12.5**
	1964–1968	0.5	0.5	0	0	0	0	1	0	1	0	1	0	4	4	**12**
	1969–1971	0	0	0	0	0	0	1	0	1	0	1	0	0	0	**3**
	1972–2010	0.5	0.5	0	0	0	0	1	0	1	0	1	0	4	4	**12**
Singapore	1963	0.5	0.5	0.5	0	0	0	1	0	1	0	1	0	4	4	**12.5**
	1964	0.5	0.5	0	0	0	0	1	0	1	0	1	0	4	4	**12**
Kuala Lumpur	1974–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Labuan	1984–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Putrajaya	2001–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Cities	1957–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
In Sabah and Sarawak: cities	1963–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**

National legislature has: L1=regional representation; L2=regional government representation; L3=majority regional representation; L4=extensive authority; L5=bilateral regional consultation; L6=veto for individual region. Total for shared rule is either multilateral (M) or bilateral (B).

New Zealand

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

New Zealand has one tier of intermediate governance, the *regions*, established in 1974. Territorial authorities, of which there are seventy-three, are the lowest tier of government and do not meet the population criterion.[27] The territorial definition of the current regions broadly follows water catchment areas.

Subnational self-government is not mentioned in the Constitution Act (C 1986), and until the 1970s regional matters were dealt with by special-purpose bodies under direct state control.[a] The first general purpose regional government—the Auckland regional authority—was created in 1963 (Law No. 18/1963), and this model was generalized in 1974 when twenty-two regions were created (Law No. 66/1974 and No. 84/2002). The number of regions was reduced to fourteen in 1989 and adjusted to sixteen in 1992. This number includes five unitary authorities that combine local and regional authority: Auckland Council, Nelson City Council, and the Gisborne, Tasman, and Marlborough District Councils. The policy portfolio of the regions relates primarily to economic policy and encompasses public transport, civil defense, and environmental policy, including air, land, and marine pollution, river and coastal management, and harbor navigation (Asquith 2008; Law No. 69/1991). Unitary authorities have somewhat broader responsibilities.

Regional government is regularly subject to debate. For example, on March 26, 2009, the Royal Commission on Auckland Governance recommended to amalgamate the Auckland regional council and territorial authorities into one super-city council. In 2010, the Auckland regional council was replaced by a single governance system that merges local and regional authority (Law No. 37/2010). It is a two-tier structure whereby the act allocates some competences

[27] Some 15 percent of New Zealand's population identifies as Māori, but contrary to Canada, the US, or Panama, there is no constitutional system of indigenous territorial self-governance. Most Māori identify with one or more *iwi* (tribe or nation), which vary in size, from a few hundred members to over 100,000, and they can be members irrespective of whether or not they live in the tribal home land. *Iwi* have a separate governance system built around the *rūnanga* (governing council or trust board), which represents the *iwi* in consultations and negotiations with the New Zealand government, manages tribal assets, and organizes health, educational, and social services for its members. The majority of Māori do not live in tribal areas.

The Māori population has had reserved seats in the unicameral legislature since 1867 (Law No. 47/1867). Prior to 1993, the number of reserved seats was fixed at four. Following an electoral reform in 1993 that resulted in the adoption of a mixed-member proportional system for the national legislature, Māori voters can now choose either to be on the general electoral roll or to vote for one of the Māori seats. The total number of Māori seats has been as high as seven. Māori *iwi* can also seek redress in special courts to have "unlawfully acquired land titles" returned (Law No. 4/1993). See also The Encyclopedia of New Zealand. Story: Te tango whenua—Māori land alienation. <http://www.teara.govt.nz/en/te-tango-whenua-maori-land-alienation>.

to the upper tier and others to the local boards tier. The new Auckland council was inaugurated in 2011 so the change is not reflected in our coding.

We score Auckland as an asymmetrical region until 1989 and as a standard region through 2010. Wellington, by extension of a special provision regarding direct regional council elections, is also scored as an asymmetrical region until 1989 and as a standard region through 2010.

FISCAL AUTONOMY

Regions finance their operations primarily from property taxes, for which they can set the base and rate within centrally determined limits. The general rate of the property tax may be set freely but must be uniform for all land within the region and the base for the rate must be determined by the annual value, the capital value, or the value of the land (Dollery 2006; Law No. 6/2002, Art. 13).

BORROWING AUTONOMY

The Local Government Loans Board, consisting of centrally appointed members, was established in 1957 to manage borrowing by local and, later, regional councils (Law No. 63/1956). An amendment to the local government act abolished the Board in 1996 (effectuated in 1998; Law No. 83/1996). Since 1998, regional councils may borrow without prior authorization by the central government in order to finance capital investments, for example in water and drainage systems. Regional councils are not allowed to borrow in foreign currencies and the central government is not liable for regional debts (Law No. 84/2002, Arts. 113 and 121). Regional councils must prepare a long term borrowing and investment plan and report to the central government on the strategies and policies in connection with the plans. Regional councils are also subject to regular external audit. In addition, the financial behavior of regional authorities, including borrowing, is closely scrutinized by the central government auditor-general, who has imposed extensive reporting requirements and who can conduct special investigations if grounds exist for suspecting wasteful expenditure or lack of due process (Dollery 2006).

REPRESENTATION

From 1974–88 regions had indirectly elected regional councils consisting of representatives from the territorial authority councils. The exceptions were in Auckland (since 1963) and Wellington (since 1974), where councils and the executives responsible to them were all directly elected. Since 1989 all regions have moved to direct elections, with elections taking place every three years and the directly elected councils serving as both the assembly and executive (Asquith 2008; Law No. 35/2001, Arts. 10 and 19D).

Shared rule

There is no power sharing for regions.

Self-rule in New Zealand

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Regions	1974–1988	2	1	2	1	1	2	**9**
	1989–1997	2	1	2	1	2	2	**10**
	1998–2010	2	1	2	2	2	2	**11**
Auckland	1963–1988	2	1	2	1	2	2	**10**
Wellington	1974–1988	2	1	2	1	2	2	**10**

Philippines

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

The Philippines is an archipelago of 340,000 km² with a population that is now estimated to be over 100 million. According to its constitution, it is a unitary republic with three levels of subnational governance: provinces and independent cities,[28] municipalities and component cities, and villages (C 1935, C 1983). The topmost tier consists of eighty provinces (*Mga Lalawigan ng Pilipinas*) and thirty-eight independent cities that are not under the jurisdiction of provinces. It also includes one supra-provincial region in the southern part of the country, i.e. the Autonomous Region of Muslim Mindanao (ARMM), which encompasses five provinces. The second level consists of 1,514 municipalities (*bayan*) and eighty-four component cities (*lungsod*). The lowest tier of governance consists of more than 42,000 villages (*barangays*). We code the provincial and independent cities as well as the special Autonomous Region of Muslim Mindanao (ARMM).

The ARMM was created under the Marcos regime in 1979. Following democratization, the 1989 Republic Act subdivided the region into South and West

[28] "Independent cities" are classified either as "highly urbanized" (with a population greater than 200,000 and an annual income of at least fifty million pesos) or "independent component" cities (having a population of 150,000 and an annual income of at least 350 million pesos). These have separate budgets from provinces and their citizens do not vote in provincial elections. "Component cities," i.e. urban areas that do not meet this threshold are, like municipalities, components of provinces (Local Government Code 1991, Book 3, Chapter 1).

Mindanao. The 1989 Organic Act and its 2001 revision formalized and extended the region's competences.[29]

In 1989, the government attempted to create a second special region with similar powers to the ARMM (Azfar et al. 2000: 12): the Cordillera Autonomous Region. This required a referendum in each affected province (Rood 1991; Azfar et al. 2000: 12). The government organized two referenda, one in 1990 and one in 1998, which both failed (Rood 1991: 541). We continue to code the provinces of Cordillera as standard provinces without special autonomy.

Regional autonomy has roots in the Spanish–American colonial era (Hutchcroft 2003). After Spain ceded the islands to the US in 1898, the US government suppressed the autonomous states which had emerged in the chaotic transition period and continued colonial rule.

The first constitution was enacted in 1935 but did not come into effect until formal independence from the US in 1946. This constitution made just one reference to subnational governance: "the President shall exercise general supervision over local governments as may be provided by law" (C 1935, Art. 7, Section 10; Tapales 1993: 8). In the following decades, several laws put in place the building blocks for subnational governance. The Local Autonomy Act of 1959 gave intermediate units some control over local zoning and planning. The Barrio Charter (1959, revised in 1963) recognized village governance. The Decentralization Act of 1967 provided provincial and local governments with the authority to supplement national programs in health and agricultural development (Tapales 1993). Taxation and finance remained exclusively national (Montes 2006). Provincial councils could pass legislation and augment central policies, but were subject to national veto. From 1950–73 the provinces score 2 on institutional depth.

In 1973 Ferdinand Marcos imposed martial law, and replaced the 1935 constitution with one that strengthened the executive by enabling it to pass executive decrees without parliamentary consent (C 1973, Art. 17, Section 3.2). Central control over provincial and local government was tightened. A Local Tax Code (1973) introduced nation-wide bases, rates, and procedures for tax collection. After lifting martial law in 1981 Marcos continued to rule by decree and did not tolerate local opposition. Between 1974 and 1987 the provinces score 1 on institutional depth.

Independent cities were carved out from the provinces in 1983. For 1983–87 the independent cities also score 1.

[29] These laws were passed in a referendum in Mindanao, a legal requirement for special status laws to take effect. Subsequent referenda expanding Mindanao into other provinces have failed.

The Marcos regime collapsed in 1987. A chapter in the new constitution recognizes subnational councils as self-governing (C 1987, Art. 10).[β] This was reinforced by a revision of the Local Government Code in 1991 which envisions provinces as "dynamic mechanism[s] for developmental processes and effective governance" and targets municipalities as the primary delivery points for most basic public services (Azfar et al. 2000: 10–11). Independent cities combine provincial and municipal competences (Guevara 2004). Provinces and cities score 2 on institutional depth from 1988 when the new constitution comes into force.

Two special regions were carved out in the Moro homeland on Mindanao by a Republic Act in 1979, and these were restructured to constitute the Autonomous Region of Muslim Mindanao (ARMM) in the Organic Act in 1989 (Republic Act 6734).[30] ARMM autonomy was recognized in the 1990 constitution (Bertrand 2010: 178). In 1996, a new agreement between the central government and the MNLF, the main autonomist organization, was brokered with the assistance of the Organization for Islamic countries (OIC). The agreement paved the way for an autonomous regional government by providing it with representation in national institutions and deepening regional autonomy in culture, education, police, and Sharia law (Bertrand 2010: 179). The implementation of this agreement, supervised by the OIC, culminated in the revised Organic Act of 2001 (Republic Act 9054). The region has a unique structure of subnational representation and exercises special control over resource use and tax revenues. The two Moro regions score 1 on institutional depth from 1979–89 and 2 from 1990–2010.

Policy making was primarily national prior to 1991. Subnational units were first and foremost administrative tax and electoral jurisdictions, even though they had directly elected provincial councils with some control over policy implementation. In some policy areas, as in planning and zoning, agriculture, and health policy, subnational units could augment or complement national policies (Tapales 1993: 9), which is picked up in our scoring.

The Marcos regime tightened central control by replacing the Local Government Code with a series of executive decrees. In 1983, a new unified Local Government Code (*Batas Pambansa Bilang* 337) restored the pre-Marcos status quo, which enabled the intermediate level to regain representation and limited policy competences.

[30] The 1979 Republic Act organized partially direct elections across two Moro regions and left the rest of the promised autonomy unspecified. The 1989 Organic Act explicitly recognized autonomy for a single region but encompassing fewer provinces, and specified policy competences, fiscal autonomy, and direct elections for the assembly and the governorship. In 1990 a clause recognizing autonomy for "Muslim Mindanao" was inserted in the post-transition constitution.

In 1991, the Local Government Code was again revised to conform to the new 1987 constitution. This was a watershed in the country's subnational governance. Provinces gained competences in economic development, including agriculture, forestry, the environment, primary health and hospitals, social welfare, infrastructure, and land use planning (Section 17). Cities also control certain municipal tasks, including primary health care and local schooling (World Bank and Asian Development Bank 2005). Provinces, municipalities, and cities do not have competence over police, their own institutional set up, or elections. A higher level government could step in to provide or increase policy provision if a lower level government was deemed incapable (Local Government Code 1991, Section 17f). This applied also to the national government, and while that could have provided a means for recentralization, the fill-in mechanism has rarely been implemented. Hence, provinces and municipalities score 1 on policy scope for 1950–73, 0 from 1974–82, 1 from 1983–91, and 2 from 1992–2010. Independent cities score 1 on policy scope for 1983–91 and 2 from 1992–2010.

At their creation in 1979, the two special regions of Mindanao gained symbolic recognition but few policy responsibilities (Buendia 2005: 55–6). That changed with the 1989 Organic Act (Republic Act 6734, Art. 5, Section 2) which established the Autonomous Region of Muslim Mindanao (ARMM) and endowed it with competences in culture, education and welfare, and slightly greater control over economic policy (World Bank and Asian Development Bank 2005, Section 1.14). The region does not possess authority over the police, but it has authority over Sharia circuit courts, Sharia appellate courts, and tribal courts. The ARMM can select judges and decide on the application of Sharia, although Sharia law is subordinate to the country's legal code if the two clash (Republic Act 6734, Art. 9). It has no control over foreign affairs and national defense; fiscal and monetary policy; citizenship, naturalization and immigration; civil service and elections; foreign trade; or transportation and communications affecting regions outside of the ARMM (Republic Act 6734, Art. 5, Section 2.9). The ARMM also does not possess residual powers and authority over institutional set up.

The 2001 Republic Act 9074 extended these provisions, but implementation has been slow. According to the law, the regional ARMM assembly may formulate Sharia law for all practicing Muslims (Republic Act 9074, Art. III, Section 5). Sharia jurisdiction covers criminal as well as civil matters among Muslims (Republic Act 9074, Art. III, Section 5). A Sharia Appellate Court will be set up, whose decisions "shall be final" and subject to challenge only in the Supreme Court (Republic Act 9074, Art. VIII, Section 10). However, as of 2010 there was no Sharia appellate court, and only a minority of Sharia circuit courts was active.[β] Hence, the ARMM region scores 0 on policy scope from 1979–89, and 2 for 1990–2010.

FISCAL AUTONOMY

Prior to 1959, subnational governments did not have powers of taxation or other independent powers to generate revenue.[a] The 1959 Local Government Code (Section 2, amended by the 1983 Republic Act 2264) states that provinces and cities collect taxes and can set the rates, but not the base, of minor taxes. Major taxes remain national. The Marcos regime reduced, but did not abolish, the provinces' discretion in setting rates for minor taxes so we maintain the score. The tax code has been revised several times, but without fundamentally changing the allocation of tax authority (Malixi 2008: 48–9; UN Habitat 2011: 18).

The key source of taxation for the provinces is the property tax. Provinces can levy a property tax not exceeding 1 percent of the assessed value. For cities, the property tax rate should not exceed 2 percent of the assessed value. Cities can also levy local community and local business taxes (UN Habitat 2011: 11–13; Guevara 2004). Provinces and independent cities score 1 on fiscal autonomy from 1960 and 1983, respectively.

Since 1989, the ARMM has had control over its share of locally generated tax revenues; "only income taxation is out of bounds" (Azfar et al. 2000: 13). Still, the ARMM has no greater control over the base or rate of taxes than the provinces and depends chiefly on fiscal transfers (Rood 1991: 540). The ARMM scores 1 on fiscal autonomy from 1990–2010.

BORROWING AUTONOMY

Prior to 1991, provinces and independent cities could borrow only from government financing institutions and required prior approval from the ministry of finance. Borrowing was always marginal to their finances and in the mid-1980s the supply of funds appears to have dried up completely (World Bank and Asian Development Bank 2005: 10).[a] Although not legally ruled out, borrowing by provinces and independent cities was heavily controlled by the center.

The 1991 decentralization reform allows provinces and independent cities to borrow to finance local infrastructure and stabilize local finance under the following conditions: local governments cannot issue general purpose bonds; debt service should not exceed 20 percent of regular income; subnational units must budget for debt service; and the central bank must issue final clearance on bond flotation (Local Government Code 1991, Book 2, Title 4). There is no sovereign guarantee (UN Habitat 2011: 41). As a consequence, provinces and cities have discretion, but it is bounded. Thus far, they have borrowed predominantly from government institutions (Orial 2003), though more recently they have also turned to commercial banks (UN Habitat 2011: 41). The same rules apply to the ARMM (Republic Act 6734, Art. 10, Section 9).

REPRESENTATION

Provinces have had directly elected boards and executives since 1946. The role and composition of those boards expanded through a series of laws and decrees in the 1950s and 1960s. The boards themselves functioned in a dual legislative–executive role, with the head of local governments serving first as a regular voting member of the three-member boards and later as the tie-breaking vote when boards increased in size to accommodate growing populations. From 1950–78 the provinces and municipalities score 4 on representation.

In the 1970s Marcos sought to regain control over the boards, first diluting the power of the locally elected members by including lower tier and youth representatives; then, in 1979, by reclaiming the power to appoint the lower tier representatives on each board via an act of the interim *batasang pambansa* (national assembly) (*Batas Pambansa Bilang* 51). Despite presidential intrusion into the membership of the boards, executives continued to be directly elected.[31] Thus from 1979–85 the provinces score 0 on assembly and 2 on executive.$^{\beta}$

In February 1983, *Batas Pambansa Bilang* 337, or the Act Enacting a Local Government Code, reintroduced the election of all board members (Section 43). The first such elections took place in January 1988.

The 1991 Local Government Code introduces a clear division of powers between governors, mayors, and municipal/village captains and their respective boards. Vice-governors rather than governors provide the tie-breaking vote. A two-thirds vote of the board can overturn a governor's veto (Section 55).

The two autonomous Moro regions created in 1979 each had a region-wide assembly and five-member executive. The president of the Philippines could appoint five of the twenty-two members of the regional assembly, while the remaining seventeen were directly elected (*Batas Pambansa Bilang* 20, Section 4). The executive was proposed by the assembly and appointed by the president, which we code as dual government (*Batas Pambansa Bilang* 20, Section 10). From 1990, with the creation of the ARMM, the governor and all members of the regional assembly were directly elected (1989 Republic Act 6734, Section 4). The first elections were held in February 1990.

[31] Even vocal critics of the Marcos regime, such as Zamboanga City mayor César Cortez Climaco, were able to win mayoral elections between 1979 and 1985.

Shared rule

LAW MAKING

Subnational governments do not share authority over law making in the Philippines. The senate is non-territorial: it is composed of twenty-four nationally elected senators. There are no special arrangements for the ARMM.

EXECUTIVE CONTROL

There are no routine meetings between central and provincial governments to negotiate policy. National leagues representing subnational tiers and a regional development council of governors, mayors, and others, informally lobby the national executive (Montes 2006).

Since the 1989 Republic Act, meetings between the central and ARMM governments have occasionally taken place in the context of unrest or civil conflict. These meetings are not routinized and have no binding authority.

FISCAL CONTROL

The central government is not required to consult subnational governments regarding the allocation of tax revenues. Subnational representatives do not possess veto power over tax revenue distribution. Informal consultations may take place through national ministries, which have the final say.

The ARMM has no routinized input in central fiscal policy that affects the region (Republic Act 6734, Art. 13, Section 1).

BORROWING CONTROL

The central bank determines and regulates external debt levels.[a] Subnational governments and the ARMM are not consulted.

CONSTITUTIONAL REFORM

Constitutional amendments can be proposed by three-quarters of the members of the legislature, by a constitutional convention, or by a petition passed by at least 12 percent of the voting population (and 3 percent of registered voters in each province) (C 1987, Art. 17, Sections 1–2). Amendments require approval by referendum (C 1987, Art. 17, Section 4). The petition process can only occur once every five years (C 1987, Art. 17, Section 2). Provinces and independent cities can neither initiate nor postpone constitutional reform.

Since 1989 the regional assembly of the ARMM has the right to initiate revision of the Republic Act (Art. 18, Section 2), which then must be approved by regional referendum (Art. 18, Section 3). The ARMM scores 0 on bilateral constitutional reform from 1979–89 and 3 from 1990.

Self-rule in the Philippines

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Provinces	1950–1959	2	1	0	0	2	2	**7**
	1960–1973	2	1	1	0	2	2	**8**
	1974–1978	1	0	1	0	2	2	**6**
	1979–1982	1	0	1	0	0	2	**4**
	1983–1985	1	1	1	0	0	2	**5**
	1986–1987	1	1	1	0	0	0	**3**
	1988–1990	2	1	1	0	2	2	**8**
	1991	2	1	1	2	2	2	**10**
	1992–2010	2	2	1	2	2	2	**11**
Independent cities	1983–1985	1	1	1	0	0	1	**4**
	1986–1987	1	1	1	0	0	0	**3**
	1988–1990	2	1	1	0	2	2	**8**
	1991	2	1	1	2	2	2	**10**
	1992–2010	2	2	1	2	2	2	**11**
Autonomous Region Of Muslim Mindanao (ARMM)	1979–1989	1	0	0	0	2	1	**4**
	1990	2	2	1	0	2	2	**9**
	1991–2010	2	2	1	2	2	2	**11**

Shared rule in the Philippines

		Law making						Executive control		Fiscal control		Borrowing control		Constitutional reform		Shared rule
		L1	L2	L3	L4	L5	L6	M	B	M	B	M	B	M	B	
Provinces	1950–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Independent cities	1983–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Autonomous Region of Muslim Mindanao	1979–1989	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
	1990–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	3	**3**

National legislature has: L1=regional representation; L2=regional government representation; L3=majority regional representation; L4=extensive authority; L5=bilateral regional consultation; L6=veto for individual region. Total for shared rule is either multilateral (M) or bilateral (B).

Singapore

Singapore is a predominantly Chinese-speaking city-state of 5.1 million inhabitants (3.8 million of whom are Singaporean citizens or permanent residents). It has administrative and electoral subdivisions but no intermediate territorial decentralization, so Singapore scores zero on all dimensions.

A key feature of the governance system is the usage of consociational, or group-based, representation for minority ethnic and religious communities, which guarantees a minimum representation for Malays, Indians, and other minorities (Ganeson 1996; Reilly 2006). Consociational principles are also applied at the local level, where since 1997 some form of territorial governance has taken shape.

In 1997 the central government created five Community Development Councils (CDCs), each with clear territorial district boundaries (People's Association Act, Ch. 227), and since 2001 these councils play a role in active labor market provision and in the provision of social services such as child care, student services, and family care. Each council is headed by a mayor, who is usually a member of parliament elected in the district, but appointed by Singapore's single party, the People's Association (PAP). Council members are also appointed (Haque 1996).

South Korea

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

South Korea is a unitary republic with three governance levels: the central state; provinces and metropolitan cities; and municipalities including smaller cities and counties (C 1987). The first subnational layer consists of eight *do* (provinces), six *gwangyeoksi* (metropolitan cities) which fall outside the jurisdiction of provinces, one *teukbyeolsi* (special city) which is the capital of Seoul, and one *teukbyeoljachi-do* (special autonomous province), the island of Jeju (since 2006). The *do* are composed of different types of municipalities, including *si* (cities), *gun* (counties), *gu* (districts), *eup* (towns), *myeon* (townships), and *dong* (neighborhoods). At the most local level exist the *ri* (villages). We code the *do* and *gwangyeoksi*, including the special autonomous province of Jeju and special city of Seoul. Municipalities fall below our population criterion of 150,000.

Governance in Korea had traditionally been highly centralized despite deeply rooted regionalism. From the late nineteenth century to the end of the Second World War, local affairs were administered by field offices of the central government. However, after the Japanese (1910–45) and American

(1945–48) occupation, the first independent constitution of 1948 broke with the past. It devoted two articles to territorial governance, which guarantees local autonomy within the limits of the law and executive ordinance (C 1948, Ch. 8, Arts. 96–97; Choi and Wright 2004: 4). This constitutional guarantee provided the basis for the Local Autonomy Act of 1949, which remains to date the foundation for subnational governance. The Act created a two-tiered governance system, whereby *do* and Seoul were subject to central supervision, and the lower tier (*si*, *eup*, *myeon*) subject to supervision by the *do*. Both levels had directly elected assemblies. The lower tier assemblies could appoint the local executive, while the *do* executive was centrally appointed.

The outbreak of civil war in 1950 suspended implementation. In 1952 the first elections for lower- and upper-level assemblies took place. However, except for education (Lee 1995: 46), these were not complemented with commensurate policy devolution (Ahn 2003; Choi and Wright 2004: 4–5; Lee 2003: 8–9). In 1958, the Local Autonomy Act was revised to substitute central appointment for direct elections.

April 1960 protests overthrew the regime and ushered in the second republic which restored direct elections. But a military coup abruptly ended democratic rule in May 1961. Again, direct elections were abolished. The mayor of Seoul, the *do* governors, and the mayors of the larger municipalities (a population greater than 150,000) were appointed by the military junta, while mayors of smaller municipalities and other local executives were appointed by the governors. In September 1961, regional and local autonomy was officially abolished (Kim 2009: 135–6). Local affairs were controlled by the ministry of home affairs, which also controlled the police. *Do* governors were often former high military officers. Over the ensuing years, sectoral ministries strengthened their grip by setting up local deconcentrated offices (Bae 2007: 118–19). "Few governments in the world had so effective, pervasive, and controlled a hierarchical system reaching down so far into the society, one that was augmented by Korean social patterns" (Steinberg 1989: 130). Local elected officials were removed (Steinberg 2000) and the move was formalized with the addition of a constitutional article that "the appropriate timing for restoring the local councils based on this constitution will be specified separately by other law." A 1972 constitutional amendment hardened the conditions by stipulating that local councils could not be created until the Korean peninsula was reunified. Local autonomy was put on hold (Choi and Wright 2004: 6).

Do and *gwangyeoksi* score 2 on institutional depth and 1 on policy scope from 1952–60, and 1 and 0 respectively from 1961–86.

Spurred by massive student and labor protests throughout the 1980s, a transitional government came into power in 1987. Pro-democracy forces ran on a platform of restoring local autonomy. The 1987 constitution scrapped

the reunification condition, and inserted provisions for subnational autonomy (C 1987, Arts. 117–118). This opened the door for a string of revisions to the 1949 Local Autonomy Act.

Amendments to the Local Autonomy Act in 1988 laid the legal basis for real subnational autonomy, though no changes came into effect until 1991 (Choi and Wright 2004). First, subnational governance was re-arranged in two tiers, a first tier consisting of *do* (provinces), *teukbyeolsi* (Seoul), and *jik-hal-si* (meaning a city under the direct control of the central government), and a second tier consisting of *si* (city), *gun* (county), and metropolitan (autonomous) districts (Choi and Wright 2004: 7). Second, there would be direct elections for all levels. Third, the Act sought to specify national, provincial, and local policy competences, but it retained a central veto over subnational decisions (Choi and Wright 2004).

The Local Autonomy Act set the frame for subnational decentralization (UNESCAP 2014*c*), but implementation was slow. In 1991, a joint council for devolution, composed of academics, and central and subnational officials, was created to advise on the devolution of functions and tasks foreseen in the Act, but resistance from central agencies and departments impeded the process (Choi and Wright 2004). Only education was devolved right away when provincial and local councils could elect provincial school board members (Ahn 2003: 247; Lee 1995). And a law on health services created the framework for decentralization in local health (UNESCAP 2014*c*; Chun et al. 2009: 33).

In 1999, the Law for the Promotion of Transfer of Central Authorities put in place a more transparent decentralization framework. It laid down a "subsidiarity logic," including a) preferential devolution of concurrent tasks; b) preferential devolution to the lowest feasible level; c) devolution of entire policies to subnational governments; d) restriction of central government's role to nationwide policies or national standardization (Choi and Wright 2004). According to the Law, subnational governments are responsible for delegated (or compulsory) affairs, which are attributed by specific laws, and for autonomous affairs. The list of autonomous affairs (Art. 9, Section 2), over which central government has only passive control, includes: organization and management of local governments; welfare, including childcare centers and assistance to the elderly, poor, handicapped, sick, and women; industrial development, including agriculture, forestry, and support for local industries; public utilities, including roads, water supply, and car parking; education, sports, culture, and art, including schools, libraries, gymnasiums, galleries, etc.; local civil defense and fire fighting (OECD 2001: 66). Hence this list includes economic, welfare, educational–cultural, as well as local government, though not immigration, local police, or residual powers (Lee 2003: 14).

However, even now, central government continued to keep tight control over some 75 percent of functions (OECD 2001; Choi and Wright 2004), and

central departments (and agencies) could not be compelled to decentralize—a limitation that is reflected in our coding from 1991–2002.[β]

In 2004, a new sweeping decentralization law was passed which promised to devolve over 500 policy tasks, including control over police, to subnational authorities, abolish many central agencies, and importantly, deprived central departments and agencies of the discretion to block or delay decentralization. Its implementation too has been partial and slow, in part because the parliament has resisted government calls to bundle decentralization in an omnibus law (Bae 2007), with about 1500 central affairs devolved and a 40 percent local allocation tax increase as of 2007 (Kim 2009: 141).

In 2006, the Korean parliament passed the Special Act on Jeju Special Self-governing Province. This act gives the island additional powers in economic development, control over local police (Act 7849, Art. 5, Section 1) and its own institutional set up (Art. 13, Section 1), and it sets up a system that facilitates the devolution of further central tasks (except defense, diplomacy, and justice). The goal is to set up Jeju as a free international city that can compete for investment and business with Hong Kong and Macau. Competence transfers remain subject to central government approval.[32] The act has been amended multiple times, most recently in 2011. Since the Korean parliament retains control over the constitutional status of the free international city, Jeju scores 2 on institutional depth.

FISCAL AUTONOMY

Taxation is regulated through the Local Tax Act. Since democratization and decentralization (from 1991) *do* can set the rate (within bands) of four minor taxes (acquisition, registration, regional development, and educational development) (Lee 2003: 28–9). Some 80 percent of provincial and local revenues come from central grants or fixed shares of central taxes (e.g. income tax), but the share of provincial and local taxes has been increasing (Lee 2003: 30–1). In 2006, for example, local tax income was 32.6 percent, non-tax income 12 percent, the local allocation tax from the central government 18 percent, and central grants 35.6 percent, and income from borrowing 1.7 percent (Kim 2009: 450).

Jeju has its own tax regime with numerous exemptions on registration taxes, VAT, corporate taxation, and customs duties, which require approval by the ministry of home affairs (Act 7849, Ch. 9).

[32] For a report on the process of establishing the parameters of Jeju self-governance: "Road to Autonomy," Jeju Government official documents. <http://english.jeju.go.kr/index.php/contents/AboutJeju/government/autonomy/road>.

BORROWING AUTONOMY

Do can raise money by issuing local bonds or by writing loan contracts, but Art. 115 of the Local Autonomy Act lays down strict conditions: borrowing is permitted for structural investment or to cope with natural disasters; and it requires approval by the ministry of government administration and home affairs (MOGAHA) as well as by provincial or local councils (OECD 2001: 79; Lee 2003: 52). The Local Finance Act lays down detailed conditions, down to which type of projects are eligible for financing through borrowing, and procedures for issuing local bonds. The department of finance and economy also vets each request in return for a national guarantee.

Do, *gwanyeoski,* and local governments can borrow in domestic and international markets, but bonds and contracts need to be domestic. Borrowing is relatively minor (and declining), and in any case mostly on the basis of contracts concluded with the central government (Lee 2003: 53ff; Kim 2009). Though some *do*, *gwanyeoski*, and local governments borrowed during the authoritarian period, we do not score borrowing until provincial governments are decentralized, i.e. from 1991.[β]

There do not appear to be less stringent regulations governing borrowing by Jeju, except that borrowing to fund development projects requires prior approval by the ministry for land, transport and maritime affairs (Act 7849, Art. 285).

REPRESENTATION

The first subnational elections took place in 1952; the executive was appointed. In 1960, the second republic introduced direct elections for both assemblies and executives, but this lasted only until the 1961 coup. All direct elections were suspended from 1961–90 (Lee 1996). Direct elections for provincial and local assemblies were reintroduced in 1991, with direct elections for governors and mayors introduced in 1995 (Seong 2000; Yang 2001). The special region of Jeju has a directly elected council and executive.

Shared rule

LAW MAKING

Subnational governments do not share authority over law making. There is no upper chamber, and the unicameral legislature distributes seats on the principle of population-based representation.

Jeju has some bilateral shared rule. The governor "may present his/her opinion on any matter he/she considers necessary to deliberate on legislation concerning the Province upon obtaining consent from two thirds of the incumbent Provincial Council Members" (Act 7849, Art. 9(1)). These views

are presented to a "Supporting Committee," a thirty-member body comprised of heads of central departments and headed by the prime minister, which negotiates on behalf of Jeju. Hence Jeju has a right to be consulted on national law that may affect the region, but only at arms' length.

EXECUTIVE CONTROL

Prior to 2004 there were no routine meetings between central and regional governments to negotiate policy.

In 1991, the national association of local authorities (NALA) was created, but it is a voluntary organization of local assemblies and it has neither regular voice nor veto power over central government policy making (Lee 1996: 67). The Local Autonomy Act of 1999 grants legal status to four subnational government associations: the governors' association of Korea, the national association of mayors, the association of metropolitan and provincial council chairs, and the national council association of chairmen. The 2004 Special Law on Decentralization Promotion lays down that the national government routinely meets and consults these organizations on national policy (Act 7060, Art. 6). The consultations are non-binding. The governors' association has also the authority to propose policy (Bae and Kim 2013: 276). *Do* and *gwangyeoksi* score 1 on executive control from 2004. There are no special arrangements for Jeju.

FISCAL CONTROL

Since 2004 (Act 7060) the national government is required to consult with the four local government associations (see Executive control, discussed earlier) on subnational finance. There are no special arrangements for Jeju.

BORROWING CONTROL

The national government is not required to consult subnational governments on borrowing rules.

CONSTITUTIONAL REFORM

Constitutional amendments require a two-thirds majority in the national assembly and approval in a national referendum. Subnational units score zero on constitutional reform.

The special statute for Jeju does not contain provisions on how to amend the Act. It seems likely that the same consultative procedure that gives the provincial government the right to submit proposals to the supporting committee is applicable. Hence we code that the regional government is consulted, but consultation is not binding.[a]

Self-rule in South Korea

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Do and gwangyeoksi	1952–1959	2	1	0	0	2	0	**5**
	1960	2	1	0	0	2	2	**7**
	1961–1990	1	0	0	0	0	0	**1**
	1991–1994	2	1	1	1	2	0	**7**
	1995–1998	2	1	1	1	2	2	**9**
	1999–2003	2	2	1	1	2	2	**10**
	2004–2010	2	3	1	1	2	2	**11**
Jeju	2006–2010	2	3	1	1	2	2	**11**

Shared rule in South Korea

		Law making						Executive control		Fiscal control		Borrowing control		Constitutional reform		Shared rule
		L1	L2	L3	L4	L5	L6	M	B	M	B	M	B	M	B	
Do and gwangyeoksi	1952–2003	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
	2004–2010	0	0	0	0	0	0	1	0	1	0	0	0	0	0	**2**
Jeju	2006–2010	0	0	0	0	0.5	0	1	0	1	0	0	0	0	2	**4.5**

National legislature has: L1=regional representation; L2=regional government representation; L3=majority regional representation; L4=extensive authority; L5=bilateral regional consultation; L6=veto for individual region. Total for shared rule is either multilateral (M) or bilateral (B).

Thailand

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Thailand is a constitutional monarchy and a unitary country (C 1997, Ch. 1; C 2007, Ch. 1), which is divided into seventy-five provinces (*changwat*) and two special regions, the Bangkok metropolitan area and Pattaya.[33] The *changwat* are further subdivided into *amphoe* (districts), which are composed of *thesaban* (municipalities), classified as one of three types: cities, towns, or *tambon* (subdistricts). In practice the *thesaban* and *tambon* are not hierarchically ordered, with *thesaban* representing urban municipalities and *tambon* representing rural units. There are also four statistical regions: north, northeast, south, and central. We code the *changwat* level. We also code two special

[33] The seventy-sixth province was created in March 2011.

autonomous regions: the capital, Bangkok Metropolitan Area, created in 1972 at the same level as the *changwat,* and the tourist area Pattaya, created in 1978 at roughly the same level as the *thesaban*.

An enduring characteristic of territorial governance in Thailand is the co-existence of subnational administration and subnational autonomy. Hence Thailand's system is dual. Prior to 1999, three administrative levels were in place: *changwat*, *amphoe*, and various forms of municipalities. All had assemblies which were usually elected, but they also had centrally appointed administrators who ran the administrations. Governors appointed by the ministry of the interior headed the *changwat* and managed the subnational units on behalf of the ministry. The first tier also included the Bangkok Metropolitan Area, which had a directly elected governor but limited additional powers. *Amphoe* functioned primarily as general purpose deconcentrated units. The third tier included municipal administrative organizations, sanitary administrative organizations, and provincial administrative organizations (PAO). The municipal administrations controlled urban (*thesaban*) and rural (*tambon*) areas, the sanitary districts managed semi-urban areas, and the provincial administrative organizations covered any geographic space that did not fall into one of the other two categories, typically under-developed rural areas (Nagai 2001).

Thailand has switched back and forth between democracy and authoritarianism, and this has spurred a dozen constitutions, provisional constitutions, and charters since 1950. Between 1932 (the date of the overthrow of the absolute monarchy) and 1957, the various constitutions and coups reflected the struggle between the military and the royalist camp for control over the constitutional monarchy. From 1959–97 five constitutions and three temporary charters governed the country. The 1997 constitution was the first to be drafted by a popularly elected constitutional assembly and is known as the "People's Constitution" (Kuhonta 2008).

Central–local arrangements were affected only marginally by these authoritarian–democratic struggles. The 1933 Administrative Law which established the three-tiered administrative structure set out above remained in place until 1999.

The 1953 Municipality Act placed the *changwat* under strict central control. A centrally appointed governor supervised policy implementation across the province and carried out policy in the provincial administrative organization areas outside urban and rural subnational government. However, central control was fragmented because governors had little control over the deconcentrated units set up by the sectoral ministries in commerce, industry, forestry, education, health care, and budget, which reported back to their respective bureaucracies in Bangkok. A modicum of *changwat*-wide self-governance was incipient in the provincial administrative organizations

(PAOs), which were set up in 1955. The PAOs had a dual structure: a provincial governor controlled the executive power, and a directly elected assembly had ultimate control over the budget, though the assembly could not exercise control over policy making since the governor cast the deciding vote.[β] Hence, consistent with the secondary literature, we consider *changwat* as deconcentrated (Krongkaew 1995: 357), which score 1 on institutional depth.

Every constitution since 1932 mentioned subnational government, but the 1991 People's Constitution was the first to give it a whole section. In subsequent years, attempts to expand subnational powers through constitutional amendment failed (Krongkaew 1995).

The 1997 constitution paved the way for genuine decentralization while leaving the dual character of territorial governance intact. A bicameral legislature was created with a 200-seat senate (*wuthisapha*) composed in part of senators elected in *changwat* constituencies. The constitution also strengthened the principle of local self-governance (Krongkaew 1995).

But the most significant reform for the *changwat* was introduced by the 1999 decentralization law (implemented in 2000), which—while mostly concerned with decentralizing fiscal and policy authority to the *thesaban* and *tambon*—contained some provincial provisions. The reform simplified and decentralized the governance structure. Sanitary districts were converted into municipal administrative organizations, and the *changwat* provincial organizations obtained an elected executive alongside the appointed governor. The dual *changwat* executive was set up in two stages. In October 2003, the government of Thaksin Shinawatra instituted the so-called "CEO" management style in the *changwat*, which brought the previously fragmented units of deconcentrated government under direct control of the governor. In March 2004, direct elections were instituted for both the chairperson of the executive committee and its councilors in each province (except in Bangkok) (Mutebi 2004: 46–8). *Changwat* score 2 on institutional depth from 2004.

In 2006, a military coup suspended the constitution (Kuhonta 2008). Following eighteen months of a "stabilizing" military junta, a new constitution was drafted. The 2007 constitution mirrors the 1997 version with respect to decentralization, but it introduces significant political changes including in the composition of the senate.

Bangkok was given special status in 1972 when it became a province. *Pattaya* obtained special status in 1978 as a distinct urban area to promote tourism. Both special regions retained their municipal powers under the 1953 Thesaban Act, which defined *thesaban* as decentralized, and the 1999 decentralization law (Krongkaew 1995). *Bangkok* and *Pattaya* score 2 on institutional depth starting from 1972 and 1978, respectively.

Changwat had no significant policy scope before 2000. Resources—personnel, budget, buildings—remained under control of the center, either

managed by the governor or run from the various ministries (Nagai 2001). In 2000 the *changwat* obtained some competences over infrastructure, education, local traditions and culture, social provision, and hospital care, but they shared authority with the centrally appointed governor who had sole executive power and controlled implementation.

With the introduction of a directly elected executive alongside the governor from 2004 the assembly and the executive of the provincial administrative organization gained "unprecedented powers to formulate policy initiatives, as well as to plan and coordinate local budgetary allocations" (Mutebi 2004: 48). They have competences in education, health, and social welfare, as well as economic planning.[β] Provinces do not possess residual powers, control their own institutional set up, or have authority over police or local government. *Changwat* score 1 on policy scope from 2000 and 2 from 2004.

Until 1998, Bangkok and Pattaya, like other *thesaban*, had relatively weak authoritative competences, but the decentralization law of 1999 gave *thesaban* and *tambon*, and also Bangkok and Pattaya, broader policy competences. Bangkok, which aggregates *changwat* and municipal competences but does not have residual powers or control over institutional set up or police, scores 0 from 1972–99, 1 from 2000–03, and 2 from 2004. Pattaya, which holds basic *thesaban* competences as well as control over tourism, scores 0 from 1978–99 and 1 from 2000–10.

FISCAL AUTONOMY

Changwat, Bangkok, and Pattaya have no fiscal autonomy. Throughout most of the twentieth century *changwat* were deconcentrated, and the central government determined revenue generation and resource-sharing. Bangkok and Pattaya's fiscal position was similar to that of the *changwat*.

The 1999 decentralization law set out a timetable for greater resource transfer to *changwat*, *thesaban*, and *tambon*. The subnational units were also tasked with the collection of many taxes (Varanyuwatana 2003: 542). However, the base and rate of all taxes continue to be set by the central government. *Changwat* can only charge minor fees and license fees (Revenue Code of Thailand). The dominant source of funding comes from block grants which are controlled by the central government.

BORROWING AUTONOMY

Subnational governments have the right to borrow domestically, but rarely do so. Until 1999, borrowing was virtually non-existent. Funds were usually borrowed by the National Debt Policy Committee on behalf of local governments (Regulation on National Borrowing B.E. 2528).

The 1999 decentralization law granted subnational governments the right to borrow under strict conditions. Bond issuance requires prior permission from the national government, and since 2001, subnational borrowing is encompassed in the ceiling for total annual external borrowing set by the central government. No special provisions regulate borrowing by Bangkok and Pattaya.

REPRESENTATION

Changwat have had partially elected assemblies since 1955 (Sopchokchai 2001: 2; Mutebi 2004: 38). Provincial governors were government appointees. They played a dual role as ministry representatives and coordinators of deconcentrated ministerial offices (Krongkaew 1995: 358–9; Nagai 2001: 44). Since 2004, a directly elected chairman of the executive shares executive authority with the centrally appointed governor.

The Bangkok Metropolitan Administration has a metro assembly and a metro executive, which have always been directly elected (Krongkaew 1995: 359). Pattaya's city assembly consists of nine elected members and eight members appointed by the minister of the interior (Wong 2007: 7, note 7).[α] Pattaya's assembly functions similarly to any city council: it has primary legislative authority and hires a city manager to perform executive functions (Krongkaew 1995: 359).

Subnational elections were temporarily suspended in 2006 and 2007 when the military took over, but previously elected officials remained in office. Scores are not affected.

Shared rule

LAW MAKING

Thailand has a senate with, since 2008, a chamber with equal regional representation.

Prior to 1997, the senate was not a regional body. Senators were appointed by the monarchy, the house, or the prime minister. In 1997 the senate became directly elected, and while the seventy-five *changwat* and Bangkok were constituencies, the number of seats per *changwat* varied according to a *changwat*'s population from one to four (Kuhonta 2008: 378–80; C 1997, Ch. 6, Part 3, Section 122). We judge this ratio as too unequal for the senate to qualify as a chamber of equal regional representation.[β] All *changwat* (including Bangkok) score 0 on law making until 2007.

The 2007 constitution established a 150-member senate with regional representation (C 2007, Ch. 6, Part 3); the first elections were held in March

2008. Just over half of the members (seventy-six) are directly elected—one for each *changwat* and Bangkok (Section 115.6). The remaining seventy-four members are appointed on meritocratic grounds (Sections 113–114). The senate is primarily a house of reflection and appointment. It may amend and delay the adoption of most ordinary laws, but cannot veto legislative proposals, raise the bar in the lower house, or initiate legislation (C 2007, Arts. 147–149). Pattaya has no representation. *Changwat* and Bangkok score 1 since 2008.

There are no bilateral provisions that provide Bangkok and Pattaya with consultation or veto rights over national legislation affecting their region.

EXECUTIVE CONTROL

Since the 1999 decentralization law, *thesaban* and *tambon* executives have met regularly with government ministries, but *changwat* representatives do not attend. Therefore, executive control extends to Bangkok and Pattaya only. Executive coordination was suspended by the military junta (2006–07).

FISCAL CONTROL

There is no power sharing on fiscal policy.

BORROWING CONTROL

Foreign and domestic borrowing is regulated by the national debt policy committee and the foreign debt policy commission, which are composed of national bureaucrats and political appointees (Warr and Nidhiprabha 1996: 93–6). The ministry of the interior, the ministry of finance, and the Central Bank of Thailand control appointments.

CONSTITUTIONAL REFORM

Changwat, Bangkok, and Pattaya have no shared rule on constitutional reform. According to the 2007 constitution amendments can be proposed by the government, one-fifth of the house, one-fifth of the combined house and senate, or 50,000 voters. A constitutional amendment requires three readings in the parliament and final adoption by an absolute majority of the combined parliament (C 2007, Ch. 15). Directly elected *changwat* senators constitute only 12 percent of all parliamentary representatives, which is too few to initiate or block constitutional reform. The constitution and the special statutes of Bangkok and Pattaya do not contain provisions for consultation or co-decision on their statute.

Self-rule in Thailand

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Changwat	1950–1954	1	0	0	0	0	0	**1**
	1955–1999	1	0	0	0	2	0	**3**
	2000	1	1	0	0	2	0	**4**
	2001–2003	1	1	0	1	2	0	**5**
	2004–2010	2	2	0	1	2	1	**8**
Bangkok	1972–1999	2	0	0	0	2	2	**6**
	2000	2	2	0	0	2	2	**8**
	2001–2010	2	2	0	1	2	2	**9**
Pattaya	1978–1999	2	0	0	0	2	2	**6**
	2000	2	2	0	0	2	2	**8**
	2001–2010	2	2	0	1	2	2	**9**

Shared rule in Thailand

		Law making						Executive control		Fiscal control		Borrowing control		Constitutional reform		Shared rule
		L1	L2	L3	L4	L5	L6	M	B	M	B	M	B	M	B	
Changwat	1950–2007	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
	2008–2010	0.5	0	0.5	0	0	0	0	0	0	0	0	0	0	0	**1**
Bangkok	1972–1999	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
	2000–2005	0	0	0	0	0	0	1	0	0	0	0	0	0	0	**1**
	2006–2007	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
	2008–2010	0.5	0	0.5	0	0	0	1	0	0	0	0	0	0	0	**2**
Pattaya	1978–1999	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
	2000–2005	0	0	0	0	0	0	1	0	0	0	0	0	0	0	**1**
	2006–2007	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
	2008–2010	0	0	0	0	0	0	1	0	0	0	0	0	0	0	**1**

National legislature has: L1=regional representation; L2=regional government representation; L3=majority regional representation; L4=extensive authority; L5=bilateral regional consultation; L6=veto for individual region. Total for shared rule is either multilateral (M) or bilateral (B).

Timor-Leste

East Timor, with a population of 1.2 million, has territorial subdivisions but no meaningful decentralization. There are four levels: thirteen *distritos* (districts), sixty-five *subdistritos* (subdistricts) (including the capital city), over 400 *suco* (villages), and over 2300 *aldeias* (communities). *Distritos*, the highest tier, have an average population size of 90,000. *Suco* are the traditional units of Timorese governance, and the *chefes* (chiefs) are directly elected.

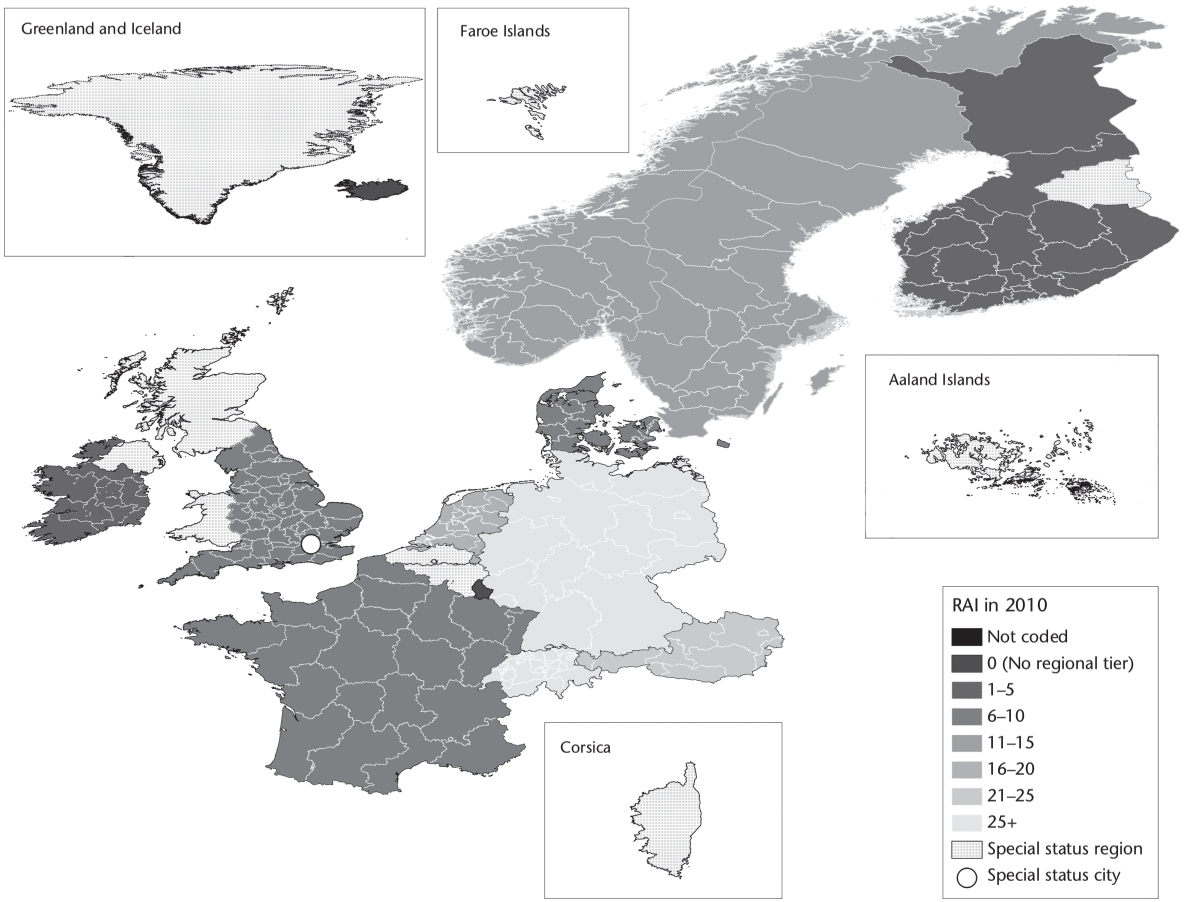
East Timor was a Portuguese colony until 1976, a province of Indonesia from 1976–99, and under UN administration from 1999–2002. Civil strife broke out after the population voted for independence in August 1999 in a UN-supervised referendum. The conflict destroyed large portions of the country's infrastructure and economy (Hill and Saldanha 2001: 9–10; Molnar 2010). East Timor became independent in May 2002.

Distritos are deconcentrated, but decentralization is on the agenda. The 2002 constitution announced decentralization (Section 72), and in 2009, the government introduced three laws in parliament. The Law on Administrative and Territorial Division (Law 11), which delineates the boundaries of the *distritos* and *subdistritos*, passed in June 2009, but the other two laws, one on local government and one on local elections, await approval.

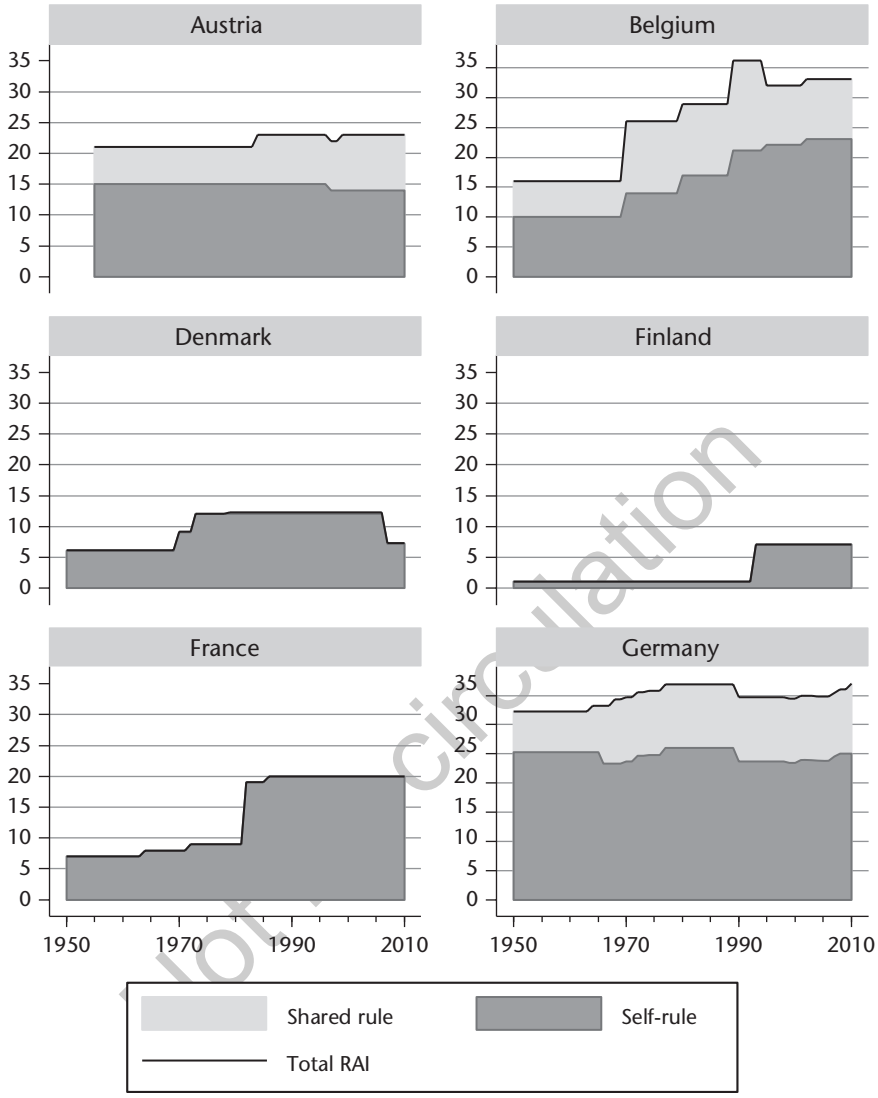
The constitution also identifies two areas for special status: the *distrito* of Oecussi Ambeno, a coastal exclave adjacent to the Indonesian side of Timor island, which is expected to receive greater autonomy (C 2002, Section 71.2); and the *subdistritos* of the island of Ataúro, part of the capital city, Dili, which will have a special economic status (C 2002, Section 71.3).

Northern and Western Europe

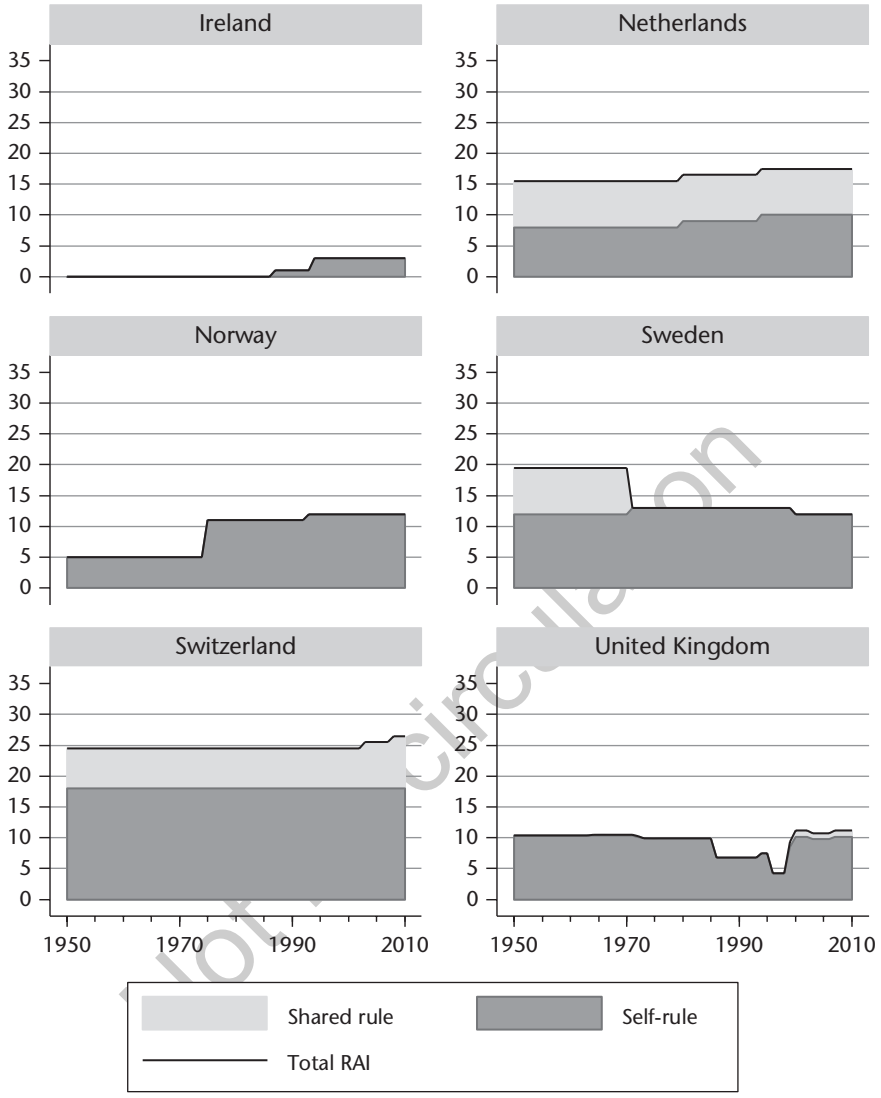
3	Austria (1955–2010)	19	Ireland (1950–2010)
4	Belgium (1950–2010)	24	Luxembourg (1950–2010)
11	Denmark (1950–2010)	27	The Netherlands (1950–2010)
13	Finland (1950–2010)	29	Norway (1950–2010)
14	France (1950–2010)	38	Sweden (1950–2010)
15	Germany (1950–2010)	39	Switzerland (1950–2010)
18	Iceland (1950–2010)	41	United Kingdom (1950–2010)



Standard and differentiated regions in Northern and Western Europe (2010)



Trends in regional authority in Northern and Western Europe



Trends in regional authority in Northern and Western Europe

Note: No general purpose regional government in Iceland or Luxembourg.

Austria

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Austria is a federation with one regional tier composed of nine *Länder* (states).[1] The ninety-nine *Bezirke* (districts) operate as deconcentrated state and *Land* administrations, but their average population classifies them as local (Council of Europe: Austria 2000).[2] We code Austria from the end of Allied occupation in 1955.

There have been no major legislative changes in institutional depth or policy scope since 1945, the year when the Austrian federation of 1920 and its constitution of 1929 were reinstated.[3] The constitution explicitly lists the extensive legislative powers of the central government, as well as the more limited legislative powers of the *Länder*. *Länder* exercise residual powers and have authority over housing, health, social services, land reform, labor law, and education (Bullman 2001; C 2014, Arts. 12, 14, and 15; Council of Europe: Austria 2000; Sturm 2002; Swenden 2006; Watts 1999*a*, 2008). The federal government retains authority over immigration (C 2014, Art. 10.3) and sets the legal framework for citizenship, though *Länder* have executive competence in citizenship (C 2014, Art. 11.1). *Länder* are also responsible for their own institutional set up, but important components—including the *Proporz* system whereby the composition of the executive reflects the relative strength of the political parties in the assembly, and the election of the provincial governor—are federally determined (Fallend 2011). Austria is often perceived as "among federations one of the most centralized" (Watts 1999*b*: 30), a "federation without federalism" (Erk 2004: 1), or "overcentralized" (Braun 2011: 36; see also Thorlakson 2003: 9; Elazar 1994: 27).

FISCAL AUTONOMY

Major taxes (customs/excise, corporate, and personal income) as well as tax sharing are determined at the federal level (Thorlakson 2003). The *Finanz-Verfassungsgesetz* 1948 (Law No. 45/1948), a federal law with constitutional status, sets out a framework for tax sharing, intergovernmental transfers, and cost sharing between the federation, *Länder*, and *Gemeinde* (municipalities) (Swenden 2006: 128–30). *Länder* receive more than 95 percent of their revenues from tax sharing and can set the tax base and rate for the remaining 5 percent which includes minor taxes such as a fire insurance tax and a tax on tourism (Pernthaler 2002).

[1] The federal capital, Vienna, is at the same time a *Land* and a municipality. The municipal council acts as *Land* parliament and the mayor acts as *Land* governor (C 1930, Art. 108).

[2] Law No. 14/1966, 59/1976, 11/1977, 208/1977, 19/1982, 60/1997, 26/2003 35/2007, and C 1968, Art. 3.

[3] Unless noted otherwise articles refer to the most recent consolidated version of the constitution of 2014.

BORROWING AUTONOMY

Until the run-up to Economic and Monetary Union (EMU), there were no explicit, formal, or binding rules for debt financing. Since 1997, *Länder* borrowing has been constrained by the Federal Financial Decree (Law No. 787/1996).

The Federal Financial Decree formalizes an agreement negotiated in 1974 between the federal government and the *Länder* (Hauth 2009).[a] It stipulates that regional and local governments have to distinguish between ordinary and extraordinary expenses (Thöni, Garbislander, and Haas 2002). Borrowing is restricted to financing extraordinary expenses, and only under certain conditions (Law No. 787/1996, Art. 4). This distinction is similar in spirit to the widespread golden rule provision which requires that only public investments can be financed by loans. *Länder* score 3 on borrowing autonomy until 1996, and 2 from 1997.

In practice, the distinction between ordinary and extraordinary expenses has been difficult to implement, and regional and local governments have tended to finance public investment via extraordinary budgets (Balassone, Franco, and Zotteri 2003). Moreover, regional governments are not required to seek federal government approval for their annual budgets, and this includes loan financing. The federal government can, however, request detailed information on the regional budget at any time (Law No. 787/1996).

REPRESENTATION

Länder Landtage (parliaments) are directly elected every five or six years depending on the *Land* (C 2014, Art. 95). The *Landtag* elects its own *Landeshauptmann* or *Landeshauptfrau* (governor) and government (C 2014, Arts. 101–102).

Shared rule

LAW MAKING

The *Bundesrat* (upper chamber) is composed of representatives elected by *Land* parliaments (C 2014, Art. 34). Each *Land* is allotted a number of seats proportional to its population, and these are divided among political parties according to their representation in the *Land* parliament (C 2014, Art. 35). The *Bundesrat* can initiate and vote on most legislation, but it can be overridden by a simple majority in the lower house (C 2014, Art. 42).

EXECUTIVE CONTROL

Federal and *Land* governments hold regular intergovernmental meetings. While the norm is to decide by consensus, even unanimity among *Länder* does not formally bind the federal government, which can use constitutional

"escape clauses" to override *Länder* requests for participation in national and European policy making (C 2014, Art. 15a; Bolleyer and Bytzek 2009).

The *Landeshauptleute* (governors) of the nine *Länder* meet, without federal government representation, in the *Landeshauptleutekonferenz* (conference of governors) twice to four times a year (Pernthaler 2002; Sturm 2002).[4] Although these horizontal intergovernmental meetings may produce binding agreements (Pernthaler 2002), they tend to be non-binding. An important exception is the *Integrationskonferenz der Länder* (EU integration conference of *Länder*), which prepares common statements and opinions before EU policies are discussed with the federal government (Law No. 39/1993).

FISCAL CONTROL

Länder are consulted on the base and rate of shared taxes in the upper chamber, but that body cannot veto tax legislation. In addition, the *Finanzausgleichsgesetz* (Law No. 103/2007; Revenue sharing law), which regulates the details of the *Finanz-Verfassungsgesetz*, is negotiated by the finance minister, the nine *Land* finance ministers, and the representatives of the municipalities before being presented to the *Nationalrat* (the lower chamber). Hence subnational governments must be consulted, but have no veto power (Fallend 2011). A government debt committee (*Staatsschuldenausschuss*) was set up in 1970 and was transformed into a fiscal advisory council (*Fiskalrat*) in 2013. This body makes recommendations on public debt. The conference of governors (*Landeshauptleutekonferenz*) elects one member (of fifteen), who has no voting rights (Law No. 742/1996, Art. 4.1(2) and No. 149/2013, Art. 7).[5]

BORROWING CONTROL

Cost sharing among the federal government, *Länder,* and *Gemeinden* is regulated by a *Finanzausgleichsgesetz* (Law No. 103/2007) negotiated by all three levels of government for three years (until 1985 agreements were for six years). Consensus among federal and subnational governments is the norm, but subnational governments have no veto powers.

In order to meet the Maastricht stability criteria for membership in the EMU, all levels of government agreed on a Domestic Stability Pact (Law Nos. 35/1999 and 101/1999) in 1999. The initial pact stipulates that *Länder* as a group have to achieve an annual budgetary surplus of 0.75 percent of gross domestic product (GDP) over the period 2001–04, while municipalities as a group must have a balanced budget (Joumard and Kongsrud 2003; Balassone,

[4] Meine Abgeordneten. "KW 20: Landeshauptleutekonferenz tagt im Ländle." <http://www.meineabgeordneten.a>.

[5] Fiskalrat. "Home" and "Aufgaben." <http://www.staatsschuldenausschuss.at/de/staatsschuldenausschuss.jsp> and <http://www.fiskalrat.at/Aufgaben.html>.

Franco, and Zotteri 2003). Each *Land* had obligations, but could transfer surplus or deficit rights to other *Länder*. Sanctions for non-compliance required unanimity in a commission of representatives of all levels of government (Joumard and Kongsrud 2003). In addition, the pact launched consultation mechanisms to manage disputes and improve the flow of information across levels of government (Balassone, Franco, and Zotteri 2003). The Pact was extended in 2009 and, again, in 2014. The Domestic Stability Pact upgraded borrowing control for *Länder*, which score 2 from 1999.

CONSTITUTIONAL REFORM

Up to 1984, the *Bundesrat* did not have a veto over constitutional amendments, though its consultation was required. It also had the power to raise the hurdle for a vote on constitutional reform in the *Nationalrat*, including for any total revision (*Gesamtänderung*) (C 1929, Art. 44). A 1984 constitutional revision gave the *Bundesrat* the authority to veto constitutional reform that directly affects the federal–*Land* allocation of competences or the organization of the *Bundesrat* (Sturm 2002). Such constitutional amendments now require a supermajority in the *Bundesrat* (C 2014, Art. 44.2). The *Bundesrat* can also initiate a popular referendum for a partial revision of the constitution with one-third of its members (C 2014, Art. 44.3).

Self-rule in Austria

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Länder	1955–1996	3	3	2	3	2	2	**15**
	1997–2010	3	3	2	2	2	2	**14**

Shared rule in Austria

		Law making						Executive control		Fiscal control		Borrowing control		Constitutional reform		Shared rule
		L1	L2	L3	L4	L5	L6	M	B	M	B	M	B	M	B	
Länder	1955–1983	0	0.5	0.5	0	0	0	1	0	1	0	1	0	2	0	**6**
	1984–1998	0	0.5	0.5	0	0	0	1	0	1	0	1	0	4	0	**8**
	1999–2010	0	0.5	0.5	0	0	0	1	0	1	0	2	0	4	0	**9**

National legislature has: L1=regional representation; L2=regional government representation; L3=majority regional representation; L4=extensive authority; L5=bilateral regional consultation; L6=veto for individual region. Total for shared rule is either multilateral (M) or bilateral (B).

Belgium

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Belgium was transformed from a decentralized unitary state with a single regional tier (*provincies/provinces*) in 1950 to a federal state with an additional, increasingly dominant, tier of *regions* and *communities* by 1993.

The constitution of 1831 enshrined the principle of local and provincial autonomy, but it did not enumerate provincial competences (C 1831, Art. 108). An enabling law (the *Provinciewet* of 1836, and revisions) devolved competences in economic policy, cultural-educational policy, and welfare policy. Provinces also administer secondary education, roads, and social welfare. And they are responsible for implementing national laws and, since federalization, communal and regional decrees (Council of Europe: Belgium 1999, 2006; Law No. 043001/1836). With the partition of Brabant in 1993, there are now ten, rather than nine, provinces (Delmartino 1991, 1993; Valcke, De Ceuninck, Reynaert, and Steyvers 2008).

The constitutional reform of 1970 created a new, higher level intermediate tier in response to autonomist demands. Two models of devolved government were instituted (Hooghe 1991*a*, 2004; Swenden 2006). The constitution defined three cultural communities with somewhat fluid boundaries (*Communauté française*, *Vlaamse Gemeenschap*, *Deutsche Gemeinschaft*) (C 1970, Art. *3ter*).[6] The *Communauté française* encompasses the Walloon region and French speakers in Brussels;[7] the *Vlaamse Gemeenschap* encompasses the Flemish region and Dutch speakers in Brussels; the *Deutsche Gemeinschaft* encompasses the eastern cantons. Law makers also wrote the principle of regional autonomy into the constitution to accommodate demands for socio-economic territorial autonomy (C 1970, Art. 3*bis*). In contrast to the communities, the regions—*Vlaams Gewest*, *Région wallonne*, *Bruxelles-Région-Capitale/Brussel Hoofdstedelijk Gewest*—have identifiable, albeit contested, boundaries.[8]

[6] Initially these were called the French, Dutch, and German-speaking cultural communities. The reference to culture was dropped in 1980 for the former two, and in 1983 for the latter.

[7] Since 2011 it calls itself the *Fédération Wallonie-Bruxelles* <http://www.federation-wallonie-bruxelles.be>.

[8] Belgium's overlapping jurisdictions may lead to double-counting when estimating country scores. To avoid this, we take communities as baseline and augment their scores with the *additional* authority exercised by a region prorated to its share in a community's population. E.g., For example, in calculating the Francophone community, we start with the community's score, and then estimate additional authority exercised by the Walloon region over 81.4 percent of the community's population and additional authority exercised over French speakers in the Brussels region (18.6 percent). So from 1980–88 the Francophone community scores 2 (depth) and 1 (scope) because it has authority in education and culture; the Walloon region also scores 2 (depth) and 1 (scope) because it has authority in economic development; the Brussels region scores 1 (depth) and 0 (scope). Since the Brussels region has no authority, policy scope is adjusted downwards for the Francophones living in Brussels. The final score for the Francophone community is the sum of

A limited form of community autonomy was put into effect in 1971 when a special law set up two cultural councils consisting of Dutch-speaking and French-speaking members of the national parliament, respectively (Law No. 072101/1971).[9] The councils monitored small executive cells within the national government and had authority to pass decrees on narrowly defined aspects of culture, education, and language. They receive a score of 1 on policy scope. The German cultural council was directly elected from 1974 (Law No. 071002/1973).

The 1980 reform (Law No. 080801/1980) extended autonomy to the regions and deepened community autonomy. Separate executives and administrations were created for the Flemish and Walloon regions and the Flemish, Francophone, and German communities, but no directly elected councils (except for the previously established German Community Council). The region of Brussels remained under national tutelage, thus scoring 1 on institutional depth and 0 on policy scope. The Flemish and Walloon regions gained responsibility in regional economic development, water resources and sewage, land-use planning and urban renewal, nature conservation, and some aspects of environmental policy and energy policy. The communities gained competences in cultural policy, including international cultural relations, and minor aspects of health and welfare policy (Law No. 080801/1980, Arts. 4–5). The institutions of community and region were merged on the Flemish side. Hence from 1980 the scores for Flemish community combine regional and community competences. The institutions have remained separate on the Francophone side, and so we continue to provide separate scores for the *Communauté française* and the *Région wallonne*.

In 1989, devolution was considerably deepened—and became much more complex. The major new competence for the communities was education. Communities also gained authority over culture, tourism, social care (youth, family, elderly), and hospitals, which we reflect by increasing policy scope to 2. Regions acquired a broad range of economic powers: infrastructure including harbor policy, road building, waterways, public local and regional transport, and airports (except for the national airport in *Zaventem*); agricultural subsidies; natural resources; and trade. They also acquired control over active labor market policy, as well as some aspects of local government (Law No. 010882/1989). Residual powers, police, and the bulk of local government, including supervision of municipalities with a special language regime,

the Francophone community's scores and the *additional* authority in economic development prorated to the regions' population share: 2 (depth) and $2 \times 0.814 + 1 \times 0.186$ (scope), which equals 2 (depth) and 1.8 (scope).

[9] We code from 1970 to be consistent with academic practice, which tends to take the constitutional reform as its reference point. However, the councils were established the following year.

remained national. Regions score 2 on policy scope. Regional and community councils continued to be indirectly elected except in Brussels, which now obtained its own institutions, including a directly elected regional council (Law No. 021006/1989). The central government cannot suspend or veto decrees passed by regions and communities, and a special Arbitration Court is created to handle conflicts (Alen 1989). Hence institutional depth increases from 2 to 3 in 1989 for the Flemish and Walloons regions and the three communities.

The 1989 reform (Law No. 021006/1989) also set up a consociational governance structure for the Brussels region (Hooghe 1991*a*, 2004). The Brussels parliament functions as the assembly (*Verenigde Vergadering*; *Assemblee réunie*) and elects an eight-member executive (*Verenigd College*; *Collège réuni*) consisting of the minister-president, four ministers (two from each language community), and three state secretaries.[10] The Brussels region has the same policy competences as the Flemish and Walloon regions (Law No. 021006/1989, Title II, Art. 4), but, contrary to the other two regions, it remains subject to a central veto. The national government can suspend and ultimately annul decisions of the Brussels region on urban development, city and regional planning, public works, and transport if these decisions are deemed to negatively affect Brussels' role as an international and national capital (Law No. 021006/1989, Art. 45).[β] Furthermore, Brussels' legal ordinances do not have equal status with decrees or national laws (Alen 1989). These constraints are reflected in our scoring of institutional depth (2) and policy scope (2).

Education, culture, social care, and other community matters in the Brussels region are controlled within the Flemish and Francophone communities. Governance is mostly decentralized to the Flemish and Francophone community commissions, the *Vlaamse Gemeenschapscommissie* (VGC) and *Commission communautaire française* (COCOF). Each is a dual structure comprised of an assembly of the Dutch- or French-speaking members of the Brussels parliament and an executive of ministers of the same language group in the Brussels College alongside a minister of the Flemish or Francophone community having a consultative role. There is also a joint commission (*Gemeenschappelijke Gemeenschapscommissie*; *Commission communautaire commune de Bruxelles-Capitale*), which combines members of VGC and COCOF and with responsibility for intercommunal institutions.

The constitutional reform of 1993 formally declared Belgium a federation of three communities and three regions (C 1994, Arts. 1–3; Law No. 021259/1993). Five constituent units have legal personality: the Walloon region, the

[10] De Gemeenschappelijke Gemeenschapscommissie van Brussel-Hoofdstad. "Bevoegdheden," "Financiering & Begroting," "Historiek," and "Verenigde Vergadering." <http://www.ccc-ggc.irisnet.be/nl>.

Brussels region, the German community, the Francophone community, and the Flemish community (this last combines community and regional competences). The 1993 constitutional revisions, which came into force in 1995, put in place institutions typical of modern federations: directly elected assemblies, a senate representing territorial interests, residual competences residing with the constituent units, fiscal federalism, and intergovernmental coordination and conflict resolution (C 1994, Ch. IV and Ch. V; Hooghe 2004). In addition, communities and regions have the authority to make international treaties on matters within their competence (C 1994, Art. 167). The two larger communities (not the German community) and regions (not Brussels) acquired some constitutive autonomy, though the most important features—including the design of electoral constituencies, the size of the parliament and executive, and parliamentary–executive relations—remained subject to federal law.[11]

In 2001, regions gained full control over provincial and local government as well as more extensive competence in agriculture and external trade, and from 2004, over development cooperation (Law No. 021378/2001; Swenden 2006). The Brussels region gained control over local government, although provisions were built in to protect Flemish representation in decision making (Koppen, Distelmans, and Janssens 2002; Witte et al. 2003). When these changes come into effect in 2002, we increase policy scope for the regions from 2 to 3.

The Walloon region initially exercised regional competences in the territory of the German community, but these were gradually transferred to the German community: social aid and anti-poverty policy (1993), rural planning and nature protection (1994), employment policy (2000), and local government (2005).[12] From 2005, the German community scores 3 on policy scope.

To summarize, regions exercise competences over regional economic development (including employment policy, industrial restructuring, the environment, nature conservation, and rural development), housing, land-use planning and urban renewal, water resources and sewage, energy policy (except for national infrastructure and nuclear energy), roads, waterways, regional airports and public local transport, and, since 2002, local government, agriculture, and external trade. Communities have responsibility for non-territorial personal matters: culture (including arts, youth policy, tourism), language policy (except in local authorities with a special language regime), education, health, and welfare (including hospitals but not social

[11] The 2014 reform substantially increased constitutive autonomy, which is now more in line with practice in mature federations. Constitutive autonomy was also extended to the German community and the Brussels region (but bound to the usual consociational decision rules that protect Flemish representation).

[12] Deutschsprachige Gemeinschaft Belgiens. "Die institutionelle Entwicklung." <http://www.dg.be>.

security), with far-reaching international competences in these areas. In addition, the communities set the legislative framework for culture and for secondary and tertiary education (C 1994, Art. 127; Council of Europe: Belgium 1999, 2006; Swenden 2006; Watts 1999*a*). The list of exclusive federal competences is brief: defense, justice and national security, social security, fiscal and monetary policy, citizenship, and immigration (Béland and Lecours 2005, 2007; C 1994, Ch. II; Lecours 2002; Swenden 2006; Watts 1999*a*, 2008). While the competences of the provinces have not weakened appreciably, the principal intermediate units of government in contemporary Belgium are the regions and the communities.[13]

FISCAL AUTONOMY

Provinces have fiscal autonomy and may set the base and rate for several provincial taxes within the parameters of national legislation (C 1994, Art. 162; Law No. 043001//1836 Art. 65). This has included taxes on dog licenses, bicycles, productive energy, surface water protection, employees, hunting and fishing licenses, motorcycles and mopeds, boats, dangerous unsanitary establishments, and water collection (Council of Europe: Belgium 1999, 2006).[α] The list of such taxes has varied over the decades and from province to province, but it has not included major taxes. Over the past fifteen years, most special provincial taxes have been replaced by a general provincial tax which consists of a tax on business establishments and on residential occupancy. General provincial taxes generate around 20 percent of provincial revenues. The bulk of provincial revenue comes from a surtax on the property tax as well as from government grants through the *provinciefonds* (provincial fund). Until 2001 the *provinciefonds* was funded by the central government, and since then, by the regions.

Until 1989, communities and regions were financed almost exclusively from central government transfers. Communities received also part of radio and television tax, for which base and rate were set by the central government. Grants to regions were calculated in relation to population, revenues from personal income tax, and surface area.

Since 1989, communities have a tax-sharing arrangement whereby the central government refunds a proportion of value added tax and income tax.

[13] A sixth federal reform (the *Vlinderakkoord*) was agreed in 2011 and came into force in 2014. The senate is transformed into an assembly of representatives from the regional parliaments beginning with the regional elections in 2014. Second, the communities assume significant responsibilities in health care, child allowance, and tourism, and the regions obtain more competences in the labor market, justice, and energy. Third, a fiscal reform broadens the authority of regions to adjust the rate of personal income tax. Fourth, the Brussels region and the German community obtain constitutive autonomy which means that they can organize their own institutions (Law Nos. 03016/2014, 200153/2014, and 200341/2014; see e.g. Deschouwer and Reuchamps 2013; Swenden 2013).

Communities do not set the rate or base. Between 1993 and 2001, radio and television tax was entirely refunded to the communities; after 2001 this became a regional tax, but it remained earmarked to fund communities, not regions. The German community receives federal grants (Law Nos. 021010/1989 and 021379/2001; Swenden 2006: 130–3).

In 1989, regions obtained authority over eight minor regional taxes with varying degrees of autonomy: control over base and rate (e.g. gambling taxes), rate only (e.g. inheritance tax), rate within limits (e.g. registration fees on property transfer), or no control (e.g. vehicle registration) (Law No. 080901/1989 and No. 021010/1989, Arts. 3–4). In the ensuing years, several environmental taxes were also transferred to the regions. Yet the majority of regional revenues came from a tax-sharing arrangement on personal income tax which had a built-in equalization mechanism. Since 1995 regions have been able to levy additional taxes or rebates on personal income tax within federally set limits, which justifies an increase on tax autonomy to 3 (Bogaert and Père 2001; Law No. 021259/1993; Swenden 2006: 130–3).

Fiscal arrangements for regions and communities were revised once again in 2001. Regions and communities acquired authority over the base and rate of twelve taxes. In some cases this was subject to prior intergovernmental agreement to avoid regime competition (Law No. 021379/2001, Art. 5). Almost one-third of regional revenue comes from own taxes. Regional authority to adjust the rate of personal income tax has also been broadened, though within federal limits which include the principle that the tax must be progressive (Law No. 021379/2001, Art. 6).

BORROWING AUTONOMY

Provincial borrowing is subject to prior approval from the higher government. Before provincial and local government was transferred to the regions approval was given by the centrally appointed governor (Humes and Martin 1969).[a] In addition, the federal government exercised supervision on provincial accounts and budgets (Council of Europe 1997). Since 1999, provincial borrowing in the Walloon region is subject to prior approval by the Walloon government (Law No. A27184/2004, Part II-Title III). Similar arrangements are in place in the Flemish region (Law No. 036605/2005, Ch. III; Council of Europe: Belgium 2006).

Since 1989, regions and communities have the right to borrow (Law No. 021010/1989, Ch. VI), but they require prior approval by the minister of finance (Bogaert and Père 2001; Joumard and Kongsrud 2003; Law No. 021010/1989, Art. 49.2). Subsequent reforms have only marginally relaxed the conditions. The 2001 fiscal reform allowed communities and regions to borrow in the short term provided the minister of finance was notified (Law No. 021010/1989, Art. 49.3 and No. 021379/2001, Art. 36). To qualify for

admission to the EMU, the central government adopted several convergence programs including a requirement that provinces, communities, and regions balance their budgets (Vanneste 2002).

REPRESENTATION

Provincial councils have been directly elected since 1830. Until 1994 they were held in conjunction with national elections, but since 1994 they take place on a six-year cycle jointly with local elections (C 1831, Art. 108.1 and C 1994, Art. 162.1; Law No. 043001/1836, Art. 2). The provincial executive is dual: the executive head, the governor, is appointed by the regional government (until 1994, the national government), and the other members of the executive are elected by the provincial council (Law No. 043001/1836, Arts. 3 and 4). The powers of the provincial governor have been eroding. As of 1987, the governor had to share executive power with the council and the other members of the executive and in 1997 the governor lost voting rights. In the Walloon provinces the governor lost the chairmanship of the provincial council as well (Valcke et al. 2008).

Representational institutions in the communities and regions have been transformed. From 1970–80, communities had indirectly elected councils of members of the lower and upper house of the relevant linguistic community. Each community had an executive composed of Dutch- or French-speaking ministers which was lodged in the national government (Law No. 072101/1971). From 1980 regions also acquired indirectly elected councils. Regions and communities had separate executives and administrations (Hooghe 2004; Law No. 080801/1980).

In 1989, the Brussels region became directly elected, and the Flemish council, Walloon regional council, and French community council followed in 1995 (Law Nos. 021006/1989 and 021259/1993). A constitutional revision in 2005 designated the regional and community assemblies as full-fledged parliaments (Law No. 021034/2005). The German community followed a separate path with direct elections from 1974 and an executive elected by the council from 1984 (Law Nos. 071002/1973 and 023027/1984).

Shared rule

LAW MAKING

Up to 1995, provincial assemblies appointed one-third of the upper chamber (*Senaat*/*Sénat*/*Senat*) in rough proportion to the population in each province (L1, L2, L3). The senate had equal powers to the lower chamber (L4). Communities and regions had no representatives in the senate.

The 1995 reform eliminated provincial senate representation and introduced a system of forty popularly elected senators in electoral districts

representing the two large language communities (twenty-five Flemish and fifteen Francophone), twenty-one community senators elected by and from the Community councils (ten Flemish, ten Francophone, one German), ten co-opted senators elected by the previous two categories of senators convening by language group (six Flemish and four Francophone), and three senators by right (adult children of the king).[14] For each senatorial category and each of the larger language groups, the constitution requires a specific number of senators to be resident of the Brussels region (C 1994, Arts. 67–68).

With the 1995 reform, the senate lost some power but it remains a strong upper chamber. It retains equal legislative powers with the lower chamber on freedom of religion, language use, the judicial system, international treaties, and constitutional change. On other matters, it can invoke a "reflection period" if requested by fifteen of its members (C 1994, Arts. 77–78).$^{\gamma}$

The regions are not represented in the senate and there are no special provisions for representatives of particular communities or regions to have input or a veto over ordinary legislation affecting their units. The provision that there has to be a majority in particular linguistic groups does not apply to ordinary legislation.

EXECUTIVE CONTROL

Provinces never had executive control. Regions and communities have had multilateral binding executive power since 1989, when a law introduced a negotiation committee (*Overlegcomité*) to resolve intergovernmental conflicts (Hooghe 2004). The negotiation committee consists of the prime minister and five other federal members, two representatives of the Flemish community/region, one member of the Francophone community, one member of the Walloon region, and two members of the Brussels region (Law No. 080901/1989, Art. 31). The German community may send one representative from its parliament or executive when its competences are involved (Law No. 080901/1989, Art. 31.3). We code this as a non-binding form of bilateral shared rule for the German community.$^{\beta}$

The 1989 law (Law No. 080901/1989, Art. 31*bis*) gave the negotiation committee the competence to set up interministerial committees of federal government representatives with regional or community representatives on the model of German *Politikverflechtung* (Poirier 2002). Nineteen interministerial conferences have been set up since 1995.

Interministerial conferences have no formal decision making power (Law No. 801695/1995, Art. M3.1), but they are the most important venue for concluding binding intergovernmental cooperation agreements (Law No.

[14] Since the coronation of King Philip in 2013 there are no senators by right because his children are minors. The 2014 constitutional reform abolished the category of "senators by right."

801695/1995, Art. M3.2). Intergovernmental cooperation has been extended to European policy (Beyers and Bursens 2013).

FISCAL CONTROL

Until 1995, provinces could influence the national distribution of revenues and the tax regime by virtue of their institutional presence in the senate.

Between 1970 and 1995, communities and regions (after 1980) had a veto on fiscal control because regional and community parliamentarians also constituted the national parliament (under the so-called "double mandate"). That is to say, national parliamentarians wore two hats in addition to their national mandate: as members of one of the community councils (linguistic affiliation), and as members of one of the regional councils (residence based).[15] We conceive these parliamentarians as representatives of their respective subnational governments.[β] Their control over fiscal policy derives from the fact that amendments to the special law regulating the finances of communities and regions require a double majority: an absolute majority in each linguistic group in either national chamber, and an overall two-thirds majority in each chamber. This gave representatives of the two large communities and the three regions a veto (C 1970, Art. 32*bis*). The German council was directly elected from 1974, and its representatives in the national parliament never had a double mandate.

The double mandate was abolished in 1995 (C 1994, Art. 119). The senators appointed by the community councils now constitute a minority in the reformed senate and they can no longer block decisions. However, regions and communities have a veto over the distribution of tax revenues through executive channels. Regions, communities, and the federal government are legally bound to reach agreement on amendments to the special law regulating the financing of communities and regions (Law No. 021010/1989). The constitutional revision of 2001, which increased subnational fiscal autonomy, made autonomy conditional upon "compulsory agreements" among the entities. These agreements are intended to constrain fiscal competition (C 1994, Arts. 175–178 and Law No. 021379/2001).

The German community does not have fiscal shared rule, but is financed primarily from a federal grant regulated by federal law. An amendment to this law does not require consultation of the German community (Coppens 2012: 9; Law No. 023027/1984).

[15] So in legal terms parliamentarians exercised a triple mandate.

BORROWING CONTROL

There was no shared rule on borrowing until 1989,[a] when the special law on finances reformed the High Council of Finance (*Hoge Raad van Financien/ Conseil Supérieur des Finances*). The Council is an expert body with equal number of federal and regional/community representatives and linguistic parity (Bogaert and Père 2001; Law No. 021010/1989, Art. 49.6; Ter-Minassian and Craig 1997; Vanneste 2002). The German community and the provinces do not participate. The Council's recommendations on borrowing are non-binding. The Council may recommend restrictions on subnational borrowing, which can be imposed by the federal government for a period up to two years. This does not prohibit subnational borrowing, but prior consent by the minister of finance is required (Bogaert and Père 2001; Law No. 021010/1989, Art. 49.7).[16] The High Council was reformed in 2006, and its role of advising on fiscal coordination strengthened. The German community is allowed to borrow but does not exercise borrowing control (Law No. 023027/1984).

CONSTITUTIONAL REFORM

Since 1831, constitutional reform requires a two-thirds majority in both the senate and house of representatives (C 1831, Art. 131), and since 1970, also absolute majorities of both the Dutch- and the French-speaking linguistic groups in each chamber (C 1970, Art 4).

Until 1994, provincial delegates controlled a third of the senate seats and could, therefore, theoretically block constitutional change. When the double mandate was introduced in 1970, communities acquired a veto over constitutional change, as did the regions when the double mandate was extended to regional councils in 1980. The double mandate did not extend to representatives of the German community.

Since 1995, the three community councils send representatives to the senate, where they comprise less than one-third of the total. They are consulted on constitutional change, but they cannot raise the decision hurdle or exert a veto. The forty directly elected senators represent the two large language groups. They constitute a majority and are in a position to veto constitutional change (C 1994, Arts. 67–68 and 195–198). The votes of citizens living in Brussels are added to the language group to which their political party belongs. The German community has one representative among the community senators, who cannot raise the hurdle or exert a veto.

[16] As of 2011 the Council had not used this provision to recommend that subnational borrowing should be restricted (Buffel 2010: 97).

Self-rule in Belgium

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Provincies	1950–2010	2	2	2	1	2	1	**10**
Vlaamse Gemeenschap	1970–1979	2	1	0	0	1	0	**4**
	1980–1988*	2	2	0	0	1	2	**7**
	1989–1994*	3	2	2	1	1	2	**11**
	1995–2001*	3	2	3	1	2	2	**13**
	2002–2010*	3	3	3	1	2	2	**14**
Communauté française	1970–1979	2	1	0	0	1	0	**4**
	1980–1988	2	1	0	0	1	2	**6**
	1989–1994	3	2	0	1	1	2	**9**
	1995–2010	3	2	0	1	2	2	**10**
Deutsche Gemeinschaft	1970–1973	2	1	0	0	0	0	**3**
	1974–1983	2	1	0	0	2	0	**5**
	1984–1988	2	1	0	0	2	2	**7**
	1989–2004	3	2	0	1	2	2	**10**
	2005–2010	3	3	0	1	2	2	**11**
Région wallonne	1980–1988	2	1	0	0	1	2	**6**
	1989–1994	3	2	2	1	1	2	**11**
	1995–2001	3	2	3	1	2	2	**13**
	2002–2010	3	3	3	1	2	2	**14**
Brussels Gewest/ Région bruxelloise	1980–1988	1	0	0	0	0	0	**1**
	1989–2001	2	2	2	1	2	2	**11**
	2002–2010	2	3	3	1	2	2	**13**

* combines regional and community institutions with respect to Flanders and Dutch-speakers in Brussels.

Shared rule in Belgium

		Law making						Executive control		Fiscal control		Borrowing control		Constitutional reform		Shared rule
		L1	L2	L3	L4	L5	L6	M	B	M	B	M	B	M	B	
Provincies	1950–1994	0	0.5	0	0.5	0	0	0	0	1	0	0	0	4	0	**6**
	1995–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Vlaamse Gemeenschap	1970–1988	0	0	0	0	0	0	0	0	2	0	0	0	4	0	**6**
	1989–1994	0	0	0	0	0	0	2	0	2	0	1	0	4	0	**9**
	1995–2010	0.5	0.5	0.5	0.5	0	0	2	0	2	0	1	0	3	0	**10**
Communauté française	1970–1988	0	0	0	0	0	0	0	0	2	0	0	0	4	0	**6**
	1989–1994	0	0	0	0	0	0	2	0	2	0	1	0	4	0	**9**
	1995–2010	0.5	0.5	0.5	0.5	0	0	2	0	2	0	1	0	3	0	**10**
Deutsche Gemeinschaft	1970–1988	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
	1989–1994	0	0	0	0	0	0	0	1	0	0	0	0	0	0	**1**
	1995–2010	0.5	0.5	0.5	0.5	0	0	0	1	0	0	0	0	0	0	**3**
Région wallonne	1980–1988	0	0	0	0	0	0	0	0	2	0	0	0	4	0	**6**
	1989–1994	0	0	0	0	0	0	2	0	2	0	1	0	4	0	**9**
	1995–2010	0	0	0	0	0	0	2	0	2	0	1	0	0	0	**5**
Brussels Gewest/ Région bruxelloise	1980–1988	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
	1989–1994	0	0	0	0	0	0	2	0	2	0	1	0	4	0	**9**
	1995–2010	0	0	0	0	0	0	2	0	2	0	1	0	0	0	**5**

National legislature has: L1=regional representation; L2=regional government representation; L3=majority regional representation; L4=extensive authority; L5=bilateral regional consultation; L6=veto for individual region. Total for shared rule is either multilateral (M) or bilateral (B).

Denmark

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Denmark is divided into five *regioner* (regions) with an average population of 1.1 million. The *regioner* were established in 2007 (Law No. 537/2005) to replace *amtskommuner* (counties). A 1970 reform reduced the number of *amtskommuner* from twenty-five to sixteen. Denmark also has two special autonomous regions, the Faroe Islands (in Faroe: *Føroyar*; in Danish: *Færøerne*) and Greenland (in Greenlandic: *Kalaallit Nunaat*; in Danish: *Grønland*).

Before the 1970 reform, *amtskommuner* had administrative authority over major roads, hospitals, and secondary schools but executive power over these policies as well as authority over courthouses and prisons rested with a centrally appointed prefect (*Amtmand*) who also chaired the county council (*amtsrådet*).[α] The *amtskommuner* formed the intermediate tier between rural municipalities and the national government, except for cities and towns, where there was a single lower tier (Bogason 1987).[17] In 1970, *amtskommuner* acquired additional administrative powers in the areas of social assistance, the environment, economic development, planning, and regional transport (Council of Europe 1998; Law No. 615/1995). A county mayor (*amtsborgmestre*) elected by the council assumed executive authority and the role of the centrally appointed prefect was reduced to responsibility for family law and divorce (Bjørnå and Jenssen 2006; Blom-Hansen 2012; Lidström 2001*a*). With the 1970 reform, the score for policy scope of the *amtskommuner* increases from 1 to 2.

The *regioner* are primarily responsible for health care and have limited additional responsibilities in regional development and educational and social institutions (Blom-Hansen et al. 2012; Council of Europe: Denmark 2008; Law No. 537/2005, Art. 2; Indenrigs- og Sundhedsministeriet 2006; Vrangbæk 2010).[β] Their responsibilities are less extensive than those of the former *amtskommuner*.

The Faroe Islands, or Faroes, were an integral part of Denmark until home rule in 1948 (Law No. 137/1948). The Home Rule Act contained an extensive list of de jure competences which the Faroese government could repatriate at its choosing, as well as a shorter list for possible negotiation (Law No. 137/1948, Arts. 2–3). The Faroese repatriated most matters on both lists over the following decades and gained authority in health, public welfare services, education, libraries, museums, nature conservation, roads, transport, agriculture, tourism, taxation, their own institutional set up, and local government.

[17] The average population of *amtskommuner* has exceeded 150,000 over the period covered by this study. Dansk Center for Byhistorie. Den Digitale Byport. Danmarks lokaladministration 1660–2007. Artikler. "Amternes administration 1660–1970," "Kommunalreformen 1970," "Købstædernes adminstration 1660–1970," and "Landkommunernes administration 1660–1970." <http://dendigitalebyport.byhistorie.dk/kommuner>.

Residual powers and citizenship and immigration remained with the Danish government and policy decisions are not subject to central veto.

In 2005, two constitutional agreements granted the Faroes residual powers, while Danish central government was limited to a "negative list" of national competences which includes the constitution, citizenship, the supreme court, monetary and currency policy, and foreign, security, and defense policy (Law No. 578/2005). The home rule act also lists twelve policy areas, among them border control and passports, to be devolved by mutual agreement. As of 2015, border control and passports had not been devolved, and so we continue to score 3 on policy scope. The government of the Faroes can join international organizations and conclude or renounce international agreements on exclusive Faroese affairs without prior Danish consent (Law No. 579/2005). In December 2006 the constitutional committee of the Faroese parliament submitted a draft constitution with provisions for a future referendum on secession from Denmark.[18] The Faroe Islands have never been part of the European Economic Community/European Union (EU).

Greenland was a Danish colony until 1953 at which point it became a Danish county (*amtskommun*) (C 1953). In 1979 it gained home rule under stipulations similar to those for the Faroes (Law No. 577/1978). Greenland acquired its own legislative and executive bodies and extensive authoritative competences in local government, taxation, social welfare, education, culture, health, and local development, as well as authority to conduct international relations on home rule matters. Residual powers and citizenship and immigration remained with the Danish government. Policy decisions are not subject to central veto. Greenland severed membership ties with the European Economic Community/EU in 1985. A new Greenland self-government act was passed in 2009 (Law No.473/2009) which recognizes the *Kalaalit* (Greenlanders) as a people and creates the opportunity for Greenland to become an independent state. The Greenland government also has authority over natural resources and justice.

FISCAL AUTONOMY

From 1950–72, the *amtskommuner* received over 90 percent of their revenues from a share of personal income tax. The *amtskommuner* gained the authority to adjust the rate of local income tax in 1973.[a] The remainder of their income came from a land tax for which the rate and base are set by the central government (Council of Europe: Denmark 1998).

In contrast to the *amtskommuner*, the *regioner* have no right to impose taxes (Law No. 543/2005). General and specific central government grants represent around 80 percent of revenues, while contributions from municipalities and

[18] IceNews. July 6, 2011. "Denmark and Faroe Islands in constitutional clash." <http://www.icenews.is/2011/07/06/denmark-and-faroe-islands-in-constitutional-clash/>.

user fees make up the rest (Blom-Hansen et al. 2012; Council of Europe: Denmark 2008; Vrangbæk 2010).

As a colony Greenland had no fiscal autonomy and between 1953 and 1979 Greenland receives the same score as *amtskommuner*. The home rule statutes of the Faroes and Greenland provide the regions with authority over base and rate of direct and indirect taxes (Law No. 137/1948, Art. 2; No. 577/1978, Schedule 3; No.473/2009, Art. 4).

BORROWING AUTONOMY

Amtskommuner have had limited borrowing autonomy. With prior approval of the minister of interior, they can borrow long term for the purpose of financing investments, but borrowing is restricted to 25 percent of the net outlays for investments (Council of Europe: Denmark 1998; Humes and Martin 1969; Pedersen 2002).[a]

The five *regioner* are dependent on intergovernmental transfers from local and central government (Blom-Hansen et al. 2012; Council of Europe: Denmark 2008; Law No. 543/2005).

As a colony Greenland had no borrowing autonomy, and between 1953 and 1979 Greenland receives the same score as for *amtskommuner*. With the passage of home rule, the Faroes and Greenland can borrow without restrictions (Law No. 103/1994, Art. 42; Law No. 1/1979).

REPRESENTATION

The councils (*amtsråder*) of the *amtskommuner* were directly elected every four years from 1950 until they were replaced by the *regioner* in 2007. From 1950–69, the executive of the *amtskommun* was the *Amtmand* (prefect), a centrally appointed state official who also chaired the council (Bjørnå and Jenssen 2006). The county mayor (*Amtsborgmestre*) was elected by the council from 1970 (Law No. 615/1995, Art. 6). Executive authority in the *amtskommuner* was exercised by a standing committee (*stående udvalg*) with five to seven members chosen from the council members and chaired by the county mayor.

Regionsråder (regional councils) are directly elected every four years (Law No. 537/2005, Art. 3 and No. 173/2014). The regional executive consists of an executive committee (*forretningsudvalget*) led by the chair of the regional council (*regionsrådsformand*). Both the executive committee and the chair are chosen by the regional council (Law No. 537/2005, Art. 16).

Regional councils are complemented by state administrative bodies (*statsforvaltninger*) that report to the ministry of interior and health. The state administrative bodies supervise (from a legal point of view) the regional and municipal councils and are responsible for tasks related to adoption, citizenship, and divorce, but they are not part of the regional executive (Bjørnå and Jenssen 2006; Indenrigs- og Sundhedsministeriet 2006).

As a colony, Greenland was subject to direct central rule. As a Danish county from 1953 to 1979, Greenland receives the same score as *amtskommuner*. From 1979, Greenland, like the autonomous region of the Faroe Islands, has a directly elected assembly, which chooses its own government. Elections are held every four years.

Shared rule

Regioner and the former *amtskommuner* do not play a role in national decision making, except for some county input on taxes. Denmark had a bicameral system until 1953, but the upper chamber did not have regional representation. The Faroes and Greenland, however, have extensive power sharing.

LAW MAKING

The Faroes and Greenland each have two directly elected representatives in parliament (L1) (C 1953, Art. 28). According to the statute of special autonomous regions, all national bills, administrative orders, and statutes of importance to the home rule authorities must be sent to the Faroes and Greenland for their opinion before they can be introduced in the Danish parliament (L5) (Law No. 137/1948, Art. 7; No. 474/2009, Arts. 17–18). In case of disagreement, the question is put before a board consisting of two members nominated by the Danish government, two members nominated by the home rule authorities, and three judges of the *Højesterets* (Supreme Court of Justice) nominated by its president (Law No. 137/1948, Art. 6; No. 474/2009, Art. 18).$^{\beta}$ This arrangement falls just short of giving the islands a veto on legislation.

EXECUTIVE CONTROL

While the home rule statutes do not detail routine intergovernmental meetings, the Faroes and Greenland have a strong legal basis in their statutes which guarantees their involvement on issues of interest to them. The islands appoint attachés on Danish foreign missions, state their interests formally in third party negotiations, and, if authorized by the Danish government, may negotiate directly with third parties (Law No. 137/1948, Art. 8; No. 1/1979, Sections 15 and 16; No. 474/2009, Arts. 11–16).$^{\beta}$

FISCAL CONTROL

Since the 1970s and until their abolition in 2007, *amtskommuner* had some influence over the distribution of national tax revenues in the context of nonbinding negotiations between the central government, peak associations of *amtskommuner* (*Amtsraadsforeningen*), and municipalities. The Danish parliament reserves the right to take unilateral action, and has occasionally withheld tax revenue, limited grants, restricted loan access, or frozen liquidity (Blom-Hansen 1999). We do not consider this authority sufficient to reach a score of 1.$^{\beta}$

The Faroes and Greenland have full control over taxation and they have a veto on changes in the distribution of resources that might affect them.[19]

BORROWING CONTROL

The Faroes and Greenland do not participate in routine consultation on national or subnational borrowing.

CONSTITUTIONAL REFORM

Amendments to the home rule statute must be approved by both the island concerned and the Danish parliament (Rezvani 2014: 108 and 114).

Self-rule in Denmark

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Amtskom-muner	1950–1969	2	1	0	1	2	0	**6**
	1970–1972	2	2	0	1	2	2	**9**
	1973–2006	2	2	3	1	2	2	**12**
Regioner	2007–2010	2	1	0	0	2	2	**7**
Faroe Islands	1950–2010	3	3	4	3	2	2	**17**
Greenland	1950–1952	1	0	0	0	0	0	**1**
	1953–1969	2	1	0	1	2	0	**6**
	1970–1972	2	2	0	1	2	2	**9**
	1973–1978	2	2	3	1	2	2	**12**
	1979–2010	3	3	4	3	2	2	**17**

Shared rule in Denmark

		Law making						Executive control		Fiscal control		Borrowing control		Constitutional reform		Shared rule
		L1	L2	L3	L4	L5	L6	M	B	M	B	M	B	M	B	
Amtskom-muner	1950–2006	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Regioner	2007–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Faroe Islands	1950–2010	0.5	0	0	0	0.5	0	0	1	0	2	0	0	0	4	**8**
Greenland	1950–1978	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
	1979–2010	0.5	0	0	0	0.5	0	0	1	0	2	0	0	0	4	**8**

National legislature has: L1=regional representation; L2=regional government representation; L3=majority regional representation; L4=extensive authority; L5=bilateral regional consultation; L6=veto for individual region. Total for shared rule is either multilateral (M) or bilateral (B).

[19] Statsministeriet. The Prime Minister's Office. Departmental responsibilities. The unity of the Realm. "Faroe Islands" and "Greenland." <http://www.stm.dk/_a_2956.html> and <http://www.stm.dk/_a_2957.html>.

Finland

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Finland has two levels of intermediate governance: six *aluehallintovirastot* (regional state administrative agencies) established in 2010, and eighteen *maakuntien* (regions) from 1993. Finland also has one special autonomous region, the Åland Islands.[20]

Six *aluehallintovirastot* replaced *läänit* (provinces) which had existed since 1634 and were reduced from twelve to six in 1997 (Council of Europe: Finland 1998; Law No. 1159/1997; Lidström 2001*b*). Like *läänit*, the newly created *aluehallintovirastot* represent deconcentrated outposts of state ministries and are not equipped with significant authority. *Aluehallintovirastot* execute and oversee central legislation in their respective territory.[21] Some tasks in the areas of business, labor force, transport, infrastructure, and the environment were taken over by fifteen *ELY-keskukset,* which is an acronym for centers for economic development, transport, and the environment. *Elinkeino* administer subsidies from the EU. While *aluehallintovirastot* are clearly general purpose, *ELY-kekusket* are conceived as task-specific.[β]

In contrast to *aluehallintovirastot*, *maakuntien* have some autonomy (Law Nos. 1135/1993 and 1159/1997). *Maakuntien* constitute joint municipal authorities with administrative competences in economic development, regional land-use planning, and voluntary tasks which they fulfill on behalf of their member municipalities (Council of Europe: Finland 1998, 2009; Kettunen and Kungla 2005; Law No. 365/1995, Arts. 76–87; Lidström 2001*b*; OECD: Finland 2005). These are competences that lie with local government and, at their discretion, have been delegated upward.

In 2005, Finland set up a pilot program which gave the *maakunta* of Kainuu additional authority and a directly elected council (Council of Europe: Finland 2009; Law No. 343/2003). Kainuu's regional council executed additional powers in health care, social welfare services, and secondary education that

[20] A constitutional reform in 1991 gave the Sami, an indigenous community in the north of Finland, the right of linguistic and cultural self-government (C 1999, Art. 121). A law adopted in 1995 defined the borders of Sami Homeland and created a Sami parliament with direct elections held every four years (Law No. 974/1995). The Sami parliament functions under the jurisdiction of the ministry of justice. It is entirely dependent on the central state for its budget and it can only draft proposals and issue statements—not take decisions (Law No. 974/1995, Arts. 1–2 and 5). The 1995 Law introduces some consultation rights for the Sami because it requires authorities to negotiate with the Sami parliament on community planning, land management, culture, and language in schools (Law No. 974/1995, Art. 9). The Sami parliament has no executive and falls just short of meeting our minimum criteria of regional government (Arter 2001; see also Sami Parliament 2010).[β]

[21] Regional State Administrative Agencies. "Frontpage." <http://www.avi.fi/en/web/avi-en/frontpage#.U9dvdbEQM1I>.

elsewhere were exercised by the *läänit* or by municipalities. The self-governance experiment was suspended in 2012 (Law No. 343/2003, Art. 54; OECD 2014: 105).

Home rule is exercised by the predominantly Swedish-speaking Åland Islands, which were granted autonomy in 1920 after a tense period that nearly led to war between Sweden and Finland (C 1919, Art. 120; McRae 1997: 322–3; Rotkirch 1986). Autonomy was reinforced in 1951 (Law No. 760/1951; McRae 1997: 325–7)[α] and again in 1991 (Law No. 1144/1991; implemented in 1993).

Åland autonomy is strongly entrenched. The Finnish president can only veto Åland laws if the parliament has exceeded its legislative authority or if a bill would affect Finland's security, and then only after having obtained an opinion from the Åland Delegation (half Åland-, half Finnish-appointed) and, in rare cases, the Finnish Supreme Court (C 1999, Art. 58.4; Law No. 1144/1991, Arts. 19 and 55). Policy competences are extensive. The most important Åland competences are education, culture and preservation of ancient monuments, health care, environment, industry promotion, internal transport, local government, policing, postal communications, and radio and television (Law No. 1144/1991, Art. 18; Rotkirch 1986). In addition, the Åland government controls right of domicile on the islands, which gives it concurrent control over citizenship (C 2009, Art. 75; Williams 2007).[β] The right of domicile (*hembygdsrätt/kotiseutuoikeus*), or regional citizenship, is a prerequisite for the right to vote or stand in elections to the Åland parliament, own real estate, or exercise a trade or profession (Lidström 2001*b*). Right of domicile is acquired at birth if possessed by either parent. Finnish citizens who have lived in Åland for five years and, since the 1991 Act, can prove adequate knowledge of Swedish may apply for the status, but the procedure is restrictive (Williams 2007). Those who have lived outside Åland for more than five years lose their right of domicile, although the Åland government can grant exemptions (Law No. 1144/1991, Arts. 6–12). The Finnish government retains authority over foreign affairs, defense, civil and criminal law, the court system, customs, taxation, and immigration (Law No. 1144/1991, Art. 27). Åland scores 3 on institutional depth and 4 on policy scope.

FISCAL AUTONOMY

Aluehallintovirastot, like the former *läänit*, depend entirely on central government funds. *Maakuntien* and *Kainuu* have no own income sources; they depend on contributions from member municipalities and/or central state contributions (Council of Europe: Finland 2009; Law No. 365/1995, Art. 83; OECD: Finland 2005). The base for income, corporate, and sales taxes for Åland is set by the central government, but Åland authorities have discretion

over the rate of income tax and *Åland* can also set the base and rate of additional regional taxes it chooses to impose (Law No. 1144/1991, Arts. 18.5 and 27.36).

BORROWING AUTONOMY

Neither the *aluehallintovirastot*, nor the former *läänit*, nor the *maakuntien* may borrow (Association of Finnish Local and Regional Authorities 2011).[22] The pilot region of *Kainuu* is also prohibited from borrowing.

The autonomy act allows the government of Åland to borrow without centrally imposed restriction (Law No. 1144/1991, Art. 50).

REPRESENTATION

Aluehallintovirastot, like the former *läänit,* are deconcentrated. The councils of *maakuntien* (*maakuntaliittot*) consist of municipal representatives from the region who elect an executive board (Law No. 365/1995, Arts. 81–82; Sjöblom 2011). Kainuu is the only region with a popularly elected council. The region held its first election in October 2004. The council was established in 2005 and remained in place until 2012 when the constituent municipalities terminated the experiment (OECD 2014: 105).

The Åland *lagting* (parliament) is popularly elected every four years and selects its own government (Law No. 1144/1991, Arts. 13–16).

Shared rule

There is no shared rule for *aluehallintovirastot*, *läänit*, or *maakuntien*. The Åland Islands, however, can tap into extensive power sharing.

LAW MAKING

Åland is a unit of representation in the parliament. The constitution grants it one directly elected representative (L1) (C 1999, Art. 25; Law No. 1144/1991, Art. 68). There is no upper chamber. The Finnish parliament is required to obtain an opinion from the Åland government on any act of special importance to the islands, but there is no provision that makes legislation conditional upon its assent (L5) (Law No. 1144/1991, Arts. 30–33).

The Åland government also has the right to participate in the preparation of Finnish positions preceding EU negotiations if the matter falls within its powers or has special significance for Åland (Law No. 1144/1991, Art. 59a). The Åland parliament must give its consent to international treaties in areas under its competence, and Åland has a representative in the permanent

[22] In contrast, borrowing by municipalities does not require prior authorization by the central government and is not restricted by central government rules (Council of Europe 1998; Joumard and Kongsrud 2003).

representation of Finland to the EU (Law No. 1144/1991, Arts. 59 and 59a; Lidström 2001*b*).

EXECUTIVE CONTROL

Financial and taxation matters, as well as some sensitive issues (such as shipping around the islands), are subject to binding negotiation in the Åland Delegation, a joint organ with equal representation from the Åland parliament and the Finnish government (Law No. 1144/1991, Art. 56). However, on most matters the constitution stipulates consultation only, so Åland score 1 on executive control.[β]

FISCAL CONTROL

The distribution of the Åland share of income, corporate, and sales taxes is subject to binding negotiation through the Åland Delegation, and this provides the islands with a veto on the distribution of tax revenues affecting the region (Law No. 1144/1991, Art. 56).

BORROWING CONTROL

Åland has full control over borrowing, but does not have borrowing control.

CONSTITUTIONAL REFORM

Åland shares control over its constitutional fate with the Finnish parliament. The revision of the act on the autonomy of Åland requires a two-thirds majority both in the Finnish and in the Åland parliaments (Law No. 1144/1991, Art. 69; McRae 1997; Rotkirch 1986; Rezvani 2014).

Self-rule in Finland

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Läänit	1950–2009	1	0	0	0	0	0	**1**
Aluehallinto -virastot	2010	1	0	0	0	0	0	**1**
Maakuntien	1993–2010	2	1	0	0	1	2	**6**
Kainuu	2005–2010	2	1	0	0	2	2	**7**
Åland	1950–2010	3	4	3	3	2	2	**17**

Shared rule in Finland

		Law making						Executive control		Fiscal control		Borrowing control		Constitutional reform		Shared rule
		L1	L2	L3	L4	L5	L6	M	B	M	B	M	B	M	B	
Läänit	1950–2009	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Aluehallinto -virastot	2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Maakuntien	1993–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Kainuu	2005–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Åland	1950–2010	0.5	0	0	0	0.5	0	0	1	0	2	0	0	0	4	**8**

National legislature has: L1=regional representation; L2=regional government representation; L3=majority regional representation; L4=extensive authority; L5=bilateral regional consultation; L6=veto for individual region. Total for shared rule is either multilateral (M) or bilateral (B).

France

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

France has two tiers of regional governance, twenty-two *régions* (regions) and ninety-six *départements* (departments), as well as, since 1982, an autonomous region, *Corse* (Corsica) (C 1958, Art. 72).[23]

The *départements* have long-standing administrative competences in education, environment, health care, and city and regional planning (Cole 2006; Council of Europe: France 1998; OECD: France 2006). Before 1982, each was headed by a *préfet de département* (prefect), appointed by the central state (Law No. 10/1871; Tarrow 1974). Hence, *départements* were both decentralized authorities and deconcentrated divisions of the state (OECD: France 2006; Dupuy 1985; Hayward 1983; Schmidt 1990*a*).[β] After a reform in 1982, most executive powers of the *préfet* were transferred to the *président* of the elected *conseil général* (Council of Europe: France 1998; De Montricher 2000; Law No. 213/1982, No. 8/1983, and No. 663/1983). The *préfet* is now responsible mainly for mandating the legality of *département* actions (De Montricher 2000). *Départements* score 2 on institutional depth and 1 on policy scope until 1982, when they score 2 on policy scope.

In 1955, twenty-two *circonscriptions d'action régionale* (planning regions) were set up as part of a top-down economic strategy. Initially, these regions were purely administrative categories, but after 1964 they were headed by a *préfet de région* (prefect) who coordinated public investment decisions within a

[23] France's four overseas regions (*régions/départements d'outre mer*) are not included (see Hintjens, Loughlin, and Olivesi (1994) for a historical overview of regionalization).

national economic plan. The *préfet* was assisted by an advisory body (*Commission de développement économique régionale*) composed of officials from national ministries, socio-economic elites (e.g. from trade unions and chambers of commerce), and local politicians (Simmons 1971). A reform in 1972 renamed the *circonscriptions* as *régions*, and gave them legal status, a limited budget with some autonomous taxation power, limited competences in regional development, and regional consultative councils composed of representatives of *départements* and local governments in the *région* as well as national parliamentarians (Cole 2006; Law No. 619/1972; Loughlin 2008). The regional councils could only advise and the centrally appointed *préfet* exercised legislative and executive powers.

Regionalization was deepened considerably with the Defferre reforms of 1982 and 1983, which established directly elected regional assemblies with accountable regional *présidents* (De Montricher 2000; Keating 1983; Law Nos. 213/1982, 8/1983, and 663/1983). *Régions* gained authority over education (excluding tertiary education), career training, planning and economic development, urban planning, the environment, and transport (Cole 2006; Council of Europe: France 1998; OECD 2006). The reforms went into effect in 1986 after the first regional elections.[24] However, as with *départements*, central state deconcentration lingered alongside regional authority (De Montricher 2000; Douence 1994; Loughlin 2008; Smyrl 2004).[β] The post of regional *préfet* was scaled back rather than abolished, thus creating a two-headed regional executive (OECD: France 2006; Schmidt 1990*a*, *b*).

The constitutional reform of 2003 established the principle of subnational devolution (Law No. 276/2003). Legislation in the following year consolidated regional competences in vocational training, secondary schools and school transport, regional and town planning, rail transport, the environment, and culture (Law No. 809/2004; OECD: France 2006).

Corse became a separate region in 1975 with the same limited authority as mainland *circonscriptions*. In 1982, four years ahead of the rest of France, a special statute (*statut particulier*) gave *Corse* the status of a *région* with directly exercised competences, a budget, a directly elected assembly (rather than a council), and an executive elected by the assembly (Law No. 214/1982; Loughlin and Daftary 1999). As in other regions, executive power is shared with a government-appointed *préfet*. In 1991 its special statute was deepened when *Corse* was recognized as a *collectivité territoriale spécifique* (special territory) (Hintjens, Loughlin, and Olivesi 1994). *Corse* was granted extensive

[24] Regionalization was regulated by specific laws for different categories of regions: the twenty ordinary regions; the *Île-de-France* with a very similar statute but with slightly more extensive powers and resources; the four overseas regions of Guadeloupe, French Guiana, Martinique and Réunion; and Corsica which received a *statut particulier* (Douence 1994).

powers around two pillars: economic, social, and cultural development; and preservation of Corsican identity and environment (Law No. 428/1991; Loughlin and Daftary 1999). Corsican self-rule was strengthened further in 2002, when it gained additional state subsidies and some enhanced authority (beyond that of other *régions*) over education, culture, the environment, agriculture, housing, transport, and social policy (Law No. 92/2002).[α] These do not include authority for local government, regional political institutions, police, immigration and citizenship, or residual powers. *Corse* scores 2 on policy scope from 1982 onwards.

FISCAL AUTONOMY

The central government collects all taxes and sets their base. *Départements* can set the rate for self-employed tax, mining dues, town planning tax, electricity tax, gambling tax, and, since 1983, motor vehicle tax (Council of Europe: France 1998; Law No. 10 août/1871, Art. 58; Law No. 8/1983, Art. 99; Prud'Homme 2006*b*).[α]

Since 1972 *régions* have been able to set the rate for self-employment tax and, since 1983 (and in conjunction with *départements*) motor vehicle tax (Council of Europe: France 1998; Law No. 619/1972, Art. 17; No. 8/1983, Art. 99; Prud'Homme 2006*b*). But tax autonomy was de facto absent because the regional councils could only provide advice to a centrally appointed *préfet* who exercised fiscal autonomy.[α] The 1982 reform changed this. Moreover, the reform transferred to the regions the option to set the rate (but not the base) of a housing tax based on rental income, two property taxes based on the official market value of buildings and land, and a business tax based on the value added (Gilbert 1994: 40–1). *Régions* score 0 until 1981 and 1 from 1982 onwards.

Corsica is subject to the same rules as *régions*, except that setting the rate of motor vehicle tax is an exclusive regional competence. Corsica also receives special development grants, which are unilaterally determined by the central government, and Corsican residents benefit from lower rates on a range of national taxes, including income tax, VAT, corporate tax, and inheritance tax.

BORROWING AUTONOMY

Borrowing by intermediate governments is heavily regulated. Most importantly, intermediate governments are required to balance their current budgets and may borrow only to finance long term capital investment (Gilbert and Guengant 2002; Joumard and Kongsrud 2003).

Before 1982 *départements* required prior authorization by the *préfet* (Harloff 1987: 55; Mény 1987).[α] *Départements* could borrow only from state-owned institutions such as the *Caisse des Dépôts et Consignations* (Deposits and Consignments Fund) or the *Caisses d'Epargne* (Saving Banks) and only for sums decided by the ministry of finance on a project-by-project basis (Prud'Homme 2006*b*: 109–10).

Until 1982, the regional councils could give advice to a centrally appointed *préfet* who exercised borrowing powers.[a] *Régions* score 0 until 1982.

Following the 1982 reforms both the regional council's and the departmental council's budgets, including their borrowing plans, must be transmitted to the *préfet* (Council of Europe 1997; Council of Europe: France 1998). The *préfet*, who is appointed by the central government, reviews the legality of the proposal and may request an audit from the *Chambres Régionales des Comptes* (Regional Audit Office), set up in 1982 (Law No. 213/1982, Art. 9). If the audit reveals a current account deficit, the *Chambre Régionale des Comptes* can propose appropriate fiscal measures (Joumard and Kongsrud 2003). This amounts to post hoc control though in practice regions and departments have escaped this form of constraint (Gilbert 1994). *Corse* is subject to the same rules as the *régions*.

REPRESENTATION

The *conseil général* of a *département* is directly elected every six years on a three-year rotation (Law No. 10 août/1871, Art. 12). Since 1982 the *président* has been elected by the *conseil général* and presides over the executive. There is also a government-appointed departmental *préfet* who, since 1982, has been primarily responsible for post hoc legal oversight (De Montricher 2000; Law No. 213/1982, Art. 34). The *départements* score 2 on assembly and 0 on executive until 1982, when they score 1.

From 1964 each *région* had a centrally appointed *préfet* (Simmons 1971). In 1972 parliament introduced indirectly elected *conseils régionaux* (regional councils) which were composed of nationally elected politicians from the region alongside representatives from subnational governments. The regional executive was headed by a government appointed *préfet* (Law No. 619/1972, Art. 21–1). From 1982 the regional council elects its own *président*, and from 1986 the council is popularly elected on a six-year cycle (Law No. 213/1982). The regional *préfet* remains responsible for post hoc legal oversight and some limited policy tasks (De Montricher 2000; Loughlin 2008).

Corse has had direct assembly elections and an executive elected by the assembly since 1982 (Law No. 214/1982, Art. 3-26; Loughlin and Daftary 1999). As in other regions, executive power is shared with a government appointed *préfet*.

Shared rule

Régions and *départements* have no power sharing and the special autonomous region of *Corse* has limited power sharing.

LAW MAKING

Although the French constitution states that the *Sénat* shall ensure the representation of the territorial entities of the republic (C 1958, Art. 24), *régions* and

départements are not units of representation. Senators are indirectly elected by a college of 150,000 *grands électeurs* (elected officials), including mayors, city councilors, and national assembly deputies who convene by *département*. *Départements* are allocated seats in rough proportion to their population. In 2004, the term for senators was reduced from nine years to six. According to the constitution, the upper house has the same powers as the lower house. However, when the *Sénat* and the *Assemblée nationale* cannot agree on a bill, the government can refer the final decision to the *Assemblée* (C 1958, Art. 45).

The 1982 reforms gave the assembly of *Corse* the right to consult the government or be consulted on all matters concerning the island (L5) (Law No. 214/1982; Loughlin and Daftary 1999). The revised special statute of 1991 loosens the requirement for mandatory consultation by stating that the French prime minister may consult the Corsican assembly on draft laws or decrees which directly affect it (Law No. 428/1991; Loughlin and Daftary 1999). The Corsican assembly can still initiate legislation and request special consideration of its situation (Law No. 92/2002, Art 1.V). *Corse* retains a score of 0.5 on bilateral consultation on law making (L5).

EXECUTIVE CONTROL

Formal executive control for *régions* and *départements* is virtually non-existent, though the French practice of *cumul des mandats*—combining an elected mandate in local or regional government with a national mandate—has provided a channel for regional influence on national policy making (Cole 2006; Loughlin and Seiler 2001; Thoenig 2005).

There are no regular intergovernmental meetings between the Corsican executive and the national government.

FISCAL CONTROL

Régions, *départements*, and *Corse* do not have fiscal control.

BORROWING CONTROL

Régions, *départements*, and *Corse* do not have borrowing control.

CONSTITUTIONAL REFORM

Régions and *départements* do not have a role in constitutional reform.

The Corsican statute of 1982 gives the assembly the right to consult the government or be consulted on all matters concerning Corsica (Loughlin and Daftary 1999). This right was reinforced in the 2002 Law (Law No. 92/2002, Art. 1.V). The assembly can propose amendments to its statute, which are transmitted to the French prime minister or their representative in *Corse* for consideration (Law No. 92/2002, Art. 1.III). Corsican regional actors have no veto power.

Self-rule in France

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Départe -ments	1950–1981	2	1	1	1	2	0	**7**
	1982–2010	2	2	1	2	2	1	**10**
Régions	1964–1971	1	0	0	0	0	0	**1**
	1972–1981	1	0	0	0	1	0	**2**
	1982–1985	2	2	1	2	1	1	**9**
	1986–2010	2	2	1	2	2	1	**10**
Corse	1975–1981	1	0	0	0	1	0	**2**
	1982–2010	2	2	1	2	2	1	**10**

Shared rule in France

		Law making						Executive control		Fiscal control		Borrowing control		Constitutional reform		Shared rule
		L1	L2	L3	L4	L5	L6	M	B	M	B	M	B	M	B	
Départe -ments	1950–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Régions	1964–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Corse	1975–1981	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
	1982–2010	0	0	0	0	0.5	0	0	0	0	0	0	0	0	2	**2.5**

National legislature has: L1=regional representation; L2=regional government representation; L3=majority regional representation; L4=extensive authority; L5=bilateral regional consultation; L6=veto for individual region. Total for shared rule is either multilateral (M) or bilateral (B).

Germany

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Germany has two-tiered regional governance consisting of sixteen *Länder* and *(Land)Kreise*. Several *Länder* have a third tier between these two, *Regierungsbezirke* (administrative districts). Two *Länder* have a fourth tier of regional governance, *Landschaftsverbände* in North-Rhine Westphalia and *Bezirksverband Pfalz* in Rhineland-Palatinate.[25]

[25] Most *Länder* also have an upper tier of local government that does not meet our population criteria. These include *Amter* (Brandenburg, Mecklenburg-Vorpommern, and Schleswig-Holstein), *Gemeindeverwaltungsverbände* (Baden-Württemberg and Hessen), *Samtgemeinde* (Lower Saxony), *Verbandsgemeinde* (Rhineland-Palatinate and Saxony-Anhalt), and *Verwaltungsverbände* (Saxony).

The 1949 Basic Law of the German Federal Republic granted eleven *Länder* extensive competences, which include legislative powers for culture, education, universities, broadcasting/television, local government, and the police (C 1949, Art. 74; Council of Europe: Germany 1999; Hrbek 2002; Swenden 2006; Watts 1999*a*, 2008). *Länder* also exercise residual competences (C 1949, Art. 70). In addition, the Basic Law states that *Länder* are responsible for the implementation of most federal laws (C 1949, Arts. 83–85). The federal government may legislate to preserve legal and economic unity with respect to justice, social welfare, civil law, criminal law, labor law, and economic law (C 1949, Art 72.2), and it has authority to establish the legislative framework in higher education, the press, environmental protection, and spatial planning (C 1949, Art. 72.3; Reutter 2006). The federal government exercises sole legislative authority over foreign policy, defense, currency, and public services (C 1949, Art. 73; Council of Europe: Germany 1999; Hrbek 2002; Swenden 2006; Watts 1999*a*, 2008). It also has exclusive authority over immigration and citizenship (C 1949, Art. 73.2 and 73.3), though *Länder* administer inter-*Land* immigration and have concurrent competence on residence (C 1949, Art. 74.4 and 74.6). However, this is not enough to qualify for the maximum score on policy scope.$^{\beta}$ The constitutional division of authority was extended to the five new *Länder* after unification in 1990.

A constitutional reform in 2006 broadened the legislative powers of the *Länder* (Behnke and Benz 2008; Benz 2008; Burkhart 2008; Jeffery 2008; Moore, Jacoby, and Gunlicks 2008). The reform allowed *Länder* to deviate from federal law in the management of the penal system, and from laws governing shop closing hours and restaurants (C 1949, Art. 72.3). *Länder* gained authority over the remuneration and appointment of civil servants and large areas of university law (C 1949, Art. 74.27 and 74.33). The federation gained competences in international terrorism (C 1949, Art. 73.9a).

The next level of regional governance consists of *Regierungsbezirke*, re-established in the larger states of West Germany in 1945, in Saxony in 1993, and in Saxony-Anhalt in 1990. *Regierungsbezirke* currently exist in Baden-Württemberg, Bavaria, Hessen, and North-Rhine Westphalia,[26] and were abolished in Rhineland-Palatinate (1999), Saxony-Anhalt (2003), Lower Saxony (2004), and Saxony (2012). They have served mainly as deconcentrated administrations, except in North-Rhine Westphalia and Bavaria. In 2001, *Regierungsbezirke* in North-Rhine Westphalia set up regional consultative assemblies (*Regionalräte*) composed of communal representatives (Law No. 430/2005, Art. 7). We code North-Rhine Westphalia separately. In Bavaria each of the seven *Bezirke* co-exist with, but are independent from, *Bezirkstäge*

[26] Law No. 421/1962, No. 313/2008, Arts. 11–14, and No. 420/2011. Bayerische Staatsregierung. Freistaat Bayern. "Staat und Kommunen." <http://www.bayern.de/freistaat/staat-und-kommunen>.

which encompass the same jurisdictions. *Bezirkstäge* have directly elected assemblies with competences in culture, special schools (e.g. for pupils with hearing difficulties), disabled people, health care institutions, and environmental protection (Law No 850/1998, Art. 12).[27] *Bezirke* in Bayern score 2 on institutional depth and 2 on policy scope.

Two *Länder* have a fourth tier above the *Regierungsbezirk* since 1950.[28] North-Rhine Westphalia has two *Landschaftsverbände* (*Rheinland* and *Westfalen-Lippe*) and Rhineland-Palatinate has one *Bezirksverband* (*Pfalz*). *Landschaftsverbände* (until 1953, *Provinzialverbände*) are indirectly elected by the assemblies of the *Kreise* and *Kreisfreie Städte* within their territory and have limited competences in health care, disabled persons, youth policy, schools for children with special needs, day care, and culture (Law No. 657/1994, Arts. 5 and 7b). The assembly (*Bezirkstag*) of the *Bezirksverband Pfalz* comprises sixteen out of thirty-six *Kreise* within Rhineland-Palatinate and is directly elected (Law No. 146/1994, Art. 5). The *Bezirksverband* has limited competences in culture, health, education, energy, and the environment. Both the *Landschaftsverbände* and *Bezirksverband* (*Pfalz*) score 2 on institutional depth and 1 on policy scope because they share competences with the participating *Kreise*.$^{\beta}$

Länder, except Hamburg, Bremen, and Berlin, are subdivided into *Kreisfreie Städte* and (*Land)Kreise* (Council of Europe: Germany 1999; Wollmann 2010).[29] *Kreisfreie Städte* and *Kreise*, which exercise competences delegated by the participating municipalities (*Gemeinde*), are non-deconcentrated governments with limited competence in cultural–educational policy, including cultural activities, student exchange, public libraries, adult education, and promotion of tourism. In addition, they implement many federal and *Land* policies, including those concerned with social welfare, hospitals, secondary schools, waste collection, and roads (Committee of the Regions 2005; Council of Europe: Germany 1999).$^{\beta}$ *Kreise* score 2 on policy scope.

[27] Bayerischer Bezirketag. Aufgaben. "Gesundheit," "Kultur," "Schulen," "Soziales," and "Umwelt." <http://www.bay-bezirke.de/baybezirke.php?id=150>.

[28] In addition, there are three other intermediate governments—*Region Hannover* in Lower Saxony since 2001, *Regionalverband Saarbrücken* in Saxony since 2008, and *StädteRegion Aachen* in North-Rhine Westphalia since 2009. They were established by merging *Landkreise* with *Stadtkreise* and therefore do not constitute an additional intermediate tier, but are estimated at the same level as the *Kreise*. Their competences are slightly more extensive than those of the *Kreise*.

[29] Law Nos. 400/1971, 398, 433/1993, 577/1993, 188/1994, 270/1994, 682/1997, 826/1998, 890/1998, 41/2003, 94/2003, 183/2005, 435/2009, and 576/2010. In Baden-Württemberg and North-Rhine Westphalia these reach the minimum average population size threshold of 150,000, and they do so after the merger of *Kreise* to form larger jurisdictions in Schleswig-Holstein from 1970, Hesse (1972), Saarland (1974), and Lower Saxony (1997). Similarly, three new German *Länder* also merged their *Kreise* after reunification: Saxony-Anhalt (2007), Saxony (2008), and Mecklenburg-Vorpommern (2011). In Bavaria, Brandenburg, Rhineland-Palatinate, and Thuringia, *Kreise* do not meet the population threshold.

FISCAL AUTONOMY

Before 1966, *Länder* set the base and rate of income, corporate, inheritance, property, and vehicle taxes, while the federal government set customs and excise, VAT, and consumption taxes. The basic law gave the federal government the right to request a share of *Länder* income and corporate taxes (Adelberger 2001).

The constitutional reform of 1966 divided the major taxes (income, corporate, value added) about evenly between the federal government and *Länder* (C 1949, Art. 106.3). The federal government sets the general framework, including the base and rate, while *Länder* administer tax collection (C 1949, Arts. 107–108). The Basic Law assigns some taxes exclusively to the federal government (customs duties, highway freight tax, taxes on capital transactions, levies imposed by the EU) and some minor taxes exclusively to the *Länder* (taxes on property, inheritance, motor vehicles, beer, and gambling) (C 1949, Art. 106.1–2; Council of Europe: Germany 1999; Hrbek 2002; Spahn and Fötinger 1997; Swenden 2006; Watts 1999*a*, 2008).

Regierungsbezirke, including *Regierungsbezirke* in North-Rhine Westphalia, are completely dependent on intergovernmental transfers and have no tax autonomy.[30] *Landschaftsverbände* in North-Rhine Westphalia have no independent tax authority, but they may charge the participating *Kreise* a fee to recover costs (Law No. 657/1994, Art. 22). The *Bezirksverband Pfalz* in Rhineland-Palatinate has no tax authority but can also pass on charges to the participating *Kreise* and, in addition, it receives a grant from the *Land* for the services that elsewhere are provided by the *Land* government (Law No. 146/1994, Arts. 12 and 15). Similarly, *Bezirke* in Bayern receive grants from the *Land* and may also charge the participating *Kreise* a fee (Law No 850/1998, Arts. 54–55).[31]

Landkreise and *Kreisfreie Städte* determine the rates of local business and property taxes (C 1949, Art. 106.5–9).[32] In addition, they have some capacity to levy other taxes. These differ by *Land*, and the amounts involved are less than 2 percent of total *Kreis* government revenue. The *Kreise*'s main income source comes from intergovernmental grants—from a fee levied on the municipalities and from grants from the *Land* (Werner 2006). In addition, *Kreise* receive a share of income revenue and value added tax.

[30] Law Nos. 421/1962, 313/2008, Art. 11–4, and No. 420/2011. Bayerische Staatsregierung. Freistaat Bayern. "Staat und Kommunen." <http://www.bayern.de/Staat-und-Kommunen>.

[31] Bayerischer Bezirketag. Aufgaben. "Finanzen." <http://www.bay-bezirke.de/baybezirke.php?id=150>.

[32] Law No. 400/1971, Arts. 41–43, No. 398, 433/1993, Arts. 63–67, No. 577/1993, Arts. 61–64, No. 188/1994, Arts. 57–60, No. 270/1994, Arts. 53–57, No. 682/1997, Arts. 189–191, No. 826/1998, Arts. 65–67, No. 890/1998, Art. 91, No. 41/2003, Arts. 63–65 and 97, No. 94/2003, Arts. 57–60, No. 183/2005, Arts. 52–53, No. 435/2009, Arts. 65–68, and No. 576/2010, Arts. 110–112 and 120–122.

BORROWING AUTONOMY

Since the 1950s, *Länder* are allowed to borrow with virtually no centrally imposed restrictions (Von Hagen et al. 2000). Several *Länder* sought to tie their own hands by inserting provisions in their own constitutions and statutes that restrict borrowing to investment (Wendorff 2001).[33] However, the interpretation of investment created loopholes in the application of these golden rule provisions, and *Länder* governments have frequently by-passed them (Vigneault 2007; Joumard and Kongsrud 2003). Market discipline plays only a small role in constraining regional debt because *Länder* borrow from regional commercial banks (*Landessparkassen*) rather than the bond market and are therefore not subject to credit ratings (Rodden 2003*b*). Market discipline is further muted by the provision in the federal constitution that the federal government shall ensure "equal living conditions" across the country (C 1949, Art. 72.2). This constitutional clause underpinned a 1992 ruling by the constitutional court which ordered a federal bailout of Saarland and Bremen (Joumard and Kongsrud 2003; Wendorff 2001; Spahn and Fötinger 1997).

In 1999, Germany almost failed to meet the 3 percent deficit ceiling for entry into the EMU and this provoked debate about the need for stronger budget constraints (Wurzel 2003; Von Hagen et al. 2000). In May 2009, the parliament adopted new fiscal rules that prohibit regional net borrowing as of 2020 except in cases of economic recession or natural disaster. This rule also limits the cyclically adjusted budget deficit of the federal government to a maximum of 0.35 percent of GDP from 2016 onwards (OECD 2011).

Regierungsbezirke have no borrowing autonomy.[34] *Landschaftsverbände* in North-Rhine Westphalia are not allowed to borrow and their budget must be balanced (Law No. 657/1994, Art. 23a-b). The *Bezirksverband Pfalz* in Rhineland-Palatinate is not allowed to borrow, but when the region has a deficit it can charge an extra levy on the participating *Kreise* (Law No. 146/1994, Art. 12). In contrast, *Bezirken* in Bayern are allowed to borrow but borrowing is permitted only to fund investment and after prior authorization (Law No 850/1998, Arts. 63–65 and 93).

Borrowing by *Landkreise* and *Kreisfreie Städte* is regulated per *Land* but *Kreise* are subject to the same set of rules. Borrowing is permitted only to fund investment, and *Kreise* are allowed to borrow only if other sources of revenue

[33] Law No. 229/1946, Art. 141, No. 209/1947, 251/1947, Art. 131a, Art. 117, No. 1077/1947, Art. 108, No. 100/1952, Art. 72, No. 173/1953, Art. 84, No. 127/1958, Art. 83, No. 243/1992, Art. 95, No. 298/1992, Art. 103, No. 600/1992, Art. 99, No. 107/1993, Art. 71, No. 372/1993, Art. 65, No. 625/1993, Art. 98, No. 779/1995, Art. 87, No. 991/1998, Art. 82, and No. 223/2008, Art. 53.

[34] Law Nos. 421/1962, 313/2008, Arts. 11–14, and No. 420/2011. Bayerische Staatsregierung. Freistaat Bayern. "Staat und Kommunen." <http://www.bayern.de/Staat-und-Kommunen-.431/index.htm>.

(taxes and fees) have been exhausted (Werner 2006). Furthermore, *Kreise* must submit their budgets to the federal ministry of finance or its counterpart at the *Land* level. The total amount of the loan and assumption of securities and guarantees are subject to prior approval (Council of Europe: Germany 1999). Just like the *Länder*, *Kreise* own public savings banks and simultaneously guarantee the credit rating of those banks (*Gewährträgerhaftung*).

REPRESENTATION

Land and *Kreis* assemblies are directly elected every four or five years (C 1949, Art. 28; Reutter 2006; Vetter 2009). *Land* and *Kreis* executives are elected by their assemblies and in some *Kreise* the executive head (*Landrat*/*Landrätin*) is directly elected.

Regierungsbezirke are appointed by *Land* governments. They have no elected assemblies and executive representatives. Since 2001 North-Rhine Westphalia has a consultative, indirectly elected assembly composed of locally elected representatives of *Kreisfreie Städte* and *LandKreise* (Law No. 430/2005, Art. 7). *Bezirke* in Bayern have assemblies elected concurrently with *Land* representatives. The executive (*Bezirksausschuss*) is appointed by the assembly (Law No. 850/1998, Arts. 12, 21, and 26).

The assembly (*Landschaftsversammlung*) of a *Landschaftsverband* in North-Rhine Westphalia is indirectly elected by the assemblies of the *LandKreise* and *Kreisfreie Städte* whereby each *Kreis* selects one representative for every 100,000 citizens (Law No. 657/1994, Art. 7b). The executive (*Landeschaftsausschuss*) is elected by the *Landschaftsversammlung* (Law No. 657/1994, Arts. 8a and 12). The assembly of *Bezirksverband Pfalz* is directly elected and the executive is appointed by the assembly members (Law No. 146/1994, Arts. 5 and 8).

Shared rule

There is no shared rule for *Kreise*, *Regierungsbezirke*, *Bezirke* in Bayern, *Bezirksverband Pfalz* in Rhineland-Palatinate, and *Landschaftsverbände* in North-Rhine Westphalia.

LAW MAKING

Länder executives (not parliaments) are directly represented in the upper chamber, the *Bundesrat* (C 1949, Arts. 50–51) which gives them a firm grip on federal policy making (Auel 2010). The *Bundesrat* has wide-ranging authority. It can initiate and veto legislation affecting *Land* competences and has a suspensive veto on most other legislation (C 1949, Art. 76). The 2006 constitutional reform amended the co-decision procedure between the *Bundesrat* and the *Bundestag* (lower chamber) and now gives the *Bundestag* the right to enact legislation without *Bundesrat* approval (C 1949, Art. 77). However, when

legislation follows this route, *Länder* obtain the right to deviate from federal rules (*Abweichungsrecht*). Observers estimate that the effects of the reform on decision making have so far been relatively minor (Behnke and Benz 2009; Burkhart 2009; Jeffery 2008). *Länder* score the maximum on law making.

EXECUTIVE CONTROL

An elaborate system of executive federalism (*Politikverflechtung*) ensures that *Länder* are intimately involved in the execution and implementation of federal policy (Scharpf, Reissert, and Schnabel 1976; Scharpf 1985). Beginning in 1947, the federal chancellor invited *Land* premiers (*Ministerpräsidenten*) for informal consultation. This spurred *Ministerpräsidenten* to meet first to prepare common positions. Such conferences quickly became regularized, though meetings with the chancellor remained more irregular and the decisions were not legally binding. *Land* ministers also began to meet regularly on more circumscribed topics.[a] While the original idea was to pre-empt national encroachment on *Land* competences, *Länder* coordination has arguably facilitated federal harmonization. In 1964, growing cooperation among *Länder* paved the way for joint policy making and intergovernmental meetings were formalized for regional economy, agriculture, and research infrastructure in a constitutional revision of 1969 (C 1949, Art. 91a-b; Gunlicks 1984; Hueghlin and Fenna 2006: 235–8). This was later extended to information technology (C 1949, Art. 91c).

Over time a dense network of intergovernmental meetings (*Ministerkonferenzen*) has developed in which *Länder* governments meet with or without the federal government (which may or may not have voting rights) and where legally binding decisions can be reached. Apart from the Conference of Prime Ministers (*Ministerpräsidentenkonferenz*) there are conferences for agriculture, employment and social policy, architecture, education and research, the EU, finance, the economy, health, equal opportunity, home affairs, youth and family, justice, integration, culture, spatial planning, sports, environment, consumer protection, and traffic.

Most ministerial conferences meet at least once per year and are chaired by different *Länder* taking turns, often in alphabetical order. The decision making procedures vary across the *Bund–Länder* and *Land–Land* negotiations from unanimous to majoritarian decision making and the position of the federal government can range from being a non-voting guest to a full member.

FISCAL CONTROL

Länder did not have fiscal power sharing until a constitutional revision in 1966 gave the *Bundesrat* power to co-decide the base and rate of taxes, as well as their distribution between *Länder* and the federal level (C 1949, Art. 106). *Länder* also determine the annual financial equalization package (*Finanzausgleich*) for

redistribution among *Länder* (Law Nos. 3955, 3956/2001; Hepp and Von Hagen 2012; Watts 2008). In addition, *Bund–Land* fiscal relations are discussed during *Land–Land* intergovernmental meetings (*Finanzministerkonferenz*) with the federal government as a non-voting guest. The *Finanzministerkonferenz* meets twelve times a year after the meeting of the finance committee of the *Bundesrat* (*Finanzausschuss*).

BORROWING CONTROL

The financial planning council (*Finanzplanungsrat*) was set up in 1968. It was composed of federal and regional finance ministers, four representatives of municipalities and municipal associations, and an observer from the central bank (Wurzel 1999). Its main task was to coordinate federal budgetary planning with the multi-annual financial planning of the *Gebietskörperschaften* (*Länder*, *Kreise*, and *Gemeinde*—but not *Regierungsbezirke*). In practice, its primary focus was on *Kreise* and *Gemeinden* and its advice was non-binding.[35]

In 2002, following EMU, the financial planning council was also tasked with monitoring whether federal and regional borrowing was in line with EMU deficit criteria. Its decisions were still taken by consensus and were non-binding (Law No. 1273/1969, Art. 51; Rodden 2003*b*).

In 2010, as part of a larger reform, the council was replaced by the stability council (*Stabilitätsrat*).[36] Its members are the federal ministers of finance, economy, and technology and all *Länder* ministers of finance. The chair is shared between the federal finance minister and the chair of the *Finanzministerkonferenz*, a *Land–Land* institution. The federal government and two-thirds of the *Länder* governments have veto power (Law No. 2702/2009, Art. 1). The stability council oversees budgets, including borrowing, of the federal government, *Länder* governments, *Kreise*, and *Gemeinde*. It negotiates and implements austerity plans and can place governments under supervision (Law No. 2702/2009, Arts. 2–5; OECD 2011). In October 2010, the stability council concluded that Bremen, Berlin, Schleswig-Holstein, and Saarland were at risk of a budget crisis and, in May 2011, it placed these *Länder* under supervision and began to negotiate austerity plans.

CONSTITUTIONAL REFORM

Bundesrat approval is mandatory for constitutional amendments. Constitutional change requires a two-thirds majority in both legislative chambers (C 1949, Art. 79).

[35] Gabler Wirtschaftslexicon <http://wirtschaftslexikon.gabler.de/Definition/finanzplanungsrat.html> and Wirtschaft und Schule <http://www.wirtschaftundschule.de/lehrerservice/wirtschaftslexikon/f/finanzplanungsrat/>.

[36] Stabilitätsrat. <http://www.stabilitaetsrat.de/DE/Organisation>.

Self-rule in Germany

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Länder	1950–1965	3	3	4	3	2	2	**17**
	1966–2010	3	3	2	3	2	2	**15**
Landschaftsverbände in NRW	1950–2010	2	1	0	0	1	2	**6**
Bezirksverband Pfalz in R-Pf	1950–2010	2	1	0	0	2	2	**7**
Regierungsbezirke	1950–2010	1	0	0	0	0	0	**1**
Regierungsbezirke in NRW	2001–2010	1	0	0	0	1	0	**2**
Bezirke in Bayern	1950–2010	2	2	0	1	2	2	**9**
Kreise	1950–2010	2	2	1	1	2	2	**10**

Note: NRW= Nordrhein-Westfalen; R-Pf=Rheinland-Pfalz

Shared rule in Germany

		Law making						Executive control		Fiscal control		Borrowing control		Constitutional reform		Shared rule
		L1	L2	L3	L4	L5	L6	M	B	M	B	M	B	M	B	
Länder	1950–1963	0.5	0.5	0.5	0.5	0	0	1	0	0	0	0	0	4	0	**7**
	1964–1965	0.5	0.5	0.5	0.5	0	0	2	0	0	0	0	0	4	0	**8**
	1966–1967	0.5	0.5	0.5	0.5	0	0	2	0	2	0	0	0	4	0	**10**
	1968–2009	0.5	0.5	0.5	0.5	0	0	2	0	2	0	1	0	4	0	**11**
	2010	0.5	0.5	0.5	0.5	0	0	2	0	2	0	2	0	4	0	**12**
Landschaftsverbände in NRW	1950–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Bezirksverband Pfalz in R-Pf	1950–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Regierungsbezirke	1950–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Regierungsbezirke in NRW	2001–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Bezirke in Bayern	1950–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Kreise	1950–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**

National legislature has: L1=regional representation; L2=regional government representation; L3=majority regional representation; L4=extensive authority; L5=bilateral regional consultation; L6=veto for individual region. Total for shared rule is either multilateral (M) or bilateral (B).
Note: NRW= Nordrhein-Westfalen; R-Pf=Rheinland-Pfalz

Iceland

The constitution recognizes only a municipal level of self-government (C 1944, Art. 78; Council of Europe: Iceland 1998, 2006). Iceland has an intermediate level of governance, the *landsvæðun* (regions) created for statistical purposes. The average population of the regions is about 35,000. Until 1988, Iceland had twenty-three *sýslur* (counties), which were responsible for inter-municipal cooperation (Harloff 1987). Local authorities may establish regional associations (Council of Europe: Iceland 2006; Law No. 45/1998, Arts. 81–86), and to date, eight exist. Their boundaries follow for the most part the old electoral districts. Regional associations (or federations) may run services on behalf of the local authorities such as refuse disposal or schooling. All local authorities belong to the Icelandic association of local authorities, which is a regular negotiation partner with the central government on behalf of the local authorities.[37] In addition, Iceland is divided into task-specific districts for health, sanitary inspection, or tax collection (Council of Europe: Iceland 1998).

Ireland

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Ireland had no regional tier of governance until the late 1980s. Counties are the primary unit of local governance. At independence in 1921 there were twenty-six counties (C 1937, Art. 28A; Law No. 12 August/1898: Callanan and Keogan 2003). There are now twenty-nine county councils and five city councils with an average population of 119,000 (Council of Europe: Ireland 1999; Law No. 37/2001, Schedule 5; Loughlin 2001*b*).

In 1987, in response to EU structural policy, seven (later, eight) development regions were set up (Holmes and Reese 1995; Laffan 1996). These administrations were central government outposts. In 1994, development regions became regional authorities, which are primarily instruments of the local governments that constitute them and which retain legislative authority (Committee of the Regions 2005; Callanan and Keogan 2003; Rees, Quinn, and Connaughton 2004). Regional authorities coordinate the local provision of public services and monitor implementation of EU structural funding (Law No. 11/1991, Art. 43 and No. 394/1993, Art. 14). They also prepare regional guidelines for spatial planning and some of them have assumed a role in

[37] Samband Islenskra Sveitarfélaga. Sambandið. "Icelandic Association of Local Authorities" and "Regional Association" <http://www.samband.is/um-okkur>.

coordinating waste management.[β] Members of the regional councils are nominated by local authorities (Law No. 394/1993, Art. 5). Each regional authority has a director and permanent staff, and its budget comes from the local authorities (Law No. 394/1993, Arts. 17 and 31).

In 1999, an additional layer consisting of two regional assemblies—the Border, Midland and Western Regional Assembly, and the Southern and Eastern Regional Assembly—was set up to channel feedback from subnational authorities on EU structural funding (Committee of the Regions 2005; Law Nos. 37/2001 and 226/1999). The assemblies are composed of elected representatives nominated by local authorities from each region, and they do not have their own budgets (Law No. 226/1999, Arts. 12 and 31). In 2014, the eight regional authorities were dissolved and the two assemblies assumed the responsibilities (S.I. No. 228/2014—Law No. 11/1991). Irish members of the Committee of the Regions hold an *ex officio* seat in one of these regional assemblies and have full participation rights.

FISCAL AUTONOMY

Development regions had no tax authority. Regional authorities also have no tax authority but can collect fees for the services they provide (Law No. 394/1993, Art. 17.2.e and No. 226/1999, Art. 17.2.d). The working budget for regional authorities comes primarily from national and EU grants, while operational costs and non-structural funds operations are financed by local authorities.

BORROWING AUTONOMY

The development regions were dependent on intergovernmental grants from counties, the national government, and the EU. According to the 1993 statutory instrument, regional authorities are allowed to "borrow money on overdraft for current purposes subject to such limit as the minister may from time to time determine" (Law No. 394/1993, Art. 17.2.f). In the 1999 statutory instrument the regional assembly may "with the consent of the minister, borrow money on overdraft or otherwise for such purposes considered necessary for the effective performance of its functions" (Law No. 226/1999, Art. 17.2.e). We interpret this to mean that borrowing authority remains primarily vested in the minister.[β]

REPRESENTATION

Regional representation is minimal (Callanan 2012). Development regions had no indirect or direct representation. Regional authorities established in 1994 have a council composed of elected representatives from local authorities (Law No. 394/1993, Art. 5 and No. 226/1999, Art. 5). Each regional authority council appoints its own chair who, however, has no specific policy implementation power (Law No. 394/1993, Art. 12 and No. 226/1999, Art. 12).

Shared rule

There is no regional power sharing for development regions and regional authorities (Callanan 2012).

Self-rule in Ireland

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Development regions	1987–1993	1	0	0	0	0	0	**1**
Regional authorities	1994–2010	1	0	0	0	1	1	**3**

Luxembourg

Luxembourg has three tiers of subnational government: districts, cantons, and municipalities. The three districts are deconcentrated offices tasked with supervising municipalities. They are not general purpose jurisdictions (Council of Europe: Luxembourg 1997, 2007). The average population of the twelve cantons is just over 45,000. Communes, numbering 105, are the only subnational government with autonomy (C 1868, Art. 107; Council of Europe: Luxembourg 1997, 2007; Hendriks 2001a; Law No. 2675/1988).

In 1972, the government launched a program to promote municipal mergers and in 1981 an act was passed (amended in 2001) to facilitate intermunicipal coordination in water supply, sewage removal and disposal, sewage treatment, construction and upkeep of schools, waste management, sports centers, and swimming pools (Law Nos. 4138/2001 and 4139/2001).

The Netherlands

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

The Netherlands has one intermediate tier of governance: *provincies*.[38] The local tier is composed of *gemeenten* (municipalities).[39] Since the 1970s there

[38] We exclude the (former) overseas territories of Aruba, Bonaire, Curaçao, Saba, Sint Maarten, and Suriname.

[39] Besides *gemeenten* and *provincies* the country is divided in *waterschappen* (water boards) which are established by the *provincies* with approval of the central government and which can levy tax (Law No. 5108/1991). Direct elections of the boards of *waterschappen* have taken place since 1995.

has been a debate about grouping *provincies* in larger regions, but no such reform has been passed into law. The Netherlands has a higher level intermediate tier—*landsdelen*—and a lower level tier—*COROP-regio* (*Coördinatie Commissie Regionaal Onderzoeks Programma*)—which are statistical divisions.[40]

There are currently twelve *provincies* (eleven until 1986). The principle of provincial and municipal autonomy was entrenched in the 1815 constitution which grants provinces and municipalities a general right to run their "own household" under central supervision (C 1815, Arts. 123–132; Hendriks 2001*b*; Law Nos. 5416/1992 and 5645/1992). Until 1980, *provincies* shared authority with local governments in economic policy, transport, infrastructure, investment policy, and regional planning.

From 1980, provinces gained competences in social policy, including housing, culture, and leisure, and acquired a role in environmental planning and urban development (Council of Europe: the Netherlands 1999, 2008; Fleurke and Hulst 2006; Hendriks 2001*b*).[a] However local governments are the senior partners in the relationship (Committee of the Regions 2005). *Provincies* are also responsible for financial oversight of local governments. In 1994, a revision of the law on provinces abolished *ex ante* central control and limited central government supervision to *ex post* legality controls (Law No. 5645/1992, Art. 253). The minister for internal affairs has powers of substitution if a *provincie* fails to take decisions deemed mandatory by the central government (Law No. 5645/1992, Art. 121).

FISCAL AUTONOMY

Provincies have some authority over minor taxes. They collect fees on water pollution, a ground water tax, a surcharge on the television and radio license fee, and a surcharge on motor vehicle tax (Council of Europe: the Netherlands 1999, 2008; Law No. 5645/1992, Art. 222–222a). *Provincies* can adjust the rates for these taxes up to a maximum fixed by the central government. Central grants account for over 90 percent of provincial revenues. Such grants are either unconditional contributions from the *provinciefonds*, in which the central government deposits a share of annual income taxes, or are conditional grants for public transport, youth policy, and the environment.

W*aterschappen* are specialized in regulating the water level, the purification of water, and in some cases nature conservation. We consider them to be examples of task-specific rather than general purpose governance.

[40] Between 1965 and 1985 a task-specific intermediate tier of governance existed between the province of *Zuid-Holland* and its municipalities (Law No. 427/1964; Toonen 1993). The Rijnmond region (*Openbaar Lichaam Rijnmond*) handled land annexation by the city of Rotterdam to extend its harbor. The Rijnmond region had a directly elected assembly with eighty-one members (*Rijnmondraad*) and a dual executive (*dagelijks bestuur*) consisting of six deputies with a centrally appointed chair (*voorzitter*). It was abolished on March 1, 1986 and its tasks were taken over by the province of *Zuid-Holland* and its municipalities (Law No. 47/1986; Toonen 1993).

BORROWING AUTONOMY

Control over provincial activities by the central government is of two kinds. Preventative (*ex ante*) control extended to the approval of tax laws, budgets, accounts, and borrowing until a 1992 reform (in force, 1994) which limited *ex ante* control to provinces that transgressed the balanced budget rule (Law No. 5645/1992, Art. 207; Harloff 1987). Since 1994 borrowing is permitted to finance capital investment, and interest payments as well as depreciation must be accommodated within a balanced current budget (Council of Europe 1992; Council of Europe: the Netherlands 1999). Provincial borrowing may be limited *ex ante* if the minister of finance is concerned about the extent of provincial spending (Council of Europe: the Netherlands 2008).

REPRESENTATION

Direct elections for the provincial assembly take place every four years (C 1815, Art. 129). The head of the executive, the Queen's Commissioner, is appointed by the central government on the provincial assembly's nomination (C 1815, Art. 131; Law No. 5645/1992, Art. 61). The provincial assembly elects the remaining members of the executive (Law No. 5645/1992, Art. 35).

Shared rule

LAW MAKING

The Netherlands has a bicameral system in which the upper house (*Eerste Kamer*) represents provinces. Senators in the upper house are elected by members of the provincial assemblies drawn from national party lists submitted separately in each province (L2, L3) (C 1815, Art. 55). Each provincial delegate casts a vote for a candidate, and his or her vote is weighted by provincial population so that the final distribution of seats across provinces is proportional to their populations. Before 1983, the members of the provincial assemblies elected a third of the members of the senate every two years. Since 1983, the elections have taken place every four years following provincial elections (C 1815, Art. 52.2). The upper house has a veto on all legislation (L4) (C 1815, Arts. 81–87).

EXECUTIVE CONTROL

Provincies have no executive control.

FISCAL CONTROL

The *Eerste Kamer* has an up or down vote on the annual national budget, which provides *provincies* with a collective veto over the distribution of tax revenues. There are no intergovernmental meetings between provinces and the national government.

BORROWING CONTROL

Provincies have no borrowing control.

CONSTITUTIONAL REFORM

The upper chamber (*Eerste Kamer*) has a veto on constitutional amendments (C 1815, Art. 137.4). Constitutional change requires two rounds of voting, separated by new elections (C 1815, Art. 137). The threshold in the second round is a two-thirds majority (C 1815, Art. 137.4).

Self-rule in the Netherlands

	Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
					Assembly	Executive	
Provincies 1950–1979	2	1	1	1	2	1	**8**
1980–1993	2	2	1	1	2	1	**9**
1994–2010	2	2	1	2	2	1	**10**

Shared rule in the Netherlands

	Law making						Executive control		Fiscal control		Borrowing control		Constitutional reform		Shared rule
	L1	L2	L3	L4	L5	L6	M	B	M	B	M	B	M	B	
Provincies 1950–2010	0	0.5	0.5	0.5	0	0	0	0	2	0	0	0	4	0	**7.5**

National legislature has: L1=regional representation; L2=regional government representation; L3=majority regional representation; L4=extensive authority; L5=bilateral regional consultation; L6=veto for individual region. Total for shared rule is either multilateral (M) or bilateral (B).

Norway

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Norway has a single intermediate tier, the *fylker* (counties), which came into existence with Norwegian unification in the ninth century (Rose and Tore Hansen 2013).[41] Norway also has an island dependency in the Arctic Ocean, Svalbard.

[41] A law adopted in 1987 gave Sami people in Norway the right of linguistic and cultural self-government, broadly similar to laws enacted around the same time in Finland and Sweden (Law

The contemporary structure of the *fylker* was laid down in the 1837 Alderman Act which created a dual regional administration consisting of centrally appointed *fylkesmenn* (prefects) and county councils of municipal representatives (Bjørnå and Jenssen 2006; Hansen and Stigen 2007). In 1975 these indirectly elected county councils were replaced by directly elected assemblies. *Fylker* have limited legislative authority but, as is common in Scandinavia, they have acquired extensive responsibilities for implementing economic and cultural–educational policy. Before 1975, *fylker* were mainly responsible for regional roads and transport, regional development, public health, and social welfare services, but executive powers rested with a centrally appointed *fylkesman* (Bjørnå and Jenssen 2006).[α] From 1975, the authority of the *fylkesman* was reduced and *fylker* took over secondary education, hospitals, and elements of cultural policy (Bjørnå and Jenssen 2006; Council of Europe 1998; Hansen and Stigen 2007). Before 1975, fylker score 2 on institutional depth and 1 on policy scope and we increase the score on policy scope to 2 as of 1975. In 2002, the ownership and operation of hospitals was returned to the central government, more than halving the financial outlays of the counties. But, at the same time, the *fylker* gained new responsibilities in regional development which sustain its score on policy scope (Blom-Hansen et al. 2012; Hansen and Stigen 2007; Rose and Tore Hansen 2013).

Svalbard falls outside the standard Norwegian county format. The Svalbard Treaty of 1920 gave Norway full sovereignty which was implemented in an act of 1925 (Law No. 11/1925). However, Norwegian sovereignty is limited by an international treaty signed by forty countries.[42] Svalbard is a demilitarized zone, Norway can levy taxes only for financing services on Svalbard; all parties to the treaty have equal rights to economic resources; and Svalbard is not part of the European Economic Area.[43] Its administration is headed by a centrally appointed governor (*Sysselmannen på Svalbard*). Since 2002, its main settlement, *Longyearbyen*, has had a directly elected council which powers largely as a municipality.[44] Svalbard's population in 2012 was just over 2600.

No. 56/1987; Falch, Selle, and Strømnes 2015). From 1989 a Sami parliament has held direct elections every four years, and it has consultation rights on government decisions that may affect the Sami people (Law No. 56/1987, Arts. 1.2, 2.2, and 2.3). The Sami parliament is financially dependent on the central state (Law No. 56/1987, Art. 2.1; Falch, Selle, and Strømnes 2015). The law specifies language rights for Sami people including the right to use Sami language in communication with local and central government (Law No. 56/1987, Arts. 3.2–3.9). [β]

[42] Treaty of 9 February, 1920, relating to Spitsbergen (Svalbard).

[43] Treaty of 9 February, 1920, relating to Spitsbergen (Svalbard), Arts. 3 and 8.

[44] Ministry of Justice and Public Security. Report No. 9 to the Storting (1999–2000). "Svalbard." <http://www.regjeringen.no/en/dep/jd/documents-and-publications/reports-to-the-storting-white-papers/reports-to-the-storting/19992000/report-no-9-to-the-storting-.html?id=456868>.

FISCAL AUTONOMY

From 1975, *fylker* have received a share of income tax for which they may increase or lower the rate within centrally determined limits set annually by parliament (Council of Europe: Norway 1998; Lotz 2006). For example, in 2010, the ceiling was set at 2.65 percent (Rose and Tore Hansen 2013). Before 1975, *fylker* received local government grants financed with a county tax (Law No. 15/1961, Arts. 47, 56–59).[a]

Svalbard has no fiscal autonomy. The Norwegian parliament (*Storting*) decides financial matters.

BORROWING AUTONOMY

Fylker may borrow domestically, but a balanced budget rule precludes *fylker* from financing current expenditure, including debt-servicing payments, with loans. If a deficit is recorded at the end of a fiscal year, regional governments are allowed to carry it over to the next fiscal year. However, debts must be repaid within a period of two years (Joumard and Kongsrud 2003; Borge and Rattsø 2002). The balanced budget rule is flanked by a golden rule provision, which states that borrowing is allowed only for investment purposes (Borge and Rattsø 2002). Until 1992, regional governments were required to have their borrowing and final budget proposals approved by the central government which make borrowing conditional on *fylker* debt servicing capacity (Law No. 15/1961, Arts. 48–50 and 60; Council of Europe 1997, 1998; Ter-Minassian and Craig 1997).

A 1992 reform (in effect since 1993) increased *fylker* borrowing autonomy (Law No. 107/1992, Arts. 50–51). Only those *fylker* transgressing the balanced budget rule have to seek approval by the central government (Law No. 107/1992, Art. 60; Lotz 2006). A list of *fylker* currently subject to the approval process is published online and the reform also extended the period for repaying operating deficits from two to four years (Joumard and Kongsrud 2003; Borge and Rattsø 2002).

Svalbard has no borrowing autonomy.

REPRESENTATION

Until 1975, *fylker* councils (*fylkesting*) were composed of municipal representatives and the executive led by the *fylkesmann* (governor) was appointed by the center (Law No. 15/1961, Art. 5). The *fylker* councils elected standing committees and a county mayor (*fylkesordfører*), but all executive power rested with the *fylkesmann* (Bjørnå and Jenssen 2006; Law No. 15/1961, Arts. 36–38). From 1975, *fylker* councils became directly elected on a four-year cycle, and they select their executives (Law No. 107/1992, Art. 8; Law No. 57/2002). However, the government appointed position of *fylkesmann* was strengthened in the 1990s so that the *fylker* executive remains dual (Bjørnå and Jenssen

2006; OECD: Norway 2007). Before 1975, *fylker* score 1 on assembly and 0 on executive, and 2 and 1 respectively since.

The administration of Svalbard is headed by a centrally appointed governor (*Sysselmannen på Svalbard*).

Shared rule

There is no shared rule for Svalbard and *fylker* in Norway, except for some input of *fylker* on fiscal control. Since 2000, the Norwegian association of local and regional authorities (*Kommunesektorens interesse-og arbeidsgiverorganisasjon*) meets four times per year with the national parliament to discuss the distribution of revenues in relation to the tasks carried out by the local governments and the financial situation of local government (Blom-Hansen 1999).[β] The Norwegian parliament reserves the right to take unilateral action. The *fylker* do not reach the threshold for exercising shared rule.

Self-rule in Norway

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Fylker	1950–1974	2	1	0	1	1	0	**5**
	1975–1992	2	2	3	1	2	1	**11**
	1993–2010	2	2	3	2	2	1	**12**
Svalbard	1950–2010	1	0	0	0	0	0	**1**

Sweden

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Sweden has one intermediate tier of governance: twenty-one *län* (counties) which combine self-government and deconcentrated state authority (Law No. 152/1974, Ch. 14, Art. 1 and No. 179/1977).[45] There has never been a clear-cut separation of functions between self-governing *landstinge* (county councils) and *länsstyrelser* (deconcentrated central government in the *län*), though in

[45] Sweden was the last of the three northern-most Nordic countries to create a parliament for the Sami people (Law No. 1433/1992). The first elections took place in 1993. The Sami parliament may initiate proposals to promote Sami culture, appoint the members of the Sami school board, and advise on planning and monitoring Sami needs such as reindeer husbandry (Law No. 1433/1992, Ch. 2, Art. 1). Like its counterparts in Finland and Norway, the Sami parliament is dependent on central government grants (Law No. 1433/1992, Ch. 2, Art. 1).[β]

recent years *landstinge* have gained authority. To facilitate implementation of EU cohesion policy, the Swedish government created eight larger statistical regions (*riksområden*), but these are not general purpose governments.

Between 1950 and the county reform of 1971, *landstinge* owned hospitals and outpatient centers, were responsible for the provision of health care, and had secondary responsibilities for agricultural, craft, and industrial training. *Länsstyrelsen* had primary responsibility for law and order, local government supervision, and implementation of central legislation in the fields of health, education, labor, housing, town planning, and social affairs.[a] From 1971, *landstinge* were given responsibility for implementing regional development, cultural activities, and public transport, and they extended their role in health provision (Council of Europe: Sweden 1999, 2007; Lidström 2001*c*). The dual structure was retained. There is still a centrally appointed governor (*landshövding*), but the majority of the executive, the *länsstyrelser*, are selected by the *landstinge* (Committee of the Regions 2005). *Landstinge* score 2 on institutional depth and 1 on policy scope until 1971, when policy scope increases to 2.

In 1996 and 1997, *Kristianstad* and *Malmö landstinge* were merged into *Skane landsting*, and *Göteborgs och Bohus*, *Skaraborgs*, and *Älvsborgs landstinge* were merged into *Västra Götaland landsting* (Law Nos. 945–6/1996 and 222–3/1997). From 1999, these two newly created regions (*regionkommuner*) assumed competences in economic development, regional transport, and cultural institutions, which were previously the responsibility of *länsstyrelser* (McCallion 2007; OECD: Sweden 2010; Svensson and Östhol 2001). These reforms have become permanent and were extended to *Halland* and *Götland* in 2010, and to *Jönköping* and *Örebro* in 2015 (Assembly of European Regions 2010; Berg and Oscarsson 2013; Law Nos. 1414/1996 and 630/2010). In addition, each *landsting* can form joint associations with municipalities to co-design development policy in the county (Law No. 34/2002). Apart from additional competences in regional development, regional councils function in the same way as county *landstinge*.

Subnational governance is in flux. A 2007 parliamentary report proposed to amalgamate the counties into regional authorities (*regionkommuner*) (Blomqvist and Bergman 2010; Feltenius 2007). Six regions were operational by 2015. In July 2015, the government appointed a committee to produce by 2017 a subnational map with fewer, more powerful units that provide "a better match between the needs of citizens and the ability to exercise democratic influence" (Sweden: Dir. 2015: 77).

FISCAL AUTONOMY

The main income source for *landstinge* is a local income tax, which accounts for about 75 percent of county revenues. The tax base is set by central government, but the *landstinge* can determine the rate within limits determined

by the central government (Law No. 370/1928; Lidström 2001*c*; Lotz 2006; Olsson 2000).

BORROWING AUTONOMY

Landstinge may borrow without prior authorization by the central government (Council of Europe: Sweden 1999, 2007). However, capital markets have had a disciplining effect on *landstinge* spending and deficits, especially since the central government has made an explicit commitment not to bail out county councils (Council of Europe 1997; Joumard and Kongsrud 2003; OECD 2012: 52). Since 2000, borrowing by *landstinge* is restricted by a centrally imposed balanced budget rule. *Landstinge* are required to balance their current accounts and, if a deficit occurs, the county council has to adopt an action plan and return to a balanced budget within three years (OECD 2012). Borrowing autonomy decreases from 3 to 2 in 2000.

REPRESENTATION

Landsting assemblies have been directly elected since 1912 and the assembly chooses its own executive (*landstingsstyrelse*) (Law No. 891/1976, No. 179/1977, Ch. 3, Arts. 5–6 and No. 900/1991, Ch. 3, Art. 3). Since 1970, elections take place in conjunction with municipal and national elections every three years and, since 1994, every four years (Law No. 620/1972, Ch. 1, Art. 1). At the same time, *landstinge* share authority with deconcentrated *länsstyrelser* under the direction of a centrally appointed *landshövding* (governor) (Bjørnå and Jenssen 2006).

Shared rule

LAW MAKING

Until 1971, *landstinge* had institutional representation in the upper chamber of the Swedish *Riksdag* which was composed of members selected for six-year terms by *landsting* councils. Each *landsting* was allocated seats proportional to its population. The upper chamber and lower chamber had equal powers. In 1971, Sweden became unicameral (Law No. 152/1974, Ch. 3, Art. 2) and *landstinge* lost shared rule in law making.

EXECUTIVE CONTROL

Landstinge have no executive control.

FISCAL CONTROL

Until it was abolished, the upper chamber provided *landstinge* with a veto over the distribution of tax revenues. From the 1970s, the Swedish central government also concluded non-binding agreements with peak organizations of

municipalities and counties. The Swedish parliament preserved the right to take unilateral action (Blom-Hansen 1999), and peak organizations could not bind their members. We do not consider this authority sufficient to reach a score of 1.[β] The practice was abandoned in 1982, when the *Riksdag* resorted to unilateral measures to constrain regional and local spending.

BORROWING CONTROL

Landstinge have no borrowing control.

CONSTITUTIONAL REFORM

Until 1971, when it was abolished, the *landstinge* had equal powers with the lower chamber over constitutional laws. Constitutional provisions required a simple majority in both chambers (Law No. 152/1974, Ch. 8, Art. 14).

Self-rule in Sweden

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Län/ Landstinge	1950–1970	2	1	3	3	2	1	**12**
	1971–1999	2	2	3	3	2	1	**13**
	2000–2010	2	2	3	2	2	1	**12**

Shared rule in Sweden

		Law making						Executive control		Fiscal control		Borrowing control		Constitutional reform		Shared rule
		L1	L2	L3	L4	L5	L6	M	B	M	B	M	B	M	B	
Län/ Landstinge	1950–1970	0	0.5	0.5	0.5	0	0	0	0	2	0	0	0	4	0	**7.5**
	1971–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**

National legislature has: L1=regional representation; L2=regional government representation; L3=majority regional representation; L4=extensive authority; L5=bilateral regional consultation; L6=veto for individual region. Total for shared rule is either multilateral (M) or bilateral (B).

Switzerland

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

The Swiss confederation was founded in 1848 after civil war between the protestant and catholic communities that now constitute its *cantons/Kantone/cantoni* (McRae 1983). The federation is described as "starkly decentralized"

(Füglister and Wasserfallen 2014: 404) with "strong cantonal autonomy" (Linder and Vatter 2001: 96; Sciarini 2005). Exclusive federal legislative competences are civil and criminal law, consumer protection, competition policy, railways, shipping, air traffic, monetary policy, nuclear energy, public broadcasting, highways and distribution of energy, health and unemployment insurance, and old age and invalidity pension. However, cantons have strongly entrenched implementation powers (*Umsetzung*) in many of these policies (C 1848, Arts. 22–40, C 1874, Arts. 22*bis*–41, and C 1999, Arts. 57–125; Braun 2011; Church and Dardanelli 2005; Stauffer, Töpperwien, and Thalmann-Torres 2002; Swenden 2006; Watts 1999*a*, 2008). In 2004, a major reform sought to reduce the cooperative character of Swiss federalism by disentangling public competences. Thirteen competences were transferred from the federal to the cantonal level, and seven from the cantonal to the federal level. The upshot appears to be a strengthening of cantonal autonomy (Cappelletti, Fischer, and Sciarini 2014; Sciarini 2005; Füglister and Wasserfallen 2014; Wasserfallen 2014).

Cantons have wide-ranging competences in economic policy, education, environment, culture, health, transport, and local government and they exercise residual competences in areas not specified in the constitution as federal or joint federal–cantonal (though federal law has supremacy) (C 1874, Art. 3 and C 1999, Arts. 3 and 49; Church and Dardanelli 2005; Stauffer, Töpperwien, and Thalmann-Torres 2002; Swenden 2006; Watts 1999*a*, 2008). Immigration and asylum is a federal competence, but citizenship is primarily cantonal (Church and Dardanelli 2005: 173). The federation regulates the acquisition and withdrawal of citizenship by birth, marriage, or adoption, and it legislates minimum requirements for naturalization (C 1874, Arts. 43–44 and 69*ter* and C 1999, Arts. 37–38 and 121). The cantons can impose residence requirements and language and naturalization tests. Cantons have the right to conclude treaties with foreign states on matters that lie within their powers and, since the 1999 constitutional revision, have the right to participate in foreign policy (C 1874, Arts. 9–10 and C 1999, Arts. 55–56). Cantons score 3 on institutional depth and 4 on policy scope.

Fourteen cantons have a second tier of subnational governance which usually takes the form of deconcentrated jurisdictions supervising municipalities, executing cantonal law, and serving as judicial districts. Some of these intermediate tiers have a directly elected assembly and/or executive.[46] Eight

[46] These are eleven *Bezirke* in *Aargau*, five *Verwaltungsbezirke* in *Basel-Landschaft*, ten *districts* in *Bern* (until 2010, twenty-six *districts*), eleven *Departamente* in *Graubünden*, three *districts* in *Jura*, five *Ämter* in *Luzern* (until 2007), six *districts* in *Neuchâtel*, six *Bezirke* (of which three are also municipalities) in *Schwyz*, five *Amteien* in *Solothurn*, five *Bezirke* in *Thurgau*, eight *distretti* in *Ticino*, ten *districts* in *Vaud*, thirteen *districts* in *Valais*, and twelve *Bezirke* in the canton of *Zürich*. The district assembly is the *Bezirksrat* or *conseil de district* and the directly elected executive is the *Statthalter(in)* or *préfet(e)*.

cantons have provisions in the cantonal constitution allowing municipalities to establish inter-municipal bodies (*Zweckverbände*) for cooperation.[47] The remaining four cantons have municipalities.[48]

FISCAL AUTONOMY

The constitution grants fiscal autonomy primarily to the *cantons* and only secondarily to the federation. The federation is assigned particular taxes, while cantons are largely free to structure and frame their own tax system. The only restrictions are prohibitions on inter-cantonal and cantonal/federal double taxation (C 1999, Arts. 127.3 and 134; Spahn 1997). The federation may tax heavy vehicles and consumption of fuel, tax 11.5 percent on personal income, and 8.5 percent on income of legal entities, plus VAT, securities, custom duties, and consumption taxes on tobacco, beer, spirits, automobiles, fuel, gas, and oil (C 1874, Arts. 41*bis* and 41*ter* and C 1999, Arts. 85–86, 128, and 130–133; Swenden 2006: 121–4; Watts 2008).

Personal income, wealth, and corporate income tax are concurrent between cantons and the federal government, with the understanding that changes in federal taxation are subject to cantonal agreement, constitutional amendments, and, therefore, popular referendum. While there has been some harmonization of cantonal tax regimes (C 1874, Art. 42*quinquies* and C 1999, Art. 129), cantons continue to set their own tax bases and rates, as well as allowances and deductions (C 1874, Art. 42*quinquies*.2 and C 1999, Art. 129.2; Spahn 1997).

BORROWING AUTONOMY

Cantons can borrow without restrictions imposed by the federal government (Council of Europe 1997). However, most cantons apply self-imposed restrictions for balanced budgets and the golden rule permitting borrowing only for capital projects (Joumard and Kongsrud 2003; Plekhanov and Singh 2007).[49] Most cantons also impose the golden rule on their municipalities (Spahn 1997). In contrast to regional governments in other countries, cantonal fiscal policy, including bond issuance, is subject to referendum (Dafflon 2002).[50]

[47] Appenzell Ausserrhoden, Basel-Stadt, Glarus, Obwalden, Nidwalden, Schaffhausen, St. Gallen, and Uri.

[48] Appenzell Innerrhoden, Freibourg, Geneva, and Zug.

[49] Nineteen cantons have such provisions. The exceptions are Appenzell Innerrhoden, Neuchâtel, Nidwalden, Obwalden, Ticino, Valais, and Zug.

[50] All but one cantonal constitution contains provisions for holding a referendum for expenditures above a certain limit. The exception is Glarus, where the budget is approved by the *Landsgemeinde*, an annual assembly of all citizens.

REPRESENTATION

Popular elections for cantonal parliaments take place every four years (in Fribourg, every five years) and each canton has its own electoral cycle. Cantonal collegial executives (between five and seven persons) are directly elected.

Shared rule

LAW MAKING

Each canton has two representatives and each "half-canton"[51] one representative in the upper chamber, the Council of States (*Ständerat*; *Conseil des Etats*; *Consiglio degli Stati*; *Cussegl dals Stadis*). Upper house members were elected by cantonal parliaments until the 1920s, and since then they are directly elected (Bächtiger and Steiner 2004; C 1874, Art. 80 and C 1999, Art. 150). The upper house has veto powers on all issues, though all federal laws can be overturned by popular referendum, which requires 50,000 signatures or the support of eight cantons (Bächtiger and Steiner 2004; C 1874, Arts. 84 and 89 and C 1999, Arts. 141 and 148; Linder and Vatter 2001; Vatter 2005). Individual cantons can also affect federal legislation directly through the cantonal initiative, which gives cantons the right to submit proposals to parliament (Bächtiger and Steiner 2004; C 1874, Art. 93 and C 1999, Art. 160). In addition, cantons have the right to be involved in the legislative process in cases enumerated by the constitution (C 1999, Art. 45; Fleiner 2002*a*). Such participation is required for foreign policy and federal legislation on school education (C 1999, Arts. 55 and 62.6).

EXECUTIVE CONTROL

The Federal Council (*Bundesrat/ Conseil fédéral/ Consiglio federale/ Cussegl federal*) depends heavily on cantons for the implementation of federal policy. Federal–cantonal consultation is particularly strong at the beginning of the policy process (policy formulation) and at the end (implementation), but until 2008 it was primarily non-binding (Linder and Vatter 2001; Vatter 2005).

Cantons are frequently involved at the pre-parliamentary stage in expert commissions, nominated by the Federal Council, which assess the need for federal legislation, and cantons are formally consulted by the Federal Council before it submits proposals to the parliament (C 1999, Art. 45; Stauffer, Töpperwien, and Thalmann-Torres 2002; Swenden 2006: 203–4; Vatter 2005). At neither stage is the Federal Council required to follow cantonal advice. Since the constitutional revision of 1999 this practice has been tightened for foreign policy. The federal government is now formally required to

[51] Obwalden, Nidwalden, Basel-Stadt, Basel-Landschaft, Appenzell Ausserrhoden, and Appenzell Innerrhoden.

consult cantons if its foreign policy decisions touch on cantonal powers, and while it can set aside cantonal preferences, it must justify why it does so (C 1999, Art. 55; Law No. 138.1/1999).

Cantonal–federal executive cooperation was put on firmer routinized footing with the creation of a contact body (*Kontaktgremium Bund-Kantone*) in 1978. This was replaced in 1997 with the federal dialogue (*Föderalistischer Dialog*) which takes place at least twice a year and focuses mostly on information exchange and inter-jurisdictional coordination.[52]

Cantons play an important part in the implementation of federal policy. Most federal programs are carried out by the cantons (or municipalities). To this effect the cantons have developed a dense network of inter-cantonal coordination in which the federal government is usually present to play a supportive role but is neither bound by cantonal decisions nor can it bind cantons (Bochsler 2009; Linder and Vatter 2001; Vatter 2005). There are currently sixteen thematic conferences of "cantonal directors" (a term which also refers to cantonal ministers) responsible for policy coordination. The first conference was established in 1897 to deal with education, and subsequent cantonal director conferences were set up for spatial planning, agriculture, forestry, energy, social policy, economy, health, and justice and police (Bochsler 2009).[53] Inter-cantonal conferences have secretariats, meet several times a year, and have majority or consensus voting rules. They produce guidelines, benchmarks, recommendations, and binding inter-cantonal agreements (*concordats*).[54] The federal government usually sends observers to these meetings, but it is not bound by the outcomes (Bolleyer 2006*a*, *b*).[55] Historically, the conference of cantonal finance ministers has been the most influential, but since 1993, the conference of cantonal governments (*Konferenz der Kantonsregierungen*) has supplanted it. This conference was created in 1993 to coordinate policy toward the federal government, particularly in foreign policy (Vatter 2005).[56] Beginning in 2012 cantonal–federal coordination encompasses the EU (*Europadialog*).[57]

These institutions are technically horizontal, that is to say, inter-cantonal, but the vertical link with the federal government has strengthened over the

[52] Konferenz der Kantonsregierungen. "Bundesrat" and "Eidgenössische Räte." <http://www.kdk.ch/de/kooperation/bund>.

[53] There are also six regional conferences (*Regionale Regierungskonferenzen*), the first of which was established in 1964. Since 2001, the federal government, cantons, and towns and cities convene regularly in the *Tripartite Agglomerationskonferenz* to coordinate metropolitan governance.

[54] *Concordats* usually require approval by cantonal parliaments or by referenda, but do not bind the federal government (Bochsler 2009).

[55] Konferenz der Kantonsregierungen. <http://www.kdk.ch/de/kooperation/direktorenkonferenzen>.

[56] Konferenz der Kantonsregierungen. <http://www.kdk.ch/de/die-kdk/grundlagen>.

[57] Konferenz der Kantonsregierungen. "Europapolitik." <http://www.kdk.ch/de/kooperation/bund/>.

decades. And a 2008 constitutional revision opens the door for binding federal–cantonal coordination. This can happen when at least eighteen cantons request the federation to declare an inter-cantonal agreement binding on all cantons or require all cantons to participate in inter-cantonal agreements regarding criminal penalties, schooling, higher education, cultural institutions, waste management, waste water treatment, urban transport, medical science, and specialist clinics (C 1999, Art. 48a; Braun 2009; Cappelletti, Fischer, and Sciarini 2014).$^{\beta}$ Cantons score 1 on executive control until 2007 and 2 from 2008 onwards.

FISCAL CONTROL

There are two ways in which cantons exercise fiscal control. The first is through the conference of cantonal finance ministers (*Konferenz der kantonalen Finanzdirektorinnen und Finanzdirektoren*), established in 1910, which coordinates cantonal positions prior to non-binding negotiation with the federal government (Braun 2009).[58] The second runs through the constitution, which enables the federation to collect tax revenues for fiscal equalization (Braun 2009; C 1874, Arts. 41*ter*.5b and 42*ter* and C 1999, Art. 135). Before 2003, the fiscal equalization law specified that the federation had to consult the cantons before determining contributions and before classifying cantons as, for example, mountainous regions which are entitled to additional federal grants (Law No. 613.1/1959, Arts. 2, 7, and 9 and No. 613.1/1973). This system was comprehensively reformed in 2003. First, the allocation key for the new equalization system was changed from a system based on the actual tax incomes of the cantons to one based on their tax potential. Second, the federation could now compel cantons to cooperate and, at the request of twenty-one cantons, the federation can declare the inter-cantonal agreement on fiscal transfers binding for all cantons for up to twenty-five years (Cappelletti, Fischer, and Sciarini 2014; Wasserfallen 2014; Law No. 613.2/2003, Arts. 10, 14, and 15).$^{\beta}$ Cantons score 1 on fiscal control until 2002 and 2 as of 2003.

BORROWING CONTROL

Borrowing is not regularly discussed in the conference of cantonal finance ministers. Neither the fiscal equalization law (Law No. 613.2/2003) nor inter-cantonal agreements (C 1999, Arts. 48 and 48a) seek to coordinate cantonal and federal borrowing.

[58] <http://www.fdk-cdf.ch>

CONSTITUTIONAL REFORM

Constitutional change, whether introduced by parliamentary amendment or by citizen initiative, requires referendum approval by a double majority: a majority of the citizens in the country as a whole, and majorities of citizens in a majority of cantons in which each "half-canton" weighs half (Bächtiger and Steiner 2004; C 1874, Arts.120–123 and C 1999, Arts. 140 and 193–195; Fleiner 2002b; Stauffer, Töpperwien, and Thalmann-Torres 2002; Vatter 2005). Switzerland is unique in that both the government and citizens can initiate constitutional reform, but the decision is made entirely by citizens in a referendum. Incidentally, cantonal constitutional amendments also require approval in a referendum. Cantonal constitutional change requires also federal consent which is provided as long as a constitution is not contrary to federal law (C 1874, Arts. 2 and 6; C 1999, Art. 51).

Self-rule in Switzerland

	Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
					Assembly	Executive	
Cantons 1950–2010	3	4	4	3	2	2	**18**

Shared rule in Switzerland

	Law making						Executive control		Fiscal control		Borrowing control		Constitutional reform		Shared rule
	L1	L2	L3	L4	L5	L6	M	B	M	B	M	B	M	B	
Cantons 1950–2002	0.5	0	0.5	0.5	0	0	1	0	1	0	0	0	3	0	**6.5**
2003–2007	0.5	0	0.5	0.5	0	0	1	0	2	0	0	0	3	0	**7.5**
2008–2010	0.5	0	0.5	0.5	0	0	2	0	2	0	0	0	3	0	**8.5**

National legislature has: L1=regional representation; L2=regional government representation; L3=majority regional representation; L4=extensive authority; L5=bilateral regional consultation; L6=veto for individual region. Total for shared rule is either multilateral (M) or bilateral (B).

United Kingdom

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

The UK has a complex two-tier system of intermediate governance: at the highest level, Scotland, Wales, Northern Ireland, and nine regions in England, and within these, a diverse system of unitary authorities, counties, districts,

and boroughs. Since 1999 Scotland and Wales have exercised significant policy competences, as has Northern Ireland in periods of home rule. Because devolution varies across Scotland, Wales, and Northern Ireland, we consider these as autonomous regions. London, too, became differentiated from other metropolitan jurisdictions in 2000.

Until the 1990s, subnational governance in England consisted of counties, districts, and boroughs (John 1991; Law No. 41/1888).[59] The 1933 Local Government Act divided England and Wales into administrative counties and county boroughs, which were further divided into local governments: districts, non-county boroughs, or parishes. Counties had policy competences in culture, education, social services, libraries, museums, parks, transport and roads, fire services, law and order, and urban planning (Council of Europe: UK 2000; Law No. 41/1888, Art. 3). Metropolitan counties (counties in the major conurbations) were abolished in 1986 (Law No. 51/1985), but metropolitan districts, which were lower level units within metropolitan counties, were retained. Between 1995 and 1998, a number of counties were merged with local governments to form forty-six unitary authorities, and since then mergers have taken place on an ad hoc basis (Chisholm and Leach 2011; Law No. 19/1992, Arts. 17–24).

Counties constituted the intermediate tier in Northern Ireland, Scotland, and Wales. In Scotland counties were replaced by nine regions in 1975 (Law No. 65/1973) which were abolished in 1996 (Law No. 39/1994).[60] Counties were abolished in Northern Ireland in 1973 (Law No. 9/1972) and in Wales in 1996 (Law No. 19/1994).[61]

There was no regional government above counties in 1950, except in Northern Ireland and Scotland. In 1964, new interest in regional planning spurred the creation of eleven regions: eight in England, plus Scotland, Wales, and Northern Ireland. In the regions, advisory Economic Planning Councils and Boards were set up, comprising appointed members from local authorities, business, trade unions, and universities (Balchin, Sýkora, and Bull 1999: 89–100). Economic Planning Councils and Boards were assisted by central government departments. In 1979, the incoming Conservative government abolished Economic Planning Councils and Boards but central government departmental offices retained their role in the regions. By the 1990s the Conservative government reversed course and began to concentrate various

[59] Their boundaries were redrawn in 1974 (Law No. 70/1972).

[60] Districts, boroughs, metropolitan counties, metropolitan districts, and regions in Scotland are estimated at the same level as counties. The competences of these forms of regional government vary slightly, but the differences are too fine-grained to be captured by our measure.

[61] We adjust the country score for the phasing out of counties in Northern Ireland from 1973, metropolitan county councils in England from 1986, counties in Wales, and parts of England from 1996. The country score also accounts for the elimination of regions in Scotland from 1996.

functions in regional bodies with consistent boundaries. This led to the creation in 1994 of Government Offices for the Regions (GORs) which were designed to strengthen central coordination at the regional level, particularly in relation to EU and domestic regional funds.

In 1999, the Labour government created Regional Development Agencies (RDAs), which existed alongside the Government Offices for the Regions and were subject to central government veto (Fenwick, McMillan, and Elcock 2009). RDAs were appointed by the central government and were funded by, and accountable to, central ministries. The reform also established consultative Regional Assemblies (later Regional Leader Boards) composed of representatives from local authorities, regional business, and public groups, including community organizations (Allen 2002; Law No. 45/1998, Arts. 2, 8, and 18; Sandford 2006). RDAs were responsible for economic policy, which included attracting investment, building infrastructure, improving skills, and coordinating economic development and regeneration policies (Ayres and Pearce 2004; Law No. 45/1998, Arts. 1 and 4).

In 2003, the Labour government set up a system in which referenda could be held on whether to set up directly elected regional assemblies to which RDAs would be accountable (Law No. 10/2003). However, the first referendum in the North-East of England in November 2004 was defeated heavily by 78 percent of those voting. Referendums that were planned for other regions were cancelled (Harrison 2010).

Plans to devolve power to London—from 2000, the ninth region—were more successful. A referendum in 1999 mandated the creation of a Greater London Authority (GLA) with a directly elected council and mayor with responsibility for transport, regional development, fire protection, the environment, culture, media, and sports (Law Nos. 29/1999 and 24/2007) (Greer and Sandford 2006: 242; Pilgrim 2006; Rao 2006; Syrett 2006).[62] The Secretary of State may provide binding "guidance," "directions," and "may make regulations" (Law No. 29/1999). The GLA has executive rather than legislative authority. We score the GLA 2 on institutional depth and 2 on policy scope.

In March 2012, the Conservative–Liberal Democrat government abolished the RDAs, Government Offices for the Regions, and Regional Leaders Boards. Some of the RDAs' functions were transferred to Whitehall while others were taken over by partnerships between local governments and businesses. Land use planning became essentially a local function (Pearce and Ayres 2012).[63]

[62] Legally, policy authority rests with the mayor, but he is accountable to the assembly.

[63] A law adopted in 2009 (Law No. 20/2009) allows local government to create "combined authorities" responsible for transport and economic development, and five have been established: the Greater Manchester Combined Authority (April 2011), and North East, West Yorkshire, Liverpool City, and Sheffield City (April 2014).

The UK has sometimes been described as a union state, or even a state of unions, rather than as a unitary state. Indeed, the British constitution is unique in how it "combines a single ultimate source of authority with considerable variation in the territorial arrangements for its component nations and regions" (Gamble 2006: 23). Over the past decades some of these parts have acquired significant powers.

Northern Ireland was granted home rule in 1920, that is, a directly elected government accountable to the Stormont (Law No. 67/1920). In March 1972, amid sectarian conflict, direct rule from Westminster was introduced. The Good Friday agreement of 1998 devised a new power sharing structure and paved the way for reinstating home rule after it was approved in a referendum (Law No. 47/1998).[64] However, disagreement between Ulster Unionists and Sinn Fein pushed forward the starting date until the end of 1999. Home rule hobbled along for the next year and a half until it was again suspended in October 2002. It was reinstated after the St. Andrews Agreement of May 2007 (Law No. 53/2006; Murphy 2007).

Before 1998 the Secretary of State (the Lord Lieutenant between 1920 and 1971) for Northern Ireland could refer legislation by the Northern Irish assembly to the Privy Council rather than submit it for royal assent (Law No. 67/1920, Art. 51). After 1998, the Secretary of State may revoke Northern Irish legislation or refer it to the House of Commons on finding that the law contains a provision which concerns an excepted or reserved matter or is incompatible with an international obligation (Law No. 47/1998, Arts. 14–15, 25–26).[β]

During the periods of home rule (until 1971, 2000–02, 2007–10), the parliament of Northern Ireland has general legislative authority in most areas except from the crown, foreign relations, defense, monetary system, telecommunication, air and marine transport, criminal law, immigration and citizenship and, since 2007, public order and police, which are reserved to the UK government (Law No. 67/1920, Art. 4 and No. 47/1998, Art. 4).

Scotland (from 1892) and Wales (from 1964) had deconcentrated administrations overseen by secretaries of state in the British cabinet until 1999. Secretaries of state had responsibilities which, in the rest of the UK, were assumed by Whitehall. In 1999, following referenda held in 1997, Scotland and Wales each gained autonomous executives accountable to directly elected legislatures, the Scottish Parliament and the National Assembly for Wales (Law No. 38/1998, Arts. 1–2 and No. 46/1998, Arts. 1 and 44–47).

[64] The Good Friday agreement is specified in a multi-party agreement among Northern Irish political parties and an international agreement between the British and Irish governments (the British–Irish agreement). On May 22 1998 the Good Friday agreement was adopted after referenda in Northern Ireland and the Republic of Ireland.

The Secretary of State in Scotland may refuse to submit a bill for royal assent only if he or she "has reasonable grounds to believe [that the bill] would be incompatible with any international obligations or the interests of defense or national security" or if the bill "make[s] modifications of the law as it applies to reserved matters and which the Secretary of State has reasonable grounds to believe would have an adverse effect on the operation of the law as it applies to reserved matters" (Law No. 46/1998, Art. 35).[β] We code Scotland 3 for institutional depth.

Scotland has legislative powers with respect to all policies except those designated as exclusive UK matters, which encompass the constitution, foreign affairs, defense, fiscal, economic, and monetary policy, social security schemes, trade and industry, competition, intellectual property, sea fishing, consumer protection, telecommunication, nuclear energy, coal, oil, gas, parts of rail, road, marine, and air transport policy, parts of employment, health, and media and culture policy, and immigration and citizenship (Cairney 2006; Law No. 46/1998, Arts. 28–30 and Schedule 5; Swenden 2006). The law was amended in 2012 to enlarge the tax autonomy of Scotland to take effect in 2015 (see Fiscal autonomy). In addition, on October 15, 2012, after the Scottish National Party had won an overall majority in the Scottish parliament, the Scottish and UK governments signed an agreement which allowed the Scottish government to hold a referendum on Scottish independence. This referendum was held on September 18, 2014. The "No" (to Scottish independence) side won with 55.3 percent.

Welsh powers, in contrast to Scotland and Northern Ireland, were executive powers within the UK's framework legislation and did not encompass the authority to write primary legislation until 2011. The Government of Wales Act of 1998 lists eighteen issues in which the Welsh assembly can pass secondary legislation: agriculture, economic development, environment, highways, industry; own planning, transport, water and flood defense; the Welsh language, culture, education, sport and recreation, tourism; health services, social services, housing; and local government (Law No. 38/1998, Schedule 2; Swenden 2006). The Secretary of State could influence the pace and scope of competence transfer (Law 38/1998, Arts. 22 and 56), and also retained the authority to make "such amendments or repeals as appear to him to be appropriate in consequence of this [Government of Wales 1998] Act" (Law No. 38/1998, Art. 151).

The Government of Wales 1998 Act was amended in 2006 (in force after the Welsh 2007 elections), which conferred primary legislative powers in twenty designated areas listed in Schedule 5 of the Government of Wales Act 2006 (Law No. 32/2006, Arts. 93–94, Schedule 5). Primary legislative powers were subject to a referendum, and not introduced until 2011. Until then, the National Assembly for Wales could adopt "measures" on matters in these

fields subject to the consent of the UK Parliament (Devolution Guidance Notes Nos. 16–17 2015; Law No. 32/2006, Art. 95). We score Wales 2 on institutional depth and 2 on policy scope.

A referendum on whether the National Assembly for Wales should be given primary legislative powers was held in March 2011 with 63 percent voting in favor (Harvey 2011; Law No. 32/2006, Art. 103). As of 2011, the National Assembly for Wales has broad ranging legislative powers by and large equal to those of Northern Ireland and Scotland.[65]

FISCAL AUTONOMY

Between 1950 and 1983, counties could set the rate of a property tax on the notional rental value of a dwelling (Law No. 9/1967). In 1984 the central government capped the rate, and in 1990 it replaced the property tax with a community charge, better known as the poll tax, which was a uniform tax per individual designed to cover the cost of community services (Law No. 41/1988; Potter 1997).[66] The community charge became deeply unpopular because it was based on the number of people living in a house rather than its estimated value. Public discontent regarding the poll tax precipitated Prime Minister Thatcher's resignation, and in 1994 Prime Minister Major replaced the poll tax with a council tax modeled on the prior property tax (James 2004; Law No. 14/1992). Counties can determine the level of the tax for different bands but must hold a referendum if they choose to raise council tax by more than 2 percent (Law No. 17/2012, Arts. 11–12; Council of Europe: UK 2000; King 2006).

Regions in England are financially dependent on central government grants (Allen 2002: 17–23; Law No. 45/1998, Art. 10). The Greater London Authority has some discretion to set the rate of minor regional taxes and can introduce fees and charges, such as the congestion charge (Law No. 29/1999, Arts. 295–296). In addition, it can set a precept on the council tax of its constituent boroughs (Law No. 29/1999, Arts. 81–94).

Northern Ireland, Scotland, and Wales are about 90 percent reliant on unconditional block grants from the central government and, apart from the right to levy user charges, have limited tax revenue powers (Commission on

[65] With the 2011 referendum the central government lost its veto except for the provision that the Secretary of State may refuse to send a bill for royal assent when she or he "has reasonable grounds to believe" that the bill contains provisions that "would have an adverse effect on [non-devolved matters]... might have a serious adverse impact on water resources in England, water supply in England or the quality of water in England, would have an adverse effect on the operation of the law as it applies in England, or would be incompatible with any international obligation or the interests of defense or national security" (Law No. 32/2006, Art. 114). The law also lists "excepted" matters which remain within the jurisdiction of the UK government (Law No. 32/2006, Schedule 7).[β]

[66] The poll tax was introduced in Scotland in 1989 but not in Northern Ireland.

Devolution in Wales 2012; Commission on Scottish Devolution 2009; PricewaterhouseCoopers 2013). Wales cannot set the rate or base of any tax (Law No. 38/1998, Art. 80) but Northern Ireland and Scotland have some fiscal autonomy.

Northern Ireland can levy any tax as long as the UK government has not already legislated on the matter (Law No. 47/1998, Art. 63 and Schedule 2 and No. 67/1920, Art. 21).[a] This authority is limited to setting the rate of minor taxes because the UK government controls all major taxes, and local government taxes property.[67] Since 1996, the property tax in Northern Ireland consists of two elements. First a district rate set by each of the twenty-six district councils and, second, a regional rate which is set by the Northern Ireland Assembly (PricewaterhouseCoopers 2013).

Scotland has the power to vary the basic rate of income tax, known as the Scottish variable rate, by up to plus-or-minus three pence in the pound (Law No. 46/1998, Art. 73). However, the Scottish parliament has not made use of this power. The 1998 Scotland Act was amended in 2012 and devolves a tax on land transactions and a landfill tax, and allows the Scottish parliament to introduce a Scottish rate of income tax to be applied across all tax bands (Law No. 11/2012, Arts. 25 and 28). These amendments are expected to take effect in 2015 and 2016, respectively.[68]

BORROWING AUTONOMY

Counties have always been able to borrow with prior central government authorization, though the specific rules that apply have changed over time (Bailey, Asenova, and Hood 2012; Council of Europe 1997; Joumard and Kongsrud 2003; Potter 1997; Watt 2002; Law Nos. 65/1980, 42/1989, and 26/2003). Until 1963 counties could only borrow via the Public Works Loan Commissioners which is a central government agency (Law No. 41/1888, Art. 69 and No. 18/1945). A 1963 law stipulates that counties can borrow at the rate of one penny in the pound and only for investment purposes (Law No. 46/1963, Arts. 6 and 8).

The 1980 Local Government, Planning and Land Act marked a shift away from control over subnational borrowing toward control over subnational expenditure (Watt 2002). County and local governments were required to submit annual capital expenditure plans for central government approval (Law No. 65/1980, Art. 18). The central government would allocate a total

[67] The December 2014 Stormont House agreement includes a commitment to devolve the corporation tax by 2017 on condition that the Northern Ireland executive produces a balanced budget. <https://www.dfa.ie/media/dfa/alldfawebsitemedia/ourrolesandpolicies/northernireland/Stormont-House-Agreement.pdf>.

[68] The Scottish Government. "Fiscal Responsibility." <http://www.scotland.gov.uk/Topics/Government/Finance/scottishapproach>.

sum of capital expenditure which county governments could not exceed. In practice the system of capital expenditure controls was largely unsuccessful (Watt 2002). Subnational governments evaded controls by classifying current as capital spending and vice versa (Potter 1997).

A law adopted in 1989 introduced tight controls over the use of capital receipts of housing sales (Law No. 42/1989, Part IV). Counties were allowed to use only 25 percent of capital receipts from housing sales and 50 percent of other capital receipts for capital expenditure. The remainder was to be used for debt repayment (Watt 2002). The 1989 law shifted the balance away from controls over capital expenditure back to control of the sources of financing. Borrowing and subnational borrowing became subject of an annual approval process whereby the Secretary of State issues approval for a local authority's annual credit plan (Council of Europe: UK 2000; Joumard and Kongsrud 2003; Potter 1997; Law No. 42/1989, Art. 53). The Labour government which came to power in 1997 instituted budget reviews which are carried out every two years instead of annually, and since 2003, the Secretary of State may set limits to individual local authority borrowing (Law No. 26/2003, Art. 4; Watt 2002).

The borrowing rules for counties apply equally to the Greater London Authority (Law No. 29/1999, Art. 111 and No. 26/2003, Art. 3).

Government Offices for the Regions in England were financially dependent on central government grants. Regional Development Agencies (RDAs) in England could borrow only with prior consent from the Secretary of State and the law specified a collective borrowing limit above which the RDAs could not borrow (Law No. 45/1998, Arts. 11–13).

Northern Ireland, Scotland, and Wales may borrow in order to balance budgets but only after prior approval by the Secretary of State and under the terms set by the Treasury (Law Nos. 3/1950, 38/1998, Art. 82, No. 46/1998, Art. 66, and No. 32/2006, Art. 121). An amendment to the Scotland Act in 2012 increased borrowing autonomy: Scotland may now also borrow for investment purposes but still needs prior approval from the Treasury and needs to limit borrowing to 2.2 billion pounds (Law No. 11/2012, Art. 32).

REPRESENTATION

Counties have directly elected councils with elections every four years and councils appoint their executive (Law No. 41/1888, Art. 2 and No. 70/1972, Arts. 3–5 and 7).

In England, between 1999 and 2012, the eight RDAs had consultative assemblies (Regional Assemblies, later Regional Leader Boards) composed of representatives from local authorities, regional business, and community organizations. Local government representatives predominated, but executive authority lay with the agencies whose members were appointed by central

government (Council of Europe: UK 2005; Humphrey and Shaw 2006; Law No. 45/1998, Art. 8).

Since 2000, Greater London has had a popularly elected council and mayor (Law No. 29/1999, Arts. 2–4).

From 1921–71, Northern Ireland had a bicameral assembly consisting of the House of Commons, which was directly elected, and the Senate, which was indirectly elected. Executive powers were exercised by the prime minister and his department, appointed by a Westminster-appointed Lord Lieutenant and answerable to the House of Commons. The post of prime minister had no legal basis in the Government of Ireland Act or in statute law, which merely provided for an Executive Committee of the Privy Council appointed by the Governor (Law No. 67/1920, Arts. 8 and 14). However, the established practice from 1922 through 1971 was for the Lord Governor to appoint as prime minister the majority leader of the House.[β] Since 1998, the parliament is unicameral (Irish: *Tionól Thuaisceart Éireann*, Ulster Scots: *Norlin Airlan Assemblie*), but it only started operating when home rule was resumed in 2000. The directly elected assembly elects the executive (Law No. 47/1998, Art. 16; McEvoy 2006). We score assembly 2 under home rule, and we score executive 1 through 1971 to reflect its ambiguous legal character, and 2 from 2000.

Scotland and Wales acquired directly elected assemblies in 1999 (Law No. 38/1998, Arts. 1–2 and No. 46/1998, Art. 1; McEwen 2013). Scotland also obtained an executive elected by the Scottish parliament (Scottish Gaelic: *Pàrlamaid na h-Alba*; Scots: *The Scots Pairlament*) and the role of the Scottish Secretary of State in the national government was scaled back to representing Scottish interests in reserved matters (Devolution Guidance Notes Nos. 3–5 2014; Law No. 46/1998, Arts. 44–7). Executive authority in Wales was until 2006 exercised by a committee chaired by the First Secretary, elected by and accountable to the Welsh National Assembly (Welsh: *Cynulliad Cenedlaethol Cymru*). The Secretary of State had executive power for non-devolved matters and was not accountable to the assembly (Law No. 38/1998, Arts. 22, 31, and 56). The Government of Wales Act (2006) established the Welsh Assembly Government (Law No. 32/2006, Arts. 45–47), but the Secretary of State for Wales remained in place. Following the 2011 referendum, executive power is exercised by the Welsh government, and the role of the Welsh Secretary of State has become similar to that of the Secretary of State for Scotland.

Shared rule

Counties have no power sharing.

LAW MAKING

In neither the House of Commons nor the House of Lords is the region the unit of representation, nor is there institutional representation. The House of Lords consists of hereditary peers (until 1999, when most were removed) and peers appointed by the central government.

There is some bilateral law making. The Scottish, Welsh, and Northern Irish members in the House of Commons meet as caucuses in grand committees to discuss bills affecting their countries (L1, L5). The committees have continued to function after devolution, though since devolution UK parliament bills relating to only one of the countries are rare.[69] The Government of Wales Act stipulates that the Welsh assembly should be consulted regarding the UK government's legislative program at the start of a parliamentary session (Law No. 38/1998, Art. 31 and No. 32/2006, Art. 33). Since 1999 the Sewel convention applies for all three devolved legislatures: "UK Parliament would not normally legislate with regard to devolved matters except with the agreement of the devolved legislature" (Devolution Guidance Notes Nos. 8–10 2014), which implies a veto for these regions (L6).[70] The convention was written into a memorandum of understanding between the UK and its devolved parliaments in 1999 (Memorandum of Understanding 2002 paragraph 13, 2013 paragraph 14) and has since become embedded in practice (Cairney 2006).

Greater London may provide input into national law making by virtue of its right to promote or oppose in parliament laws that affect the region. The GLA does not have a veto (L5) (Law No. 29/1999, Art. 77).

EXECUTIVE CONTROL

There was no executive control before devolution and when home rule did not apply. Scotland, Wales, and Northern Ireland had centrally appointed Secretaries of State (from 1885, 1964, and 1972, respectively) who represented these territories in central government.

After devolution, a memorandum of understanding was signed in 1999 to set up a Joint Ministerial Committee which entitles the regional governments to consult with the UK government on legislation that impinges on them or to resolve disputes between regional and UK governments (Memorandum of Understanding 2002). However, this fell into disuse until 2008 with the

[69] <http://www.parliament.uk/about/how/committees/grandcommittees>.

[70] Alan Trench. Devolution Matters. "The Sewel convention." <http://devolutionmatters.wordpress.com/devolution-the-basics/the-sewel-convention>; The Scottish Government. "Legislative Consent Memorandums." <http://www.scotland.gov.uk/About/Government/Sewel/SewelMemosPdf>; National Assembly for Wales. "Legislative Consent Motions." <http://www.assemblywales.org/bus-home/research/bus-assembly-publications-monitoring-services/bus-lcm_monitor.htm>.

exception of the EU affairs committee (Hazell 2007: 581; Jeffery 2009: 304–5; McEwen and Petersohn 2015).[71]

Instead of multilateral executive control, asymmetrical devolution encouraged bilateral UK-wide intergovernmental relations through the use of non-binding bilateral and inter-departmental concordats and pacts (Bulmer et al. 2006; Horgan 2004; Kenealy 2012: 68–9).[72]

From 2008, the joint ministerial committees began to convene regularly (Kenealy 2012: 69), which is when we start coding multilateral executive control. Consultations are non-binding (Devolution Guidance Notes No. 1 2014). In 2012 a new memorandum of understanding introduced a protocol on dispute resolution (Memorandum of Understanding 2013).

FISCAL CONTROL

Under the Scotland Act (Law No. 46/1998), the Government of Wales Act (Law No. 38/1998 and 32/2006), and the Northern Ireland Act (Law Nos. 67/1920 and 47/1998), the devolved administrations have substantial authority over spending decisions within the total set by the UK Treasury (Commission on Devolution in Wales 2012; Commission on Scottish Devolution 2009; PricewaterhouseCoopers 2013; Swenden 2006). Unconditional transfers from the UK government to Northern Ireland, Scotland, and Wales are determined by the Barnett formula which "gives the devolved administrations a proportionate share of spending on 'comparable' functions in England, given their populations compared to England".[73] Amendments and changes to the Barnett formula fall under the purview of the Treasury. The devolved administrations are consulted on an ad hoc basis and, in case of disagreement, the

[71] The Joint Ministerial Committee was intended to meet in several formats. The plenary session, convened annually, was to act as an overarching committee. The domestic session was to convene two to three times a year to discuss internal relations (Horgan 2004; Memorandum of Understanding 2002 Supplementary Agreement A). Four separate overarching concordats apply broadly uniform arrangements to EU affairs, financial assistance to industry, international relations, and statistics (Kenealy 2012: 66–8; Memorandum of Understanding 2002 Supplementary Agreement B–D). In addition to the Joint Ministerial Committee, the UK government and the devolved administrations meet in the British–Irish Council, established by the UK and Irish governments in 1999 following the Good Friday agreement (McCall 2001). Membership includes Northern Ireland, Scotland, and Wales, together with representatives of the Isle of Man, Guernsey, and Jersey. The British–Irish Council "aims to provide a forum where members can have an opportunity to consult, co-operate and exchange views with a view to agreeing common policies or common actions in areas of mutual interest." <http://www.britishirishcouncil.org>.

[72] The Scottish Government. <http://www.scotland.gov.uk/About/Government/concordats>; Welsh Government. <http://wales.gov.uk/about/organisationexplained/intergovernmental/concordats>.

[73] Alan Trench. Devolution Matters. "The Sewel convention." <http://devolutionmatters.wordpress.com/devolution-the-basics/the-sewel-convention

devolved administration or Secretary of State can pursue the issue with the Treasury (Horgan 2004; Statement of Funding Policy 2010: 31).[74]

BORROWING CONTROL

Scotland, Wales, Northern Ireland, London, and the counties do not have borrowing control (Commission on Devolution in Wales 2012; Commission on Scottish Devolution 2009; PricewaterhouseCoopers 2013).[75]

CONSTITUTIONAL REFORM

The UK parliament has undiminished power to make laws for Northern Ireland, Scotland, Wales, and London (Law Nos. 67/1920, 38/1998, 46/1998, Art. 28.7, No. 47/1998, Art. 5.6, and No. 32/2006, Art. 93.5).[76] However, according to the Sewel convention, three categories of provision are not enacted in primary legislation at Westminster unless the devolved assemblies have given their consent.[β] The three categories are (1) provisions that would be within the legislative competence of the devolved assemblies, (2) provisions that would extend the executive competence of the devolved executives, and (3) provisions that would alter the legislative competence of the devolved assemblies (Devolution Guidance Notes Nos. 8–10 2014; Memorandum of Understanding 2002 paragraph 13, 2013 paragraph 14). This convention seems robust enough to warrant the highest score on constitutional reform for Scotland, Wales, and Northern Ireland. The Sewel convention does not apply to London.

Before reinstatement of home rule for Northern Ireland, the Northern Ireland assembly did not have the power to repeal or amend its act (Law No. 67/1920, Arts. 6.1 and 75).[77]

[74] Bilateral forums manage the transfer of tax powers to Scotland and Wales. The UK–Scotland Joint Exchequer Committee held its first meeting in 2011 and met again in 2012 and 2013. A similar UK–Wales Joint Exchequer Committee met in 2014 (McEwen and Petersohn 2015; House of Lords Select Committee on the Constitution 2015 <http://www.publications.parliament.uk/pa/ld201415/ldselect/ldconst/146/146.pdf>).

[75] The devolved authorities set maximum expenditure for capital investment by the local authorities in their realm (Statement of Funding Policy 2010: 21).

[76] Legislative and executive authority and the method of election for the members of the Northern Ireland assembly are regulated by the Good Friday agreement but UK legislation determines the matters that are devolved.

[77] The Good Friday agreement opens up the possibility that Northern Ireland joins with the Republic of Ireland if a majority in Northern Ireland consents by referendum.

Self-rule in the United Kingdom

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Counties	1950–2010	2	2	1	1	2	2	**10**
Regions	1994–1998	1	0	0	0	0	0	**1**
	1999–2010	2	1	0	1	1	0	**5**
Greater London Authority	2000–2010	2	2	1	1	2	2	**10**
Northern Ireland	1950–1971	2	3	1	1	2	1	**10**
	1972–1999	1	0	0	0	0	0	**1**
	2000–2002	3	3	1	1	2	2	**12**
	2003–2006	1	0	0	0	0	0	**1**
	2007–2010	3	3	1	1	2	2	**12**
Scotland	1950–1998	1	0	0	0	0	0	**1**
	1999–2010	3	3	3	1	2	2	**14**
Wales	1964–1998	1	0	0	0	0	0	**1**
	1999–2010	2	3	0	1	2	1	**9**

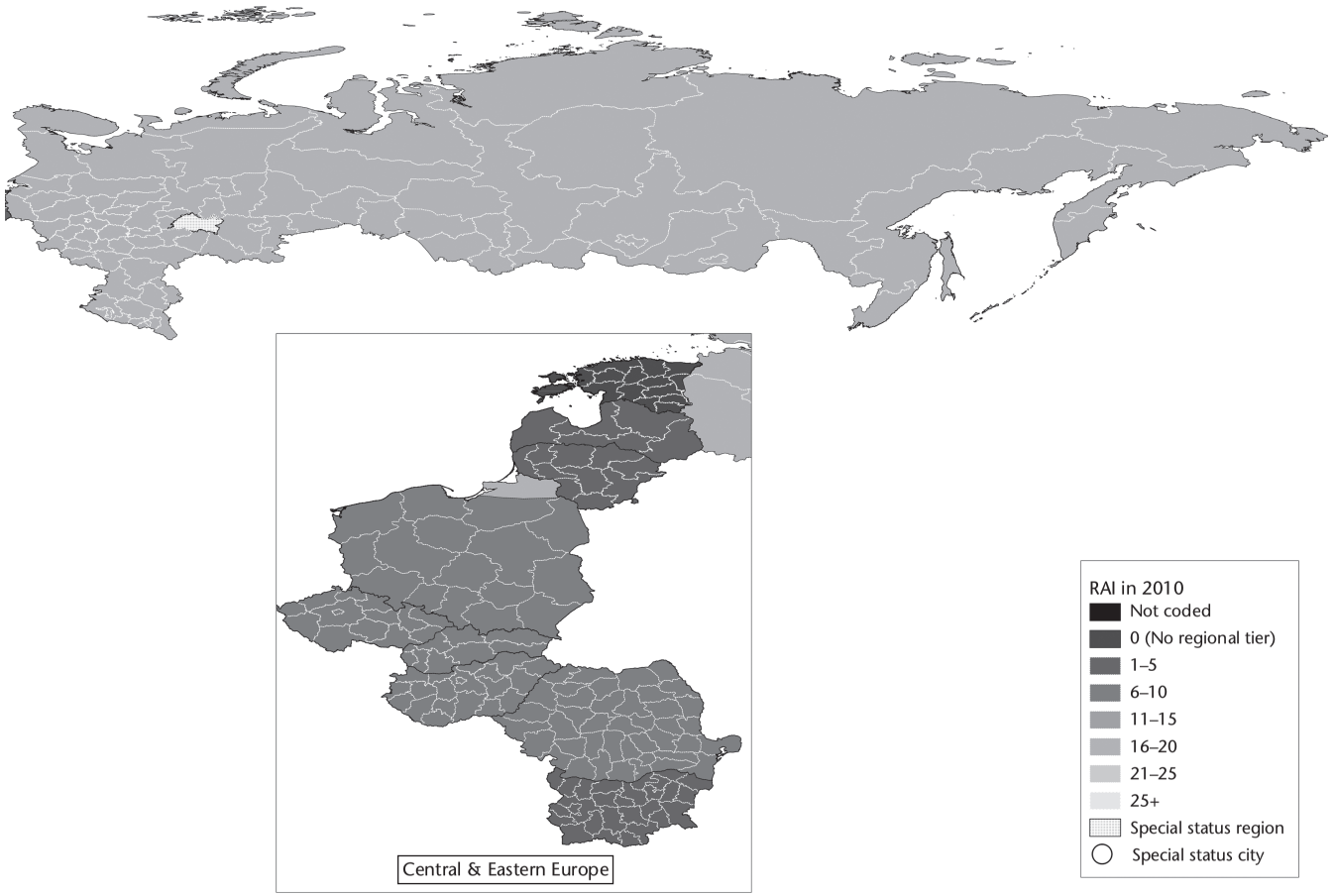
Shared rule in the United Kingdom

		Law making						Executive control		Fiscal control		Borrowing control		Constitutional reform		Shared rule
		L1	L2	L3	L4	L5	L6	M	B	M	B	M	B	M	B	
Counties	1950–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Regions	1994–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Greater London Authority	2000–2010	0	0	0	0	0.5	0	0	0	0	0	0	0	0	0	**0.5**
Northern Ireland	1950–1971	0.5	0	0	0	0.5	0	0	0	0	0	0	0	0	0	**1**
	1972–1999	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
	2000–2002	0.5	0	0	0	0.5	0.5	0	1	0	0	0	0	0	4	**6.5**
	2003–2006	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
	2007	0.5	0	0	0	0.5	0.5	0	1	0	0	0	0	0	4	**6.5**
	2008–2010	0.5	0	0	0	0.5	0.5	1	1	0	0	0	0	0	4	**6.5**
Scotland	1950–1998	0.5	0	0	0	0.5	0	0	0	0	0	0	0	0	0	**1**
	1999–2007	0.5	0	0	0	0.5	0.5	0	1	0	0	0	0	0	4	**6.5**
	2008–2010	0.5	0	0	0	0.5	0.5	1	1	0	0	0	0	0	4	**6.5**
Wales	1964–1998	0.5	0	0	0	0.5	0	0	0	0	0	0	0	0	0	**1**
	1999–2007	0.5	0	0	0	0.5	0.5	0	1	0	0	0	0	0	4	**6.5**
	2008–2010	0.5	0	0	0	0.5	0.5	1	1	0	0	0	0	0	4	**6.5**

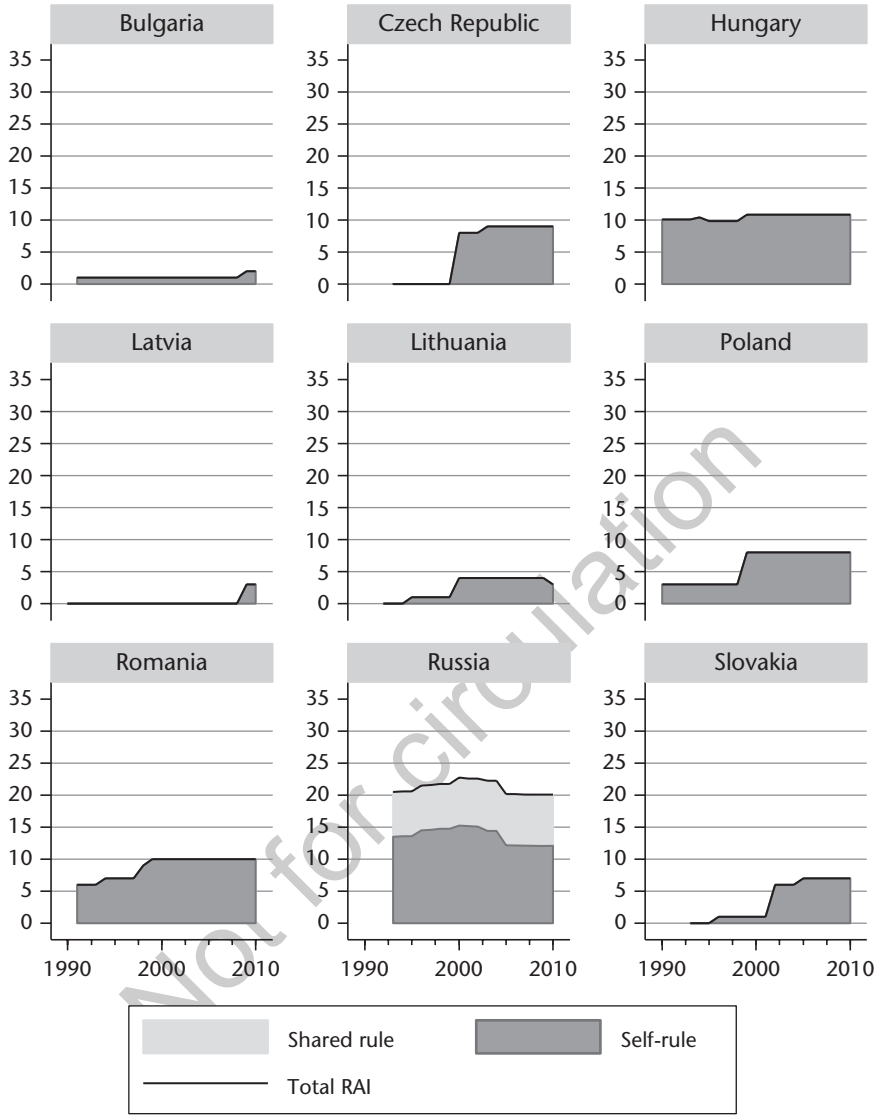
National legislature has: L1=regional representation; L2=regional government representation; L3=majority regional representation; L4=extensive authority; L5=bilateral regional consultation; L6=veto for individual region. Total for shared rule is either multilateral (M) or bilateral (B).

Central and Eastern Europe and Russia

6	Bulgaria (1991–2010)	23	Lithuania (1992–2010)
10	Czech Republic (1993–2010)	30	Poland (1990–2010)
12	Estonia (1992–2010)	32	Romania (1991–2010)
17	Hungary (1990–2010)	33	Russia (1993–2010)
22	Latvia (1990–2010)	35	Slovakia (1993–2010)



Standard and differentiated regions in Central and Eastern Europe and Russia (2010)



Trends in regional authority in Central and Eastern Europe and Russia
Note: No general purpose regional government in Estonia.

Bulgaria

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Bulgaria is a unitary state with a three-tier governance structure: the central government, *oblasti* (regions), and 264 *obshtini* (municipalities). In 1991 Bulgaria's first democratic constitution inherited from the communist era nine deconcentrated *oblasti*, but in 1999, the government redrew the boundaries to match the twenty-eight *okrugi* (districts) that had existed until 1986 (Council of Europe: Bulgaria 1997; Drumeva 2001).

Although *oblasti* have a basis in the constitution, they do not exercise autonomous authority. They are administrations that implement national and European regional policy and other national policies in the region, and that are constitutionally responsible to "ensure harmony between national and local interests" (C 1991, Art. 142; Law No. 77/1991, Art. 71; Committee of the Regions 2005).[1]

In 2000, in order to gain access to European Union (EU) pre-accession funds, six planning regions were set up (Vraykova 2006; Minkova 2007). The Regional Development Act in 2004 clearly stipulates that development regions "shall not constitute administrative-territorial units" (Law No. 14/2004; Yanakiev 2010). Still, the planning regions have incipient governance in the form of a regional development council which consists of representatives from eight ministries, the governors of the *oblasti* comprised within the respective region, one representative from each of the national employer and employee organizations, and representatives of the *obshtini*. The council is chaired by the governor of one of the *oblasti* (Law No. 93/2009, Art. 18; Minkova 2007). The regional representatives do not constitute a majority, and there is also no corresponding administration. These regional development councils fall short of being counted as a regional government.[β]

The only level with an administrative capacity is the deconcentrated *oblasti* (Law No. 93/2009, Art. 4). In response to EU regulations for structural funding, each *oblast* has a development council. The *oblast* development council can only deliberate and advise on policies with regard to the *oblast* development strategy (Law No. 93/2009, Art. 22.4).

FISCAL AUTONOMY

Oblasti are funded by the central government (Law No. 77/1991, Art. 69; Markiewicz 2007: 45). The *oblast* development councils are reliant on intergovernmental

[1] Decentralization reforms have mainly benefited *obshtini* (municipalities) which, since 2003, are allowed to set the rate of local taxes (Bobcheva 2007; Nikolova 2011; Savov 2006).

transfers from central and local government and the EU (Law No. 93/2009, Art. 22; Tchavdarova, Ivanoc, and Savov 2002: 172).

BORROWING AUTONOMY

Oblasti and *oblast* development councils have no borrowing powers (Law No. 77/1991, Art. 69.1 and No. 93/2009, Art. 22; Markiewicz 2007: 45; Tchavdarova, Ivanoc, and Savov 2002: 172).

REPRESENTATION

The *oblast* governor is appointed by the national government, and vice-governors are appointed by the prime minister (C 1991, Art. 143.2; Law No. 77/1991, Art. 69.3). Since 2009, *oblast* development councils are comprised of the mayors of all *obshtini* within the respective *oblast*, one representative of the municipal council of each *obshtina*, and a delegated representative of the national organizations of employers and of employees. The councils are chaired by the governor (Law No. 93/2009, Art. 22.2).

Shared rule

There is no shared rule for *oblasti* and *oblast* development councils.

Self-rule in Bulgaria

	Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
					Assembly	Executive	
Oblasti 1991–2008	1	0	0	0	0	0	**1**
2009–2010	1	0	0	0	1	0	**2**

Czech Republic

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

The Czech Republic is one of the two successor states of Czechoslovakia (Kaiser 1995). It became independent in 1993. The constitution of 1992 recognized *kraje* (regions) as self-governing territorial divisions (C 1992, Arts. 99–100), but implementation was delayed until 2000. Until 2003 the country was divided into seventy-seven deconcentrated *okresy* (districts), inherited from the communist period (Law No. 425/1990). They were replaced by some 200 municipalities.

The *kraje* were devised in 1997 as a level of governance between the *okresy* and the central government (Law No. 347/1997), but the fourteen *kraje* only began functioning in 2000 after several contentious discussions concerning the division of tasks between *obce* (municipalities), *okresy*, and *kraje* (Lacina and Vajdova 2000). The *kraje* combine delegated and decentralized powers (Law No. 129/2000, Arts. 29 and 35). The regional executive is responsible to the central government as well as to the regional council, depending on the policy. Until 2003, *kraje* had competences in economic policy which comprises development, transport, and tourism (Law No. 129/2000, Art. 35). Special laws gave *kraje* also some delegated powers in secondary education, health, and environmental protection (Council of Europe: Czech Republic 2004, 2010). The central government resisted further decentralization until the abolition of the *okresy* in January 2003 (Baun and Marek 2006: 413; Brusis 2002, 2005).[a] From 2003 *kraje* score 2 on policy scope.

FISCAL AUTONOMY

Kraje receive a proportion of centrally collected taxes, for which the base and rate are set by the central government (Davey and Péteri 2006: 593–5; Law No. 129/2000, Arts. 17–23 and No. 243/2000). They have no additional tax authority (Davey and Peteri 2006: 590).

BORROWING AUTONOMY

In response to increasing municipal debts, the government restricted subnational governments' authority to borrow (Kubátová et al. 2000; Council of Europe: Czech Republic 2010). *Kraje* may borrow if they can produce enough assets as collateral that offset the loan, and if these assets are approved by the minister of finance. A loan may also not exceed more than 15 percent of the region's budget (Council of Europe: Czech Republic 2010; Law No. 129/2000, Art. 36; OECD: Czech Republic 2001). Since 2004 *kraje* need prior consent from the central government to issue bonds (Council of Europe: Czech Republic 2010; Law No. 190/2004, Art. 27).

REPRESENTATION

Kraje assemblies are directly elected every four years (C 1992, Art. 102). Deputies subsequently elect the *kraje* executive (*hejtman*) (Council of Europe: Czech Republic 2004, 2010; Law No. 129/2000, Arts. 35 and 61).

Shared rule

There is no shared rule for *kraje*.

Self-rule in the Czech Republic

	Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
					Assembly	Executive	
Kraje 2000–2002	2	1	0	1	2	2	**8**
2003–2010	2	2	0	1	2	2	**9**

Estonia

The constitution does not contain provisions for regional government (C 1992, Arts. 154–160), but municipalities are self-governing (Kettunen and Kungla 2005; Law No. 37, 558/1993; Mäeltsemees 2000). Since 1990 Estonia has deconcentrated intermediate governance consisting of fifteen *maakonnad* (counties) (Council of Europe: Estonia 2000, 2010; Law Nos. 29, 356/1995, and 42, 291/2004, Art. 14^1–14^2).[2] Their boundaries follow, with few exceptions, those of the regions (*rayon*) created during the Soviet era (Sepp and Veemaa 2010).[3] As a substitute for decentralized regional governance municipalities in each *maakond* may form intermunicipal associations to coordinate waste management, education, transport, or social care (Law No. 96, 565/2002).

Hungary

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Hungary has currently a two-tier system of intermediate governance with one self-governing layer (*megyék* and *megyei jogú városok*) and one deconcentrated layer.

The nineteen directly elected *megyék* (counties) and twenty-two *megyei jogú városok* (cities with county status) were inherited from the communist regime. Counties had been the basic units of Hungarian intermediate government since the twelfth century (Pálné Kovács, Paraskevopoulous, and Horváth 2004). They have competences in social and welfare policy, with responsibility for hospitals, secondary schools, homes for the elderly, museums, and

[2] *Maakunnad* have an average population of 88,000 in 2010.

[3] The county of Ida-Vidu is the only county with a predominantly Russian-speaking population. It was partitioned in 1990 from a predominantly Estonian-speaking area. Narva is its major city (Smith 2002).

libraries; as well as in economic policy, including the environment, tourism, and spatial planning (Council of Europe: Hungary 2004; Law No. 65/1990, Arts. 69–70). Until 2011, local and regional self-governance was protected because the constitution stipulated that a law on local government required a supermajority in the Hungarian parliament (C 1949, Art. 44C); this provision was struck in the latest constitutional revision (C 2011).

A reform in 1996 (Law No. 21/1996, Art. 5) set up a three-tier system of advisory development councils: *megye*, regional, and national. The councils, which consist of representatives of central and local public bodies alongside central ministries, advise national ministries on regional development policies and the administration of EU funds (Fowler 2002; Pálné Kovács, Paraskevopoulous, and Horváth 2004).

At first, the new councils lacked permanent administrations, but this changed in 1999 when seven *tervezési-statisztikai régiók* (statistical planning regions) were established (Law Nos. 92/1999 and 75/2004). The planning regions are responsible for the allocation of development resources. A reform in 2007 relocated the central state representatives residing in the *megyék* to the *tervezési-statisztikai régiók*, which strengthened the administrative capacity of the regions (Council of Europe 2007). In 2011, the regional development councils were replaced with regional development consultation forums, and their administrations were transferred to the ministry for national development (Law No. 198/2011). Three super-regions remain as statistical categories.

At the *megye* level, the development councils compete with the existing directly elected *megyék* assemblies. The president of the *megye* assembly is an *ex officio* member of the county development council, but the *megyék* governments are not represented in the higher level regional development councils. Local governments, on the other hand, are present at both *megye* and regional level.

The *megyék* are weakened from below as well since they compete with so-called multipurpose micro-regional associations, created by the government in 2004 to counter the fragmentation of local government.[4] A micro-regional association may comprise two to sixty-five municipalities within nationally defined micro-regional boundaries. Local authorities are free to join. Within a time span of two years 162 multipurpose associations had been set up covering virtually the entire local government map (Council of Europe: Hungary 2006; Pfeil 2010). Within their frameworks municipalities provide the majority of basic health, social, public education, children and family protection, and educational and library services (Pfeil 2010).

[4] A group of 300 citizens may create an independent local authority, and the result is that the average locality has just over 3000 inhabitants (Pálné Kovács, Paraskevopoulous, and Horváth 2004: 437).

FISCAL AUTONOMY

Megyék have no authority over taxes, but municipalities and *megyei jogú városok* (cities with county rights) have authority over five taxes: business tax, communal tax (poll or payroll tax), urban land tax, property tax, and tax on tourism (Högye et al. 2000: 226–39). The central government sets the base, while the municipalities and *megyei jogú városok* determine which (if any) of the taxes they will levy and set the rate up to a centrally determined ceiling (Council of Europe: Hungary 2004; Law No. 100/1990; Szalai et al. 2002). *Megyék* revenue comes mostly from national grants (OECD 2001). *Tervezési-statisztikai régiók* are dependent on intergovernmental transfers.

BORROWING AUTONOMY

Before a reform in 1995, local governments could borrow without restrictions (Law No. 65/1990).[α]

Since 1996 borrowing rules have been tightened. First, the ceiling for annual commitments by a subnational government resulting in debt (including from borrowing) is set at 70 percent of the local government's own net revenues (Law No. 65/1990, Art. 88). Local governments can take up loans at preferential rates from the National Savings Bank and Trade Bank (Council of Europe 1996). Furthermore, a law on municipal bankruptcy (Law No. 25/1996) specifies a ceiling on the amount of borrowing and regulates the process in case of insolvency (Davey and Péteri 2006; Lutz et al. 1997; Szalai et al. 2002; Vigneault 2007). The ministry of interior may review the lawfulness of (loan) decisions *ex post*. The bankruptcy law also specifies a no-bailout clause. A local government that is unable to pay its debts can be put under central government administration (Council of Europe 2000; Högye et al. 2000; OECD 2001).

Megyei jogú városok fall under this borrowing regime but the other *megyék* cannot borrow because they are not allowed to use central government grants as collateral (Högye et al. 2000: 230–1; Law No. 65/1990, Art. 88.1b).[α] *Tervezési-statisztikai régiók* have no borrowing authority.

REPRESENTATION

From 1990–93, assemblies of *megyék* were indirectly elected by municipalities, and these assemblies elected their executive. Since 1994 (Law No. 64/1994), *megyék* councils have been directly elected and the president of the council is elected by, and responsible to, the assembly (Law No. 65/1990, Art. 73; Sóos and Kákai 2011). *Megyei jogú városok* have had directly elected assemblies since 1990 (Law No. 65/1990).

Consultative councils of the *tervezési-statisztikai régiók* were established in 1999 (Law No. 92/1999). They are composed mainly of government appointees and *ex officio* members, of whom a minority represent local

authorities. The executive of the regional development council is centrally appointed.

Shared rule

There is no regional power sharing.

Self-rule in Hungary

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Megyék	1990–1993	2	2	0	0	1	2	**7**
	1994–2010	2	2	0	0	2	2	**8**
Megyei jogú városok	1990–1994	2	2	1	3	2	2	**12**
	1995–2010	2	2	1	2	2	2	**11**
Tervezési-statisztikai régiók	1999–2010	1	0	0	0	0	0	**1**

Latvia

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Latvia has one tier of intermediate governance: deconcentrated *plānošanas reģioni*.

The Latvian constitution is silent on subnational governance except for an article giving citizens the right to elect local government (C 1922, Art. 101). The 1994 Law on Local Governments established district governments as an upper tier, and town, county, and parish governments as a lower tier (Law No. 61/1994, Art. 2). The upper tier consisted of twenty-six *rajoni* (districts), with an average population of 45,000, and seven *lielpilsētas* (cities), with an average population of 70,000 (Council of Europe: Latvia 1999, 2006). Before 1998, *rajoni* councils were directly elected but from 1998–2009 they were composed of the mayors of the local councils (Vanags and Vilka 2000, 2006).

In 2002, parliament passed a regional development law which announced the creation of five *plānošanas reģioni* (planning regions) (Law No. 53/2002). Amendments in 2006 and in 2007 granted legal personality, established councils, and organized financial resources, but implementation was slow (State Regional Development Agency 2006). A government regulation of

2009 set up the *plānošanas reģioni* as a full-fledged tier of regional governance, and at the same time, abolished the *rajoni* (Reg. No. 391/2009).

FISCAL AUTONOMY

Plānošanas reģioni are dependent on grants and have no fiscal autonomy (Law No. 53/2002, Art. 17.1).

BORROWING AUTONOMY

Plānošanas reģioni have no borrowing autonomy (Law No. 53/2002, Art. 17.1).

REPRESENTATION

Plānošanas reģioni have a development council (*plānošanas reģiona attīstības padome*) composed of representatives chosen from a general assembly of the local mayors (Law No. 53/2002, Art. 17). The composition of the cooperation committee (*plānošanas reģiona sadarbības komisija*), which is the executive, is mixed: partly representatives from the development council, and partly government appointees (Law No. 53/2002, Art. 18).

Shared rule

There is no power sharing for *plānošanas reģioni*.

Self-rule in Latvia

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Plānošanas reģioni	2009–2010	1	0	0	0	1	1	**3**

Lithuania

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Under communism, Lithuania had one intermediate tier of government consisting of forty-four regions and eleven city regions (Council of Europe: Lithuania 1997). The first constitution after independence stipulates that municipal councils have the right to self-government and that higher level

administrative units may be created by the government (C 1992, Arts. 199 and 123). A 1994 local government reform (implemented in 1995) provided self-governance for municipalities (Law No. 533/1994). At the same time, ten higher tier *apskritys* (counties) were created (Law Nos. 558/1994 and 707/1994), which is the relevant tier for our purposes.

Apskritys were initially set up as deconcentrated general purpose administrations, headed by a government-appointed governor, to coordinate ministerial policy in the region. In theory, the remit of the governor's coordinative role was broad. It included vocational and technical education, civil protection, hospitals, welfare homes, social security, town and spatial planning, environmental protection, parks, sports and cultural facilities, regional development, agriculture, and local government (Beksta and Petkevicius 2000; Council of Europe: Lithuania 1997, 2006; Law No. 707/1994, Arts. 5–11 and 14). However, the ministries were reluctant to cede functions (Gaulé 2011: 415).

In 2000, *apskritys* appropriated policy authority and some representative institutions when they took control over indirectly elected regional development councils (*regiono plėtros tarybos*), which had been created in each *apskritis* to assist in national and EU regional policy (Law No. 1889/2000, Art. 13). This was made easier because the regional development councils had the same territorial boundaries as the *apskritys*. During the ten years of their co-existence, the regional development council provided voice to local government interests, while the *apskritys* governor, who chaired the council, provided leadership and administrative support. The regional development council approved development plans concerning social and economic development and environmental protection, and the governor implemented them (Gaulé 2011; Vaiciuniene and Nefas 2012: 628).

Central ministerial resistance persisted, reinforced by EU concerns about the administrative capacity of these subnational governments (European Commission 2000: 75–7; Hughes, Sasse, and Gordon 2004: 100, 104–5, 108). In the first round of the EU structural funds programming, *apskritys* and local governments were frozen out of decision making (Nakrosis 2008). This paved the way for the abolition of the *apskritys* in 2010 (Law No. 248/2010), and their tasks were taken over by ministries and agencies operating at the regional level. Interestingly, the *regiono plėtros tarybos* continue to exist, can now elect their chairperson, and have gained a stronger consultative role in national and EU regional development (Burbulyte-Tsiskarishvili, Audrius Kutkaitis, and Normante 2013), but the ministry of the interior has now replaced the governor in preparing and implementing the regional development plans (Law No. 735/2010, Art. 14). From 2010 we score the *regiono plėtros tarybos* as an incipient tier of regional governance.[β]

FISCAL AUTONOMY

Apskritys and *regiono plėtros tarybos* are dependent on intergovernmental transfers and have no tax autonomy (Gaulé 2011; Law No. 707/1994, Art. 3, No. 1889/2000, and No. 735/2010).

BORROWING AUTONOMY

Apskritys and *regiono plėtros tarybos* have no borrowing autonomy (Gaulé 2011; Law No. 707/1994, Art. 3, Nos. 1889/2000 and 735/2010).

REPRESENTATION

From 2000 until 2010, *apskritys* had a regional development council composed of the governor, deputy governor, and mayors of the municipalities in the *apskritys* (Law No. 707/1994, Art. 15). The governor was appointed by the central government (Law No. 707/1994, Art. 4; Beksta and Petkevicius 2000). Since 2010 the regional development council elects its own chair (Law No. 735/2010, Art. 14).

Shared rule

There is no shared rule for *apskritys* or *regiono plėtros tarybos*.

Self-rule in Lithuania

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Apskritys	1995–1999	1	0	0	0	0	0	**1**
	2000–2009	2	1	0	0	1	0	**4**
Regiono plėtros tarybos	2010	1	1	0	0	1	0	**3**

Poland

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

The end of communism initially reinforced state centralization because regional administrations were perceived as tools of communist party influence. The first post-communist government brought regions under central control and made elected regional councils advisory rather than authoritative.

Territorial governance consisted of forty-nine deconcentrated *województwa* (regions) and more than 2400 elected *gminy* (local governments), with only local governments granted the constitutional right of self-government (C 1992, Art. 70; Glowacki 2002; Law Nos. 16.95/1990 and 142.1591/2001).

After a constitutional reform in 1997 that recognized regional self-governance (C 1997, Art. 164), two decentralized tiers of intermediate government were created: sixteen elected *województwa* and 373 elected *powiaty* (county) governments, including sixty-five cities with *powiaty* status (Law Nos. 91.578/1998, 91.576/1998, and 96.603/1998).[5] This dovetailed with prodding from the European Commission to create an intermediate governance tier for structural funds allocation, but there were also strong domestic pressures to decentralize (Czernielewska, Paraskevopoulos, and Sziachta 2004; Ferry and McMaster 2005; O'Dwyer 2006; Yoder 2003, 2007).

Województwa started functioning in 1999. They have authority over regional development policy, spatial planning, health care, higher education, EU structural funds, social and labor market policy, cultural heritage, regional roads, and environmental protection (Council of Europe: Poland 2000; Glowacki 2002; Kowalczyk 2000; Law No. 91.576/1998, Art. 14). They have no authority over local government, police, or their own institutional set up. *Województwa* contend with a parallel deconcentrated government structure in the region, headed by a centrally appointed prefect (*wojewoda*), who oversees implementation of central policies in social care, environmental protection, and the police and who supervises local government (Committee of the Regions 2005). *Województwa* score 2 on institutional depth and 2 on policy scope, which takes into account that their autonomy is somewhat constrained by the co-existence of a deconcentrated government that is also active in social policy.

FISCAL AUTONOMY

Województwa receive a share of personal income tax and corporate income tax, for which the central government sets the base and rate (Filas, Levitas, and Piszcek 2002). The transition from deconcentrated to decentralized governance in 1999 did not appreciably alter the fiscal autonomy of the *województwa*, though a reform in late 2003 increased their share of personal income tax and corporate income tax (Law No. 203.1966/2003, Art. 6; Yoder 2007).

BORROWING AUTONOMY

Before 1999, local authorities in Poland could take out loans on the condition that the net cost of borrowing did not exceed 15 percent of their revenues. In

[5] The *powiaty* have an average population of around 100,000.

addition, bonds could not exceed 20 percent of expenditures (Council of Europe 1996). *Województwa* had to submit budgetary decisions (including taking out loans) to the Regional Audit Office, which was partly composed by members selected by the regional council but accountable to the national government (Council of Europe 2000).

Since 1999, the law on public finance imposes three types of restrictions (Filas, Levitas, and Piszcek 2002; Kowalczyk 2000; Law No. 155.1014/1998, Arts. 113–115). First, payments on the annual debt service may not exceed 15 percent of annual revenues and total outstanding debt may not exceed 60 percent of annual revenues (Council of Europe 2000). Second, subnational borrowing is conditional on the borrowing needs of the national government in that the consolidated public debt may not exceed 50 percent of gross domestic product (GDP). Finally, subnational governments are required to submit draft budgets for review by a central government agency. This agency may reject the budget if debt exceeds the statutory amount (Joumard and Kongsrud 2003; OECD 2001).

REPRESENTATION

From 1990–98, *województwa* had an advisory council composed of delegates from *gminy* (local governments), while the executive head was appointed by the central government (Kowalczyk 2000: 220–2).

Since 1999 *województwa* have popularly elected councils, with elections taking place every four years (Law No. 95.602/1998). The executive and *marszałek* (head of the executive) are elected by the council. Regional governance continues to be dual because of the office of the *wojewoda*, who is appointed by the central government (Law No. 91.577/1998, Arts. 10–26; Swianiewicz 2006).

Shared rule

There is no power sharing for *województwa*.

Self-rule in Poland

	Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
					Assembly	Executive	
Województwa 1990–1998	1	0	0	1	1	0	**3**
1999–2010	2	2	0	1	2	1	**8**

Romania

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Romania has two tiers of intermediate governance: *judete* (counties) and *regiuni de dezvoltare* (development regions).

Judete have a long pedigree that goes back to the fourteenth century but their functions and boundaries have changed many times. The current boundaries date from 1968, when *judete* were reintroduced under Ceauşescu to replace the Soviet-style administrative model imposed after the Second World War. As in most communist countries the party seized control of the *judete* to consolidate its hold (Illner 1997). The violent revolution of December 1989 erased the old governance system though the territorial borders of the *judete* survived.

The 1991 constitution established the principles of *judet* self-government and decentralization of public services (C 1991, Art. 121). *Judete* double as institutions of self-governance and central state agents, a legacy of the nineteenth century when the Napoleonic administrative model was imported. They are governed by a directly elected council with a chairman who is selected by the council. Each *judet* also has a prefect, appointed by the central government (C 1991, Art. 122; Coman et al. 2001; Law No. 340/2004). *Judete* have broad-ranging policy competences encompassing regional transport, social assistance, the environment, secondary education, and regional planning. However, they exert these competences under the supervision of a centrally appointed prefect (*prefect*) who checks the legality of *judete* and local acts and oversees deconcentrated state services (Council of Europe: Romania 1999, 2009; Law No. 69/1991, Art. 59 and No. 215/2001, Art. 104). The prefect implements central government laws covering public order, agriculture, health, education, culture, environment, employment, and social welfare (Council of Europe: Romania 1999, 2009). A framework decentralization law adopted in 2006 aimed to give more discretion to *judete* but council decisions still need prior approval from the prefect (Law No. 67/2004; Nikolov 2006: 11). *Judete* score 2 on institutional depth and 1 on policy scope.

Eight *regiuni de dezvoltare* were created in 1998 to prepare and implement EU structural programming and to collect EU-mandated regional statistics (Dobre 2005, 2010; Law No. 151/1998, Art. 2 and No. 339/2004, Art. 7.2). Each consists of four to six *judete*. *Regiuni de dezvoltare* are a deconcentrated level of government with an advisory regional development council composed of local government representatives, presidents of *judet* councils, and *judet* prefects and an executive appointed by the council, but final authority remains with a national development board composed of executives from all *regiuni de*

dezvoltare and government officials (Law No. 151/1998, Arts. 6 and 10 and No. 339/2004, Art. 7.6-7, and Art.11). Each region has a regional development agency (*agenţia pentru dezvoltare regională*), financed centrally, which implements policy (Dobre 2010; Dragoman 2011; Law No. 151/1998, Art. 8 and No. 339/2004, Art. 9).

FISCAL AUTONOMY

The financial position of *judete* was uncertain until the passage of the 1994 law on local taxes and fees.[α] From 1994–2003, *judete* could set the rate, within a range specified by law, of property taxes (land, vehicles, buildings) and local fees (permits, etc.), and they could also establish, within the limits of national law, new regional taxes (Cismaru et al. 2000; Law No. 26/1994). In addition, *judete* received an annually determined share of national income tax (Popa et al. 2000). Since late 2004, the fiscal code of Romania specifies that the central government determines the base and rate of most regional taxes (Law No. 571/2003, Arts. 247–265 and 273–277), but *judete* retain the right to grant exemptions and add up to a 20 percent quota (previously 50 percent) to the tax level set by the central government (Bischoff and Giosan 2007; Law No. 571/2003, Arts. 286–287). The bulk of *judete* income comes from a share in regionally collected personal income and value added taxes (Dragoman 2011).

Regiuni de dezvoltare are dependent on intergovernmental transfers and have no tax authority (Bischoff and Giosan 2007; Law No. 151/1998, Art. 9 and No. 339/2004, Art. 8.11–8.12).

BORROWING AUTONOMY

Prior to 1999 *judete* financial decisions were heavily regulated by the Public Finances Act (Law No. 10/1991, amended in 1996) and the central government's annual budget. Any investment expenditure required the approval of the ministry of finance, and credit and capital market access was virtually nonexistent. While borrowing was not explicitly prohibited, *judete* did not borrow (Pop 2002: 291–3).[α]

The Local Public Finances Act of 1998 (Law No. 1189/1998), which came into effect the following year (Ordinance No. 216/1999), introduced the possibility to borrow pending prior government approval.[α] Loans can be used to finance investments, and they can be either from ordinary loans or from bonds. The annual debt service may not exceed 30 percent (20 percent before 2002) of current own revenues (Council of Europe: Romania 2009; Law No. 1189/1998, Art. 48; Nikolov 2006; Popa et al. 2000). *Judete* can contract domestic loans without government guarantees, provided that the ministry of finance has received prior notification of this. Foreign loans can be contracted only with the approval of the authorization commission,

which is composed of representatives from the *judete* administration, the central government, and the National Bank of Romania (Coman et al. 2001; Cismaru et al. 2000; Law No. 189/1998, Art. 48.7). Since 2002, both domestic and foreign debts are subject to approval by the authorization commission and subnational governments must report on borrowing on a monthly basis (Council of Europe: Romania 2009; Law No. 500/2002, Art. 49; Nikolov 2006).

Regiuni de dezvoltare have no borrowing authority (Bischoff and Giosan 2007; Law No. 151/1998, Art. 9 and No. 339/2004, Art. 8.11–8.12).

REPRESENTATION

Judet councils are directly elected every four years and the councils elect their president (*preşedinte*) (Law No. 69/1991, Arts. 60 and 63, No. 215/2001, Arts. 101 and 113, and Nos. 70/1991 and 67/2004). Each *judet* has also a government-appointed prefect (*prefect*) (C 1991, Art. 122; Law No. 340/2004, Art. 1).

Each *regiuno de dezvoltare* has an advisory council composed of the presidents of the *judet* councils, *judet* prefects, and elected representatives from local governments (Law No. 151/1998, Art. 6 and No. 339/2004, Art. 7.6). Government-appointed *judet* prefects have no voting power. The *regiuno de dezvoltare* councils elect their president and vice-president, and executive power rests with a centrally controlled board (Law No. 151/1998, Art. 6.4 and No. 339/2004, Art. 7.7).

Shared rule

There is no power sharing for *judete* or *regiuni de dezvoltare*.

Self-rule in Romania

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Judete	1991–1993	2	1	0	0	2	1	**6**
	1994–1998	2	1	1	0	2	1	**7**
	1999–2010	2	1	1	1	2	1	**8**
Regiuni de dezvoltare	1998–2010	1	0	0	0	1	0	**2**

Russia

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

The Russian Federation has two (in some areas, three) tiers of regional governance: eighty-three *subyekty federacii* or *subyekty* (federal units or "subjects"), which since 2000 have been organized within eight *federalnyye okruga* (federal districts); and, in most *subyekty federacii*, *raionabi* (districts). *Raionabi* have an average population under 150,000 in all *subyekty*.[6]

The most powerful intermediate tier consists of the *subyekty federacii*, which are composed of twenty-one *respubliki* (republics), forty-six *oblasti* (provinces), nine *kraya* (territories), four *avtonomnyye okruga* (autonomous districts), one *avtonomnaya oblast* (autonomous province), and the two *federalnyye goroda* (federal cities) of St Petersburg and Moscow (C 1993, Art. 65). Russia began in 1993 with eighty-nine *subyekty*, but six have since been merged and more mergers are underway.[7] Each boundary change requires the consent of the affected *subyekt* as well as of the federal government (C 1993, Art. 67.3). *Respubliki* and *avtonomnyye okruga* have an ethnic base; *oblasts* and *krais* are non-ethnic (Wilson 2002). *Respubliki* have constitutions, whereas the other *subyekty* have statutes (Watts 2008; Wilson 2002). The four *avtonomnyye okruga* are in the unusual position of being supervised by both the federal government and a *subyekt* (Oracheva and Osipov 2010). However, all *subyekty federacii* have equal constitutional status (C 1993, Art. 66) and equal representation (two representatives each) in the upper house, the *Sovet Federacii* (federation council). Below we use *subyekty federacii* to describe the standard region at this level, and discuss separately differentiated regions. We maintain throughout the distinction between *respubliki* and other *subyekty federacii* though the differences in statute have narrowed appreciably.[8]

[6] *Raionabi* (districts) typically have some self-governance in the form of a popularly elected *raion* council with an elected or appointed chief executive (Law No. 154/1995 and 131/2003, Arts. 34–36). They are responsible for local service delivery, including roads, public transportation, municipal police, primary and secondary education, emergency medical care, burial sites, libraries, and waste collection (Law No. 131/2003, Art. 15). They exercise authority under strict control of *subwekty* and the federal government (Campbell 2006; Council of Europe: Russia 2000; Law No. 131/2003, Art. 77). For an overview of local government reform, see Ross (2006) and Young and Wilson (2007).

[7] Perm *oblast* and Komi–Permyak autonomous *okrug* were merged into Perm *krai* in 2005; Krasnoyarsk *krai*, Evenk autonomous *okrug*, and Taymyr autonomous *okrug* were merged into Krasnoyarsk *krai* in 2007; Kamchatka *oblast* and Koryak autonomous *okrug* were merged into Kamchatka *krai* in 2007; Irkutsk *oblast* and Ust–Orda Buryat autonomous *okrug* were merged into Irkutsk *oblast* in 2008; and Chita *oblast* and Agin–Buryat autonomous *okrug* were merged into Zabaykalsky *krai* in 2008 (De Silva et al. 2009: 22–5; Oracheva and Osipov 2010).

[8] Tatarstan negotiated formal entry into the Russian federation in a bilateral treaty concluded in 1994. Chechen has never fully recognized its incorporation into the Russian federation and federal authority has been violently contested in 1994–96 and 1999 (Wilson 2002). In 1997, a peace treaty was signed between the Chechen republic and the Russian federation (Frommeyer 1999: 46–7).

The 1993 Russian constitution specifies three types of competences: exclusive federal competences, concurrent federal-subject competences, and residual competences for the *subyekty federacii* (Wilson 2002). The federal government has exclusive competence over the jurisdictional architecture of the federation, the single market, monetary policy, foreign and defense policy (including defense procurement), trade policy, the legal system, accounting standards, and citizenship and immigration; it sets framework legislation on the economy, the environment, the socio-cultural fabric of Russia, and energy policy; and it is responsible for the federal-wide infrastructure in transport, communications, and energy (C 1993, Art. 71). Policies concurrent between the federal state and the federal entities span the array of policies in our coding scheme, except for immigration and citizenship: natural resource management, the environment, coordination of external economic relations, emergency services, taxation; education, science, culture and sports; coordination of health and social security; the judiciary and law enforcement, minority rights, protection of rights and freedoms, law and order; local government (C 1993, Art. 72). Residual powers are assigned to the *subyekty* (C 1993, Art. 73) and each *subyekt* determines its own internal organization, though federal law lays down basic principles of local government (Law Nos. 154/1995 and 131/2003).

The constitution foresees a symmetrical federation and assigns the same competences to all *subyekty*. However, the Federation Treaty and, since 1994, bilateral treaties concluded between federal government and about half of the *subyekty* created an asymmetrical federation.

The Federation Treaty of 1992 is a collection of three different treaties, one for the republics, one for *oblasts* and *krais*, and one for the autonomous *okrugs*, *oblasts*, and the two federal cities.[9] The republican version of the treaty gave the *respubliki* more autonomy compared to the other *subyekty* (Smith 1995: 167–74; Stoner-Weiss 2004: 311–12; Svendsen 2002: 68–70; Wilson 2002: 257). The republics were denoted as "sovereign," were able to hold direct elections for republican presidents, gained control over land and natural resources, property rights, and trade, and were allowed to declare a state of emergency. Furthermore, several republics appended amendments to the republican treaty which allowed them to cut deals with the federal government

Further negotiations between Chechnya and Moscow were still on hold in 2007 (Hughes 2001: 56–8; Chebankova 2008: 1002). We score both Tatarstan and Chechnya from 1993 onwards and we consider Chechnya as a republic without a bilateral treaty.

[9] Moscow and St. Petersburg have the status of federal city, which means that they are both a local government and a constituent federal subject. Since their powers are almost identical to those of other *subyekty* we do not score them separately. After the annexation of Crimea in March 2014, Sevastopol became Russia's third city of federal significance. Sevastopol and the republic of Crimea are separate *subyekti* and, together, make up the new Crimean Federal District.

subsequently on issues such as natural resources or local taxes (Svendsen 2002: 69). In addition, there is a subtle but important difference in the language that describes the relationship between subnational and national law. The treaty for the republics specifies that federal institutions may not issue legal rules for areas within the competence of the republics—suggesting that republican and federal law are on a par. In contrast, the treaties for the *oblasts* and *krais*, and for the autonomous *okrugs*, *oblasts*, and federal cities stipulate that these *subyekty* can legislate within the rules set by federal government—suggesting federal primacy (Federation Treaty of 1992, Art. VI).

The constitution enables *subyekty federacii* to negotiate greater devolution with Moscow which must be laid down in bilateral treaties (*dogovory*) and accompanying policy-specific agreements (*soglaheniya*) (C 1993, Arts. 11 and 73). The first bilateral treaty was signed with Tatarstan in February 1994 and the last treaty was concluded with Moscow City in June 1998. By that time forty-two bilateral treaties had been included affecting forty-six *subyekty federacii* (Ross 2010: 168; Svendsen 2002: 86; Stoner-Weiss 2004: 313). A presidential decree issued in 1996 and a law on the treaties adopted in 1999 (Law No. 119/1999) laid down that the bilateral treaties and accompanying agreements must be consistent with the federal constitution, they cannot change the status of a *subyekt*, or add to or change Arts. 71 and 72 of the federal constitution (which detail federal and concurrent competences), and they must respect the supremacy of the federal constitution. In practice, however, many bilateral treaties and agreements violated these conditions (Chuman 2011; Hughes 2001; Ross 2002; Svendsen 2002; Stoner-Weiss 1999; Zuber 2008). Exclusively federal areas were transferred to a *subyekt* or were specified as a joint competence, or concurrent areas were placed under the exclusive jurisdiction of the *subyekt*.[10] Nineteen out of twenty-one republican constitutions were reportedly in breach of the federal constitution by the end of the Yeltsin era (Ross 2010: 170). Two republics—Bashkortostan and Tatarstan—gained additional authority, including foreign economic policy, protection of civil liberties and rights, amnesty to individuals convicted by regional courts, and joint jurisdiction over citizenship (Chuman 2011: 135; Ross 2002: 44; Stoner-Weiss 2004: 314; Svendsen 2002: 104–12, 204–14; Zuber 2008).

[10] Excellent overviews of asymmetrically assigned competences are available in Chuman (2011); Frommeyer (1999); Ross (2002); Stoner-Weiss (2004); Svendsen (2002); and Zuber (2008). Examples of policies that were transferred from exclusively federal to joint jurisdiction are state defense, border patrol, meteorology services, establishment of a free economic zone, conversion of defense industry to civilian production, management of the defense industry, arms sales, and the operation of enterprises in the defense complex. Examples of exclusively federal policies that became exclusively *subyekt* are international relations, or the establishment of national banks. Finally, examples of concurrent policies that by bilateral treaty could fall under exclusive *subyekt* authority are environmental protection, culture, monuments, and the creation, organization, and management of public institutions.

The scores for the *subyekty federacii* for 1993–99 reflect three elements: the constitutional division of powers (3 on institutional depth, 3 on policy scope); the Federation Treaty of 1992 (–1 on institutional depth for *oblasts*, *krais*, autonomous *okrugs*, autonomous *oblasts*, and federal cities);[11] and devolution through bilateral agreement (+1 on institutional depth). The *respubliki* score 3 on institutional depth and 3 on policy scope (republican version of the Federation Treaty of 1992, nineteen out of twenty-one *respubliki* constitutions were in breach of the federal constitution, eleven *respubliki* had a bilateral treaty). The *respubliki* of Bashkortostan and Tatarstan score 4 on policy scope because of their extended competences in citizenship.[β] The other *subyekty federacii* score 2 on institutional depth and 3 on policy scope. However, *subyekty* that negotiated a bilateral treaty score 3 on institutional depth from the year the bilateral treaty was adopted (thirty-five *subyekty federacii* negotiated a bilateral treaty: sixteen in 1996, fourteen in 1997, five in 1998).

In 2000, Vladimir Putin pushed through several reforms that reasserted federal authority (Ross 2002: 137–56; Law Nos. 95/2003 and 122/2004).[12] Putin set up a commission to examine the bilateral treaties and the commission called for regions to unilaterally rescind their bilateral treaties. By April 2001 nearly four-fifths of *subyekt* legislation was brought into compliance (Chebankova 2008: 993) and by early 2002, twenty-nine out of forty-six bilateral treaties had been abolished on the initiative of the *subyekt* (Chuman 2011: 146). Another five *subyekty* had annulled their bilateral treaties by the end of 2003 and a further ten bilateral treaties became invalid in 2005 (Chuman 2011: 146).

Bashkortostan incorporated the full text of the bilateral treaty into its constitution adopted in November 2000, but by 2005 the constitution was brought into line with federal law (Ross 2002: 149–50; Timerbulatov 2002).[α] Tatarstan concluded a new bilateral treaty in 2007. The republic kept its extended autonomy,[α] but was stripped of most of its special powers on citizenship (Chebankova 2008: 1001; Gel'man 2009: 4). All that remains is that

[11] Between 1993 and 1995 *subyekt* autonomy was constrained because the executive head of the *subyekt* was appointed by the Russian president (Jackson and Lynn 2002: 102–4; Ross 2002: 92–4, 122–36; Söderlund 2005). The *respubliki*, however, had always been able to elect their president. In 1996, Yeltsin allowed direct elections for the governors and presidents of all *subyekty federacii* (Ross 2002: 95–6; Söderlund 2005).

[12] The goal of recentralization was to establish "a vertical of power" and develop what Putin called "the dictatorship of laws," an effective state that translates the rules of the game into uniform laws that ensure that authority flows from top to bottom and not the other way around (Robertson 2011: 149). Gel'man and Ryzhenkov (2011: 451) enumerate its key components as "the hierarchical subordination of regional chief executives (governors) as well as city mayors to the Kremlin; the de facto prohibition of open political competition of local elites on electoral and legislative arenas, and the forced co-optation and integration of the majority of key actors of local regimes into the 'party of power', United Russia; and making actors of local regimes responsible for the provision of favourable results of national and regional elections, requested by the centre, and for the prevention of actual mass protests."

Tatar citizens can "carry specific national slips in their passports written in the Tatar language and containing the republican symbols" (Chebankova 2008: 1002).

Another reform gave the Russian president the right to dissolve *subyekty* parliaments and dismiss their governments if they disobeyed federal law. In the event of disputes between the federation and *subyekty federacii*, the federation president can suspend *subyekt* executive decisions pending court adjudication. Finally, governors and chairs of the assemblies of *subyekty* were barred from sitting in the upper chamber; instead, they could send a delegate (Blakkisrud 2011).

In 2005, in the wake of the Chechen hostage crisis, President Putin also replaced the direct elections of governors and presidents with a system whereby a presidential appointee is approved by the assembly of the *subyekt* or *respublika*, thereby recreating the dual regional administration that existed before 1997 (Blakkisrud 2011; Law No. 1603/2004).

Finally, a new deconcentrated super-tier of seven *federalnyye okruga* was created in 2000.[13] Their population ranges between 6.6 million (Far East) and thirty-eight million (Central). Each *federalnyye okrug* is headed by a *polpred* (presidential envoy) who coordinates federal agencies in the region, supervises law and order, and determines whether regional law is consistent with federal law (Hughes 2001; Law No. 849/2000; Petrov 2002, 2010). The boundaries of each district correspond exactly with the interior ministry's security regions and almost exactly with those of the ministry of defense. Five of the seven initial *polpred* were former generals (Petrov 2002).

The scores for 2000–04 reflect Putin's reforms. Institutional depth and policy scope are reduced to 2 each from 2000 if a *subyekt* has no bilateral treaty, or from the year in which the bilateral treaty was rescinded for *subyekty* with a treaty. Bashkortostan and Tatarstan score 3 on institutional depth and 4 on policy scope since they still enjoy special rights set out in their constitution and bilateral treaty, respectively. From 2005 all *subyekty federacii* and Bashkortostan score 2 on institutional depth and 1 on policy scope to reflect more direct central intervention. Since 2005 Tatarstan is the only region with asymmetrical autonomy; it scores 3 on institutional depth and 3 on policy scope. Tatarstan lost control over citizenship policy when it renegotiated its bilateral treaty in 2007.

[13] Eight since 2010, when the North Caucasian District, which includes a.o. Chechnia, was split from the Southern Federal District, and nine since 2014, when the Crimean Federal District was created after Crimea's annexation.

FISCAL AUTONOMY

The 1993 constitution says that taxation is concurrent between the federation and the *subyekty federacii* (C 1993, Art. 71.h–i) (De Silva et al. 2009). Fiscal autonomy varies across *subyekt* and over time. However, in almost all cases *subyekty* set the rate of at least one major tax, namely, corporate profits tax (De Silva et al. 2009; Libman 2009; Solanko and Tekoniemi 2005).

Exclusively federal taxes consist of value added tax, export taxes (abolished in 1996), alcohol and vehicle excises, taxes on bank and insurance profits, taxes on currency exchange and securities, and customs duties. The federal government also sets the base and rate of shared taxes, including personal income tax, corporate income tax, and excise taxes (except those on motor vehicles and alcohol). *Subyekty* set the rate, but not the base, of a tax on enterprise profits, on sales and assets, on forestry, and on water usage (Martinez-Vazquez 2002). The federal government and *subyekty* had concurrent powers on natural resource taxes between 1995 and 2005.

Legislation in 1997, 1998, and 2000 classified taxes into federal, regional, and local revenue sources, clarified revenue sharing, and required the federal government and *subyekty* to establish an equalization scheme for lower level jurisdictions (De Silva et al. 2009: 25–98; Law Nos. 126/1997, 146/1998, and 117/2000). The federal government retains the power to set the base and rate for the most important taxes, including personal and corporate income tax, VAT, capital tax, and excise tax and custom duties (Law No. 146/1998, Art. 13); *subyekty federacii* can determine the rate on property, roads, gambling, transport, and land, and control the rate on the corporate profits tax, which is set at 17.5 percent but which *subyekty* can reduce to 13.5 percent (Law No. 146/1998, Arts. 14 and 53.2; De Silva et al. 2009: 63; Libman 2009: 184–6; Solanko and Tekoniemi 2005: 17). *Federalnyye okruga* are financed by the central government (Law No. 849/2000).

BORROWING AUTONOMY

The Law on the Foundation of Budgetary Rights passed in 1993 gave *subyekty*, in principle, unlimited rights to borrow (Martinez-Vazquez and Boex 1999). However, limited assets and income that could be used as collateral for loans and an underdeveloped institutional banking structure inhibited extensive subnational borrowing (Craig, Norregaard, and Tsibouris 1997). Still, subnational debt accumulated rapidly in the early Yeltsin years, which led to a debt crisis and widespread insolvency among Russian *subyekty* in the later part of the nineties (Lavrov, Litwavk, and Sutherland 2000). Many *subyekty* defaulted, and so did the federal government in August 1998.

The federal government took several steps to tie *subyekty* borrowing to conditions (De Silva et al. 2009: 94–7; Martinez-Vazquez and Boex 1999: 76–85; Watts 2007). A Law on the Securities Market adopted in 1996 (Law

No. 39/1996) required federal authorization for bonds issued by *subyekty* governments, and it imposed registration disclosure requirements. This is the only component for which prior approval was required. A budget code, approved in 1998 and amended in 2000, lays down a series of constraints: the budget deficit of *subyekty* is limited to 10 percent of budget revenues, the overall level of debt is restricted to 15 percent of expenditures, *subyekty* borrowing is constrained to capital investment, and foreign borrowing is prohibited (except to refinance old debt) (Law No. 145/1998, Arts. 92 and 95).

In 2003, the president obtained the right to suspend *subyekty* administrative bodies if a region's debt to the central government exceeds 30 percent of its budget, or if the region mismanages federal subsidies (Chebankova 2007). In April 2007, President Putin signed a number of amendments to the budget code which loosened constraints on subnational borrowing. For example, as of January 2011, *subyekty* would regain the right to take out foreign loans. In June 2007, the federal government set up a development bank to help finance public investment in the regions (De Silva et al. 2009).

Federalnyye okruga have no borrowing powers (Law No. 849/2000).

REPRESENTATION

Subyekty federacii have had popularly elected assemblies since 1993 (Law No. 184/1999, Art. 10). There have been major changes on the executive side, that is to say, the governors (or, in *respubliki*, the presidents). Between 1993 and 1996, governors of *subyekty* were appointed by the Russian president, while presidents of the *respubliki* were either chosen by the assembly or directly elected. When in 1994 President Yeltsin banned the election of *subyekty* governors (not including *respubliki*), Sverdlosk challenged the ban in the constitutional court and was granted an exception in 1995; Novosibirsk, Tambov, and Tver followed (Zuber 2008: 32). This broke the ban, and from 1996 governors as well as presidents became elected (Law No. 184/1999, Art. 18; Zlotnik 1997).

In 2005 direct election of *subyekt* executives was replaced by a system under which regional legislatures vote on a candidate nominated by the Russian president (Goode 2007, 2010; Law No. 1603/2004). Each regional legislative assembly has to confirm or reject a presidential nominee to the post of regional chief executive. If the regional legislature rejects a nominee twice, a one-month consultative process is initiated. After that time the president can nominate a new candidate, or appoint an acting governor for up to six months. If the *subyekt* legislature rejects a nominee for the third time, the president has the right to dissolve the legislature (Blakkisrud 2011; Goode 2007). This procedure is scored as dual executive because the executive needs support from both the central government and the *subyekt* assembly.[y]

The extent to which these governors have dual loyalty or are simply central government appointees is debated (Goode 2007; Blakkisrud 2011).[14]

Federalnyye okruga polpred are appointed by the central government, and there is no assembly (Law No. 849/2000).

Shared rule

There is no shared rule for *federalnyye okruga*, but *subyekty federacii* and *respubliki* have power sharing.

LAW MAKING

The upper house of the Russian parliament, the *Sovet Federatsii* (Federation Council), represents regional interests. Each *subyekt federacii* (and each *respublik*) has two representatives, one selected by the *subyekt* legislature and one selected by the *subyekt* executive body (C 1993, Art. 95.2) (*L1*, *L2*, *L3*). Before 2000, governors and the chairs of regional assemblies had the *ex officio* right to sit in the Federation Council, but since 2000, the governors or heads of the regional assembly can no longer sit in the upper house (Law No. 113/2000; Ross 2010).

The *Sovet Federatsii* has fairly extensive legislative authority (*L4*), though less than the lower house or State Duma (Ross 2010).[γ] The *Sovet Federatsii* must be heard on laws concerning the federal budget, taxation, customs regulations, credit monitoring, and treaties, and it has special powers on border change between *subyekty*, as well as on federal court appointments, impeachment, martial law, states of emergency, and war (C 1993, Art. 106). It cannot block federal laws, but it can raise the decision hurdle in the State Duma to a two-thirds majority (C 1993, Art. 107.3).

Between the mid-1990s and 2005 almost half of the *subyekty* had a bilateral treaty with Moscow. Many bilateral treaties contained provisions that enabled federal and *subyekt* governments to set up a joint commission on a parity basis for the implementation of the treaty. In addition, many bilateral treaties stipulated that disputes and conflicts between federal and *subyekt* governments be resolved through conciliation procedures. However, no bilateral treaty required the federal government to consult the *subyekt* government on federal legislation affecting the *subyekt*.

[14] Following large protests after alleged election fraud in the parliamentary elections, direct gubernatorial elections were reintroduced in 2012, but in 2013 a clause was added to the law that allowed regional assemblies to replace direct elections with appointment by the head of state. By April 2014, five of seven republics in the Northern Caucasus had done so (Dutzev 2013, 2014).

As of June 1999, there is a second way in which *subyekty federacii* are involved in national legislation. Federal laws on concurrent competences must be submitted to the *subyekty* for review. *Subyekty federacii* have thirty days to consider draft laws, and if one-third gives a negative response, a conciliation commission must work out a compromise (Law No. 119/1999; Ross 2010).

EXECUTIVE CONTROL

There were no routinized channels for executive control before 2000, but President Putin set up two councils to compensate *subyekty* governors and presidents, and chairs of the *subyekt* parliaments who no longer have a seat in the federal parliament (Goode 2010). Both councils operate in the gray zone between the legislative and executive branch, but since they engage primarily federal executive actors, we categorize them as non-binding forms of executive control.[β]

Since 2000 the State Council, which is composed of all governors and presidents of the *subyekty federacii* and *respubliki*, as well as some presidential appointees, meets quarterly at the request of the Russian president (Law No. 602/2000). It supervises twenty-two working groups on diverse topics including transportation, social policy, ecology, international relations, local government, land reform, and taxation (Chebankova 2007). Regions can, and do, use the State Council to propose national regulation. For example, the governors collectively submitted proposals on small and medium business taxation, which was picked up by the president (Chebankova 2007).

Since 2002 the Legislative Council, which includes representatives from the *subyekt* assemblies, the Federal Assembly, *subyekt* executive branches, local governments, and non-governmental organizations, meets twice annually. Its presidium is composed of the heads of selected *subyekt* assemblies, the leadership of the upper chamber of the Russian parliament, and seven plenipotentiary representatives, and it convenes at least four times a year. The president and several ministers normally take part in the council hearings. The Legislative Council has eight working committees, which are chaired by heads of *subyekt* legislative bodies on a rotating basis. The council has been involved in discussions on the division of responsibilities between the central government and *subyekt* governments, reform of the local electoral system, local government, and forestry regulations (Chebankova 2007; Ross 2010).

The bilateral treaties did not regulate routine meetings between federal and *subyekt* governments (Frommeyer 1999: 28–32; Stoner-Weiss 2004: 313–14).

FISCAL CONTROL

Subyekty federacii influence federal tax legislation through the *Sovet Federatsii*. Budgetary legislation begins in the State Duma and is submitted to the *Sovet Federatsii* for approval. If the *Sovet Federatsii* votes down a proposal, representatives from the two chambers meet in a conciliation committee. Failing compromise, the Duma can overrule the *Sovet Federatsii* with a two-thirds majority (C 1993, Arts. 106 and 107.3).

The bilateral treaties provided an avenue for *subyekty* to negotiate with the federal government the distribution of tax revenues affecting the region, including their contribution to a fiscal equalization fund (Frommeyer 1999: 33–4). Early budget agreements detailed the taxes from which the *subyekt*'s payments into the fund would come, but later agreements contained a general clause that a *subyekt*'s contribution is yearly established by federal law (Frommeyer 1999: 32–4). The budget agreements were a means to regulate the distribution of taxes between the federal government and the *subyekt* but final control remained with the federal government (De Silva et al. 2009: 32–3, 84–5, 107; Martinez-Vazquez and Boex 1999: 11–13, 90).[a] The *subyekty* with a bilateral treaty score 1 on bilateral fiscal control.

BORROWING CONTROL

There are no routine intergovernmental meetings on borrowing.

CONSTITUTIONAL REFORM

The Russian constitution contains two amendment procedures; both provide *subyekty federacii* with a veto. The basic constitutional principles—fundamentals of the constitutional system, rights and liberties, and amendment procedure (Chapters 1, 2, and 9)—can be amended by the federal parliament: approval by at least three-quarters of the members of the *Sovet Federatsii*, and by two-thirds of the State Duma (C 1993, Art. 108). The rest of the constitution—the federal system, composition and functions of federal and subnational institutions, and the judiciary (Chapters 3 through 8)—require approval by two-thirds of *subyekty federacii* (C 1993, Art. 136).

Many bilateral treaties contained provisions that the treaty could not be unilaterally changed by either the federal or *subyekt* government (Frommeyer 1999: 22), which means that the *subyekt* government had a veto.[a]

Self-rule in Russia

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Respubliki	1993–1995	3	3	3	3	2	2	**16**
	1996–1999	3	3	3	2	2	2	**15**
	2000–2004	2	2	3	2	2	2	**13**
	2005–2010	2	1	3	2	2	1	**11**
Respubliki (bilateral treaty)	199X–200x*	3	3	3	2	2	2	**15**
Tatarstan	1993	3	3	3	3	2	2	**16**
	1994–1995	3	4	3	3	2	2	**17**
	1996–2006	3	4	3	2	2	2	**16**
	2007–2010	3	3	3	2	2	1	**14**
Bashkortostan	1993	3	3	3	3	2	2	**16**
	1994–1995	3	4	3	3	2	2	**17**
	1996–2004	3	4	3	2	2	2	**16**
	2005–2010	2	1	3	2	2	1	**11**
Subyekty federacii	1993–1995	2	3	3	3	2	0	**13**
	1996–1999	2	3	3	2	2	2	**14**
	2000–2004	2	2	3	2	2	2	**13**
	2005–2010	2	1	3	2	2	1	**11**
Subyekty federacii (bilateral treaty)	199X–200x**	3	3	3	2	2	2	**15**
Federalnyye okruga	2000–2010	1	0	0	0	0	0	**1**

* For some time, nine *respubliki* had a bilateral treaty, of varying duration: 1994–2002: one; 1995–2002: two; 1995–2005: two; 1996–2002: two; 1996–2005: one; 1998–2001: one.
** For some time, thirty-five *subyekty* had a bilateral treaty, of varying duration: 1996–2001: three; 1996–2002: ten; 1996–2005: three; 1997–2001: two; 1997–2002: eight; 1997–2003: one; 1997–2005: three; 1998–2002: four; 1998–2005: one.

Shared rule in Russia

		Law making						Executive control		Fiscal control		Borrowing control		Constitutional reform		Shared rule
		L1	L2	L3	L4	L5	L6	M	B	M	B	M	B	M	B	
Respubliki	1993–1999	0.5	0.5	0.5	0.5	0	0	0	0	1	0	0	0	4	0	**7**
	2000–2010	0.5	0.5	0.5	0.5	0	0	1	0	1	0	0	0	4	0	**8**
Respubliki (bilateral treaty)	199X–99*	0.5	0.5	0.5	0.5	0	0	0	0	1	1	0	0	4	4	**7**
	2000–0X*	0.5	0.5	0.5	0.5	0	0	1	0	1	1	0	0	4	4	**8**
Tatarstan	1993	0.5	0.5	0.5	0.5	0	0	0	0	1	0	0	0	4	0	**7**
	1994–1999	0.5	0.5	0.5	0.5	0	0	0	0	1	1	0	0	4	4	**7**
	2000–2010	0.5	0.5	0.5	0.5	0	0	1	0	1	1	0	0	4	4	**8**
Bashkortostan	1993	0.5	0.5	0.5	0.5	0	0	0	0	1	0	0	0	4	0	**7**
	1994–1999	0.5	0.5	0.5	0.5	0	0	0	0	1	1	0	0	4	4	**7**
	2000–2004	0.5	0.5	0.5	0.5	0	0	1	0	1	1	0	0	4	4	**8**
	2005–2010	0.5	0.5	0.5	0.5	0	0	1	0	1	0	0	0	4	0	**8**
Subyekty federacii	1993–1999	0.5	0.5	0.5	0.5	0	0	0	0	1	0	0	0	4	0	**7**
	2000–2010	0.5	0.5	0.5	0.5	0	0	1	0	1	0	0	0	4	0	**8**
Subyekty federacii (bilateral treaty)	199X–99**	0.5	0.5	0.5	0.5	0	0	0	0	1	1	0	0	4	4	**7**
	2000-200x**	0.5	0.5	0.5	0.5	0	0	1	0	1	1	0	0	4	4	**8**
Federalnyye okruga	2000–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**

National legislature has: L1=regional representation; L2=regional government representation; L3=majority regional representation; L4=extensive authority; L5=bilateral regional consultation; L6=veto for individual region. Total for shared rule is either multilateral (M) or bilateral (B).

Slovakia

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Slovakia has one tier of regional governance, *kraje* (regions), established as deconcentrated units in 1996 and reformed into decentralized governments in 2002.

After the partition of Czechoslovakia, Slovakia's first constitution recognized the principle of local and regional self-government (C 1992, Art. 64), but law makers gave priority to deepening local self-government (Law No. 369/1990). As in many post-communist countries, regional authority was weakened in the initial years. Regional soviets were abolished, thirty-eight deconcentrated *okres* (district) offices and 121 subdistrict offices were created, and task-specific state agencies were set up at the *okres* level for education, environmental protection, fire prevention, and health care (Council of Europe: Slovakia 1999; Brusis 2002, 2005). *Okres* had an average population of 141,500.

In 1996 *okres* were replaced by eight *kraje* and seventy-nine *okresy*, which absorbed the functions performed by the specialized state agencies (Law No. 221/1996; O'Dwyer 2006). They remained under central state control (Brusis 2005; Buček 2002; Law No. 222/1996; Nemec, Bercik, and Kuklis 2000).

In 2001, a decentralization plan was submitted to the national legislature which would have deprived the central government of the right to veto regional legislation. It would also have created twelve instead of eight regions with some concessions to the Hungarian minority in the east of the country. However, after intense political debate the proposal was significantly watered down. The constitutional amendment set up directly elected regional councils and chairpersons for *samosprávné kraje* in a dual relationship with centrally controlled *kraje*; regional decrees of regions were made contingent upon the approval of the central government and their compliance with "national interests or the interests of other regions or communities;" and the number and boundaries of the original *kraje* were retained (Brusis 2005; Law No. 302/2001 and 303/2001). There is no constitutional list of regional competences, but a 2001 framework law enumerates tasks to be devolved. The devolution was implemented between 2002 and 2004 (Klimovský 2010; Law No. 416/2001; Sopóci, Hrabovská, and Bunčak 2006). The result is a dual structure of state-controlled regional *kraje* offices, headed by a government appointee, alongside *samosprávné kraje* (self-governing regions). The primary responsibility of the self-governing regions is regional development and regional international cooperation (Buçek 2002: 148), but they may also exercise powers—shared with the deconcentrated *kraje*—in a range of other areas, including road management (from 2004), emergencies, social welfare, secondary education and

regional libraries, sports, and theaters (from 2002), health centers and hospitals (from 2003). *Samosprávné kraje* do not control local government, police, or their own institutional set up, nor do they have residual powers. *Kraje* score 1 on institutional depth and zero on policy scope from 1996–2000, and *samosprávné kraje* score 2 on institutional depth and 1 on policy scope from 2002.

FISCAL AUTONOMY

Kraje depended on state funding (Council of Europe: Slovakia 1999). In 2005 s*amosprávné kraje* acquired the power to set the rate of vehicle registration taxes (Davey and Péteri 2006). In the first three years of their existence (2002–04) they depended on grants (Law No. 302/2001, Art. 9).

BORROWING AUTONOMY

Kraje did not have borrowing autonomy (Council of Europe: Slovakia 1999). *Samosprávné kraje* can borrow with prior approval of the ministry of finance (Buček 2002; Law No. 302/2001, Art. 11.2e).[α]

REPRESENTATION

Samosprávné kraje have directly elected councils and the chairperson of the executive is also directly elected (Buček 2002; Law No. 302/2001, Arts. 3 and 16 and No. 303/2001). Elections take place every four years. However, executive authority is shared with the deconcentrated *kraje* central state offices, which makes Slovakia's regional governance dual (Buček 2002; Committee of the Regions 2005; Sopóci, Hrabovská, and Bunčak 2006).[β]

Shared rule

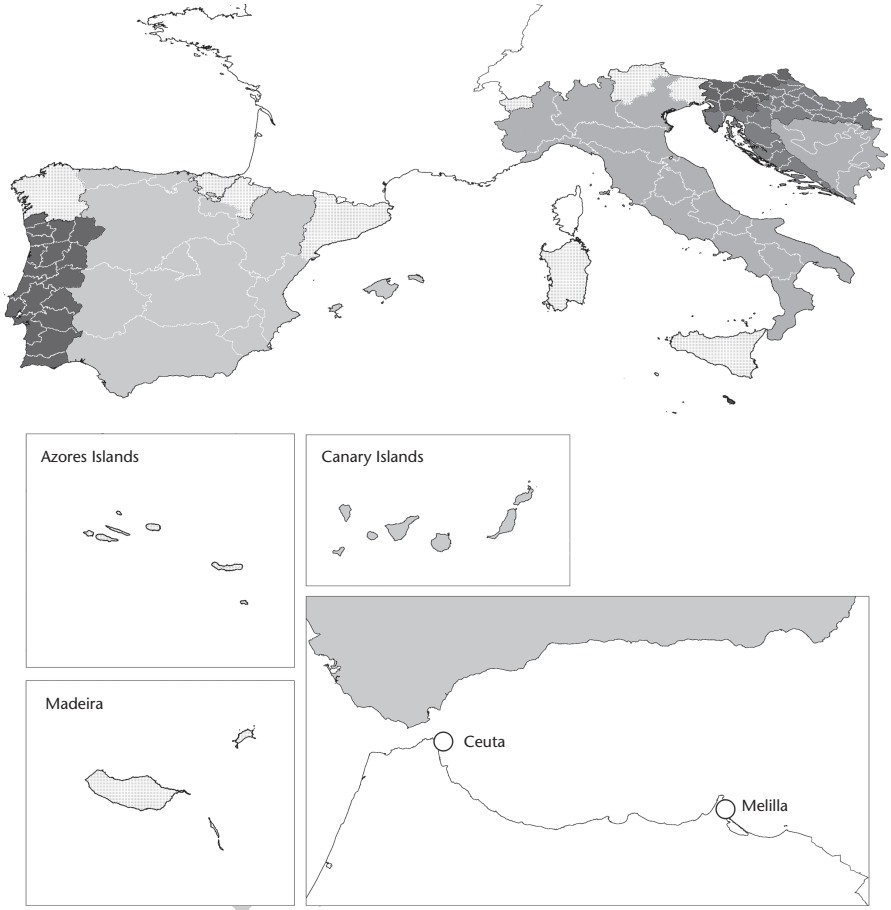
There is no power sharing for *kraje* or *samosprávné kraje*.

Self-rule in Slovakia

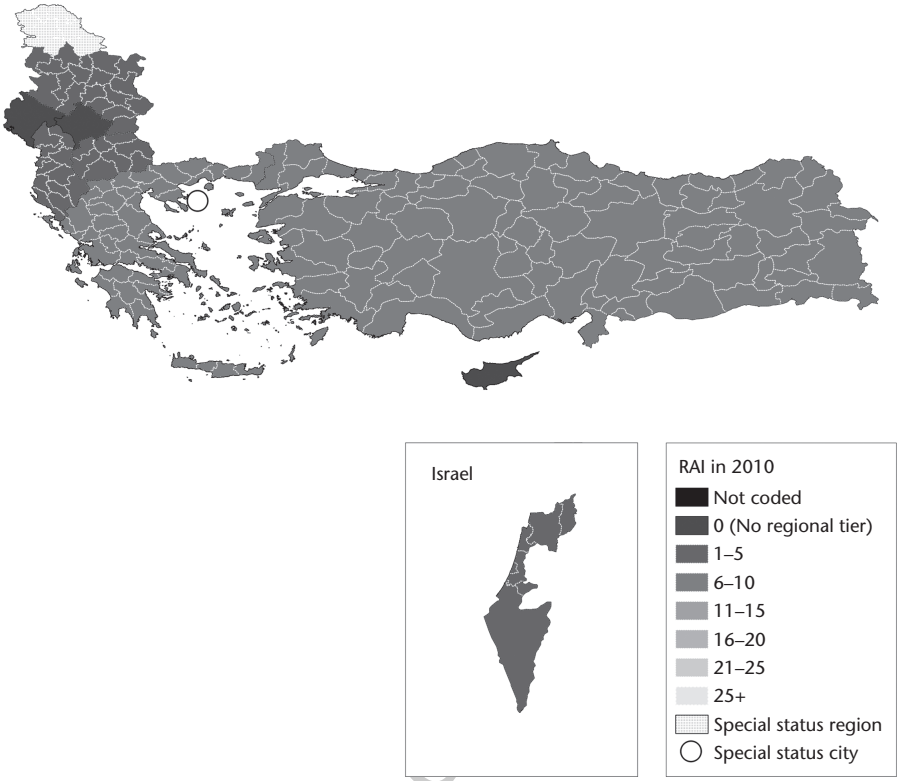
		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Kraje	1996–2001	1	0	0	0	0	0	**1**
Samosprávné	2002–2004	2	1	0	1	2	1	**7**
kraje	2005–2010	2	1	1	1	2	1	**8**

Southern Europe

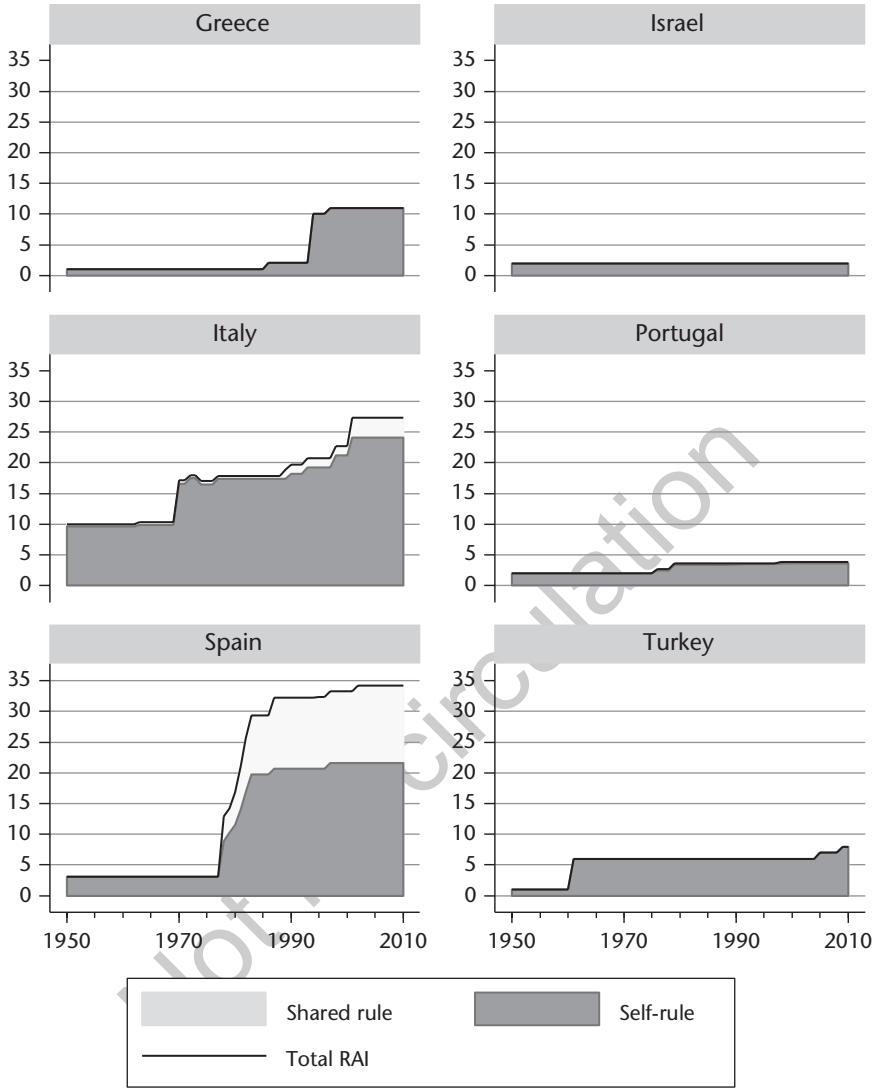
1 Albania (1992–2010)
5 Bosnia and Herzegovina (1995–2010)
8 Croatia (1991–2010)
9 Cyprus (1960–2010)
16 Greece (1950–2010)
43 Israel (1950–2010)
20 Italy (1950–2010)
46 Kosovo (2008–2010)
25 Macedonia (1991–2010)
26 Malta (1964–2010)
44 Montenegro (2007–2010)
31 Portugal (1950–2010)
45 Serbia (2007–2010)
34 Serbia and Montenegro (1992–2006)
36 Slovenia (1990–2010)
37 Spain (1950–2010)
40 Turkey (1950–2010)



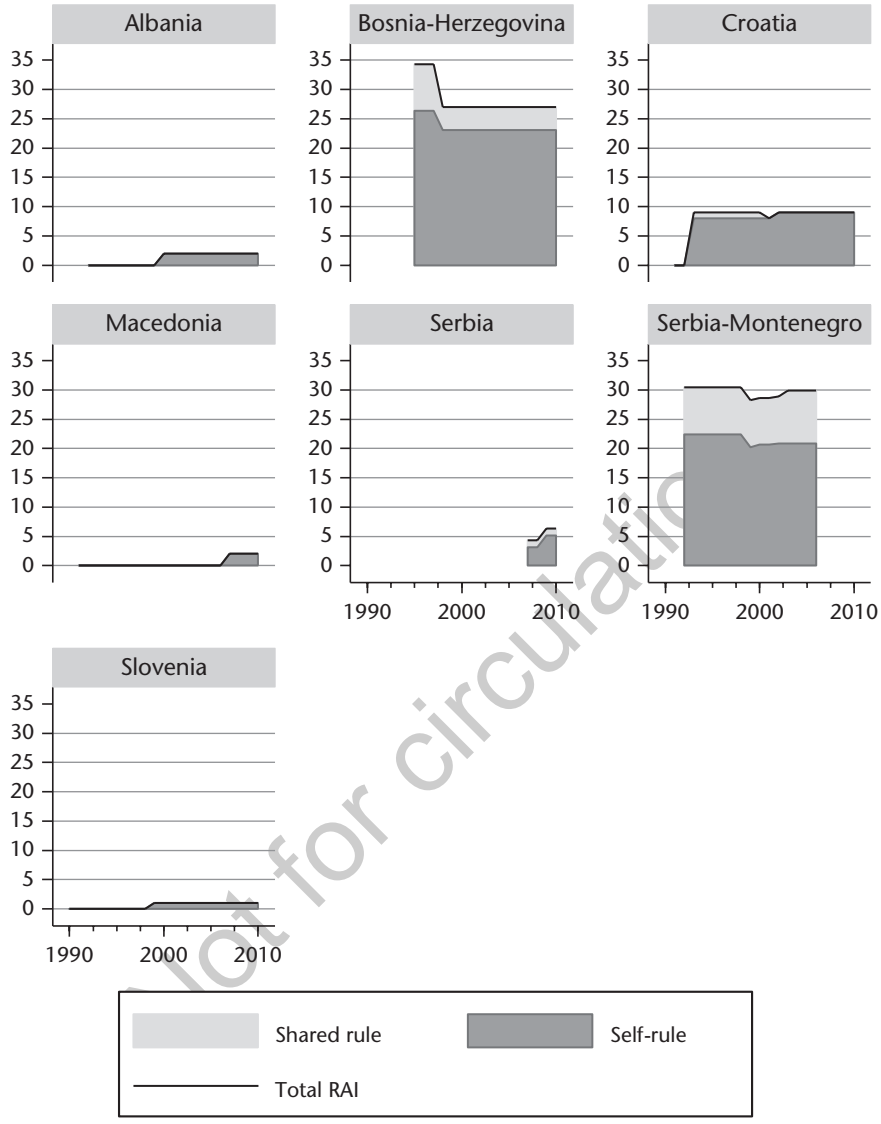
Standard and differentiated regions in Western Southern Europe (2010)



Standard and differentiated regions in Eastern Southern Europe (2010)



Trends in regional authority Southern Europe



Trends in Southern Europe

Note: No general purpose regional government in Cyprus, Malta, or Kosovo.

Albania

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Albania was one of the most centralized communist countries in Europe until the regime fell in 1992 and the first free local elections were held. Before the transition, the country had three tiers of subnational governance with thirty-six deconcentrated *rrhethe* (district councils) as the highest tier. *Rrhethe* continue to exist and have an average population of around 100,000. Under pressure from the Albanian association of municipalities, backed by the Congress of Local and Regional Authorities of Europe, the government enacted a reform in 2000 which created twelve *qarku* (regions) and strengthened local government (Dhimitri et al. 2007; Hoxha 2001). The average population of a *qark* is about 250,000.

Qarku have little policy autonomy (C 1998, Art. 110). They are concerned with regional planning, coordinating actions of regional interest, and delivering public services delegated by the central government or the constituent municipalities and communes (Law No. 8652/2000, Art. 13). Since 2005, *qarku* have a mandate to implement central policy in primary and secondary education, primary health care, public health, and social assistance (Dhimitri et al. 2007).

FISCAL AUTONOMY

Fiscal decentralization has mainly benefited municipalities and they have the option to accept and apply a local tax established by the center. Additionally, they may adjust the rates set in the law by up to 30 percent for the building tax, agricultural land tax, and a small business tax (Shehu 2006).[α] *Qarku* are almost entirely dependent on intergovernmental grants, of which more than 85 percent are conditional (Law No. 8652/2000, Art. 73; Gurraj et al. 2002; Shehu 2006).

BORROWING AUTONOMY

Qark governments do not borrow and rely almost exclusively on intergovernmental grants from the local and central governments (Gurraj et al. 2002; Shehu 2006).[α]

Local borrowing was strictly regulated after the transition to democracy. Local governments had the right to borrow from the central state budget in order to finance investment projects. However, the law regulating local government borrowing was never implemented due to the underdeveloped banking and financial sectors and a lack of local assets to be mortgaged as credit guarantees (Hoxha et al. 2001; World Bank 2004). Since 2002 local governments have the right to borrow from the private market for investment

projects but the total annual amount of debt may not exceed 10 percent of total annual revenue for short term debt and 20 percent for long term debt (Law No. 9869/2008, Arts. 17–18). There are also extensive *ex ante* controls (Law No. 9869/2008, Arts. 6–7; Gurraj et al. 2002). A centrally appointed prefect annually audits *qark* council budgets and Treasury offices at the district level audit local governments, including intergovernmental transfers (unconditional and conditional), revenues, taxes, fees, and borrowing (Ymeri 2006).

REPRESENTATION

Established in 2000, regional *qark* councils are indirectly elected from communal and municipal representatives of the respective region's jurisdiction. Municipal mayors and chairmen of communal councils in the region are *ex officio* members (Law No. 8652/2000, Art. 110.3; Gurraj et al. 2002). Executive power is exercised by the prefect, who is appointed by the central government (C 1998, Art. 114; Law No. 8652/2000, Art. 75; Hoxha 2001).

Shared rule

There is no shared rule for *qarku* in Albania.

Self-rule in Albania

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Qarku	2000–2010	1	0	0	0	1	0	**2**

Bosnia and Herzegovina

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

The confederation of Bosnia–Herzegovina contains two upper level units or "entities," the *Republika Srpska* and the *Federacija Bosne i Hercegovine*. There are also cantons (Bosniak *kantoni*, Croatian *županije*) in the *Federacija*.[1]

[1] The culturally mixed *Brčko* district has been governed under UN mandate since 2000 (Office of the High Representative Brčko 1999, 2008). Its autonomy status was not recognized until 2009 in the constitutions of the entities or in that of the confederation. Following the constitutional reform of 2009, the Brčko district was incorporated as a territory jointly ruled by the entities

The confederation was the product of the Dayton Peace agreement of 1995, which put an end to three and a half years of civil war in the former Yugoslavia and gave Bosnia and Herzegovina its constitution (United Nations 1995, Annex 4; Jenne 2009; Søberg 2008). The autonomy of all regional tiers within the confederation of Bosnia–Herzegovina is limited by the international community, which has intervened regularly—through a UN-appointed official—in the internal affairs of Bosnia–Herzegovina. The Dayton agreement set up an Office of the High Representative (OHR), which is responsible for coordinating and monitoring the implementation of the peace settlement (United Nations 1995, Annex 10). The mandate of the OHR is determined by the Peace Implementation Council, comprised of fifty-five countries and agencies, which met six times between December 1995 and May 2000 to set targets and review progress. In addition, there is a steering board which provides the High Representative with political guidance. The OHR functioned as a manager of the international community's post-conflict peace building efforts and as a mediator between the domestic parties, but this changed in response to dissatisfaction on the part of the international community about how the political system in Bosnia and Herzegovina was functioning (Parish 2007). In 1997 the peace implementation council extended the mandate of the OHR to allow it to remove public officials who violated the Dayton agreement and, if necessary, impose laws and decisions.[2] The exercise of these powers during the following decade led to the dismissal of 139 officials, including judges, ministers, civil servants, and members of parliament at both entity and cantonal levels (Venneri 2007; for a critical assessment of Dayton, see Caplan 2006; also Bose 2005; Sebastian 2012).[3] In addition, the OHR regularly overruled the authorities with regard to constitutional amendments. The authority exercised by the international community through the OHR from 1988 leads us to downgrade scores for institutional depth from 3 to 2 for all units.

Confederal competences are limited to foreign policy, trade, customs, monetary policy, international and inter-entity criminal law enforcement, regulation of inter-entity transportation, and air traffic control (C 1995, Art. III.1; Jokay 2001; Lenić 2006). The two constituent entities have their own military forces and independent budgets. They are responsible (concurrently with the confederal government or, in the case of the *Federacija*, also with the cantons) for the police, environmental policy, social policy, agriculture, refugees, reconstruction, justice, taxation, and customs. Immigration, refugee, and

(Law No. 25/2009). However, authority remains largely vested in the OHR. Given its UN status, we do not include the Brčko district in the measure.

[2] Office of the High Representative. "The Mandate of the OHR." <http://www.ohr.int/ohr-info/gen-info/default.asp?content_id=38612>.

[3] Office of the High Representative. "High Representative's Decisions by Topic." <http://www.ohr.int/decisions/archive.asp>.

asylum policy are confederal competences, but citizenship is primarily an entity competence (C 1994, Art. III; C 1995, Art. III.3; Jokay 2001; Lenić 2006). A person obtaining citizenship in *Republika Srpska* or in the *Federacija* automatically acquires confederal citizenship (C 1995, Art. I.7).

The two entities have starkly different structures of governance. *Republika Srpska* has no intermediate tier (C 1992, Arts. 100–104; Jokay 2001; Lenić 2006). *Federacija Bosne i Hercegovine* has an authoritative intermediate tier consisting of ten cantons (C 1994, Art. III). Five cantons have a Bosniak majority, three have a Croat majority, and two are mixed Bosniak and Croat. The average population of a canton is roughly 230,000. These cantons have their own basic laws or constitutions and their own governments.

The *Federacija* is a relatively loose federation in which most competences related to economic and land planning, tourism, culture, housing, education, and the implementation of welfare policy lie at the cantonal level (C 1994, Art. III.4).[4] The cantons also control the police (C 1994, Arts. III4.a and V.10). The federal level has powers in energy, taxation, defense, foreign affairs (concurrent with the confederation and the cantons), citizenship, and has the right to authorize cantons to conclude international agreements (C 1994, Art. III.1; Jokay 2001; Lenić 2006). It can also legislate, in cooperation with the cantons, in welfare, health, infrastructure, transport, tourism, and the environment (C 1994, Art. III.3). Thus policy scope is divided between the two levels with the balance tipping slightly to the cantonal side. The *Federacija* scores 2 and the cantons score 3 on policy scope.[β]

FISCAL AUTONOMY

Tax power lies exclusively with the *Federacija* and the *Republika Srpska*, and the *Federacija* contributes two-thirds and the *Republika Srpska* one-third of confederal revenues (C 2009, Art. VIII; Jokay 2001: 96–7). The bulk of confederal revenue comes from customs duties and sales and excise taxes which, before 2005, were set by the confederation, but collected and administered by the entities (Jokay 2001: 96–7). Since 2005, a nation-wide indirect tax authority collects all indirect taxes including customs and excise taxes and, since 2006, also a value added tax. Taxes are transferred into a "single account" which funds the state budget and debt obligations, with the remainder divided between the two entities and the *Brčko* district (Lenić 2006: 8–12).

Tax power in the *Federacija* is concurrent between the federal government and the cantons (C 1994, Arts. III.1h and III.4l). Cantons receive their revenues

[4] When the majority of the population in a municipality in the *Federacija* is different in ethnic composition from that of the canton as a whole, several competences including education, culture, tourism, local business and charitable activities, and radio and television must be allocated to the municipal level to protect the minority within the canton (C 1994, Art. V.2b; Jokay 2001).

from personal income and property taxes, for which they can set the rate but not the base (Lenić 2006: 8–12).

BORROWING AUTONOMY

The constitution of Bosnia and Herzegovina makes the two entities responsible for the international liabilities of the confederation (C 2009, Art. III.1e; Recica 2000).[5]

The *Republika Srpska* (C 1992, Art. 70.3) and the *Federacija* (C 1994, Art. 20j) can borrow without confederal approval. Borrowing must be approved by their respective assembly. The constitution of the *Federacija* allows cantons to borrow under limits specified by federal law (C 1994, Art. III.4l). The current law sets an absolute limit on cantonal debt and limits borrowing to 20 percent of cantonal revenue. The cantons are allowed to borrow from domestic and foreign sources for capital investments only (Law No. 01-011-328/1998, Arts. 37–39).

REPRESENTATION

Direct elections for the parliaments of the *Federacija* and *Republika Sprska* are held every four years (C 1992, Art. 72; C 1994, Art. IV.2), as are direct elections for the cantonal parliaments in the *Federacija* (C 1994, Art. V.5). All parliaments elect their own executives (C 1992, Art. 93; C 1994, Section IV.B and Art. V.8). The scores for regional executives drop to 1 from 1998 because the OHR regularly removed public officials from office at all tiers of government within Bosnia and Herzegovina.[6]

Shared rule

LAW MAKING

The upper house of Bosnia–Herzegovina (House of Peoples) contains fifteen delegates: ten from the *Federacija* (five Croats and five Bosniaks) and five from the *Republika Srpska* (five Serbs) (*L1, L3*). The delegates are chosen by the parliaments of the entities (*L2*) (C 2009, Art. IV). All legislation, including constitutional amendments, requires the approval of both chambers, giving the upper house veto power (*L4*) (C 2009, Art. IV.3c). The confederation has consociational elements, including the requirement that at least three members of each ethnic group be present for an upper house quorum (C 2009, Art. IV.1b) and that legislation requires the assent of at least one-third (i.e. two) of

[5] The total external debt in 2005 was approximately 30 percent of GDP (Čičić et al. 2007). The principal creditors are international lenders such as the World Bank, the IMF, the European Investment Bank, the London Club, and the Paris Club (Recica 2000).

[6] Office of the High Representative. "High Representative's Decisions by Topic." <http://www.ohr.int/decisions/archive.asp>.

the representatives from each entity or fewer than four voting against (C 2009, Art. IV.3).

Cantons do not share legislative power within the confederation though they have an extensive role in law making by virtue of their representation in the upper chamber (House of Peoples) of the *Federacija*. Cantonal representation in the chamber is population based, but each cantonal parliament selects at least one representative from each of the three ethnic groups (C 1994, Art. IV.8). Federal legislation requires approval by the upper chamber (C 1994, Art. IVA.17).

EXECUTIVE CONTROL

There appear to be no formal, regular meetings between the confederal government and subnational governments, or between cantons and the *Federacija*, notwithstanding the fact that the constitutions envisage intergovernmental meetings.[a]

The constitution of the confederation stipulates that the president may initiate inter-entity coordination on matters not within the responsibilities of Bosnia and Herzegovina, though entities cannot be forced to participate (C 2009, Art. III.4). In the *Federacija*, the constitution states that the cantons and the federation shall "consult one another on an ongoing basis" with regard to their shared responsibilities and that "the cantons shall act with respect for inter-cantonal comity, [and] for coordinated approaches to inter-cantonal matters" (C 1994, Art. III.3). Hence both vertical and horizontal intergovernmental meetings are foreseen. In addition, cantons may establish councils in order "to share information and harmonize the Cantons' respective actions" (C 1994, Art. V.3).

FISCAL CONTROL

The confederation depends on annual contributions from the two constituent units (C 2009, Art. VIII). This gives these units a veto on the distribution of tax revenues. Cantons have no say at the confederal level, but they can veto tax laws in the *Federacija* through their representation in the upper house.

BORROWING CONTROL

There are no formal procedures to coordinate borrowing between the confederal government and the entities or between the federal government and the cantons in the *Federacija*.

CONSTITUTIONAL REFORM

The upper house of the confederation has a veto on constitutional amendments (C 2009, Art. IX). Moreover, a majority of the representatives of an ethnic group can invoke an alarm bell procedure on the grounds that

proposed legislation is "destructive of [its] vital interest" (C 2009, Art. IV.3e). In such cases, legislation in the upper house requires a majority of the representatives of each entity present.

Cantons do not participate directly in confederal constitutional politics, but they can veto constitutional change in the *Federacija*. Constitutional amendments require a two-thirds majority in the lower house and a double majority in the upper house consisting of an absolute majority of all members and a majority in each of the three ethnic groups (C 1994, Art. VIII).

From 1998 the score for constitutional reform drops to zero because the OHR regularly overruled constitutional amendments made by the entity and cantonal governments.[7]

Self-rule in Bosnia and Herzegovina

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Federacija	1995–1997	3	2	4	3	2	2	**16**
	1998–2010	2	2	4	3	2	1	**14**
Republika Srpska	1995–2010	3	4	4	3	2	2	**18**
	1998–2010	2	4	4	3	2	1	**16**
Kantoni in Federacija	1995–1997	3	3	3	2	2	2	**15**
	1998–2010	2	3	3	2	2	1	**13**

Shared rule in Bosnia and Herzegovina

		Law making						Executive control		Fiscal control		Borrowing control		Constitutional reform		Shared rule
		L1	L2	L3	L4	L5	L6	M	B	M	B	M	B	M	B	
Federacija	1995–1997	0.5	0.5	0.5	0.5	0	0	0	0	2	0	0	0	4	0	**8**
	1998–2010	0.5	0.5	0.5	0.5	0	0	0	0	2	0	0	0	0	0	**4**
Republika Srpska	1995–1997	0.5	0.5	0.5	0.5	0	0	0	0	2	0	0	0	4	0	**8**
	1998–2010	0.5	0.5	0.5	0.5	0	0	0	0	2	0	0	0	0	0	**4**
Kantoni in Federacija	1995–2010[a]	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
	1995–1997[b]	0	0.5	0.5	0.5	0	0	0	0	2	0	0	0	4	0	**7.5**
	1998–2010[b]	0	0.5	0.5	0.5	0	0	0	0	2	0	0	0	0	0	**3.5**

National legislature has: L1=regional representation; L2=regional government representation; L3=majority regional representation; L4=extensive authority; L5=bilateral regional consultation; L6=veto for individual region. Total for shared rule is either multilateral (M) or bilateral (B).

[a] Power sharing in the confederation.

[b] Power sharing in the *Federacija Bosne i Hercegovine.* These scores are not used in calculating the country score for Bosnia and Herzegovina.

[7] Office of the High Representative. "High Representative's Decisions by Topic." <http://www.ohr.int/decisions/archive.asp>.

Croatia

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Croatia is divided into twenty-one *županije* (counties) with an average population of about 200,000.[8] *Županije* were set up with the first subnational elections of 1993, two years after independence. They are decentralized governments and implement policy in the domains of education, health care, zoning and town planning, economic development, and traffic and traffic infrastructure (Alibegović 2006: 11–13; Council of Europe: Croatia 1999; Ivanišević et al. 2001; Law No. 75/1993 and No. 33/2001, Art. 20).

In 2007, as required by the European Commission, Croatia agreed to establish regions at the NUTS II tier (above the *županije*), but these have not yet been created (Bache and Tomsic 2010). Instead, the law on regional development, which entered into force in 2010, induced the *županije* to set up development agencies for strategic planning and regional development (Đulabić and Manojlović 2011; Law No. 153/2009, Art. 20).

FISCAL AUTONOMY

Županije have no tax autonomy. They receive their revenue from own and shared taxes. The base and rate of own taxes are set by national law (Law No. 117/1993, Art. 8–28 and 73/2008, Art. 9–27; Bache and Tomsic 2010: 72).[α] Own taxes include levies on inheritance and gifts, motor vehicles, boats and vessels, and the organization of games and sports events (Law No. 117/1993, Art. 5 and No. 73/2008, Art. 5; Ott and Bajo 2002). In 2003, own taxes amounted to just 4.4 percent of *županije* tax revenues (Alibegović 2006: 15). In addition, part of the centrally collected income tax and profits tax is distributed to the *županije* (Council of Europe: Croatia 1999; Law No. 117/1993, Art. 45 and No. 73/2008, Art. 45).

[8] We do not consider Glina and Knin as autonomous regions. Between 1991 and 1995 a self-proclaimed, but not internationally recognized, Republic of Serb Krajina (*Republika Srpska Krajina*) was established by minority Serbs in Croatia. In order to gain international recognition, Croatia adopted a constitutional law on the rights of national and ethnic minorities (Law No. 27/1992). With the creation of the *županije* on December 30, 1992, the Croatian government set aside two autonomous *kotarevi* (regions) for ethnic Serbs in Krajina: the Autonomous Districts of Glina (*Autonomni kotar Glina*) and Knin (*Autonomni kotar Knin*). However, the provisions concerning the *kotarevi* were not implemented, and the entire region of Western Slavonia was placed under UN administration. When the Croatian government took control of the two districts in September 1995, the parliament suspended implementation of the constitutional law relating to the Serbian minority (Domini 2000; Law No. 68/1995; Petričušić, Kmezić, and Žagar 2008: 17–23). The law was amended in 2000 and the articles concerning the special autonomous districts were repealed (Law No. 51/2000). The parliament also restricted special minority rights (such as language protection and seats in local and regional councils) to ethnic minorities who constitute less than 8 percent of the population. This excluded the Serbian minority from special protection (Petričušić, Kmezić, and Žagar 2008: 18 and note 60).

BORROWING AUTONOMY

Since 2003 *županije* have been permitted to take on loans and issue securities for capital investment with prior ministry of finance approval (Ott and Bajo 2002; Alibegović 2006: 14). In principle, *županije* can issue without prior approval loan guarantees for public institutions and companies in which they are the majority owner. However, the law requires that all borrowing, guarantees, and obligations do not exceed 20 percent of total revenues from the previous year and that the national auditing office supervise cantonal budget and debts (Alibegović 2006: 14; Council of Europe 2000; Law No. 117/1993, Arts. 83–86 and No. 73/2008, Arts. 61 and 88). We interpret this to amount to *ex ante* control, and score *županije* 1.$^{\beta}$

REPRESENTATION

Županija assemblies are directly elected every four years and the assembly elects an executive board (*poglavarstvo*) which is headed by a prefect (*župan*) (Law No. 90/1992, Art. 21 and No. 33/2001, Art. 29; Ivanišević et al. 2001). Until 2001, prefects were elected by the assembly, but their appointment had to be approved by the president of the republic. If a candidate was rejected and the *županija* assembly failed to elect a replacement acceptable to the president, the president could appoint a prefect (Council of Europe: Croatia 1999; Law No. 90/1992, Art. 56e). In 2001, the law on local self-government was amended and the prefect was to be elected from among the members of the county assembly (Law No. 33/2001, Art. 40), so executive representation increases to 2. Beginning with the 2009 cantonal elections, prefects are directly elected (Marcou and Davey 2007; Law No. 109/2007, Art. 2).

Shared rule

LAW MAKING

Until 2000, each *županija* had three directly elected representatives in the upper house, the *Županijeski dom* (chamber of counties) (C 1990, Art. 71). The upper house was the junior legislative partner (*L4*). It could give its opinion on proposed legislation and send the proposal back to the lower house, which could then legislate by absolute majority. A proposal that passed the lower chamber with a two-thirds majority could circumvent the upper house (C 1990, Art. 81). The upper house was abolished in 2001. From 1993–2000, the *županije* were the unit of representation in the upper house (*L1*) and constituted a majority in that chamber (*L3*). From 2001 the *županije* have no law making authority.

EXECUTIVE CONTROL

Županije have no executive control.

FISCAL CONTROL
Županije have no fiscal control.

BORROWING CONTROL
Županije have no borrowing control.

CONSTITUTIONAL REFORM
A constitutional amendment requires a two-thirds majority vote of all representatives in the lower chamber. Until its abolition in 2001, the upper chamber was consulted, but could not amend or block (C 1990, Art. 138).

Self-rule in Croatia

	Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
					Assembly	Executive	
Županije 1993–2001	2	2	0	1	2	1	**8**
2002–2010	2	2	0	1	2	2	**9**

Shared rule in Croatia

	Law making						Executive control		Fiscal control		Borrowing control		Constitutional reform		Shared rule
	L1	L2	L3	L4	L5	L6	M	B	M	B	M	B	M	B	
Županije 1993–2000	0.5	0	0.5	0	0	0	0	0	0	0	0	0	0	0	**1**
2001–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**

National legislature has: L1=regional representation; L2=regional government representation; L3=majority regional representation; L4=extensive authority; L5=bilateral regional consultation; L6=veto for individual region. Total for shared rule is either multilateral (M) or bilateral (B).

Cyprus

Cyprus became independent from the United Kingdom in 1960. The republic has six *eparchies* (districts) with officers who are responsible for implementing central government policies (Varnava and Yakinthou 2011). With an average population of 105,000, we consider them local governments. Since a Cypriot *coup d'état* and Turkish invasion in 1974, the island is divided. One district and parts of two others are controlled by the Turkish–Cypriot government and the rest of the island is controlled by the Greek–Cypriot government. The Turkish

part proclaimed independence in 1983 as the Turkish Republic of Northern Cyprus, which is recognized by Turkey only. The Greek–Cypriot government continues to claim authority over the whole island, and EU funds and policies apply to Turkish Cypriots as well as to Greek Cypriots.

Greece

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Greece has two tiers of intermediate governance and one special region. *Nomoi* (prefectures) were established in 1950 as deconcentrated state administrations. These continued to function under the military junta from 1967–73 (C 1975, Arts. 101–102; C 2008, Arts. 101–102). An additional, higher level, tier of *periphereies* (regions) was established in 1986, and *nomoi* became self-governing in 1994. As an *autodioikito* or autonomous monastic community, *Aghion Oros* (Mount Athos) has been a special autonomous region since 1950.

Nomos government was headed by a *nomarch* (prefect) who is a central government appointee (Committee of the Regions 2005). Representation in prefectural councils (*nomarchiako simvoulio*) that govern *nomoi* was widened in 1982 to take in representatives of interest groups (farmers, trade unions, professionals, and chambers of commerce) as well as local government representatives (Hlepas and Getimis 2011*a*, *b*). Central oversight through the prefects remained extensive (Committee of the Regions 2005). This changed in 1994 when *nomoi* were decentralized. The councils and prefects became directly elected and were given competences over regional development funding, education, health, roads and transport, and hospitals, as well as the right to establish agencies (Council of Europe: Greece 2001; Hlepas 2010; Law No. 2218/1994, 2240/1994, and 2307/1995; Loughlin 2001*a*). Institutional depth increases from 1 to 2 and policy scope from 0 to 2 in 1994.

Since 1986 Greece has thirteen *periphereies* between the *nomoi* and the central state (Law No. 1622/1986). *Periphereies* were set up to implement development programs, mainly funded by the European Union (EU). They are deconcentrated administrations headed by a centrally appointed secretary general (*genikos grammateas*) who consults *nomoi* and local governments. In 1997, *periphereies* acquired additional responsibilities as well as a consultative body composed of lower tier elected representatives and interest group representatives, but they remained primarily deconcentrated (Getimis and Demetropoulou 2004; Law No. 2503/1997; Loughlin 2001*a*).

The constitution (C 1975, Art. 105; C 2008, Art. 105) demarcates one *autodioikito*, the mountain peninsula of *Aghion Oros*, which has considerable autonomy under its "holy mountain" charter of 1924. It is constitutionally

recognized as a "self-governed part of the Greek state, whose sovereignty thereon shall remain intact" (C 2008, Art. 105.1; Paganopoulos 2009, 2014). Its governance consists of representatives of its twenty monasteries who are under the direct jurisdiction of the Patriarch of Constantinople (Law No. 10/1926). Special permits are required to enter the region and women are not allowed. Novices and monks admitted to monastic life are granted automatic Greek citizenship (C 1975, Art. 105.1; C 2008, Art. 105.1; Council of Europe: Greece 2001). The government of Greece is represented by a governor who is directly accountable to the Greek minister of foreign affairs[α] (Council of Europe: Greece 2001; C 1975, Art. 105.4; C 2008, Art. 105.4). We score Mount Athos 3 on institutional depth and 2 on policy scope.

The 2010 Kallikratis plan radically reformed the institutional set up of Greece.[9] It abolished the *nomoi* and transferred some of their authority to the *periphereies* (Council of Europe: Greece 2013; Law No. 3852/2010). The *periphereies* are now headed by a regional governor (*perifereiárchis*) and a council (*perifereiakó symvoúlio*) elected for five-year terms rather than by general secretaries appointed by central government, and they have broader competences in regional and economic development (Council of Europe: Greece 2013; Skrinis 2013). Seven newly created *apokentroménes dioikíseis* (deconcentrated state administrations) now serve as regional subdivisions of the central government (Hlepas and Getimis 2011*b*).

FISCAL AUTONOMY

The budget of *nomoi* consisted mainly of their share of centrally collected value added taxes and car registration taxes, for which the central government determined base and rate.[α] In 1998 *nomoi* gained some limited capacity to set fees for transport and other services, but not to levy taxes (Council of Europe: Greece 2001).

Periphereies are dependent on transfers from the central state and the EU. The Kallikratis reforms foresee the decentralization of some fiscal resources (Hlepas and Getimis 2011*b*).

Mount Athos has full tax autonomy according to its 1926 charter (Law No. 10/1926). Its special status was ratified by the EU in 1979, and the Schengen agreement exempted the jurisdiction from the EU's value added tax, subject to special rules concerning excise duty and value added tax (Paganopoulos 2014).

BORROWING AUTONOMY

The decentralization reform of 1994 allowed *nomoi* to borrow under prior authorization of the central government.[α] *Nomoi* had to receive prior approval

[9] The reform came into effect on January 1, 2011.

from the ministry of economy and finance (Council of Europe: Greece 2001). A further requirement was that all loans had to be linked to investment projects, and loan requests had to be supported by project studies (Joumard and Kongsrud 2003; Ter-Minassian and Craig 1997).

The *periphereies* are not allowed to borrow, but Mount Athos has full borrowing autonomy (Law No. 10/1926; Paganopoulos 2014).

REPRESENTATION

Before 1994, *nomoi* were deconcentrated administrations with weak advisory councils of interest group and local representatives. From 1994 until 2010, *nomoi* councils, which selected a prefect from the council's majority, were directly elected every four years (Hlepas and Getimis 2011*b*).

Periphereies had no representation until the introduction of consultative bodies in 1997. These bodies are composed of *nomoi* prefects, representatives of local authorities, the executive head of the *periphereies*, and representatives of various regional-level public interest groups (Committee of the Regions 2005; Getimis and Demetropoulou 2004; Loughlin 2001*a*). The executive head is appointed by the central government. Since 2011 these councils are directly elected.[10] Councilors are elected in a two-round system and from 2014 elections take place every five years concurrently with European elections (Council of Europe: Greece 2013; Skrinis 2013).

The Holy Community of Mount Athos, which has its seat at Karyes, is a standing body of monks annually elected by each of the island's twenty monasteries in accordance with their internal regulations. The four-member executive (Holy Epistasia) rotates among the twenty representatives to serve one year in five. Executive authority is shared with a centrally appointed governor,[α] who is responsible for safeguarding public order and security and is directly accountable to the Greek minister of foreign affairs (C 1975, Art. 105.4; C 2008 Art. 105.4; Paganopoulos 2009).

Shared rule

There is no regional power sharing for *nomoi* and *periphereies,* but Mount Athos exerts some constitutional control over its charter. It can initiate reform, but the charter is subject to ratification by the Greek parliament (Law No. 10/1926). Like *nomoi* and *periphereies*, Mount Athos has no role in amending the Greek constitution. Constitutional amendments are adopted by a three-fifths majority in the Greek parliament and by an absolute majority in the next parliament after elections (C 1975, Art. 110; C 2008, Art. 110).

[10] The first elections took place in November 2010.

Southern Europe

Self-rule in Greece

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Nomoi	1950–1993	1	0	0	0	0	0	**1**
	1994–2010	2	2	0	1	2	2	**9**
Periphereies	1986–1996	1	0	0	0	0	0	**1**
	1997–2010	1	0	0	0	1	0	**2**
Mount Athos	1950–2010	3	2	4	4	2	1	**16**

Shared rule in Greece

		Law making						Executive control		Fiscal control		Borrowing control		Constitutional reform		Shared rule
		L1	L2	L3	L4	L5	L6	M	B	M	B	M	B	M	B	
Nomoi	1950–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Periphereies	1986–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Mount Athos	1950–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	2	**2**

National legislature has: L1=regional representation; L2=regional government representation; L3=majority regional representation; L4=extensive authority; L5=bilateral regional consultation; L6=veto for individual region. Total for shared rule is either multilateral (M) or bilateral (B).

Israel

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Israel became a state on May 14, 1948 and since then has been divided in six *mehozot* (districts), twelve *nafot* (sub-districts), and at the local level, a system of cities, local councils, and regional councils.[11] Israel does not have a written constitution, so intermediate and local governance is regulated through laws, ordinances, and bylaws.

Mehozot have an average population exceeding one million and function as deconcentrated state administrations responsible for enacting national legislation within the district. The *mehoz* is headed by a district commissioner who is appointed by the central government and responsible to the ministry of interior. *Mehozot* are further subdivided into *nafot* for the country as a whole,

[11] We do not include the contested areas of Golan, Judea, and Samaria.

excluding Jerusalem and Tel Aviv. Each *mezohot* is headed by an officer who is directly responsible to the respective *mezohot* commissioner. Notwithstanding a steep increase in population, territorial governance has remained centralized (Meydani 2010; Razin 2004).

Local governance consists of municipal councils (for cities), local councils (for municipalities not large enough to constitute a city), and regional councils (that combine small rural settlements) (Elazar 1988*a*, *b*; Elazar and Kalchheim 2001; Meydani 2010). Each local government has a directly elected council and, since 1978, a directly elected mayor. Local governments may also combine to create larger, task-specific municipal bodies, called confederate cities. Governance is not meaningfully different between larger cities (including Haifa, Jerusalem, and Tel Aviv) and smaller local governments.

Self-governance is deeply embedded in Israeli political culture, but territorial governance is often viewed as its weakest link (Elazar 1988*a*: 3). Self-governance has tended to be organized along cultural–ideological or religious–communal lines, though these communities can, and often do, have recognizable territorial boundaries. For example, most municipalities are homogeneously Jewish, Arab, or Druze, and so communal self-governance is de facto territorial.[12] Elazar and Kalchheim (2001: xxix) characterized Israel as "a compound of communities, including local communities . . . Israel was created out of a series of local foundings which were only subsequently formed into a single countrywide community and still later, into a state."

FISCAL AUTONOMY

Mehozot and *nafot* are deconcentrated state administrations with no tax authority. They are dependent on intergovernmental transfers.

BORROWING AUTONOMY

Mehozot and *nafot* have no borrowing authority.

REPRESENTATION

Mehozot and *nafot* are headed by a centrally appointed commissioner and officer, respectively.

Shared rule

There is no shared rule for *nafot* and *mehozot*.

[12] In recent decades this has begun to break down as some urban municipalities have become more culturally diverse (Elazar 1988*a*).

Self-rule in Israel

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Mehozot	1950–2010	1	0	0	0	0	0	**1**
Nafot	1950–2010	1	0	0	0	0	0	**1**

Italy

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Italy has developed into a quasi-federal state with two tiers of regional governance: a lower tier of 109 *province* (provinces) and a higher tier of twenty *regioni* (regions) (C 1947, Art. 114). Until the early 1970s intermediate governance consisted of provinces, as well as four, later five, special statute regions (*regioni autonome a statuto speciale*) (see also C 1947, Art. 116). These are Sicilia, Sardegna, Valle d'Aosta/Vallée d'Aoste, Friuli-Venezia-Giulia (since 1963), and Trentino-Alto Adige/Südtirol. Among lower tier provinces, Bozen-Südtirol and Trentino have non-standard competences.

The primary responsibility of provinces lies in local economic development, alongside spatial planning, the environment, highways, and labor market policies. They also play a minor role in secondary education, vocational training, and cultural heritage (C 1947, Art. 124).[a] Until 2001 their policy autonomy was constrained by the fact that provincial acts needed prior approval by the central government. These controls were gradually weakened in a series of reforms in the 1990s and the 2000 law on provincial and local autonomy (Law No. 142/1990 and 267/2000; Lippi 2011). The 2001 constitutional reform abolished *ex ante* control of provincial acts and strengthened provincial autonomy in economic and cultural–educational policy. We reflect this by increasing the score for policy scope from 1 to 2 from 2001 (Committee of the Regions 2005; Council of Europe: Italy 2001).

Italy's 1947 constitution (in force since 1948) mandated directly elected regional governments with enumerated powers for the whole of Italy (C 1947, Art. 117). However, these provisions were put into practice only for *regioni* having a special autonomy statute. The constitution lists regional competences in agriculture, energy, mining, transport, tourism, museums, libraries, vocational education, public charity, health care, and hospitals. These policies encompass economic, cultural–educational, and welfare policy in

our measure, but the constitution also asserts that these competences are to be exercised within the limits of national law and must not contravene the national interest or the interests of other regions (C 1947, Art. 117).[β] This allowed the central government to suspend regional legislation until 2001 (Baldini and Baldi 2014; Cassese and Torchia 1993; Dente 1985, 1997; Lippi 2011; Sanantonio 1987). In addition to the list above, the special regions and the two autonomous provinces were endowed with authority over local government and local police (Law No. 455/1946, 2–5/1948, 1/1963, and 1/1971).

The statute of Trentino-Alto Adige/Südtirol was revised in 1972 to devolve competences in culture, education, welfare, economic policy, the police, and provincial political institutions to its two provinces, Bozen-Südtirol and Trentino. Trentino-Alto Adige/Südtirol retained legislative responsibility for economic development, hospitals and health, registry, and supervision of municipal government (Alcock 2001; Law No. 1/1971 which came into effect in 1972). From 1972, Trentino-Alto Adige/Südtirol had less authority than other special statute regions and scores 2 on policy scope.[β]

Although a law was adopted in 1953 for the remaining fifteen regions (Law No. 62/1953), it took until 1970 before regionalization was implemented for the *regioni a statuto ordinario* (Loughlin 2001*c*). These regions had directly elected councils with executives responsible to them from the start (Law No. 108/1968). However, they only gradually acquired policy competences, and until well into the 1990s, regions continued to exist in a regime that conceived them as "mechanisms for implementing national policies" (Hine 1996: 117; Gualini 2004).[β] In 1972 ordinary-statute regions obtained competences in urban planning, regional development, environment, and craft industry. Further legislation extended this to health, hospitals, and police by 1977 (Law Nos. 281/1970, 2-11/1972, 382/1975, and 616/1977; Amoretti 2004; Cassese and Torchia 1993; Putnam 1993). Ordinary-statute regions score 0 on policy scope for 1970–71, 1 for 1972–76, and 2 from 1977.

Decentralization moved up the political agenda in the 1990s after a nation-wide Italian judicial investigation into political corruption (*mani pulite*) precipitated the demise of the First Republic and the collapse of its party system. A 1997 Law gave *regioni* residual administrative powers in most policy areas with respect to the central government, provinces, and local authorities (Law Nos. 59/1997 and 112/1998). The constitutional reform of 2001 consolidated the principle of residual powers and extended it to legislative competences concurrent with the central government in international and EU relations, foreign trade, job protection and industrial safety, education, scientific research, health, food, sport, civil protection, town planning, ports and airports, cultural and environmental resources, transport, and

energy (Amoretti 2002; Council of Europe: Italy 2008; Fabbrini and Brunazzo 2003; Law No. 3/2001 and 131/2003). The 2001 reform also ended the central government's power to suspend regional legislation. In addition, the law referred disputes between *regioni* and the central government to the constitutional court (C 1947, Art. 127).[13] Policy scope increases to 3 for ordinary-statute regions in 2002.

FISCAL AUTONOMY

Provinces had limited fiscal autonomy until the 1974 tax reform which centralized control of the base and rate of all taxes and reduced own taxes to a marginal share of provincial revenue (Emiliani et al. 1997).[α] So, at the same time that it devolved competences, the central state strengthened control over the purse on grounds of equity. A major overhaul of the fiscal system in 1993 gave *province* greater revenue autonomy (Law No. 421/1992). Provincial taxes consist now of vehicle registration, the use of public land, a surcharge on electricity consumption, and a supplemental fee on waste disposal (Emiliani et al. 1997). *Province* set the rate within national constraints.[α]

Ordinary-statute regions were dependent on government transfers from 1970–89 (Von Hagen et al. 2000). The amount a region received was determined by how much it spent, rather than its revenues. A 1970 Law specified that regional expenditures were to be financed by a share of revenue in taxes on beer, sugar, gas, and tobacco (Law No. 281/1970). In 1990, regional governments obtained the right to set the rate, within centrally determined limits, of several minor taxes, including vehicle tax, an annual surtax, a special tax on diesel cars, health taxes, and university fees (Law No. 158/1990; Emiliani et al. 1997). From 1998 ordinary-statute regions are allowed to set the rate of personal income tax up to a nationally determined ceiling (Law No. 446/1997), which increases their score to 3. Since 2001 they have also been able to set the rate on their share of value added taxes (Council of Europe: Italy 2008; Giarda 2001; Law No. 56/2000).

Until 1998, special autonomous regions and provinces could set the rate of minor taxes.[α] Friuli-Venezia-Giulia could set its own taxes "in harmony with the tax systems of local, provincial and national government;" Sardinia could tax tourism; Sicily could set the rate of a local business tax; Valle d'Aosta could license and tax hydropower; Trentino-Südtirol could tax tourism; and

[13] In 2005 the central government proposed another constitutional reform which would have shifted significant authority on health and education to *regioni*, but the proposal was rejected in a popular referendum in June 2006.

Trentino-Südtirol and the provinces of Bozen-Südtirol and Trentino could impose a surtax on land and buildings (Law No. 455/1946, Art. 36, No. 3/1948, Art. 8, No. 4/1948, Art. 9, No. 5/1948, Arts. 64–65, and No. 1/1963, Art. 51). The 1998 tax reform (Law No. 446/1997) and the 2001 constitutional fiscal reform (Law No. 56/2000) were extended to the five special statute regions and the two autonomous provinces. Like ordinary-statute regions, these regions can set the rate of personal income and value added taxes within bands set by the central government (Giarda 2001; Lippi 2011; Malizia and Tassa 2004).

BORROWING AUTONOMY

Before the 1997 local government reform, provinces in Italy could get loans only from the deposit and loans office (Law Nos. 59/1997 and 112/1998).[α] If this office had no available funds, provincial governments were allowed to apply elsewhere, but loans were subject to strict rules and were subject to the supervision of the ministry of finance, which fixed the maximum interest rate to be paid by provincial governments (Council of Europe 1992). Since the 1997 reform, provincial governments are free to borrow from other financial institutions but they must submit their budget to the respective regional board of auditors. If the regional board of auditors does not overrule the provincial budget within thirty days, it becomes final (Council of Europe: Italy 1999). Provinces score 1.

The five special autonomous regions have always been able to borrow without prior authorization, but within constraints. The statutes stipulate that the regional government can take out loans for the purpose of financing investments so long as they do not exceed the annual revenue of the region (Law No. 455/1946, Art. 41, No. 3/1948, Art. 11, No. 4/1948, Art. 12, No. 5/1948, Art. 66, and No. 1/1963, Art. 455). Since 1970, ordinary-statute regions and, since 1972, the two autonomous provinces can also borrow without prior central authorization.[α]

Restrictions on borrowing evolved over the last three decades, but the central government has stopped short of imposing *ex ante* controls. In response to accumulating subnational debt in the 1970s leading to an acute financial crisis in 1977, the central government assumed the total subnational debt in return for regions balancing their budgets and limiting short term loans to three months (Law No. 62/1977; Von Hagen et al. 2000; Fraschini 2002). The principle of a balanced current budget was reaffirmed in 1990 legislation and combined with additional restrictions on the duration and terms of the loans (Law No. 142/1990; Fraschini 2002). From 1998, the Maastricht current account deficit criterion of maximum 3 percent of gross domestic product (GDP) has been extended to regional governments (Giarda

2001; Law No. 448/1998). However, regions have managed to circumvent these constraints by borrowing through public health and transport enterprises (Emiliani et al. 1997). Following the reform of 2001, regions may contract loans only for the purpose of financing investments and their current budgets need to be balanced (C 1947, Art. 119.6). The debt service is restricted to 25 percent of their revenues (Joumard and Kongsrud 2003; Fraschini 2002; Emiliani et al. 1997).

REPRESENTATION

Elections for *consigli provinciali* (provincial councils) are direct and take place every five years (Law No. 122/1951). From 1993, council presidents were directly elected rather than elected by provincial councils (Law No. 81/1993). Each province also has a *prefetto* (prefect) appointed by the central government who has executive authority over decentralized central state services. Following the 2001 constitutional reform, the *prefetto*'s role has been scaled back to law and order, emergency measures, and *ex post* supervision of local and provincial decisions (Law No. 3/2001).

Since 1970, *consigli regionali* (regional assemblies) of ordinary-statute regions have been directly elected every five years (Massetti and Sandri 2013; Piattoni and Brunazzo 2010). The regional president has been directly elected since 1999 (Law No. 1/1999).

Special-statute regions have had directly elected assemblies and executives chosen by the assembly since 1950 (for Friuli-Venezia-Giulia since 1963). The presidents of special statute regions and the two autonomous provinces can also be directly elected if specified in the regional statute (Law No. 2/2001; Lippi 2011). Trentino-Alto Adige/Südtirol's council was directly elected until 1972 and thereafter composed of councilors of the provinces of Bozen-Südtirol and Trentino (Law No. 1/1971). The president of Valle d'Aosta is also indirectly elected. As of 1972, the executives in the two provinces with special autonomy became fully responsible to the provincial councils.

Shared rule

LAW MAKING

The distribution of seats in the upper house of the parliament is determined chiefly by population. All but nine of the 315 constituencies are distributed proportionately among regions on the basis of their population, with each region receiving at least seven seats, except for Molise (two senators) and Valle d'Aosta (one senator).

EXECUTIVE CONTROL

The first intergovernmental conference between the central government and standard and special regions took place in 1983, but meetings were not routinized.[a] Since 1989, the regions have met biannually with the central government in a standing conference on national–regional relations, and meet the minimum threshold for a score of 1 from 1989. The system was strengthened in 1997 and given added legitimacy in the 2001 constitutional revision, but agreements have generally remained non-binding (C 1947, Arts. 117.5 and 118.3; Palermo and Wilson 2013). Participation was extended to the autonomous provinces of Bozen-Südtirol and Trentino, but not to the other provinces. From 2005 regions have been allowed to participate in the European decision making process, although the central government rarely makes binding commitments (Law No. 11/2005).

FISCAL CONTROL

There are no provisions for fiscal control for ordinary-statute regions and provinces. From 1999, Italy has concluded domestic stability pacts which set annual constraints on expenditure and/or the budget balance of subnational governments for a period of three years. There are also national–regional health pacts which aim to control regional expenditure on health services. Domestic stability pacts are jointly monitored by the ministry of finance, the ministry of home affairs, and the council of state, regions, and local authorities (*Conferenza unificata Stato, Regioni, e autonomie locali*). The pacts give subnational authorities a consultative role, but they impose constraints on subnational, not national, fiscal policy (Giuriato and Gastaldi 2009: 15–17). As part of a general fiscal reform in 2009 (Law No. 42/2009), the pacts set non-binding budgetary targets broken down by government sub-sector (central government, regional/local administrations, and the social security bodies) at the beginning of a three-year planning cycle (Blöchliger and Vammalle 2012). Subnational governments are formally consulted before parliamentary approval. Since the pacts concern government expenditure rather than the distribution of tax revenues, we do not code them as a form of fiscal control.

For special-statute regions (and Bozen-Südtirol and Trentino), the statutes detail the revenue split under a tax sharing scheme.[a] Special statute regions/provinces must be consulted but cannot veto changes to their statute (and by implication the fiscal arrangement) so they score 1 on fiscal control. The statutes for Friuli-Venezia Giulia, Sardegna, Trentino-Südtirol, and the provinces of Bozen-Südtirol and Trentino assign fixed percentages of the revenues derived from personal and corporate income tax, value added tax,

energy, gasoline, and tobacco taxes to the region (Law No. 1/1963, Art. 48, No. 3/1948, Art. 8, and No. 5/1948, Arts. 59–68*ter*). The statutes for Sicilia and Valle d'Aosta lay down a process for intermittent bilateral non-binding negotiation. Sicilia receives an annual donation from the central state which is subject to intergovernmental deliberation every five years (Law No. 455/1946, Art. 38); Valle d'Aosta's donation is negotiable within two years after a regional election (Law No. 4/1948, Art. 50). These intermittent agreements must receive the consent of the national parliament.

BORROWING CONTROL

Regions and provinces are not routinely consulted over borrowing constraints.

CONSTITUTIONAL REFORM

Ordinary-statute regions and provinces have no authority over the constitution, while special statute regions and provinces have input but no veto.

Amending the constitution and other constitutional acts requires adoption by each chamber twice within no less than three months and needs approval of an absolute majority in each chamber in the second voting (C 1947, Art. 138). In case of a majority short of two-thirds in the second round of voting, the issue goes to popular referendum but only if requested by one-fifth of the members of a chamber, 500,000 electors, or five regional councils (C 1947, Art. 138.2). Aside from the latter option, the constitution gives *regioni* no role in amending the constitution.

Special-statute regions and the two autonomous provinces have the right to initiate the amendment procedure with regard to their statutes (which are constitutional acts), but the final word remains with the national parliament (Law No. 455/1946, Art. 41*ter*, No. 3/1948, Art. 54, No. 4/1948, Art. 50, No. 5/1948, Arts. 88–89, and No. 1/1963, Art. 63). When the reform is initiated by the national parliament or central government the region has the right to be informed in advance and to deliver an opinion within two months. Special region statutes and their amendments cannot be subject to a national referendum.

Since 2001, an ordinary-statute region may also initiate changes to its statute after consulting local authorities and securing the agreement of the central government. A reform of the regional statute requires a majority in both houses (C 2001, Art. 116). The constitution details which competences can be affected (C 2001, Art. 116.3).

Self-rule in Italy

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Province	1950–1973	2	1	1	1	2	1	**8**
	1974–1992	2	1	0	1	2	1	**7**
	1993–2000	2	1	1	1	2	1	**8**
	2001–2010	2	2	1	1	2	1	**9**
Bozen-Südtirol/ Bolzano-Alto Adige	1950–1971	2	1	1	1	2	1	**8**
	1972–1998	2	3	1	2	2	2	**12**
	1998–2000	2	3	3	2	2	2	**14**
	2001–2010	3	3	3	2	2	2	**15**
Trentino	1950–1971	2	1	1	1	2	1	**8**
	1972–1998	2	3	1	2	2	2	**12**
	1998–2000	2	3	3	2	2	2	**14**
	2001–2010	3	3	3	2	2	2	**15**
Regioni a statuto ordinario	1970–1971	2	0	0	2	2	2	**8**
	1972–1976	2	1	0	2	2	2	**9**
	1977–1989	2	2	0	2	2	2	**10**
	1990–1997	2	2	1	2	2	2	**11**
	1998–2000	2	2	3	2	2	2	**13**
	2001–2010	3	3	3	2	2	2	**15**
Friuli-Venezia Giulia	1963–1997	2	3	1	2	2	2	**12**
	1998–2000	2	3	3	2	2	2	**14**
	2001–2010	3	3	3	2	2	2	**15**
Sardegna	1950–1997	2	3	1	2	2	2	**12**
	1998–2000	2	3	3	2	2	2	**14**
	2001–2010	3	3	3	2	2	2	**15**
Sicilia	1950–1997	2	3	1	2	2	2	**12**
	1998–2000	2	3	3	2	2	2	**14**
	2001–2010	3	3	3	2	2	2	**15**
Trentino-Alto Adige/ Südtirol	1950–1971	2	3	1	2	2	2	**12**
	1972–1997	2	2	1	2	1	2	**10**
	1998–2000	2	2	3	2	1	2	**12**
	2001–2010	3	2	3	2	1	2	**13**
Valle d'Aosta	1950–1997	2	3	1	2	2	2	**12**
	1998–2000	2	3	3	2	2	2	**14**
	2001–2010	3	3	3	2	2	2	**15**

Shared rule in Italy

		Law making						Executive control		Fiscal control		Borrowing control		Constitutional reform		Shared rule
		L1	L2	L3	L4	L5	L6	M	B	M	B	M	B	M	B	
Province	1950–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Bozen-Südtirol/ Bolzano-Alto Adige	1950–1988	0	0	0	0	0	0	0	0	0	1	0	0	0	2	**3**
	1989–2010	0	0	0	0	0	0	1	0	0	1	0	0	0	2	**4**
Trentino	1950–1988	0	0	0	0	0	0	0	0	0	1	0	0	0	2	**3**
	1989–2010	0	0	0	0	0	0	1	0	0	1	0	0	0	2	**4**
Regioni a statuto ordinario	1970–1988	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
	1989–2010	0	0	0	0	0	0	1	0	0	0	0	0	0	0	**1**
	2001–2010	0	0	0	0	0	0	1	0	0	0	0	0	0	2	**3**
Friuli-Venezia Giulia	1963–1988	0	0	0	0	0	0	0	0	0	1	0	0	0	2	**3**
	1989–2010	0	0	0	0	0	0	1	0	0	1	0	0	0	2	**4**
Sardegna	1950–1988	0	0	0	0	0	0	0	0	0	1	0	0	0	2	**3**
	1989–2010	0	0	0	0	0	0	1	0	0	1	0	0	0	2	**4**
Sicilia	1950–1988	0	0	0	0	0	0	0	0	0	1	0	0	0	2	**3**
	1989–2010	0	0	0	0	0	0	1	0	0	1	0	0	0	2	**4**
Trentino-Alto Adige/ Südtirol	1950–1988	0	0	0	0	0	0	0	0	0	1	0	0	0	2	**3**
	1989–2010	0	0	0	0	0	0	1	0	0	1	0	0	0	2	**4**
Valle d'Aosta	1950–1988	0	0	0	0	0	0	0	0	0	1	0	0	0	2	**3**
	1989–2010	0	0	0	0	0	0	1	0	0	1	0	0	0	2	**4**

National legislature has: L1=regional representation; L2=regional government representation; L3=majority regional representation; L4=extensive authority; L5=bilateral regional consultation; L6=veto for individual region. Total for shared rule is either multilateral (M) or bilateral (B).

Kosovo

Kosovo proclaimed its independence from Serbia on February 17, 2008 (Ebel and Péteri 2007; Jenne 2009). From 1999–2008, Kosovo was administered by the United Nations interim administration mission in Kosovo (UNMIK), which was assisted and supported by the Rule of Law mission of the European Union (EULEX). There is one subnational tier with self-government (C 2008, Arts. 12, 123–124; Law No. 40/2008), consisting of thirty-seven municipalities which hold direct elections for assemblies and mayors (Law No. 72/2008) and have fiscal autonomy (Law No. 49/2008). The constitution contains provisions for minority communities, which guarantee representation in a national consultative council, in public employment, and in local government (C 2008, Arts. 60–62; Doli and Korenica 2013). No subnational units in Kosovo reach the population criterion of 150,000.

Macedonia (Republic of)

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Macedonia, officially the Former Yugoslav Republic of Macedonia, has two levels of subnational governance, *planski ryegioni* (planning regions) and, at the local level, *opštini* (municipalities) (Atanasova and Bache 2010; Council of Europe: Macedonia 1999; C 1991, Arts. 114–117; Law No. 52/1995 and 5/2002). In 2004, a merger of *opštini* reduced their number from 134 to eighty-four with an average population of less than 100,000 (Kreci and Ymeri 2010*a*, *b*; Law No. 55/2003; Yusufi 2006).

In 2001, eight statistical regions were created at the NUTS-III level (Karajkov 2007). In May 2007, as a result of EU negotiations, these statistical regions were replaced by eight councils of the *planski ryegioni* (Atanasova and Bache 2010; Law No. 63/2007). Their main task is to implement regional development programs previously approved by the national council for regional development (Law No. 63/2007, Arts. 3 and 20; Mojsovska 2011). In addition, the *planski ryegioni* consult with local governments, civil society organizations, and state agencies (Assembly of European Regions 2010).

FISCAL AUTONOMY

Planski ryegioni are dependent on local and central government grants. The law on balanced regional development allocates an annual central government grant of at least 1 percent of GDP to *planski ryegioni* (Law No. 63/2007, Art. 27).

BORROWING AUTONOMY
Planski ryegioni have no borrowing autonomy.

REPRESENTATION
The councils of the *planski ryegioni* consist of the mayors of the *opštini* within the region. The president of the council is elected by the mayors (Atanasova and Bache 2010; Law No. 63/2007, Art. 19). There are no provisions for a separate regional executive.

Shared rule

There is no power sharing for *planski ryegioni* in Macedonia.

Self-rule in Macedonia

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Planski ryegioni	2007–2010	1	0	0	0	1	0	**2**

Malta

Malta, which became independent from Britain in 1964, had no intermediate tier of governance until the creation in 1994 of directly elected *kunsilli* (local councils) grouped in three regions (five from 2011) (Council of Europe: Malta 1998, 2006; Law Nos. 15/1993, 153/1994, and 320/2011). The regions do not have any administrative or executive set up (Committee of the Regions 2005; Council of Europe: Malta 1998, 2006). Subnational authority rests with the local councils. A constitutional revision in 2001 recognized local councils as units of self-government (C 1964, Art. 115A; Law No. 13/2001) and from 2001 onwards, local councils obtained competences in public libraries, enforcement of traffic, environment regulations, and the provision of local e-government (Law Nos. 292/2001, 293/2001, 67/2002, 93/2002, 114/2002, 314/2002, and 197/2003).

Montenegro

Montenegro formed a federation with Serbia in 1992 which was transformed in 2003 into a more decentralized state union of Serbia and Montenegro. In May 2006, following a referendum, Montenegro became an independent

state. There is no regional governance and at the local level there are twenty-one *opština* (municipalities) (C 1992, Art. 66; C 2007, Art. 22; Law No. 42/2003). A Law adopted in 2011 established three regional planning regions at the NUTS-III level for statistical purposes (Law No. 54/2011).

Portugal

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Portugal currently has two tiers of intermediate governance: five deconcentrated *comissões de cooperação e desenvolvimento regional* (commissions for cooperation and regional planning) and eighteen deconcentrated *distritos* (districts). There are also two special autonomous regions, the *regiões autónomas* of Açores (Azores) and Madeira, which have extensive self-governance.[14]

Distritos (which included the Azores and Madeira until 1976) were created in the early nineteenth century and modeled on the French *départements* (Council of Europe: Portugal 1998, 2006; Law No. 20/1835). They remain deconcentrated governments (Barreto 1984; Riegelhaupt 1979). In 1969 the central government created an additional upper tier of governance, *regiões de planejamento* (planning regions), which became general purpose in 1979. The authoritarian *Estado Novo* regime lasted until 1975; a new democratic constitution was introduced in 1976.

The democratic constitution envisioned a reorganization of subnational governance but did not allocate competences across the different levels (Loughlin 2001*d*; Opello 1992; Pedroso 1991). *Distritos* serve as central government outposts concerned primarily with the coordination of socioeconomic, educational, and cultural policies and with supervising municipalities (C 1976, Art. 238; Law No. 98/1998; OECD: Portugal 2008; Law No. 56/1991, Art. 17). They have an indirectly elected district assembly, an advisory executive council, and a governor appointed by the central government (Committee of the Regions 2005; Law No. 56/1991, Arts. 10, 14, and 26). The constitution foresaw the creation of *regiões administrativas* (administrative regions) to replace the *distritos* (C 1976, Arts. 255–262). But a plan to create eight decentralized *regiões* with elected assemblies was rejected by referendum in 1998 (Freire and Baum 2003; Magone 2011; Nanetti et al. 2004).

In 1979 the *regiões de planejamento* were renamed *comissões de coordenação regional* (regional coordinating commissions) and their role was expanded to general purpose deconcentrated government (Law No. 494/1979; Nanetti

[14] We do not code Macau.

et al. 2004). In 2003 they were fused with the regional directorates of the central offices of environment and territorial organization (Law No. 104/2003; OECD: Portugal 2008). *Comissões* are also responsible for regional development and oversee local governments on behalf of the central government (Committee of the Regions 2005).

Azores' autonomy was framed in 1975 (Law Nos. 458-B/1975 and 100/1976). A *junta regional* (regional council) headed by a *gobernador militar* (military governor) and answerable to the prime minister was charged with drafting an autonomy statute within ninety days. In 1976 a provisional autonomy statute was adopted (Law No. 458-B/1975, Art. 15 and No. 318-B/1976). The legislation for the Azores was modified in February 1976 to make it match the Madeira legislation, which put appointment of regional cabinet members in the hands of the council of ministers rather than the prime minister and slightly expanded the legislative authority of the *junta* (Law No. 100/1976).

A new national constitution was passed on April 2, 1976, which recognized the autonomy status of the regions, including the election of regional assemblies and executives (Lewis and Williams 1994; Pereira 1995). These regions were given authority to legislate within the parameters of national legislation and could pass laws in any area of regional interest not specifically reserved for the center. They also had authority over local government (C 1976, Art. 229.1).

Following the passage of the constitution, the provisional statute for the Azores was approved by the central government and by the existing regional government (Law No. 318-B/1976). It enumerated the competences of the regional assembly which included drawing up the final statute, approving the budget, appointing the regional representative to the central consultation body dealing with regional autonomy, and determining its own institutional set up (Law No. 318-B/1976, Art. 22). Regional legislation could be vetoed by the national minister of the republic, but the veto could be overturned by an absolute majority of the regional assembly (Law No. 318-B/1976, Art. 24). The Azores scores 3 on institutional depth and 2 on policy scope from 1976.

The Azores' special statute was revised in 1980, 1987, 1998, and 2009 to expand its policy competences. These powers include principal authority over a wide range of economic and cultural–educational policies, including agriculture, transport, tourism, regional planning, natural resources, culture, sport, local government, and taxation (Law No. 39/1980, Art. 7, No. 9/1987, Art. 26, No. 61/1998, Art. 32, and No. 2/2009, Art. 34). Immigration and citizenship remain in the hands of the central government (C 1976, Art. 167). From 1980 the Azores scores 3 on policy scope.

In February 1976, Madeira institutions were created in a similarly incremental process (Law No. 101/1976). However, there was no clause stipulating that the regional assembly could propose an autonomy statute, and until a statute was passed, the *junta* and its president would remain in charge

(Law No. 101/1976, Art. 11). The provisional Madeira autonomy statute was a short document establishing the governing institutions of the region and granting broad general competences, but with no discussion of fiscal autonomy, borrowing, or specific areas of autonomy for the region.

Madeira's autonomy statute was finally approved in 1991 (Law No. 13/1991) and amended in 1999 and 2000 (Law No. 130/1999 and 12/2000; Aguiar et al. 2007: 73). The 1991 statute formalized similar competences to those for the Azores (Law No. 13/1991, Arts. 29–30 and No. 13/1999, Arts. 36–39). Regional legislation can be vetoed by the national minister of the republic, but the veto can be overturned with an absolute majority of the regional assembly (Law No. 13/1991, Art. 32 and No. 13/1999, Art. 84).

A constitutional reform in 2004 (Law No. 1/2004) incorporated the statutory changes for the autonomous regions into the national constitution, and Title VII of the constitution was reformed to further consolidate regional authority. Madeira scores 2 on institutional depth and 2 on policy scope from 1976 until 1990,[β] and as of 1991 Madeira scores 3 on institutional depth and 3 on policy scope.

FISCAL AUTONOMY

The deconcentrated *comissões* depend on national and EU grants and have no autonomous tax authority (Law No. 494/1979, Art. 12; Nanetti et al. 2004). *Distritos* are deconcentrated state administrations that depend on local and central governmental grants (Law No. 56/1991, Arts. 36–39).

The statutes of the Azores and Madeira grant the right to tax within the framework of national law beginning in 1976 (Law No. 318-B/1976, Art. 53, No. 39/1980, Art. 82, No. 9/1987, Art. 95, and No. 13/1991, Art. 67), from which point the regions score 2.[α] Since 1998, they can set the rate of income, corporate, and consumption taxes (Law No. 13/1998, Arts. 12–13 and 22). Prior to the democratic transition, these regions did not have fiscal autonomy.

BORROWING AUTONOMY

Neither the deconcentrated *comissões* (Law No. 494/1979, Art. 12; Nanetti et al. 2004) nor the *distritos* have borrowing autonomy (Law No. 56/1991, Arts. 36–39).

The autonomy statutes for the Azores and Madeira stipulated that loans could be obtained via the national bank of Portugal or needed approval by the central government (Law No. 318-B/1976, Art. 58, No. 39/1980, Art. 87, No. 9/1987, Art. 101, and No. 13/1991, Art. 72), so beginning in 1976 these regions score 1.

With the adoption of a regional finance law in 1998 (slightly amended in 2007) the Azores and Madeira obtained more borrowing autonomy. Loans in foreign currency still must be approved by the central government but other loans can be freely obtained under rules laid down in law (Law No. 13/1998, Art. 23 and No. 1/2007, Art. 27). Interest and debt repayment resulting from

short term loans may not exceed 35 percent of current revenue and long term borrowing is allowed only for investment purposes (Law No. 13/1998, Arts. 23.2 and 25 and No. 1/2007, Art. 27.3). In addition, since 2007, the regional finance law established the general principle that debt issued by the regions cannot be guaranteed by the state (Law No.1/2007, Art. 35; OECD: Portugal 2008). Azores and Madeira score 2 beginning in 1998.

REPRESENTATION

The *comissões* have no democratic representation, though they are advised by two consultative chambers—one for sectoral interests and one for municipal interests. Elected local representatives do not constitute a majority in these councils (Law No. 494/1979, Arts. 9–10; Nanetti et al. 2004; OECD: Portugal 2008).

Distritos have an assembly dominated by local interests. It is comprised of representatives of the *câmaras municipais* (municipal executives), *assembleias municipais* (municipal assemblies), and *freguesias* (parish councils). Executive power is in the hands of a *gobernador civil* (civil governor), appointed by the central government, who is assisted by an advisory body consisting of four to six members elected by the district assembly and four policy specialists appointed by the central government (Committee of the Regions 2005; Council of Europe 1998, 2006; Law No. 56/1991, Arts. 26–31 and 40–41).

In the Azores and Madeira, *assembleias* are directly elected on a four-year cycle and the *governo regional* (regional executive) is responsible to the *assembleia* (C 1976, Art. 231).

Shared rule

Distritos and *comissões de cooperação e desenvolvimento regional* do not have shared rule, but there is shared rule for the autonomous regions of the Azores and Madeira.

LAW MAKING

Five regional representatives for Azores and six for Madeira are directly elected to the unicameral *assembleia nacional* (national assembly), but the regions are not special electoral units. However, the assemblies of Madeira and Azores can influence—though not co-decide—national policies that affect their regions. Beginning with the 1976 constitution, they can propose legislation in the national legislature (*L5*) (C 1976, Art 170.1). Since 2005, the national assembly is constitutionally bound to consult the regional assemblies, and each regional assembly can submit amendments or legislative drafts with respect to taxation, environmental policy, criminal law, law and order, regional planning, and social security. If the national parliament approves these drafts, they become law in the region (*L5*) (C 2005, Art. 227.1v; Law No. 1/2004).

EXECUTIVE CONTROL

There are several mechanisms for regional input in executive policy making, but none of these enable the autonomous regions to bind the central government. The presidents of the governments of the Azores and Madeira sit on the *conselho do estado* (council of state), which gives non-binding advice to the president on the executive's discretionary powers, including dissolution of the national or regional assemblies and declaration of war (C 1976, Arts. 145 and 148). More consequential for day-to-day policy making is a constitutional requirement for the central government to consult the government of an autonomous region on issues that might affect it.[α] This obligation has been extended in successive constitutional reforms, and since 2005 it also encompasses EU policy making (C 2005, Art. 227.1v; Lanceiro s.d; Law No. 1/2004). Azores and Madeira score 1 from 1976.

FISCAL CONTROL

Before the regional finance law of 1998, the Azores and Madeira regularly discussed matters of fiscal and monetary policy with the central government on an ad hoc basis.[α] These meetings were not institutionalized and did not result in binding decisions (Harloff 1987). Since 1998, the regional finance law stipulates that the central government and the governments of Azores and Madeira have to coordinate their taxing powers in a financial council (*conselho de acompanhamento das políticas financeiras*). This is an advisory body whose members are appointed by central and regional governments (Law No. 13/1998, Arts. 3–9). Since 2007, the financial council meets at least once a year, contains one representative from Azores and one representative from Madeira, and is presided by a representative of the ministry of finance (Law No. 1/2007, Art. 11).

BORROWING CONTROL

Borrowing control did not exist until 1998 when the annual state budget could impose indebtedness ceilings for Azores and Madeira.[α] The autonomous regions may make proposals but annual budget legislation is adopted by the national parliament (Law No. 13/1998, Art. 26 and No. 1/2007, Art. 30). The penalty for infringing the indebtedness limits is a commensurate reduction in transfers from the center (Da Cunha and Silva 2002).

CONSTITUTIONAL REFORM

Ultimate authority for the statutes of Azores and Madeira lies with the Portuguese parliament. However, the regional assemblies have agenda setting power since they must initiate the process by submitting a draft statute (C. 1976, Art. 228 and C 2005, Art. 226). If the national assembly amends the draft, it is sent back to the regional assembly for consultation. As of 1976 Azores and Madeira score 2 on bilateral constitutional shared rule.

Self-rule in Portugal

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Distritos	1950–2010	1	0	0	0	1	0	**2**
Comissões de cooperação e desenvolvimento regional	1979–2010	1	0	0	0	0	0	**1**
Açores	1976–1979	3	2	2	1	2	2	**12**
	1980–1997	3	3	2	1	2	2	**13**
	1998–2010	3	3	3	2	2	2	**15**
Madeira	1976–1990	2	2	2	1	2	2	**11**
	1991–1997	3	3	2	1	2	2	**13**
	1998–2010	3	3	3	2	2	2	**15**

Shared rule in Portugal

		Law making						Executive control		Fiscal control		Borrowing control		Constitutional reform		Shared rule
		L1	L2	L3	L4	L5	L6	M	B	M	B	M	B	M	B	
Distritos	1950–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Comissões de cooperação e desenvolvimento regional	1979–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Açores	1976–1997	0	0	0	0	0.5	0	0	1	0	0	0	0	0	2	**3.5**
	1998–2004	0	0	0	0	0.5	0	0	1	0	1	0	1	0	2	**5.5**
	2005–2010	0	0	0	0	0.5	0	0	1	0	1	0	1	0	2	**5.5**
Madeira	1976–1997	0	0	0	0	0.5	0	0	1	0	0	0	0	0	2	**3.5**
	1998–2004	0	0	0	0	0.5	0	0	1	0	1	0	1	0	2	**5.5**
	2005–2010	0	0	0	0	0.5	0	0	1	0	1	0	1	0	2	**5.5**

National legislature has: L1=regional representation; L2=regional government representation; L3=majority regional representation; L4=extensive authority; L5=bilateral regional consultation; L6=veto for individual region. Total for shared rule is either multilateral (M) or bilateral (B).

Serbia

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Serbia formed a federation with Montenegro in 1992 which was transformed into the somewhat looser state union of Serbia and Montenegro in 2003. In May 2006, following a referendum, Montenegro left the state union and in the same year Serbia passed its constitution as an independent state. Serbia contains one special autonomous region, Vojvodina, and is subdivided into twenty-four *okruzi* (districts) plus the district of Belgrade. Since 2009 there is an additional layer of intermediate governance, the *regionalni razvojni saveti* (regional development councils).

Okruzi are deconcentrated administrative units with an average population of around 300,000. Apart from the autonomous province of Vojvodina (*Autonomna Pokrajina Vojvodina*) and Kosovo (*Kosovo i Metohija*),[15] only municipalities, towns, and the city of Belgrade have constitutionally grounded "territorial autonomy" (C 2006, Arts. 189–193; Law No. 129/2007).

The constitution allows Vojvodina to implement, but not legislate, policies in regional development and urban planning; agriculture, forestry, hunting and fishing; water management; tourism; environmental protection; industry and crafts; road, river, and rail transport; fairs and other commercial events; education, sports, and culture; health, and social care (C 2006, Art. 183). A subsequent statute (Law No. 17/2009, 20/2014 and 54/2014) and Law (Law No. 99/2009) expanded the competences of Vojvodina, though still subject to Serbian law (Assembly of European Regions 2010). Vojvodina therefore scores 2 on institutional depth and 2 on policy scope.

Five (seven from 2010) *regionalni razvojni saveti*, including Kosovo and Vojvodina, were established at the NUTS-II level in 2009 (Law No. 51/2009 and 30/2010). The councils can make proposals, but executive power lies with regional development agencies supervised by the central government (Law No. 51/2009, Arts. 34–36 and No. 30/2010, Arts. 16–19). The provincial assembly of Vojvodina is responsible for its regional development council (Law No. 51/2009, Art. 20 and No. 99/2009, Art. 10).

FISCAL AUTONOMY

As deconcentrated governments, *Okruzi* are financed entirely by intergovernmental grants. Vojvodina is also dependent on intergovernmental grants, and revenues collected in Vojvodina go directly to the central state. The

[15] As a UN protectorate, Kosovo is not included in Serbia's scores. When Kosovo declares independence in 2008, it obtains a separate entry in the dataset.

constitution stipulates that Vojvodina's budget is a minimum of 7 percent of the national budget, 3 percent of which must be used for capital expenditure (C 2006, Art. 184). The constitution and the autonomy statute of *Vojvodina* (Law No.17/2009, Art. 63 and No. 20/20104, Art. 58) prescribe that Vojvodina's revenues be established by law, but enabling legislation has not been enacted.[16]

Regionalni razvojni saveti are reliant on intergovernmental grants from the EU, the national government, and in Vojvodina, from the regional government (Law No. 51/2009, Art. 48).

BORROWING AUTONOMY

Okruzi and *regionalni razvojni saveti* cannot borrow.

The constitution (C 2006, Art. 93) and the statute of the autonomous province of Vojvodina (Law No.17/2009, Arts. 27 and 34 and No. 20/20104, Arts. 25 and 31) grants borrowing rights to the region, but this has not been implemented in legislation.[α] A law on the national bank forbids it from approving credits or loan facilities to subnational governments or their agencies (Law No. 72/2003, Art. 62).

REPRESENTATION

Okruzi do not have representative bodies. The parliament of the autonomous province of Vojvodina is directly elected on a four-year cycle (C 2006, Art. 180; Law No. 3/2012). The assembly chooses its president as well as the members of the government (Law No. 4/2010).

Each *regionalni razvojni saveti* has a council of local government representatives, a national government appointee, and non-voting representatives chiefly from the public sector (Law No. 51/2009, Art. 32). Local representatives predominate, so *regionalni razvojni saveti* score 1 on assembly.

Shared rule

Okruzi and *regionalni razvojni saveti* have no role in shared rule, but the special autonomous province of Vojvodina has limited power sharing.

LAW MAKING

Serbia's national parliament is unicameral. Vojvodina is not a unit of representation in the national legislature (*L1*), and the Vojvodina government cannot send delegates to the parliament (*L2*). The country forms a single electoral constituency in which seats are allocated in rough proportion to

[16] Serbia News. "Platform for drafting bill on financing Vojvodina adopted." <http://inserbia.info/today/2013/11/platform-for-drafting-bill-on-financing-vojvodina-adopted/>.

votes. However, the Vojvodina assembly has a legal right to propose a law to the Serbian parliament (*L5*) (C 2006, Art. 107).

EXECUTIVE CONTROL

There are no routine meetings between the Serbian central government and the government of Vojvodina. The Law spelling out the competences of the province allows the central government to establish a standing intergovernmental commission with representatives from both central and provincial governments (Law No. 99/2009, Art. 5), but this has not been implemented.[a]

FISCAL CONTROL

According to the constitution, Vojvodina is entitled to 7 percent of the national budget (C 2006, Art. 184) and Vojvodina's share in revenues is regulated by law (Law No. 99/2009, Art. 8). Neither arrangement is subject to negotiation. Vojvodina does not have a role in amending the Serbian constitution (C 2006, Art. 203), and the competence law can be altered by a two-thirds majority in the Serbian national assembly (C 2006, Art. 182).

BORROWING CONTROL

Vojvodina does not have borrowing control.

CONSTITUTIONAL REFORM

Amending the Serbian constitution is a matter for the unicameral national assembly of Serbia (C 2006, Art. 203). Vojvodina has several avenues to exert control over its constitutional status. Its assembly can provide an opinion on constitutional amendments which concern the province (Law No. 17/2009, Art. 34). A law that revokes or merges or changes the borders of the province requires approval in a regional referendum (C 2006, Art. 182). And most decisively, the approval of Vojvodina's assembly is required for revision of its autonomy statute (C 2006, Art. 185).

Self-rule in Serbia

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Okruzi	2006–2010	1	0	0	0	0	0	**1**
Vojvodina	2006–2010	2	2	0	0	2	2	**8**
Regionalni razvojni saveti	2009–2010	1	0	0	0	1	0	**2**

Shared rule in Serbia

		Law making						Executive control		Fiscal control		Borrowing control		Constitutional reform		Shared rule
		L1	L2	L3	L4	L5	L6	M	B	M	B	M	B	M	B	
Okruzi	2006–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Vojvodina	2006–2010	0	0	0	0	0	0.5	0	0	0	0	0	0	0	4	**4.5**
Regionalni razvojni saveti	2009–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**

National legislature has: L1=regional representation; L2=regional government representation; L3=majority regional representation; L4=extensive authority; L5=bilateral regional consultation; L6=veto for individual region. Total for shared rule is either multilateral (M) or bilateral (B).

Serbia and Montenegro

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Serbia and Montenegro, the legal successor of the Federal Republic of Yugoslavia, was a federation between 1992 and 2002, a confederation between 2003 and 2006, and became two independent states in June 2006 (Batt 2002, 2007; Crnohrnja 2002). The federation and confederation consisted of two republics: Serbia (*Republika Srbija*) and Montenegro (*Republika Crna Gora*). Serbia contained two autonomous regions, Kosovo (*Kosovo i Metohija*) and Vojvodina (*Autonomna Pokrajina Vojvodina*). Serbia was divided into twenty-nine *okruzi* (districts) plus the district of Belgrade, of which five districts are in Kosovo. Montenegro had no intermediate tier.

The 1992 constitution listed federal competences and granted the constituent republics residual powers. Among federal competences were civil rights, regulation of the single market (including standard setting on agricultural, health, and pharmaceutical products), the environment, health, regional development, science and technology, transportation, territorial waters, property rights, social security and labor standards, foreign relations, customs, immigration, and defense (C 1992, Art. 77). All other matters fell within the jurisdiction of the republics, including the right to conduct foreign relations and conclude treaties on matters within their competence. Citizenship was a competence of the republics, with the proviso that citizens of a republic were automatically citizens of Serbia–Montenegro and enjoyed equal rights and duties in the other republic, except for the right to vote and be elected (C 1992, Art. 17). The constitutional revision of 2003 restricted confederal competences to defense, immigration, international law, standardization, intellectual property, and free movement of people (C 2003, Art. 19). All other competences, including foreign policy and citizenship, rested with the republics (C 2003, Art. 7).

Serbia had two autonomous regions—Kosovo and Vojvodina—with the authority to implement, but not legislate, in the fields of culture, education, language, public information, health and social welfare, environmental protection, urban and rural planning, and regional economic development (C 1990, Art. 109). They did not control local government or have residual powers. In 1990 Vojvodina and Kosovo were stripped of most powers, though the regions kept their parliaments and executives. The constitution was unchanged.

Violence escalated in Kosovo from 1995 and in 1999 it was brought under United Nations administration, though Serbia retained nominal sovereignty (Jenne 2009). Kosovo is not coded for the duration of UN guardianship, and we code it independently from 2008.

After the fall of Milošević in late 2000, the new democratically elected government began negotiations with Vojvodina, which led to the adoption of a law defining the competences of the autonomous province, also known as the omnibus law, which came into force at the beginning of 2002 (Law No. 55/2001). This gave Vojvodina some implementing power with regard to media, health, welfare, the environment, construction and urban development, employment, economy, mining, agriculture, tourism, and sport.

FISCAL AUTONOMY

Under the 1992 constitution, both the federal government and the republics of Serbia and Montenegro had full authority over all taxes except for some portion of sales taxes and customs and excise taxes (C 1992, Art. 76). The constitutional revision of 2003, which created a confederation, transferred all fiscal powers to the republics and the confederation was dependent on contributions from the republics of Serbia and Montenegro (C 2003, Art. 18).

In Serbia, tax authority was highly centralized, and *okruzi* and the autonomous provinces were dependent on central government transfers. The Serbian constitution stipulated that the autonomous provinces could collect revenues as laid down by law (C 1990, Art. 109), but an enabling law was never passed.[α]

BORROWING AUTONOMY

During federation, the constitution stipulated that the federal government could not borrow, but the republics could (C 1992, Art. 76). The constitutional revision of 2003 reinforced this (C 2003, Art. 18). In Serbia, *okruzi* and the autonomous provinces of Vojvodina and Kosovo were not allowed to borrow.

REPRESENTATION

The parliaments of Serbia and Montenegro and, within Serbia, the assemblies of the autonomous provinces of Vojvodina and Kosovo were directly elected

on four-year cycles (C 1990, Art. 74, C 1992, Art. 77, C 1992, Art. 80, and C 2003, Art. 20). All assemblies chose their executives (C 1990, Art. 92, C 1992, Art. 92, C 1992, Art. 101, and C 2003, Art. 21). *Okruzi* in Serbia were deconcentrated government outposts without elected officials.

Shared rule

There was considerable power sharing between the republics in the federation and confederation. Within Serbia, there was some bilateral power sharing with the special autonomous regions.

LAW MAKING

Under the 1992 constitution, the upper house (chamber of republics; *Vece Republika*) of Serbia–Montenegro was made up of twenty deputies from each member republic elected by the republic assemblies (*L1*, *L2*, *L3*) (C 1992, Art. 80.3). In general, the two houses voted, by simple majority, on all matters within the jurisdiction of the federal legislature, except that a two-thirds majority in the upper house was necessary for single market legislation, regulation in the socioeconomic field, and regional development (*L4*) (C 1992, Art. 90).

The 2003 reform introduced a unicameral parliament in which Serbia had ninety-one and Montenegro thirty-five deputies (C 2003, Art. 20). The aggregation rule fell between the principles of "one region, one vote" and "one person, one vote," though closer to the former than the latter (Serbia had about ten million inhabitants and Montenegro slightly more than 600,000) (*L1*). Deputies were indirectly elected from the assemblies of Serbia and Montenegro for the first two years upon adoption of the constitutional charter (C 2003, Art. 20). We consider this to be institutional representation (*L2*).[β] Regional representatives constituted the majority of representatives, and while the scope of parliamentary authority was narrowed compared to its predecessor, the assembly retained significant legislative authority (*L4*). Each republic had a veto since laws and constitutional amendments required a double majority: a majority of representatives of each republic and an overall absolute majority (*L5*, *L6*) (C 2003, Art. 23). Following a three-year waiting period specified in the constitution (C 2003, Art. 60), the Montenegrin parliament initiated secession by calling for a referendum, which was held in June 2006.

The autonomous provinces of Vojvodina and Kosovo (until it became a UN protectorate in 1999) did not share law making in the (con)federation of Serbia and Montenegro. The assemblies of the autonomous provinces had the constitutional right to introduce bills and regulations in the Serbian parliament (*L5*) (C 1990, Art. 80).

EXECUTIVE CONTROL

Serbia, Montenegro, Vojvodina, and Kosovo did not have executive control.[α]

FISCAL CONTROL

The republics had a veto over the distribution of revenues in the (con)federation through their role in the (con)federal parliament (C 1992, Art. 80.3). From 2003, a double majority was required: a majority of representatives of each republic and an overall absolute majority. This also gave the republics a veto for bilateral fiscal control (C 2003, Art. 23). The autonomous provinces of Vojvodina and Kosovo did not have fiscal control.

BORROWING CONTROL

There were no routine intergovernmental meetings to coordinate borrowing. The autonomous provinces of Kosovo and Vojvodina did not have borrowing control.

CONSTITUTIONAL REFORM

Between 1992 and 2002, constitutional change required a two-thirds majority in both chambers (C 1992, Art. 139). Constitutional articles, including those relating to federal accession, secession, and federal and republic competences, required legislative majorities in each republic and a two-thirds majority in the lower house of the federation (C 1992, Art. 140). From 2003, constitutional change required the consent of both republics' legislatures (C 2003, Art. 61–2) in addition to a double majority in the unicameral legislature (C 2003, Art. 23).

Vojvodina and Kosovo had a veto on constitutional change within Serbia but no input in reforming the constitution of the (con)federation. The Serbian constitution stated that the statutes of the autonomous provinces "shall be enacted by its assembly, subject to prior approval of the national Assembly" (C 1990, Art. 110).[β]

Self-rule in Serbia and Montenegro

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Montenegro	1992–2006	3	4	4	3	2	2	**18**
Serbia	1992–2006	3	4	4	3	2	2	**18**
Okruzi	1992–2006	1	0	0	0	0	0	**1**
Kosovo	1992–1998	2	1	0	0	2	2	**7**
Vojvodina	1992–2001	2	1	0	0	2	2	**7**
	2002–2006	2	2	0	0	2	2	**8**

Shared rule in Serbia and Montenegro

		Law making						Executive control		Fiscal control		Borrowing control		Constitutional reform		Shared rule
		L1	L2	L3	L4	L5	L6	M	B	M	B	M	B	M	B	
Monte -negro	1992–2002	0.5	0.5	0.5	0.5	0	0	0	0	2	0	0	0	4	4	**8**
	2003–2006	0.5	0.5	0.5	0.5	0.5	0.5	0	0	2	2	0	0	0	4	**9**
Serbia	1992–2002	0.5	0.5	0.5	0.5	0	0	0	0	2	0	0	0	4	4	**8**
	2003–2006	0.5	0.5	0.5	0.5	0.5	0.5	0	0	2	2	0	0	0	4	**9**
Okruzi	1992–2006	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Kosovo	1992–1998[a]	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
	1992–1998[b]	0	0	0	0	0.5	0	0	0	0	0	0	0	0	4	**4.5**
Vojvodina	1992–2006[a]	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
	1992–2006[b]	0	0	0	0	0.5	0	0	0	0	0	0	0	0	4	**4.5**

National legislature has: L1=regional representation; L2=regional government representation; L3=majority regional representation; L4=extensive authority; L5=bilateral regional consultation; L6=veto for individual region. Total for shared rule is either multilateral (M) or bilateral (B).
Note: [a] Power sharing in Serbia and Montenegro.
[b] Power sharing in Serbia. These scores are not used to calculate the country score for Serbia and Montenegro.

Slovenia

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Slovenia originally had one level of subnational government, which is a municipal tier (C 1991, Arts. 138–148; Law No. 72/1993). In 1999 an intermediate tier was created consisting of twelve *regionalne razvojne agencije* (regional development agencies), which is what we code. There are also fifty-eight deconcentrated administrative units of the central state that, with an average population of 35,000 in 2010, are local governments (Council of Europe: Slovenia 1998, 2007; Setnikar-Cankar et al. 2000). Municipalities are allowed to form regional consortia and the central state may vest them with competences, but these voluntary groupings remain experimental and the state has not delegated powers to them yet (Assembly of European Regions 2010; C 1991, Art. 143).

Slovenia was divided into twelve statistical regions at independence in 1991 (*statistična regije*) (Pinterič 2009; Repar 2006). In 1999, a law on balanced regional development (Law No. 60/1999) mandated that the central government set up regional development agencies to replace these statistical regions. These agencies implement EU structural funding under the supervision of the ministry of development which writes the regional plans (Law No. 60/1999, Arts. 7–8 and 16). The agencies have no councils or assemblies. *Regionalne razvojne agencije* are deconcentrated and score 1 on institutional depth and zero on all other dimensions.

Decentralization was an explicit policy goal in the 2000s, but implementation has been patchy (Setnikar-Cankar 2011). A constitutional amendment in 2006 paved the way for the creation of fourteen provinces as a new tier of government. However, the legislative package failed to gain parliamentary approval and a consultative referendum held in 2008 did not generate sufficient turnout (Andreou and Bache 2010). To date, no provinces have been created.

In 2011, the law on balanced regional development was amended to transform the regional agencies into self-governing development regions with broader competences governed by an executive and assembly (Law No. 20/2011, Art. 18). These regional development councils (*razvojni svet regije*) consist of representatives from municipalities, business, and non-governmental organizations who elect their president (Andreou and Bache 2010; Law No. 20/2011, Art. 11). Executive tasks are handled by regional development agencies and are supervised by the central government (Law No. 20/2011, Arts. 11 and 20). The law on regional development was amended once more in 2012 to bring in municipal mayors as *ex officio* members (Law No. 57/2012, Arts. 8–9).

Self-rule in Slovenia

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Regionalne razvojne agencije	1999–2010	1	0	0	0	0	0	**1**

Spain

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Spain has two tiers of regional governance: fifty *provincias* (provinces), which date from 1833, and seventeen *comunidades autónomas* (autonomous communities), which came into being with Spain's transition to democracy in 1978, alongside two *ciudades autónomas* (autonomous cities, Ceuta and Melilla) (C 1978, Art. 137). Seven *comunidades autónomas* are single provinces (Asturias, Baleares, Cantabria, Madrid, Murcia, Navarre, and La Rioja),[17] and in these cases there is a single regional government, the *comunidad*.[18]

[17] Many Spanish *provincias* and *comunidades* have co-official spellings in the local language/s. We use both in the dataset and tables, but use English in the profiles.

[18] When calculating country scores we do not include the self-rule exercised by these uniprovincial *comunidades* in the scores of the *provincias*.

Comunidades autónomas may establish *comarcas* (counties), which is a third tier of government between municipalities and *provincias* (Council of Europe: Spain 1997). *Comarcas* exist in Aragon, Asturias, Cantabria, Castilla y León, and Catalonia (Law No. 3/1986, 6/1987, 1/1991, 10/1993, and 8/1999) but only in Catalonia do they meet the population criterion for regional government. In addition, there is one autonomous *comarca* in Catalonia: *Val d'Aran* (Aran Valley) (Law No. 16/1990).

Under the rule of Francisco Franco from 1950–77 the fifty *provincias* functioned as deconcentrated outposts of the central government. Two of them, Álava (*Araba*) and Navarre (*Navarra/Nafarroa*), enjoyed special fiscal rights (*fueros* discussed below).

The constitution of 1978 guarantees self-government for all nationalities and regions (C 1978, Art. 143) and lists twenty-two competences that could be transferred to *comunidades*. These include city and regional planning, health and hygiene, housing, public works, regional railways and roads, ports and airports, agriculture, forests and fishing, environmental protection, culture, tourism, promotion of sports, social welfare, economic development within the objectives set by national economic policy, and regional political institutions (C 1978, Art. 148; Council of Europe: Spain 1997; Harty 2002). *Comunidades* can assume residual powers if so stated in their autonomy statute (C 1978, Art. 149.3; Hueghlin and Fenna 2006: 172). The central government has exclusive jurisdiction over foreign policy, defense, justice, labor, civil and commercial law, social security, public safety, customs and trade, and the currency, as well as citizenship and immigration (C 1978, Art.149; Council of Europe: Spain 1997; Harty 2002; Swenden 2006; Watts 1998, 2008). The central government may also enact framework legislation and transfer or delegate competences to the *comunidades*, and it may adopt harmonization laws even when jurisdiction lies with the *comunidades* (C 1978, Art. 150; Maiz et al. 2010). The *comunidades* score 3 on institutional depth and policy scope from the year in which they adopt their autonomy statute.

The 1978 constitution laid out two routes to regional autonomy (Agranoff and Gallarín 1997; Harty 2002): the *vía rápida* (fast track, C 1978, Art. 151) and the *vía lenta* (slow track, C 1978, Art. 148.2). The fast track was meant to be used only by the three historic nationalities that passed autonomy statutes during the Second Republic—the Basque Country, Catalonia, and Galicia—though Andalusia used the avenue as well. The first two had their statutes approved by the Spanish congress in 1979, while those of Andalusia and Galicia were passed in 1981 (Harty 2002; Law Nos. 3/1979, 4/1979, 1/1981, and 6/1981). The remaining *comunidades* negotiated a limited transfer of powers with the central government, which could be extended later.

By 1983 all *comunidades* had approved statutes and self–governing institutions (Law Nos. 7–8/1981, 3–5/1982, 8–10/1982, 13/1982, and 1–4/1983;

Morales and Molés 2002; Swenden 2006: 64). Valencia, the Canary Islands, and Navarre demanded and received additional competences early on, while the rest obtained new powers through renegotiation of their statutes during the 1990s and early 2000s.

Exclusive competences were expanded for the ten slow track *comunidades*—Asturias, Cantabria, La Rioja, Murcia, Aragon, Castilla-La Mancha, Extremadura, Baleares, Madrid, and Castilla y Leon—with a Law adopted in 1992 and coming into effect in 1994 (Law Nos. 9/1992, 1–4/1994, and 6–11/1994; Morales and Molés 2002). Their competences included gambling, industry, distribution and transport of energy, advertisement, meteorological services, concurrent powers in education, consumer protection, mining, energy, environmental protection, press, radio, and television (Law No. 9/1992, Arts. 2–3 and 19). Implementing powers were extended to international trade, management of the social security system, museums, libraries, weights and measures, pharmaceuticals, labor and industrial and intellectual property (Agranoff and Gallarín 1997; Law No. 9/1992, Art. 4).

Further decentralization in the second half of the 1990s brought the competences of the slow track *comunidades* closer to those of the fast track *comunidades* (Beramendi and Máiz 2004; Law Nos. 5/1996, 3/1997, 1/1998, 5/1998, 11/1998, and 1-4/1999) and some *comunidades* also negotiated increased autonomy during these years (Canary Islands, Law No. 4/1996; Valencia, Law No. 5/1994; Galicia, Law No. 16/1995 and 6/1999). A major reform in 2002 devolved responsibility for the provision of health and education to the ten slow track *comunidades* that did not already control these competences (Law No. 7/2001; López-Laborda and Monasterio 2006).

The reform of autonomy statutes is an ongoing process. Overhauls were passed in Catalonia and Valencia in 2006 (Law Nos. 1/2006 and 6/2006), Andalusia, Aragon, Baleares, and Castilla y León in 2007 (Law Nos. 1/2007, 2/2007, 5/2007, and 14/2007), Navarre in 2010 (Law Nos. 1/2001 and 7/2010), Extremadura in 2011 (Law No. 1/2011), Murcia in 2013 (Law No. 7/2013), and Castilla-La Mancha in 2014 (Law No. 2/2014).[19]

Ceuta and Melilla were part of Spanish Morocco until it gained independence from Spain in 1956, while they remained part of Spain. The cities were governed as dependencies under the Franco regime. After the transition to democracy, the *ciudades* became autonomous and self-governing within the

[19] The new statutes accommodate prior reforms, slightly amend regional law making, or reduce the number of deputies in the regional parliament. Some *comunidades* also changed their preambles, declaring themselves historic nations. See Generalitat de Catalunya. Departament de Governació i Relacions Institucionals. "Quadre comparatiu de les reformes dels estatuts d'autonomia de Catalunya, Andalusia i Aragó" and "Quadre comparatiu de les reformes dels estatuts d'autonomia de Catalunya, Comunitat Valenciana, Illes Balears, Castella i Lleó, Navarra i Extremadura." <http://web.gencat.cat/en/generalitat/estatut>

Spanish constitutional framework. Local assemblies were set up with the first direct elections in 1979. The 1978 constitution created an option for Ceuta and Melilla to become *comunidades*, but this reform never took place. Instead, in 1995, both enclaves negotiated statutes as *ciudades autónomas* (Law No. 1–2/1995), a unique and intermediate status. For example the central government still directly provides health care. However, their statutes otherwise grant similar powers as for *comunidades*. The *ciudades* score 1 on institutional depth and zero on policy scope until 1978; from 1978 the scores on institutional depth and policy scope increase to 2^{α} until the 1995 reform, when the scores on both dimensions increase to 3.

Under the Franco dictatorship the *provincias* were deconcentrated. In 1978 a Law on local elections reformed the institutions of the *provincias* with indirectly elected assemblies as part of the return to democracy (Law No. 173/1978). The primary functions of *provincias* are in social services and fairs (Agranoff and Gallarín 1997). They share with municipalities responsibility for culture, solid waste treatment, coordinating municipal services, delivering rural services, technical assistance to municipal councils, and investment planning for small municipalities (Council of Europe: Spain 1997).$^{\beta}$ *Provincias* also coordinate and provide inter-municipal policies (Committee of the Regions 2005; Law No. 7/1985, Art. 31). The *provincias* score 1 on institutional depth and 0 on policy scope until 1978 and 2 and 1, respectively, as of 1978.[20]

Prior to the democratic transition, Álava and Navarre were allowed to keep unique fiscal arrangements and some limited autonomy in culture and education. These two *provincias* score 1 on institutional depth and 1 on policy scope during the dictatorship. After the democratic transition the unique fiscal arrangements (*fueros*) for all four historically Basque *provincias*, Álava, Navarre, Biscay (*Bizkaia/Vizcaya*), and Gipuzkoa (*Guipúzcoa*) were reinstated (discussed in more detail under fiscal autonomy).

Catalonia has a third layer of intermediate government—*comarcas*. The legal framework was created by a 1987 regional Law (Law No. 6/1987) and reformed in 2003 (Law No. 8/2003). Municipalities may join together to establish *comarcas* via a popular referendum. The *comarcas* primarily act in public health, environment, economic development, social services, consumer protection, tourism, and regional planning (Agranoff and Gallarín 1997; Law No. 6/1987, Art. 25). The 2003 reform expanded their competences within the general framework of local government and created a council of mayors with formal oversight authority in the *comarca*. It also allowed a

[20] Provincial competences are absorbed into the regional government in seven uniprovincial *comunidades* (Asturias, Cantabria, Baleares, La Rioja, Madrid, Murcia, and Navarre). In these cases the authority of *provincias* is not scored once the autonomy statute of the *comunidad* has been adopted and the *provincias* cease to function as autonomous institutions.

comunidad, *provincia*, or municipality to delegate responsibilities to the *comarcas*. The *comarcas* score 2 on institutional depth and 2 on policy scope.

There is one autonomous *comarca* in Catalonia. Val d'Aran has special authority to protect the Aran language through the public education system (Law No. 16/1990, Art. 20). These differences are too fine-grained to be captured by our measure and Val d'Aran scores the same on institutional depth and policy scope as other *comarcas*.

FISCAL AUTONOMY

There are two tax regimes for *comunidades*: a special *foral* regime for Navarre and the Basque Country and a common regime for the remaining *comunidades*.

The common tax regime for *comunidades* was established in 1980 with the adoption of an organic law on the finances of autonomous communities (called the LOFCA) setting out which taxes could be devolved and which could not. Taxes that could be devolved were wealth taxes and taxes on real estate sales, inheritance, property, and gambling (Aja 2001; Law No. 8/1980, Art. 9; Toboso and Scorsone 2010).

Subsequent legislation ceded extensive regional control over spending, but little control over revenue. In 1993, *comunidades* began to receive 15 percent of the central income tax. In 1997 this was doubled to 30 percent and *comunidades* gained control over property tax and several minor taxes (inheritance and gifts, real estate, and stamp tax, and both base and rate on gambling) (Almendral 2002). *Comunidades* also gained authority over the rate of income tax within a band set by central government (Law No. 3/1996; Morales and Molés 2002; Toboso and Scorsone 2010). In 2002 another 3 percent of the income tax was devolved, along with 40 percent of alcohol, tobacco, and petrol, 35 percent of the VAT, and 100 percent of electricity (Law No. 7/2001; López-Laborda et al. 2006; López-Laborda and Monasterio 2006; Toboso and Scorsone 2010; Swenden 2006: 134). In 2010, the ceded amounts increased to 50 percent of the income tax, 50 percent of the VAT, and 58 percent of alcohol, tobacco, and petrol (Chapman Osterkatz 2013: 358; Herrero-Alcalde et al. 2012; Law No. 3/2009). *Comunidades* can introduce new taxes if not already levied by the central government (Law No. 8/1980, Art. 6), but there are few areas where this is possible. The *comunidades* score 2 until 1997 and 3 from 1997 onwards.

Until 1978, Ceuta and Melilla were ruled as dependencies. From 1978 until 1996, they were entitled to an additional share of central taxes and an additional 50 percent of the fiscal portion of municipal taxes levied by the enclaves.[α] The 1996 reform of the law on the financing of the autonomous communities put them on equal fiscal footing with *comunidades* (Law No.

3/1996). Ceuta and Mellila score zero until 1978, 2 from 1978 until 1996, and 3 from 1996 onwards.

Provincias have limited fiscal autonomy.[a] They are funded with small portions of the income tax, VAT, municipal transfers, and some other minor taxes of those living in their territory (Law No. 39/1988, Art. 125). *Provincias* can levy a surcharge on the business tax within centrally imposed limits and control the rate of property tax, a surcharge on the municipal business tax, and a motor vehicle tax. They can also set the rate on buildings, facilities, and urban property (Agranoff and Gallarín 1997; Council of Europe 1997; Law No. 39/1988, Art. 124; Pedraja-Chaparro et al. 2006). *Provincias* score 1 from 1978.

The foral regime in Navarre and the Basque Country dates back to Roman times and during the Franco regime survived only in the *provincias* of Álava and Navarre (Law No. 16/1969 and 2948/1976).[a] The constitution of 1978 reauthorized the special fiscal arrangements for the *provincias* of Biscay and Gipuzkoa (Aja 2001; C 1978, additional provision one). While in the rest of Spain, taxes are paid to the center and set amounts are transferred back to the *comunidades*, the governments of these four provinces collect income, corporate, inheritance, and wealth taxes and are able to the set the rate and base for these taxes autonomously (López-Laborda and Monasterio 2006; Toboso and Scorsone 2010). Taxes are collected at the provincial level and a portion is remitted to the central and Basque governments after negotiations (Toboso and Scorsone 2010). In the Basque territories the amount must total 6.24 percent of what the central government spends on non-transferred competences. The amount is 1.62 percent in Navarre (Chapman Osterkatz 2013: 94).

The modern fiscal regime in the Basque Country (*Concierto*) was set up in 1981 (Law No. 12/1981) and reformed in 2002 (Law No. 12/2002; López-Laborda et al. 2006). The Basque parliament guarantees harmonization among the three provinces with regard to their legislative and executive powers. To this end, the Basque tax coordination agency (*Órgano de Coordinación Tributaria de Euskadi*) was created in 1989 (Law No. 3/1989) and the three provincial councils and the Basque government are represented in this agency. However, the Basque government cannot compel its provinces to enact or revoke taxes. Fiscal autonomy lies with the Basque provinces and the *comunidad* scores zero.[a] Álava scores 3 from 1950–77 and 4 subsequently and Biscay and Gipuzkoa score zero until 1977 and 4 subsequently.

Navarre's fiscal regime (*Convenio*) originated in 1841 and has been renewed several times, most recently in 1969 and 1990. The arrangements were prolonged during the democratic transition and through the process of creating the *comunidades* (Law Nos. 839/1978, 2655/1979, 13/1982, Arts. 43 and 45; López-Laborda et al. 2006). The first amendment to the fiscal regime concerned the collection and administration of VAT (Law No. 18/1986). The

1990 *Convenio* (Law No. 28/1990) was reformed in 2003 (Law No. 25/2003). Navarre scores 3 from 1950–81 and 4 thereafter.

Catalan *comarcas* and the Val d'Aran are funded by the municipalities and cannot set the base or rate of a tax (Law No. 6/1987, Arts. 43–47 and No. 16/1990, Art. 25).

BORROWING AUTONOMY

All *comunidades* may issue debt with prior authorization by the central government (Gordo and Cos 2001; European Commission 2012; Toboso and Scorsone 2010). Authorization is also necessary for loans raised outside the European Monetary Union (EMU) (Council of Europe 2000). Only access to short term credit of less than one year is not subject to prior central approval. Furthermore, *comunidades* may borrow only to finance capital investments and the sum on annual repayments and interest may not exceed 25 percent of the regional government's revenue (Gordo and Cos 2001; Law No. 8/1980, Art. 14; Swenden 2006: 134). *Comunidades* may borrow to mitigate temporary cash imbalances if the bond maturity does not exceed one year.

Since 2002, *comunidades* must run balanced budgets or budgets with a surplus (Law No. 5/2001; Law No. 3/2006; López-Laborda and Monasterio 2006) and, as of 2010, they have an obligation to publish budgetary execution data on a quarterly basis (European Commission 2012). *Comunidades* score 1 on borrowing autonomy from 1980 or from the year in which their autonomy statute was adopted.

All *provincias* may borrow only for investment purposes and under prior authorization by the ministry of finance or by the government of its *comunidad* (and then only if the *comunidad* has assumed monitoring competences) (Council of Europe 1997; Law No. 39/1988, Arts. 50–54; Monasterio-Escudero and Suárez-Pandiello 2002). Prior to the democratic transition, a network of public banks issued credit to provincial and municipal governments on a regular basis.[a] Soon after the transition, central bailouts were required to stabilize local finances. *Provincias* therefore score 1 from 1950.

Until 1978, Ceuta and Melilla were ruled as dependencies but fell under the same borrowing regime as *provincias* between 1978 and 1995. They are subject to the same borrowing rules as *comunidades* from 1995.[a] Ceuta and Melilla score zero until 1978 and 1 from 1978 onwards.

Catalan *comarcas* and Val d'Aran are funded by their municipalities and have no borrowing autonomy (Law No. 6/1987, Arts. 43–47 and No. 16/1990, Art. 25).

REPRESENTATION

At the level of the *comunidad*, Catalonia, the Basque Country, Galicia, and Andalusia hold direct elections on a date set by their assembly (Colino and del

Pino 2010; Gómez Fortes and Cabeza Perez 2013). The first elections took place in Catalonia and the Basque Country in 1980, followed by Galicia in 1981 and Andalusia in 1982. Direct elections were introduced in all other *comunidades* in 1983 and take place every four years. In all *comunidades*, executives are elected by and from the assemblies. *Comunidades* score 2 on assembly and 2 on executive from the first election onwards.

Ceuta and Melilla were managed directly from the center during the Franco regime and have had popularly elected councils since 1979, with executives elected by the assembly (Law No. 1-2/1995). Ceuta and Melilla score zero on assembly and executive until 1979 and 2 and 2, respectively, from 1979.

All *provincias* have had indirectly elected assemblies (*juntas generales* or *cortes*) selected by the municipalities and an executive (*diputación provincial* or *foral*) since 1812 (Law No. 173/1978, Art. 31). The assembly elects the executive (Law No. 173/1978, Art. 34) but under the dictatorship of Franco the president of the executive (*gobernador civil*) was centrally appointed. *Provincias* score 1 on assembly and zero on executive until 1978 and 1 and 2, respectively, from 1978.

The *comarcas* in Catalonia have indirectly elected councils (Law No. 6/1987, Art. 20). The assembly of Val d'Aran (*Conselh Generau d'Aran*) is directly elected (Law No. 16/1990, Art. 11-3). The executive in the *comarcas* is elected by the council (Law No. 6/1987, Art. 22; Law No. 16/1990, Art. 15). *Comarcas* score 1 on assembly and 2 on executive and Val d'Aran scores 2 and 2, respectively.

Shared rule

There is no shared rule for *comarcas* and Val d'Aran (Law No. 6/1987 and 16/1990). *Provincias* do not participate in intergovernmental meetings with the exception of those in the Basque Country, and have no executive, fiscal, or borrowing control.

LAW MAKING

Until 1977, the Spanish parliament was unicameral. The *Cortes Generales* (lower house) was set up in 1942 by the Franco regime. Provincial representation consisted of the mayor of the capital city of each *provincia* and one representative from the municipalities (Law No. 200/1942, Art. 2.e), but provincial weight in the *Cortes* as a whole was minimal (Law No. 200/1942, Art. 2). Moreover, the parliament lacked authority since Franco could legislate by decree.

A law on political reform was passed in the *Cortes* in 1976 and put to popular referendum in early 1977 (Law No. 1/1977). The law re-established the senate as a body of territorial representation, giving the king the right to appoint a fifth of the members (Law No. 1/1977, Art. 2). The 1978 constitution

eliminated royal appointment and introduced representation for the *comunidades* (C 1978, Art. 66), which had not yet been formed. Since then, the *provincias* have 208 members and *comunidades* fifty-eight members in the 266-seat chamber (Harty 2002; Watts 2008). The *Senado* has some reserved powers over constitutional appointments (C 1978, Arts. 122 and 159), but can be overridden by a majority in the lower house on normal legislation and may not initiate legislation (C 1978, Art. 90).

The assembly of each *comunidad* selects at least one member up to a limit of one senator per million inhabitants (C 1978, Art. 69.5). In the current *Senado*, the number of seats ranges from one for La Rioja, Cantabria, and Navarre to eight for Catalonia and nine for Andalusia. While the aggregation rule clearly falls between the principle of "one region, one vote" and "one person, one vote," it appears closer to the latter.$^{\beta}$ *Comunidades*' assemblies designate representatives in the *Senado* (*L2*) but their representatives constitute a minority (zero on *L3*).

All provincial senators are popularly elected: four per *provincia* on the mainland, three for the larger islands, and two for the smaller islands (C 1978, Art. 69; Hueghlin and Fenna 2006: 211–13). *Provincias* are the unit of representation (*L1*) and provincial senators constitute a majority in the *Senado* (*L3*).[21]

Under their special autonomy status, Ceuta and Melilla each had three representatives, one directly elected deputy in the lower house and two directly elected senators, but they did not have special bilateral arrangements for law making (C 1978, Arts. 68.2 and 69.4). Since 1995, they have had two directly elected senators. Ceuta and Melilla are units of representation (*L1*) and together with the provincial senators they constitute a majority in the *Senado* (*L3*).

EXECUTIVE CONTROL

Intergovernmental meetings were foreseen when decentralization took off in the early 1980s. A Law on the process of autonomy adopted in 1983 stipulated that sectoral committees consisting of representatives from central and regional government would meet at least twice a year (Agranoff and Gallarín 1997; Agranoff 2004; Bolleyer 2006*a*; Law No. 12/1983, Art. 4). The committees convened at the request of the central government or one of the *comunidades,* but meetings were ad hoc and did not result in binding agreements (Beramendi and Máiz 2004: 137). Negotiation between the national government and the *comunidades* were kick-started from 1987 with intergovernmental

[21] Asturias, Cantabria, Islas Baleares, La Rioja, Madrid, Murcia, and Navarre combine the institutions of *provincias* and *comunidades*. When calculating country scores we include the collective shared rule in law making exercised by these uniprovincial *comunidades* in the scores of the *provincias*.

meetings on health (*Consejo Interterritorial del Sistema Nacional de Salud*) that can conclude binding agreements (Law No. 14/1986, final provision 7 and 16/2003, Arts. 69–75).

In 1992, the intergovernmental framework was consolidated by a Law allowing central government ministers to initiate sectoral conferences which may result in binding collaboration agreements (Law No. 30/1992, Arts. 5–6). In 1999, the 1992 Law was amended to formalize and institutionalize sectoral conferences by specifying the items to be included in the collaboration agreements (Law No. 4/1999). More recently, the autonomy statutes of Andalusia, Aragon, Baleares, Castilla y León, Catalonia, and Extremadura, have further enhanced the formalization of intergovernmental meetings (Law Nos. 6/2006, 1–2/2007, 5/2007, 14/2007, and 1/2011).

In addition to the sectoral committees, there is the *Conferencia para Asuntos Relacionados con las Comunidades Europeas* (Conference for European Affairs) established in 1988 and the *Conferencia de Presidentes* (Conference of Presidents) established in 2004. In 1994 the Conference on European Affairs adopted an agreement that involved *comunidades* in preparing a Spanish position in the Council of Ministers (Hueghlin and Fenna 2006: 242–3). In 1997, this agreement was formalized in law (Law No. 2/1997). It sets out rules on the adoption of decisions that require the support of a majority of *comunidades* (Law No. 2/1997, Annex).

In addition, *comunidades* obtained one representative in the Spanish delegation to the EU who, since 2004, participates as a permanent representative in the Councils of Ministers for employment, social policy, health and consumers; agriculture and fishing; environment; and education, youth, and culture.

The *Conferencia de Presidentes* consists of the presidents of the Spanish government and the seventeen *comunidades* and Ceuta and Melilla and has held meetings on European affairs, health care finance, research, technological development and innovation, fiscal stability and the employment situation.[22] In 2009 it adopted internal regulations which stipulate that resolutions at the annual meeting are adopted by consensus and recommendations are adopted with the support of Spanish president and two-thirds of the presidents of the *comunidades* (Law No. 3409/2009). Since 1987 *comunidades* score 2 on executive control.

Executive control was extended to Ceuta and Melilla when they adopted their autonomy statutes in 1995.[α]

[22] Ministerio de Hacienda y Administraciones Públicas. Secretaria de Estado de Administraciones Públicas. "Conferencia de Presidentes." <http://www.seap.minhap.gob.es/web/areas/politica_autonomica/coop_autonomica/Confer_Presidentes.html>.

FISCAL CONTROL

Comunidades can influence national tax policy through their institutional representation in the *Senado*, but the *Senado* can be overridden by a majority in the lower house (C 1978, Art. 90). In addition, there is considerable attention to fiscal matters in the intergovernmental meetings through the *Consejo de Política Fiscal y Financiera* (Council on Fiscal Policy and Finance), created by the LOFCA 1980 and used for making recommendations on regional finance formulas, transfers, and revenue sharing (Law No. 8/1980, Art. 3). The council is composed of representatives of the ministry of finance, the minister of economic planning, and regional finance ministers (Watts 2005). The Basque Country and Navarre are members of the *Consejo*. The Law on the finances of autonomous communities, LOFCA, establishes an inter-territorial compensation fund (Law No. 8/1980, Art. 16) and reforms of the Law, including the articles concerning inter-territorial compensation, are subject to debate in the *Consejo* (Law No. 7/2001, Art. 4). *Comunidades* score 1 on multilateral fiscal control from the year in which their autonomy statute was adopted. When Ceuta and Melilla became *ciudades autónomas* in 1995, they also became members of the *Consejo* (Law No. 3/1996) and score 1 on multilateral fiscal control.

The *foral* rights of the Basque provinces and Navarre are embedded in the 1978 constitution but the implementation of the special tax regimes is subject to bilateral agreements (C 1978, Additional provision one). A fixed amount of the revenue collected by the Basque Country and Navarre is transferred to the central government to cover central government activity in those territories. This fixed amount, or *cupo*, is settled in advance in bilateral foral economic treaties (Toboso and Scorsone 2010).

During the Franco regime, the Basque provinces had no special intergovernmental avenues for negotiation.[a] The fiscal regime for the Basque Country (*Concierto*) was set up in 1981 and was renegotiated in 2002 but the *cupo* is negotiated every five years (Law No. 12/1981, Art. 48 and No. 12/2002, Arts. 49–50). The negotiations on the fiscal regime take place in a coordination committee (*Comisión coordinadora*) composed of four central government representatives and four Basque representatives, one from each of the three Basque provinces and one from the Basque government (Law No. 12/1981, Art. 40). The *cupo* is decided by a joint committee (*Comisión Mixta del Concierto Económico*) which meets every five years and consists of an equal number of representatives from the central government and the Basque region (half of whom are appointed by the provinces and half by the Basque government (Law No. 12/1981, Art.49; Swenden 2006: 135–6). The 2002 fiscal agreement made the joint committee responsible for determining the *cupo* and for negotiating amendments to the fiscal agreement. It stipulates that decisions are taken unanimously (Law No. 12/2002, Arts. 61–62).

Within the Basque Country a tax coordination agency (*Órgano de Coordinación Tributaria de Euskadi*) is responsible for coordinating the tax regimes of the three provinces. The agency was set up in 1989 and the board consists of three representatives from the Basque government and one representative from each provincial council. Its competences are limited to issuing reports (Law No. 3/1989, Arts. 16–17). The Basque government and Álava, Biscay, and Gipuzkoa score 2 on bilateral fiscal control from 1981 onwards.

Navarre's fiscal regime (*Convenio*) was in place during the Franco regime and was extended into the democratic transition (see Fiscal Autonomy Law). A new fiscal regime was concluded in 1990. The 1990 agreement installs an arbitration board (*Junta Arbitral*) with a president appointed by the Spanish government (after the opinion of the supreme court of Navarre) tasked with resolving regional/central government disputes. Four of its members are appointed by the central government and four by the government of Navarre (Law No. 28/1990, Arts. 45–46). A similar arrangement exists for the Basque Country (Law No. 12/2002, Arts. 65–67). The annual *cupo* of Navarre is negotiated every five years by a coordination commission (*Comisión Coordinador*) of twelve members, also split between the central government and Navarre (Law No. 28/1990, Arts. 53 and 61; Swenden 2006: 135–6). Changes to the *Convenio* need to be approved by the parliaments of both Spain and Navarre (Law No. 13/1982, Art. 45). The latest revision was adopted in 2003 (Law No. 25/2003). Navarre scores 2 on bilateral fiscal control from 1982 onwards.

BORROWING CONTROL

Coordination of public debt is discussed in the *Consejo de Política Fiscal y Financiera* (see Fiscal control, discussed earlier). The decisions of the council are adopted by two-thirds of the votes or, when falling short in the first round, an absolute majority in a second round (Council of Europe 2000).[23] However, the *Consejo* originally had only an advisory role (Law No. 8/1980, Art. 3.2; López-Laborda et al. 2006).

The control of the *Consejo* on borrowing increased when, in response to EMU, a Law was adopted in 2001 (in force since 2002) stipulating that *comunidades* should achieve budgetary stability and that they must submit recovery plans subject to approval of the *Consejo* when they run deficits (European Commission 2011; Gordo and de Cos 2001; Law No. 5/2001, Arts. 2 and 8). The 2001 Law also applies to the Basque Country and Navarre (Law 5/2001, final disposition one). A reform in 2006 brought *comunidades* under stricter control by requirements to negotiate fiscal restoration plans with the *Consejo*

[23] Ministerio de Hacienda y Administraciones Públicas. "Consejo de Política Fiscal y Financiera. Reglamento de Régimen Interior del Consejo de Política Fiscal y Financiera, Art. 10." <http://www.minhap.gob.es/es-ES/Areas%20Tematicas/Financiacion%20Autonomica>.

and to provide more information on the regional fiscal situation to the central government (Law No. 3/2006, Art. 1.3–1.4; López-Laborda et al. 2006).

Since 2012, government debt is subject to a balanced budget law stipulating that all tiers of government may incur deficits only when an absolute majority of the national parliament recognizes a case of natural disaster, economic recession, or other emergency (Law No. 2/2012, Art. 11). *Comunidad* debt may not exceed 13 percent of regional GDP and the *Consejo* sets annual debt targets for each of the *comunidades* (Law No. 2/2012, Arts. 13 and 16). The 2012 Law was amended in 2013 to include commercial debt and to improve the monitoring and enforcement of budgetary stability (Law No. 9/2013). *Comunidades* score 1 from 1980 (or the year in which their autonomy statute was adopted) until 2002, and 2 since 2002 on multilateral borrowing control.

CONSTITUTIONAL REFORM

Senators representing the assemblies of the *comunidades* are too few in number (fifty-eight out of a total of 266 members, just under 22 percent) to be able to raise the decision hurdle so *comunidades* score 0 on multilateral constitutional reform. The lack of collective *comunidad* control over the constitution of the Spanish state is balanced by the fact that each *comunidad* has a veto over amendments to its own statute. A revised autonomy statute requires in any case the approval of a majority in the *Cortes*, in both the congress and senate (C 1978, Art. 81; Colino 2009). The procedure within the *comunidades* differs according to type of majority and whether the revision of the autonomy statute is subject to ratification by a regional referendum, but in all cases the *comunidades* have veto power (Orte and Wilson 2009) and score 4 on bilateral constitutional reform from the year in which their autonomy statute was adopted.

According to the Spanish constitution, Ceuta and Melilla may become *comunidades* when their councils so decide and when the national parliament approves it (C 1978, transitional provision five). Both cities became *ciudades autónomas* in 1995 and amendments to their autonomy statutes require a two-thirds majority of the regional assembly (Law No. 1/1995, Art. 41 and No. 2/1995, Art. 41) as well as the approval of a majority in the *Cortes*, in both the congress and senate (C 1978, Art. 81). Ceuta and Mellila score 0 on bilateral constitutional reform from 1950 until 1978, and 4 from 1978 onwards.

Provincias in Spain played no role in constitutional reform during the dictatorship. Since 1978, constitutional reform requires a three-fifths majority in both the upper and the lower house on the first vote and—failing agreement—a two-thirds majority in the lower house and absolute majority in the *Senado* in a subsequent vote before the proposal can be submitted for ratification in a referendum (C 1978, Art. 167; Harty 2002; Swenden 2006: 77). The directly elected provincial senators can therefore veto constitutional change and score 3 on multilateral constitutional reform from 1978.

Self-rule in Spain

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Provincias	1950–1977	1	0	0	1	1	0	**3**
	1978–2010	2	1	1	1	1	2	**8**
Álava/Araba	1950–1977	1	1	3	1	1	0	**7**
	1978–2010	2	1	4	1	1	2	**11**
Bizkaia/Vizcaya	1978–2010	2	1	4	1	1	2	**11**
Gipuzkoa/Guipúzcoa	1978–2010	2	1	4	1	1	2	**11**
In Catalunya: comarcas	1987–2010	2	2	0	0	1	2	**7**
In Catalunya: Val d'Aran	1991–2010	2	2	0	0	2	2	**8**
Comunidades autónomas*	1982	3	3	2	1	0	0	**9**
	1983–1996	3	3	2	1	2	2	**13**
	1997–2010	3	3	3	1	2	2	**14**
Comunidades autónomas**	1983–1996	3	3	2	1	2	2	**13**
	1997–2010	3	3	3	1	2	2	**14**
Andalucía	1981	3	3	2	1	0	0	**9**
Galiza/Galicia	1981–1996	3	3	2	1	2	2	**13**
	1997–2010	3	3	3	1	2	2	**14**
Navarra/Nafarroa	1950–1977	1	1	3	1	1	0	**7**
	1978	2	1	3	1	1	0	**8**
	1979–1981	2	1	3	1	2	2	**11**
	1982–2010	3	3	4	1	2	2	**15**
Catalunya/Cataluña	1979	3	3	0	0	0	0	**6**
	1980–1996	3	3	2	1	2	2	**13**
	1997–2010	3	3	3	1	2	2	**14**
Euskadi/País Vasco	1979	3	3	0	0	0	0	**6**
	1980–2010	3	3	0	1	2	2	**11**
Ceuta	1956–1977	1	0	0	0	0	0	**1**
	1978	2	2	2	1	0	0	**7**
	1979–1994	2	2	2	1	2	2	**11**
	1995–1996	3	3	2	1	2	2	**13**
	1997–2010	3	3	3	1	2	2	**14**
Melilla	1956–1977	1	0	0	0	0	0	**1**
	1978	2	2	2	1	0	0	**7**
	1979–1994	2	2	2	1	2	2	**11**
	1995–1996	3	3	2	1	2	2	**13**
	1997–2010	3	3	3	1	2	2	**14**

* *Aragon*, *Asturias, Cantabria, Islas Canarias*, *Castilla-La Mancha, La Rioja, Murcia,* and *Valencia.*
** *Castilla y León*, *Extremadura, Islas Baleares,* and *Madrid.*

		Law making						Executive control		Fiscal control		Borrowing control		Constitutional reform		Shared rule
		L1	L2	L3	L4	L5	L6	M	B	M	B	M	B	M	B	
Provincias	1950–1977	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
	1978–2010	0.5	0	0.5	0	0	0	0	0	0	0	0	0	3	0	**4**
Álava/Araba	1950–1977	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
	1978–1980	0.5	0	0.5	0	0	0	0	0	0	0	0	0	3	0	**4**
	1981–2010	0.5	0	0.5	0	0	0	0	0	0	2	0	0	3	0	**6**
Bizkaia/Vizcaya	1978–1980	0.5	0	0.5	0	0	0	0	0	0	0	0	0	3	0	**4**
	1981–2010	0.5	0	0.5	0	0	0	0	0	0	2	0	0	3	0	**6**
Gipuzkoa/Guipúzcoa	1978–1980	0.5	0	0.5	0	0	0	0	0	0	0	0	0	3	0	**4**
	1981–2010	0.5	0	0.5	0	0	0	0	0	0	2	0	0	3	0	**6**
In Catalunya: comarcas	1987–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
In Catalunya: Val d'Aran	1991–2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
Comunidades autónomas*	1982–1986	0	0.5	0	0	0	0	0	0	1	0	1	0	0	4	**6.5**
	1987–2001	0	0.5	0	0	0	0	2	0	1	0	1	0	0	4	**8.5**
	2002–2010	0	0.5	0	0	0	0	2	0	1	0	2	0	0	4	**9.5**
Comunidades autónomas**	1983–1986	0	0.5	0	0	0	0	0	0	1	0	1	0	0	4	**6.5**
	1987–2001	0	0.5	0	0	0	0	2	0	1	0	1	0	0	4	**8.5**
	2002–2010	0	0.5	0	0	0	0	2	0	1	0	2	0	0	4	**9.5**
Andalucía	1981	0	0.5	0	0	0	0	0	0	1	0	1	0	0	4	**6.5**
Galiza/Galicia	1981–1986	0	0.5	0	0	0	0	0	0	1	0	1	0	0	4	**6.5**
	1987–2001	0	0.5	0	0	0	0	2	0	1	0	1	0	0	4	**8.5**
	2002–2010	0	0.5	0	0	0	0	2	0	1	0	2	0	0	4	**9.5**
Navarra/Nafarroa	1950–1981	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
	1982–1986	0	0.5	0	0	0	0	0	0	1	2	1	0	0	4	**8.5**
	1987–2001	0	0.5	0	0	0	0	2	0	1	2	1	0	0	4	**9.5**
	2002–2010	0	0.5	0	0	0	0	2	0	1	2	2	0	0	4	**10.5**

(*continued*)

Continued

		Law making						Executive control		Fiscal control		Borrowing control		Constitutional reform		Shared rule
		L1	L2	L3	L4	L5	L6	M	B	M	B	M	B	M	B	
Catalunya/Cataluña	1980–1986	0	0.5	0	0	0	0	0	0	1	0	1	0	0	4	**6.5**
	1987–2001	0	0.5	0	0	0	0	2	0	1	0	1	0	0	4	**8.5**
	2002–2010	0	0.5	0	0	0	0	2	0	1	0	2	0	0	4	**9.5**
Euskadi/País Vasco	1980	0	0.5	0	0	0	0	0	0	1	0	1	0	0	4	**6.5**
	1981–1986	0	0.5	0	0	0	0	0	0	1	2	1	0	0	4	**7.5**
	1987–2001	0	0.5	0	0	0	0	2	0	1	2	1	0	0	4	**9.5**
	2002–2010	0	0.5	0	0	0	0	2	0	1	2	2	0	0	4	**10.5**
Ceuta	1956–1977	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
	1978–1994	0.5	0	0.5	0	0	0	0	0	0	0	0	0	0	4	**5**
	1995–2001	0.5	0	0.5	0	0	0	2	0	1	0	1	0	0	4	**9**
	2002–2010	0.5	0	0.5	0	0	0	2	0	1	0	2		0	4	**10**
Melilla	1956–1977	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**0**
	1978–1994	0.5	0	0.5	0	0	0	0	0	0	0	0	0	0	4	**5**
	1995–2001	0.5	0	0.5	0	0	0	2	0	1	0	1	0	0	4	**9**
	2002–2010	0.5	0	0.5	0	0	0	2	0	1	0	2	0	0	4	**10**

National legislature: L1=regional representation; L2=regional government representation; L3=majority regional representation; L4=extensive authority; L5=bilateral regional consultation; L6=veto for individual region. Total shared rule is either multilateral (M) or bilateral (B).

Turkey

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Turkey has two regional tiers consisting of eighty-one *iller* (provinces) and, since 2009, twenty-six *kalkunna ajanslari* (regional development agencies). There are also 923 deconcentrated *ilçe* (districts) with an average population of 72,000.

Until 1961, *iller* were deconcentrated state administrations. The constitution of 1961 set out the principle of decentralization, mandating provincial administrations with directly elected councils and executives chosen by the provincial council (C 1961, Arts. 115–116 and C 1982, Art. 127). A powerful, centrally appointed governor chairs the provincial council and coordinates the network of provincial offices (Law No. 5442/1949, Arts. 3–7 and No. 3152/1985, Arts. 28–34). *Iller* have competences for economic development, roads, bridges, ports, water management, provision of natural gas, hospitals and other health services, primary and secondary schools, public order, and arts and culture (Council of Europe: Turkey 2009; Law No. 5302/2005, Art. 6). Most of these competences, however, are provided by the provincial offices of relevant ministries whose budgets are determined by the central government and which are under the control of the centrally appointed governor (Assembly of European Regions 2010; C 1982, Art. 127; Law No. 5302/2005, Art. 6.b; Young-Hyman 2008).

A higher level of seven to ten planning regions has been on the agenda since 1961 (C 1961, Art. 115). A central state planning agency responsible for regional and national planning formulated several proposals in the 1980s and 1990s, but governing elites failed to follow through because of deep attachment to a centralized state model and fear that decentralization would fuel Kurdish separatism (Penner 2004). It took until 2002 before a start in regional governance was made, which happened in response to EU accession requirements (Young-Hyman 2008). In 2006 the parliament adopted legislation which created twenty-six *kalkunna ajanslari* at the NUTS-II level (Law No. 5449/2006). After some initial pilots all twenty-six agencies became operational in 2009 (Ertugal and Dobre 2011). *Kalkunna ajanslari* are responsible for preparing regional development programs, implementation, and monitoring but the programs need approval by the central state planning (Ertugal 2010; Ertugal and Dobre 2011; Law No. 5449/2006, Arts. 4 and 5). Each region has a development council instructed to represent the provinces "in a balanced way" (Law No. 5449/2006, Art. 4). Its tasks are limited to deliberation and drafting recommendations to the agency which all need to be reported to central state planning (Law No. 5449/2006, Art. 9). We code *kalkunna ajanslari* as deconcentrated government.

FISCAL AUTONOMY

Iller generate only 1 or 2 percent of their revenue themselves; the remainder comes from central funding (Council of Europe: Turkey 1999, 2009).[a] *Iller* receive 1.15 percent of general tax revenue but base and rate are determined by the central government (Law No. 2464/1981, 5302/2005, Arts. 7.f and 42 and No. 5779/2008, Art. 2).

Kalkunna ajanslari receive a third of their funding from the central government budget and two-thirds from the local institutions (provinces, municipalities, and chambers of commerce and industry) (Ertugal 2010; Law No. 5449/2006, Art. 19).

BORROWING AUTONOMY

Until 1961, *iller* were deconcentrated state administrations. In the early years of their existence as self-governing bodies, *iller* were under strict control of the minister of interior who approved all borrowing decisions (Humes and Martin 1969).[a] Since the 1980s this supervisory role has been taken over by a centrally appointed governor, or, in some cases, the government (Harloff 1987; Law No. 3152/1985, Art. 15 and No. 5018/2003).

Provinces can borrow funds and issue bonds for investment projects in construction, health, and educational services (Council of Europe: Turkey 2009; Law No. 5302/2005, Arts. 7.d and 45). If the loan does not amount to more than one-third of ordinary revenue, the provincial general assembly may authorize a loan upon proposal of the governor. Loans in excess of this amount and not more than the annual ordinary revenue of the *iller* require approval by the government and the president. Loans in excess of this require special parliamentary legislation (OECD 1997: 447; Law No. 5302/2005, Art. 51). *Iller* must also regularly submit financial statements on their assets and liabilities to the ministries of interior and of finance (Law No. 5302/2005, Art. 51). *Iller* score 1 from 1961.

Kalkunna ajanslari have no borrowing authority (Ertugal 2010; Law No. 5449/2006, Art. 19).

REPRESENTATION

Since 1961, the councils of the *iller* have been popularly elected on a five-year cycle (C 1961, Art. 115-6 and C 1982, Art. 127). The central government appoints governors (Law No. 5442/1949, Arts. 6–8). In 2004 and 2005, the government enacted a number of laws and regulations to bring subnational governance into line with EU principles. The centrally appointed governor's role was rolled back in 2005 when the governor ceased to be the president of the provincial council. Currently, the council elects one of its members as the president (Law No. 5302/2005, Art. 11; Regulation of 09.10.2005, Arts. 5 and 18). The governor continues to chair the executive, which consists of ten

members. Five members are elected every year by the council, and five are selected by the governor from among the heads of departments, one of whom is the head of the financial services department (Assembly of European Regions 2010; Council of Europe: Turkey 2009; Law No. 5302/2005, Art. 25; Regulation of 09/10/2005, Art. 19, Art. 30.d). We score the executive as dual.

Kalkunna ajanslari have a development council to "enhance cooperation among public institutions, private sector, non-governmental organizations, universities and local governments in the region and to direct/guide the agency" (Law No. 5449/2006, Art. 8). The development council is composed of a maximum of 100 members, in which *iller* are represented "in a balanced way" (Law No. 5449/2006, Art. 8), and its activities are reported to the state planning organization (Law No. 5449/2006, Art. 9). The chairs of elected provincial councils and elected (metropolitan) mayors are represented on the administrative board of the *kalkunna ajanslari*, serving alongside the governors and the presidents of chambers of commerce or industry (Law No. 5449/2006, Art. 10). The chairs of elected provincial councils constitute a minority on the administrative board.[a] The board is headed by a provincial governor and the activities of the administrative board are under close scrutiny of the state planning organization. Most executive and implementing powers lie with a centrally appointed secretary general (Ertugal and Dobre 2011; Law No. 5449/2006, Arts. 11 and 14).

Shared rule

There is no power sharing for *iller* or *kalkunna ajanslari*.

Self-rule in Turkey

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Iller	1950–1960	1	0	0	0	0	0	**1**
	1961–2004	2	1	0	1	2	0	**6**
	2005–2010	2	1	0	1	2	1	**7**
Kalkunna ajanslari	2009–2010	1	0	0	0	0	0	**1**

APPENDIX

Regional Scores

Country	Tier	Type	Year	Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Represen-tation	**Self rule**	Law making	Executive control	Fiscal control	Borrowing control	Const reform	**Shared rule**	**RAI**
Albania																
Qarku	I	S	2000–2010	1.0	0.0	0.0	0.0	1.0	**2.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**2.0**
Argentina																
Provincias	I	S	1950–1954	2.0	3.0	4.0	3.0	4.0	**16.0**	1.5	0.0	2.0	0.0	3.0	**6.5**	**22.5**
	I	S	1955–1956	1.0	3.0	4.0	3.0	4.0	**15.0**	1.5	0.0	2.0	0.0	3.0	**6.5**	**21.5**
	I	S	1957–1958	1.0	3.0	4.0	3.0	4.0	**15.0**	2.0	0.0	2.0	0.0	4.0	**8.0**	**23.0**
	I	S	1959–1965	2.0	3.0	4.0	3.0	3.0	**15.0**	2.0	0.0	2.0	0.0	4.0	**8.0**	**23.0**
	I	S	1966–1971	1.0	2.0	4.0	3.0	0.0	**10.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**10.0**
	I	S	1972	1.0	2.0	4.0	3.0	0.0	**10.0**	0.0	1.0	0.0	0.0	0.0	**1.0**	**11.0**
	I	S	1973–1975	2.0	3.0	4.0	3.0	4.0	**16.0**	1.5	1.0	2.0	0.0	3.0	**7.5**	**23.5**
	I	S	1976–1982	1.0	2.0	2.0	3.0	0.0	**8.0**	0.0	1.0	0.0	0.0	0.0	**1.0**	**9.0**
	I	S	1983–1984	3.0	3.0	2.0	3.0	4.0	**15.0**	2.0	1.0	2.0	0.0	4.0	**9.0**	**24.0**
	I	S	1985–1987	3.0	3.0	2.0	3.0	4.0	**15.0**	2.0	1.0	0.0	0.0	4.0	**7.0**	**22.0**
	I	S	1988–2000	3.0	3.0	2.0	3.0	4.0	**15.0**	2.0	1.0	2.0	0.0	4.0	**9.0**	**24.0**
	I	S	2001–2003	3.0	3.0	2.0	3.0	4.0	**15.0**	1.5	1.0	2.0	0.0	3.0	**7.5**	**22.5**
	I	S	2004–2005	3.0	3.0	2.0	2.0	4.0	**14.0**	1.5	1.0	2.0	1.0	3.0	**8.5**	**22.5**
	I	S	2006–2010	3.0	3.0	2.0	2.0	4.0	**14.0**	1.5	2.0	2.0	1.0	3.0	**9.5**	**23.5**
Buenos Aires	I	D	1950–1965	1.0	0.0	0.0	0.0	2.0	**3.0**	1.5	0.0	0.0	0.0	3.0	**4.5**	**7.5**
	I	D	1966–1972	1.0	0.0	0.0	0.0	2.0	**3.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**3.0**

	I	D	1973–1975	1.0	0.0	0.0	0.0	2.0	**3.0**	1.5	0.0	0.0	0.0	3.0	**4.5**	**7.5**
	I	D	1976–1982	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I	D	1983–1995	1.0	0.0	0.0	0.0	2.0	**3.0**	1.5	0.0	0.0	0.0	3.0	**4.5**	**7.5**
	I	D→A	1996–2003	3.0	3.0	2.0	3.0	4.0	**15.0**	1.5	1.0	2.0	0.0	3.0	**7.5**	**22.5**
	I	A	2004–2005	3.0	3.0	2.0	2.0	4.0	**14.0**	1.5	1.0	2.0	1.0	3.0	**8.5**	**22.5**
	I	A	2006–2010	3.0	3.0	2.0	2.0	4.0	**14.0**	1.5	2.0	2.0	1.0	3.0	**9.5**	**23.5**
Chaco	I	D	1950	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I	D→S	1951	2.0	3.0	4.0	3.0	4.0	**16.0**	1.5	0.0	2.0	0.0	3.0	**6.5**	**22.5**
La Pampa	I	D	1950	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I	D→S	1951	2.0	3.0	4.0	3.0	4.0	**16.0**	1.5	0.0	2.0	0.0	3.0	**6.5**	**22.5**
Misiones	I	D	1950–1952	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I	D→S	1953	2.0	3.0	4.0	3.0	4.0	**16.0**	1.5	0.0	2.0	0.0	3.0	**6.5**	**22.5**
Chubut	I	D	1950–1954	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I	D→S	1955	1.0	3.0	4.0	3.0	4.0	**15.0**	1.5	0.0	2.0	0.0	3.0	**6.5**	**21.5**
Formosa	I	D	1950–1954	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I	D→S	1955	1.0	3.0	4.0	3.0	4.0	**15.0**	1.5	0.0	2.0	0.0	3.0	**6.5**	**21.5**
Neuquén	I	D	1950–1954	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I	D→S	1955	1.0	3.0	4.0	3.0	4.0	**15.0**	1.5	0.0	2.0	0.0	3.0	**6.5**	**21.5**
Río Negro	I	D	1950–1954	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I	D→S	1955	1.0	3.0	4.0	3.0	4.0	**15.0**	1.5	0.0	2.0	0.0	3.0	**6.5**	**21.5**
Santa Cruz	I	D	1950–1954	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I	D→S	1955	1.0	3.0	4.0	3.0	4.0	**15.0**	1.5	0.0	2.0	0.0	3.0	**6.5**	**21.5**
Tierra del Fuego	I	D	1950–1990	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I	D→S	1991	3.0	3.0	2.0	3.0	4.0	**15.0**	2.0	1.0	2.0	0.0	4.0	**9.0**	**24.0**
Australia																
States	I	S	1950–1983	3.0	4.0	2.0	1.0	4.0	**14.0**	1.5	2.0	1.0	2.0	3.0	**9.5**	**23.5**
	I	S	1984–1994	3.0	4.0	2.0	3.0	4.0	**16.0**	1.5	2.0	1.0	0.0	3.0	**7.5**	**23.5**
	I	S	1995–1998	3.0	4.0	2.0	2.0	4.0	**15.0**	1.5	2.0	1.0	2.0	3.0	**9.5**	**24.5**
	I	S	1999–2010	3.0	4.0	2.0	2.0	4.0	**15.0**	1.5	2.0	2.0	2.0	3.0	**10.5**	**25.5**

(*continued*)

I = highest regional tier; II = second-highest regional tier; III = third-highest regional tier; A=autonomous region; Y=asymmetric region; D=dependent region; S=standard region; → change in status.

Continued

Country	Tier	Type	Year	Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Represen-tation	**Self rule**	Law making	Executive control	Fiscal control	Borrowing control	Const reform	**Shared rule**	**RAI**
Northern	I	D	1950–1959	1.0	0.0	0.0	0.0	0.0	**1.0**	1.0	0.0	0.0	0.0	0.0	**1.0**	**2.0**
Territory	I	D	1960–1964	1.0	0.0	0.0	0.0	2.0	**3.0**	1.0	0.0	0.0	0.0	0.0	**1.0**	**4.0**
	I	D	1965–1974	1.0	0.0	0.0	0.0	4.0	**5.0**	1.0	0.0	0.0	0.0	0.0	**1.0**	**6.0**
	I	D	1975–1977	1.0	0.0	0.0	0.0	4.0	**5.0**	1.5	0.0	0.0	0.0	1.0	**2.5**	**7.5**
	I	D→A	1978–1983	2.0	3.0	2.0	1.0	4.0	**12.0**	1.5	2.0	1.0	1.0	3.0	**8.5**	**20.5**
	I	A	1984–1994	2.0	3.0	2.0	3.0	4.0	**14.0**	1.5	2.0	1.0	0.0	3.0	**7.5**	**21.5**
	I	A	1995–1998	2.0	3.0	2.0	2.0	4.0	**13.0**	1.5	2.0	1.0	2.0	3.0	**9.5**	**22.5**
	I	A	1999–2010	2.0	3.0	2.0	2.0	4.0	**13.0**	1.5	2.0	2.0	2.0	3.0	**10.5**	**23.5**
Australian Capital	I	D	1950–1974	1.0	0.0	0.0	0.0	0.0	**1.0**	1.0	0.0	0.0	0.0	0.0	**1.0**	**2.0**
Territory	I	D	1975–1977	1.0	0.0	0.0	0.0	0.0	**1.0**	1.5	0.0	0.0	0.0	1.0	**2.5**	**3.5**
	I	D	1978–1988	1.0	0.0	0.0	0.0	0.0	**1.0**	1.5	0.0	0.0	0.0	3.0	**4.5**	**5.5**
	I	D→A	1989–1994	2.0	3.0	2.0	3.0	4.0	**14.0**	1.5	2.0	1.0	0.0	3.0	**7.5**	**21.5**
	I	A	1995–1998	2.0	3.0	2.0	2.0	4.0	**13.0**	1.5	2.0	1.0	2.0	3.0	**9.5**	**22.5**
	I	A	1999–2010	2.0	3.0	2.0	2.0	4.0	**13.0**	1.5	2.0	2.0	2.0	3.0	**10.5**	**23.5**
Austria																
Länder	I	S	1950–1983	3.0	3.0	2.0	3.0	4.0	**15.0**	1.0	1.0	1.0	1.0	2.0	**6.0**	**21.0**
	I	S	1984–1996	3.0	3.0	2.0	3.0	4.0	**15.0**	1.0	1.0	1.0	1.0	4.0	**8.0**	**23.0**
	I	S	1997–1998	3.0	3.0	2.0	2.0	4.0	**14.0**	1.0	1.0	1.0	1.0	4.0	**8.0**	**22.0**
	I	S	1999–2010	3.0	3.0	2.0	2.0	4.0	**14.0**	1.0	1.0	1.0	2.0	4.0	**9.0**	**23.0**
Belgium																
Provincies/	I	S	1950–1969	2.0	2.0	2.0	1.0	3.0	**10.0**	1.0	0.0	1.0	0.0	4.0	**6.0**	**16.0**
provinces	I→II	S	1970–1994	2.0	2.0	2.0	1.0	3.0	**10.0**	1.0	0.0	1.0	0.0	4.0	**6.0**	**16.0**
	II	S	1995–2010	2.0	2.0	2.0	1.0	3.0	**10.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**10.0**
Vlaamse	I	Y	1970–1979	2.0	1.0	0.0	0.0	1.0	**4.0**	0.0	0.0	2.0	0.0	4.0	**6.0**	**10.0**
Gemeenschap	I	Y	1980–1988	2.0	2.0	0.0	0.0	3.0	**7.0**	0.0	0.0	2.0	0.0	4.0	**6.0**	**13.0**
	I	Y	1989–1994	3.0	2.0	2.0	1.0	3.0	**11.0**	0.0	2.0	2.0	1.0	4.0	**9.0**	**20.0**
	I	Y	1995–2001	3.0	2.0	3.0	1.0	4.0	**13.0**	2.0	2.0	2.0	1.0	3.0	**10.0**	**23.0**
	I	Y	2002–2010	3.0	3.0	3.0	1.0	4.0	**14.0**	2.0	2.0	2.0	1.0	3.0	**10.0**	**24.0**

Communauté	I	Y	1970–1979	2.0	1.0	0.0	0.0	1.0	**4.0**	0.0	0.0	2.0	0.0	4.0	**6.0**	**10.0**
française	I	Y	1980–1988	2.0	1.0	0.0	0.0	3.0	**6.0**	0.0	0.0	2.0	0.0	4.0	**6.0**	**12.0**
	I	Y	1989–1994	3.0	2.0	0.0	1.0	3.0	**9.0**	0.0	2.0	2.0	1.0	4.0	**9.0**	**18.0**
	I	Y	1995–2010	3.0	2.0	0.0	1.0	4.0	**10.0**	2.0	2.0	2.0	1.0	3.0	**10.0**	**20.0**
Deutsche	I	Y	1970–1973	2.0	1.0	0.0	0.0	0.0	**3.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**3.0**
Gemeinschaft	I	Y	1974–1983	2.0	1.0	0.0	0.0	2.0	**5.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**5.0**
	I	Y	1984–1988	2.0	1.0	0.0	0.0	4.0	**7.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**7.0**
	I	Y	1989–1994	3.0	2.0	0.0	1.0	4.0	**10.0**	0.0	1.0	0.0	0.0	0.0	**1.0**	**11.0**
	I	Y	1995–2004	3.0	2.0	0.0	1.0	4.0	**10.0**	2.0	1.0	0.0	0.0	0.0	**3.0**	**13.0**
	I	Y	2005–2010	3.0	3.0	0.0	1.0	4.0	**11.0**	2.0	1.0	0.0	0.0	0.0	**3.0**	**14.0**
Région wallonne	I	Y	1980–1988	2.0	1.0	0.0	0.0	3.0	**6.0**	0.0	0.0	2.0	0.0	4.0	**6.0**	**12.0**
	I	Y	1989–1994	3.0	2.0	2.0	1.0	3.0	**11.0**	0.0	2.0	2.0	1.0	4.0	**9.0**	**20.0**
	I	Y	1995–2001	3.0	2.0	3.0	1.0	4.0	**13.0**	0.0	2.0	2.0	1.0	0.0	**5.0**	**18.0**
	I	Y	2002–2010	3.0	3.0	3.0	1.0	4.0	**14.0**	0.0	2.0	2.0	1.0	0.0	**5.0**	**19.0**
Brussels Gewest/	I	D	1980–1988	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
Région bruxelloise	I	D→A	1989–1994	2.0	2.0	2.0	1.0	4.0	**11.0**	0.0	2.0	2.0	1.0	4.0	**9.0**	**20.0**
	I	A	1995–2001	2.0	2.0	3.0	1.0	4.0	**12.0**	0.0	2.0	2.0	1.0	0.0	**5.0**	**17.0**
	I	A	2002–2010	2.0	3.0	3.0	1.0	4.0	**13.0**	0.0	2.0	2.0	1.0	0.0	**5.0**	**18.0**
Bolivia																
Departamentos	I	S	1950–1963	1.0	0.0	0.0	0.0	0.0	**1.0**	1.5	0.0	0.0	0.0	3.0	**4.5**	**5.5**
	I	S	1964–1966	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I	S	1967–1971	1.0	0.0	0.0	0.0	0.0	**1.0**	1.5	0.0	0.0	0.0	3.0	**4.5**	**5.5**
	I	S	1972–1981	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I	S	1982–1984	1.0	0.0	0.0	0.0	0.0	**1.0**	1.5	0.0	0.0	0.0	3.0	**4.5**	**5.5**
	I	S	1985–1994	1.0	0.0	0.0	0.0	1.0	**2.0**	1.5	0.0	0.0	0.0	3.0	**4.5**	**6.5**
	I	S	1995	2.0	0.0	0.0	0.0	1.0	**3.0**	1.5	0.0	0.0	0.0	3.0	**4.5**	**7.5**
	I	S	1996–2004	2.0	0.0	0.0	1.0	1.0	**4.0**	1.5	0.0	0.0	0.0	3.0	**4.5**	**8.5**
	I	S	2005–2009	2.0	2.0	0.0	1.0	3.0	**8.0**	1.5	0.0	0.0	0.0	3.0	**4.5**	**12.5**
	I	S	2010	2.0	3.0	0.0	1.0	4.0	**10.0**	1.5	1.0	1.0	0.0	0.0	**3.5**	**13.5**

(*continued*)

I = highest regional tier; II = second-highest regional tier; III = third-highest regional tier; A=autonomous region; Y=asymmetric region; D=dependent region; S=standard region; → change in status.

Continued

Country	Tier	Type	Year	Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Represen-tation	**Self rule**	Law making	Executive control	Fiscal control	Borrowing control	Const reform	**Shared rule**	**RAI**
Gran Chaco	I	Y	2010	2.0	2.0	0.0	1.0	4.0	**9.0**	0.0	1.0	1.0	0.0	3.0	**5.0**	**14.0**
Autonomía	I	D	1990–2009	1.0	0.0	0.0	0.0	4.0	**5.0**	0.0	0.0	0.0	0.0	2.0	**2.0**	**7.0**
Indígena Originaria Campesina	I	D→A	2010	2.0	3.0	0.0	1.0	4.0	**10.0**	1.0	1.0	1.0	0.0	3.0	**6.0**	**16.0**
Bosnia and Herzegovina																
Federacija	I	S	1995–1997	3.0	2.0	4.0	3.0	4.0	**16.0**	2.0	0.0	2.0	0.0	4.0	**8.0**	**24.0**
	I	S	1998–2010	2.0	2.0	4.0	3.0	3.0	**14.0**	2.0	0.0	2.0	0.0	0.0	**4.0**	**18.0**
Republika Srpska	I	S	1995–1997	3.0	4.0	4.0	3.0	4.0	**18.0**	2.0	0.0	2.0	0.0	4.0	**8.0**	**26.0**
	I	S	1998–2010	2.0	4.0	4.0	3.0	3.0	**16.0**	2.0	0.0	2.0	0.0	0.0	**4.0**	**20.0**
Kantoni (Federacija)	II	S	1995–1997	3.0	3.0	3.0	2.0	4.0	**15.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**15.0**
	II	S	1998–2010	2.0	3.0	3.0	2.0	3.0	**13.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**13.0**
Brazil																
Estados	I	S	1950–1963	3.0	3.0	4.0	3.0	4.0	**17.0**	1.5	0.0	0.0	0.0	3.0	**4.5**	**21.5**
	I	S	1964–1973	2.0	1.0	2.0	1.0	2.0	**8.0**	1.0	0.0	0.0	0.0	0.0	**1.0**	**9.0**
	I	S	1974–1981	2.0	1.0	2.0	3.0	2.0	**10.0**	1.0	0.0	0.0	0.0	0.0	**1.0**	**11.0**
	I	S	1982–1987	2.0	2.0	2.0	3.0	4.0	**13.0**	1.5	0.0	0.0	0.0	0.0	**1.5**	**14.5**
	I	S	1988–1989	3.0	3.0	3.0	3.0	4.0	**16.0**	1.5	0.0	0.0	0.0	3.0	**4.5**	**20.5**
	I	S	1990–1999	3.0	3.0	3.0	3.0	4.0	**16.0**	1.5	1.0	0.0	0.0	3.0	**5.5**	**21.5**
	I	S	2000–2010	3.0	3.0	3.0	1.0	4.0	**14.0**	1.5	1.0	0.0	0.0	3.0	**5.5**	**19.5**
Distrito Federal	I	A	1950–1963	2.0	2.0	4.0	3.0	2.0	**13.0**	1.5	0.0	0.0	0.0	3.0	**4.5**	**17.5**
	I	A→D	1964–1969	1.0	1.0	0.0	0.0	1.0	**3.0**	1.0	0.0	0.0	0.0	0.0	**1.0**	**4.0**
	I	D	1970–1981	1.0	1.0	0.0	0.0	1.0	**3.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**3.0**
	I	D	1982–1987	1.0	1.0	0.0	0.0	2.0	**4.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**4.0**
	I	D→A	1988–1989	2.0	3.0	3.0	3.0	2.0	**13.0**	1.5	0.0	1.0	0.0	3.0	**5.5**	**18.5**
	I	A	1990	2.0	3.0	3.0	3.0	2.0	**13.0**	1.5	1.0	1.0	0.0	3.0	**6.5**	**19.5**
	I	A	1991–1999	2.0	3.0	3.0	3.0	4.0	**15.0**	1.5	1.0	1.0	0.0	3.0	**6.5**	**21.5**
	I	A	2000–2010	2.0	3.0	3.0	1.0	4.0	**13.0**	1.5	1.0	1.0	0.0	3.0	**6.5**	**19.5**
Amapá	I	D	1950–1987	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I	D→S	1988	3.0	3.0	3.0	3.0	4.0	**16.0**	1.5	0.0	0.0	0.0	3.0	**4.5**	**20.5**

Fernando de	I	D	1950–1987	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
Noronha	I	D→S	1988	3.0	3.0	3.0	3.0	4.0	**16.0**	1.5	0.0	0.0	0.0	3.0	**4.5**	**20.5**
Guaporé/	I	D	1950–1981	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
Rondônia	I	D→S	1982	2.0	2.0	2.0	3.0	4.0	**13.0**	1.5	0.0	0.0	0.0	0.0	**1.5**	**14.5**
Rio Branco	I	D	1950–1987	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I	D→S	1988	3.0	3.0	3.0	3.0	4.0	**16.0**	1.5	0.0	0.0	0.0	3.0	**4.5**	**20.5**
Bulgaria																
Oblasti	I	S	1991–2008	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I	S	2009–2010	1.0	0.0	0.0	1.0	**2.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**2.0**	
Canada																
Provinces	I	S	1950–2010	3.0	3.0	4.0	3.0	4.0	**17.0**	0.0	1.0	1.0	0.0	4.0	**6.0**	**23.0**
Quebec	I	Y	1950–1990	3.0	3.0	4.0	3.0	4.0	**17.0**	0.5	1.0	1.0	0.0	4.0	**6.0**	**23.5**
	I	Y	1991–2010	3.0	4.0	4.0	3.0	4.0	**18.0**	0.5	1.0	1.0	0.0	4.0	**6.0**	**24.5**
Northwest	I	D	1950–1966	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
Territories	I	D→A	1967–1974	2.0	2.0	0.0	0.0	2.0	**6.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**6.0**
	I	A	1975–1978	2.0	2.0	0.0	0.0	3.0	**7.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**7.0**
	I	A	1979–1985	2.0	2.0	0.0	0.0	4.0	**8.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**8.0**
	I	A	1986–1991	3.0	3.0	4.0	1.0	4.0	**15.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**15.0**
	I	A	1992–2010	3.0	3.0	4.0	1.0	4.0	**15.0**	0.0	1.0	1.0	0.0	0.0	**2.0**	**17.0**
Yukon	I	D	1950–1969	1.0	0.0	0.0	0.0	2.0	**3.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**3.0**
	I	D	1970–1977	1.0	0.0	0.0	0.0	3.0	**4.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**4.0**
	I	D→A	1978–1991	2.0	3.0	4.0	1.0	4.0	**14.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**14.0**
	I	A	1992–2001	2.0	3.0	4.0	1.0	4.0	**14.0**	0.0	1.0	1.0	0.0	0.0	**2.0**	**16.0**
	I	A	2002–2010	3.0	3.0	4.0	1.0	4.0	**15.0**	0.0	1.0	1.0	0.0	2.0	**4.0**	**19.0**
Nunavut	I	A	1999–2010	3.0	3.0	4.0	1.0	4.0	**15.0**	0.0	1.0	1.0	0.0	0.0	**2.0**	**17.0**
Indian Act bands	I	D	1950–1984	1.0	0.0	0.0	0.0	3.0	**4.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**4.0**
	I	D	1985–2004	1.0	1.0	1.0	0.0	3.0	**6.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**6.0**
	I	D	2005–2010	1.0	1.0	2.0	1.0	3.0	**8.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**8.0**

(*continued*)

I = highest regional tier; II = second-highest regional tier; III = third-highest regional tier; A=autonomous region; Y=asymmetric region; D=dependent region; S=standard region; → change in status.

Continued

Country	Tier	Type	Year	Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Represen-tation	**Self rule**	Law making	Executive control	Fiscal control	Borrowing control	Const reform	**Shared rule**	**RAI**
Self-governing	I	A	1977–1984	2.0	3.0	0.0	3.0	4.0	**12.0**	0.5	0.0	0.0	0.0	4.0	**4.0**	**16.5**
Aboriginal	I	A	1985–2004	2.0	3.0	1.0	3.0	4.0	**13.0**	0.5	0.0	0.0	0.0	4.0	**4.0**	**17.5**
Peoples	I	A	2005–2010	2.0	3.0	2.0	3.0	4.0	**14.0**	0.5	0.0	0.0	0.0	4.0	**4.0**	**18.5**
Counties, regions in Ontario	II	S	1950–2010	2.0	2.0	1.0	2.0	3.0	**10.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**10.0**
Conf. régionales des élus in Quebec	II	S	2006–2010	1.0	0.0	0.0	0.0	1.0	**2.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**2.0**
Chile																
Provincias	I	S	1950–1975	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I→II	S	1976–2010	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
Regiones	I	S	1976–1991	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I	S	1992–2010	1.0	0.0	0.0	0.0	1.0	**2.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**2.0**
Colombia																
Departamentos	I	S	1950–1974	1.0	1.0	1.0	0.0	2.0	**5.0**	1.5	0.0	0.0	0.0	3.0	**4.5**	**9.5**
	I	S	1975–1980	2.0	1.0	1.0	0.0	2.0	**6.0**	1.5	0.0	0.0	0.0	3.0	**4.5**	**10.5**
	I	S	1981–1990	2.0	1.0	1.0	2.0	2.0	**8.0**	1.5	0.0	0.0	0.0	3.0	**4.5**	**12.5**
	I	S	1991–1996	2.0	3.0	1.0	2.0	4.0	**12.0**	0.0	1.0	0.0	0.0	0.0	**1.0**	**13.0**
	I	S	1997–2010	2.0	3.0	1.0	1.0	4.0	**11.0**	0.0	1.0	0.0	0.0	0.0	**1.0**	**12.0**
Distrito Capital	I	D	1950–1974	1.0	1.0	0.0	0.0	2.0	**4.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**4.0**
	I	D→A	1975–1980	2.0	1.0	0.0	0.0	2.0	**5.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**5.0**
	I	A	1981–1988	2.0	1.0	0.0	2.0	2.0	**7.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**7.0**
	I	A	1989–1990	2.0	1.0	0.0	2.0	4.0	**9.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**9.0**
	I	A	1991–1992	2.0	3.0	0.0	2.0	4.0	**11.0**	0.0	1.0	0.0	0.0	0.0	**1.0**	**12.0**
	I	A	1993–1996	2.0	3.0	3.0	2.0	4.0	**14.0**	0.0	1.0	0.0	0.0	0.0	**1.0**	**15.0**
	I	A	1997–2010	2.0	3.0	3.0	1.0	4.0	**13.0**	0.0	1.0	0.0	0.0	0.0	**1.0**	**14.0**
Amazonas	I	D	1950–1990	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I	D→S	1991	2.0	3.0	1.0	2.0	4.0	**12.0**	0.0	1.0	0.0	0.0	0.0	**1.0**	**13.0**
Arauca	I	D	1950–1990	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I	D→S	1991	2.0	3.0	1.0	2.0	4.0	**12.0**	0.0	1.0	0.0	0.0	0.0	**1.0**	**13.0**

Casanare	I	D	1950–1990	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I	D→S	1991	2.0	3.0	1.0	2.0	4.0	**12.0**	0.0	1.0	0.0	0.0	0.0	**1.0**	**13.0**
Guaviare	I	D	1950–1990	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I	D→S	1991	2.0	3.0	1.0	2.0	4.0	**12.0**	0.0	1.0	0.0	0.0	0.0	**1.0**	**13.0**
Guainía	I	D	1950–1990	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I	D→S	1991	2.0	3.0	1.0	2.0	4.0	**12.0**	0.0	1.0	0.0	0.0	0.0	**1.0**	**13.0**
Putumayo	I	D	1950–1990	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I	D→S	1991	2.0	3.0	1.0	2.0	4.0	**12.0**	0.0	1.0	0.0	0.0	0.0	**1.0**	**13.0**
Vaupés	I	D	1950–1990	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I	D→S	1991	2.0	3.0	1.0	2.0	4.0	**12.0**	0.0	1.0	0.0	0.0	0.0	**1.0**	**13.0**
Vichada	I	D	1950–1990	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I	D→S	1991	2.0	3.0	1.0	2.0	4.0	**12.0**	0.0	1.0	0.0	0.0	0.0	**1.0**	**13.0**
San Andres-Providencia-Santa Catalina	I	Y	1991–1996	2.0	2.0	1.0	2.0	4.0	**11.0**	0.0	1.0	0.0	0.0	0.0	**1.0**	**12.0**
	I	Y	1997–2010	2.0	2.0	1.0	1.0	4.0	**10.0**	0.0	1.0	0.0	0.0	0.0	**1.0**	**11.0**
Resguardos Indigenas	I	A	1991–2010	2.0	1.0	0.0	0.0	4.0	**7.0**	0.5	1.0	0.0	0.0	2.0	**3.5**	**10.5**
Costa Rica																
Provincias	I	S	1950–1995	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
Croatia																
Županije	I	S	1993–2000	2.0	2.0	0.0	1.0	3.0	**8.0**	1.0	0.0.	0.0	0.0	0.0	**1.0**	**9.0**
	I	S	2001	2.0	2.0	0.0	1.0	3.0	**8.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**8.0**
	I	S	2002–2010	2.0	2.0	0.0	1.0	4.0	**9.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**9.0**
Cuba																
Provincias	I	S	1950–1951	1.0	0.0	0.0	1.0	3.0	**5.0**	1.5	0.0	2.0	0.0	0.0	**1.5**	**8.5**
	I	S	1952–1958	1.0	0.0	0.0	1.0	2.0	**4.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**4.0**
	I	S	1959–1965	0.0	0.0	0.0	0.0	0.0	**0.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**0.0**
	I	S	1966–1975	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I	S	1976–1991	1.0	1.0	0.0	0.0	2.0	**4.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**4.0**
	I	S	1992–2010	1.0	1.0	0.0	0.0	3.0	**5.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**5.0**

(*continued*)

I = highest regional tier; II = second-highest regional tier; III = third-highest regional tier; A=autonomous region; Y=asymmetric region; D=dependent region; S=standard region; → change in status.

Continued

Country	Tier	Type	Year	Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Represen-tation	**Self rule**	Law making	Executive control	Fiscal control	Borrowing control	Const reform	**Shared rule**	**RAI**
Isla de la Juventud	I	D	1976–2010	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
Czech Republic																
Kraje	I	S	2000–2002	2.0	1.0	0.0	1.0	4.0	**8.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**8.0**
	I	S	2003–2010	2.0	2.0	0.0	1.0	4.0	**9.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**9.0**
Denmark																
Amtskommuner	I	S	1950–1969	2.0	1.0	0.0	1.0	2.0	**6.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**6.0**
	I	S	1970–1972	2.0	2.0	0.0	1.0	4.0	**9.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**9.0**
	I	S	1973–2006	2.0	2.0	3.0	1.0	4.0	**12.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**12.0**
Regioner	I	S	2007–2010	2.0	1.0	0.0	0.0	4.0	**7.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**7.0**
Grønland/Kalaallit	I	D	1950–1952	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
Nunaat	I	D→S	1953–1969	2.0	1.0	0.0	1.0	2.0	**6.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**6.0**
	I	S	1970–1972	2.0	2.0	0.0	1.0	4.0	**9.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**9.0**
	I	S	1973–1978	2.0	2.0	3.0	1.0	4.0	**12.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**12.0**
	I	S→A	1979–2010	3.0	3.0	4.0	3.0	4.0	**17.0**	1.0	1.0	2.0	0.0	4.0	**8.0**	**25.0**
Færøerne/Føroyar	I	A	1950–2010	3.0	3.0	4.0	3.0	4.0	**17.0**	1.0	1.0	2.0	0.0	4.0	**8.0**	**25.0**
Dominican Republic																
Provincias	I	S	1950–1977	1.0	0.0	0.0	0.0	0.0	**1.0**	1.0	0.0	0.0	0.0	0.0	**1.0**	**2.0**
	I	S	1978–2010	1.0	0.0	0.0	0.0	0.0	**1.0**	1.5	0.0	0.0	0.0	0.0	**1.5**	**2.5**
Distrito Nacional	I	D	1950–1951	1.0	0.0	0.0	0.0	2.0	**3.0**	1.0	0.0	0.0	0.0	0.0	**1.0**	**4.0**
	I	D	1952	1.0	0.0	0.0	1.0	2.0	**4.0**	1.0	0.0	0.0	0.0	0.0	**1.0**	**5.0**
	I	D→A	1953–1977	2.0	1.0	0.0	1.0	2.0	**6.0**	1.0	0.0	0.0	0.0	0.0	**1.0**	**7.0**
	I	A	1978–2006	2.0	1.0	0.0	1.0	4.0	**8.0**	1.5	0.0	0.0	0.0	0.0	**1.5**	**9.5**
	I	A	2007	2.0	1.0	2.0	1.0	4.0	**10.0**	1.5	0.0	0.0	0.0	0.0	**1.5**	**11.5**
	I	A	2008–2010	2.0	3.0	2.0	1.0	4.0	**12.0**	1.5	0.0	0.0	0.0	0.0	**1.5**	**13.5**
Ecuador																
Provincias	I	S	1950–1963	2.0	1.0	2.0	2.0	2.0	**9.0**	1.5	0.0	0.0	0.0	3.0	**4.5**	**13.5**
	I	S	1964	2.0	1.0	2.0	2.0	0.0	**7.0**	1.5	0.0	0.0	0.0	3.0	**4.5**	**11.5**
	I	S	1965–1966	1.0	1.0	0.0	2.0	0.0	**4.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**4.0**
	I	S	1967	2.0	1.0	0.0	2.0	3.0	**8.0**	1.5	0.0	0.0	0.0	3.0	**4.5**	**12.5**
	I	S	1968–1971	2.0	1.0	0.0	2.0	3.0	**8.0**	1.5	0.0	0.0	0.0	0.0	**1.5**	**9.5**
	I	S	1972	2.0	1.0	0.0	2.0	0.0	**5.0**	1.5	0.0	0.0	0.0	0.0	**1.5**	**6.5**

	I	S	1973–1978	1.0	1.0	0.0	2.0	0.0	**4.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**4.0**
	I	S	1979	1.0	1.0	0.0	2.0	3.0	**7.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**7.0**
	I	S	1980–1997	2.0	1.0	0.0	2.0	3.0	**8.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**8.0**
	I	S	1998–2001	2.0	2.0	0.0	2.0	3.0	**9.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**9.0**
	I	S	2002–2010	2.0	2.0	0.0	1.0	3.0	**8.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**8.0**
Galápagos	I	D	1973–1995	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I	D→A	1996–2008	2.0	1.0	0.0	0.0	3.0	**6.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**6.0**
	I	A	2009–2010	2.0	2.0	0.0	0.0	2.0	**6.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**6.0**
El Salvador																
Departamentos	I	S	1950–1979	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I	S	1980–1992	0.0	0.0	0.0	0.0	0.0	**0.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**0.0**
	I	S	1993–2010	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
Finland																
Läänit	I	S	1950–2009	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
Aluehallinto -virasto	I	S	2010	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
Åland	I	A	1950–2010	3.0	4.0	3.0	3.0	4.0	**17.0**	1.0	1.0	2.0	0.0	4.0	**8.0**	**25.0**
Maakuntien	II	S	1993–2010	2.0	1.0	0.0	0.0	3.0	**6.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**6.0**
Kainuu	II	Y	2005–2010	2.0	1.0	0.0	0.0	4.0	**7.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**7.0**
France																
Départements	I	S	1950–1963	2.0	1.0	1.0	1.0	2.0	**7.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**7.0**
	I→II	S	1964–1981	2.0	1.0	1.0	1.0	2.0	**7.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**7.0**
	II	S	1982–2010	2.0	2.0	1.0	2.0	3.0	**10.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**10.0**
Régions	I	S	1964–1971	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I	S	1972–1981	1.0	0.0	0.0	0.0	1.0	**2.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**2.0**
	I	S	1982–1985	2.0	2.0	1.0	2.0	2.0	**9.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**9.0**
	I	S	1986–2010	2.0	2.0	1.0	2.0	3.0	**10.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**10.0**
Corse	I	S	1975–1981	1.0	0.0	0.0	0.0	1.0	**2.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**2.0**
	I	S→A	1982–2010	2.0	2.0	1.0	2.0	3.0	**10.0**	0.5	0.0	0.0	0.0	2.0	**2.5**	**12.5**

(*continued*)

I = highest regional tier; II = second-highest regional tier; III = third-highest regional tier; A=autonomous region; Y=asymmetric region; D=dependent region; S=standard region; → change in status.

Continued

Country	Tier	Type	Year	Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Represen-tation	**Self rule**	Law making	Executive control	Fiscal control	Borrowing control	Const reform	**Shared rule**	**RAI**
Germany																
Länder	I	S	1950–1963	3.0	3.0	4.0	3.0	4.0	**17.0**	2.0	1.0	0.0	0.0	4.0	**7.0**	**24.0**
	I	S	1964–1965	3.0	3.0	4.0	3.0	4.0	**17.0**	2.0	2.0	0.0	0.0	4.0	**8.0**	**25.0**
	I	S	1966–1967	3.0	3.0	2.0	3.0	4.0	**15.0**	2.0	2.0	2.0	0.0	4.0	**10.0**	**25.0**
	I	S	1968–2009	3.0	3.0	2.0	3.0	4.0	**15.0**	2.0	2.0	2.0	1.0	4.0	**11.0**	**26.0**
	I	S	2010	3.0	3.0	2.0	3.0	4.0	**15.0**	2.0	2.0	2.0	2.0	4.0	**12.0**	**27.0**
Landschaftsverbände (NR-Westfalen)	II	S	1950-2010	2.0	1.0	0.0	0.0	3.0	**6.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**6.0**
Bezirksverband Pfalz (Rheinland-Pfalz)	II	S	1950–2010	2.0	1.0	0.0	0.0	4.0	**7.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**7.0**
Regierungsbezirke	III	S	1950–2010	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
Regierungsbezirke (NR-Westfalen)	III	S	2001–2010	1.0	0.0	0.0	0.0	1.0	**2.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**2.0**
Bezirke in Bayern	III	S	1950–2010	2.0	2.0	0.0	1.0	4.0	**9.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**9.0**
Kreise	IV	S	1950–2010	2.0	2.0	1.0	1.0	4.0	**10.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**10.0**
Greece																
Nomoi	I	S	1950–1985	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I→II	S	1986–1993	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	II	S	1994–2010	2.0	2.0	0.0	1.0	4.0	**9.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**9.0**
Periphereies	I	S	1986–1996	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I	S	1997–2010	1.0	0.0	0.0	0.0	1.0	**2.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**2.0**
Aghion Oros	I	A	1950–2010	3.0	2.0	4.0	4.0	3.0	**16.0**	0.0	0.0	0.0	0.0	2.0	**2.0**	**18.0**
Guatemala																
Departamentos	I	S	1950–2010	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
Haiti																
Départements	I	S	1950–1986	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I	S	1987–2010	1.0	0.0	0.0	0.0	0.0	**1.0**	1.5	0.0	0.0	0.0	3.0	**4.5**	**5.5**
Honduras																
Departamentos	I	S	1950–2010	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**

Hungary															
Megyék	I	S	1990–1993	2.0	2.0	0.0	0.0	3.0	**7.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**7.0**
	I	S	1994–1998	2.0	2.0	0.0	0.0	4.0	**8.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**8.0**
	I→II	S	1999–2010	2.0	2.0	0.0	0.0	4.0	**8.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**8.0**
Megyei jogú városok	I	S	1990–1994	2.0	2.0	1.0	3.0	4.0	**12.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**12.0**
	I	S	1995–1998	2.0	2.0	1.0	2.0	4.0	**11.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**11.0**
	I→II	S	1999–2010	2.0	2.0	1.0	2.0	4.0	**11.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**11.0**
Régiók	I	S	1999–2010	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
Indonesia															
Provinsi-provinsi	I	S	1950–1958	2.0	1.0	0.0	0.0	4.0	**7.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**7.0**
	I	S	1959–1973	2.0	1.0	0.0	0.0	3.0	**6.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**6.0**
	I	S	1974–1998	1.0	0.0	0.0	0.0	2.0	**3.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**3.0**
	I	S	1999–2000	1.0	0.0	0.0	0.0	4.0	**5.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**5.0**
	I	S	2001–2003	2.0	0.0	1.0	0.0	4.0	**7.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**7.0**
	I	S	2004–2010	2.0	2.0	1.0	1.0	4.0	**10.0**	1.0	0.0	0.0	0.0	0.0	**1.0**	**11.0**
Yogyakarta	I	A	1950–1973	2.0	1.0	0.0	0.0	4.0	**7.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**7.0**
	I	A	1974–2000	1.0	0.0	0.0	0.0	4.0	**5.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**5.0**
	I	A	2001–2003	2.0	0.0	1.0	0.0	4.0	**7.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**7.0**
	I	A	2004–2010	2.0	3.0	1.0	1.0	4.0	**11.0**	1.0	0.0	0.0	0.0	0.0	**1.0**	**12.0**
Aceh	I	S	1957–1958	2.0	1.0	0.0	0.0	4.0	**7.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**7.0**
	I	S→A	1959–1965	2.0	1.0	0.0	0.0	3.0	**6.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**6.0**
	I	A→S	1966–1973	2.0	1.0	0.0	0.0	3.0	**6.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**6.0**
	I	S	1974–1998	1.0	0.0	0.0	0.0	2.0	**3.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**3.0**
	I	S	1999–2000	1.0	0.0	0.0	0.0	4.0	**5.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**5.0**
	I	S→A	2001–2003	2.0	1.0	1.0	0.0	4.0	**8.0**	0.0	0.0	0.0	0.0	2.0	**2.0**	**10.0**
	I	A	2004–2006	2.0	3.0	1.0	1.0	4.0	**11.0**	1.0	0.0	0.0	0.0	2.0	**3.0**	**14.0**
	I	A	2007	3.0	3.0	1.0	1.0	4.0	**12.0**	1.0	0.0	0.0	0.0	2.0	**3.0**	**15.0**
	I	A	2008–2010	3.0	3.0	1.0	1.0	4.0	**12.0**	1.0	1.0	0.0	0.0	2.0	**4.0**	**16.0**
Jakarta	I	D	1966–1973	1.0	0.0	0.0	0.0	3.0	**4.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**4.0**
	I	D	1974–1998	1.0	0.0	0.0	0.0	2.0	**3.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**3.0**
	I	D	1999–2000	1.0	0.0	0.0	0.0	4.0	**5.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**5.0**
	I	D→A	2001–2003	2.0	0.0	1.0	0.0	4.0	**7.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**7.0**
	I	A	2004–2010	2.0	2.0	1.0	1.0	4.0	**10.0**	1.0	0.0	0.0	0.0	0.0	**1.0**	**11.0**
Papua	I	A	2001–2003	2.0	1.0	1.0	0.0	4.0	**8.0**	0.0	0.0	0.0	0.0	2.0	**2.0**	**10.0**
	I	A	2004–2010	2.0	3.0	1.0	1.0	4.0	**11.0**	1.0	0.0	0.0	0.0	2.0	**3.0**	**14.0**

(*continued*)

I = highest regional tier; II = second-highest regional tier; III = third-highest regional tier; A=autonomous region; Y=asymmetric region; D=dependent region; S=standard region; → change in status.

Continued

Country	Tier	Type	Year	Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Represen-tation	**Self rule**	Law making	Executive control	Fiscal control	Borrowing control	Const reform	**Shared rule**	**RAI**
Kabupaten-kabupaten/	II	S	1950–1958	2.0	1.0	0.0	0.0	4.0	**7.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**7.0**
Kota-kota	II	S	1959–1973	2.0	1.0	0.0	0.0	3.0	**6.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**6.0**
	II	S	1974–1978	1.0	0.0	0.0	0.0	3.0	**4.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**4.0**
	II	S	1979–1998	1.0	0.0	0.0	0.0	2.0	**3.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**3.0**
	II	S	1999–2000	1.0	0.0	0.0	0.0	4.0	**5.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**5.0**
	II	S	2001–2003	2.0	2.0	1.0	0.0	4.0	**9.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**9.0**
	II	S	2004–2010	2.0	2.0	1.0	1.0	4.0	**10.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**10.0**
Kab-kab/kota-kota (Jakarta)	II	D	1966–2010	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
Ireland																
Development regions	I	S	1987–1993	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
Regional authorities	I	S	1994–2010	1.0	0.0	0.0	0.0	2.0	**3.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**3.0**
Israel																
Nafot	I	S	1950–2010	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
Mehozot	II	S	1950–2010	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
Italy																
Province	I	S	1950–1969	2.0	1.0	1.0	1.0	3.0	**8.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**8.0**
	I→II	S	1970–1973	2.0	1.0	1.0	1.0	3.0	**8.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**8.0**
	II	S	1974–1992	2.0	1.0	0.0	1.0	3.0	**7.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**7.0**
	II	S	1993–2000	2.0	1.0	1.0	1.0	3.0	**8.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**8.0**
	II	S	2001–2010	2.0	2.0	1.0	1.0	3.0	**9.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**9.0**
Regioni a statuto ordinario	I	S	1970–1971	2.0	0.0	0.0	2.0	4.0	**8.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**8.0**
	I	S	1972–1976	2.0	0.0	0.0	2.0	4.0	**9.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**9.0**
	I	S	1977–1988	2.0	2.0	0.0	2.0	4.0	**10.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**10.0**
	I	S	1989	2.0	2.0	0.0	2.0	4.0	**10.0**	0.0	1.0	0.0	0.0	0.0	**1.0**	**11.0**
	I	S	1990–1997	2.0	2.0	1.0	2.0	4.0	**11.0**	0.0	1.0	0.0	0.0	0.0	**1.0**	**12.0**
	I	S	1998–2000	2.0	2.0	3.0	2.0	4.0	**13.0**	0.0	1.0	0.0	0.0	0.0	**1.0**	**14.0**
	I	S	2001–2010	3.0	3.0	3.0	2.0	4.0	**15.0**	0.0	1.0	0.0	0.0	2.0	**3.0**	**18.0**

Sardegna	I	A	1950–1988	2.0	3.0	1.0	2.0	4.0	**12.0**	0.0	0.0	1.0	0.0	2.0	**3.0**	**15.0**
	I	A	1989–1997	2.0	3.0	1.0	2.0	4.0	**12.0**	0.0	1.0	1.0	0.0	2.0	**4.0**	**16.0**
	I	A	1998–2000	2.0	3.0	3.0	2.0	4.0	**14.0**	0.0	1.0	1.0	0.0	2.0	**4.0**	**18.0**
	I	A	2001–2010	3.0	3.0	3.0	2.0	4.0	**15.0**	0.0	1.0	1.0	0.0	2.0	**4.0**	**19.0**
Sicilia	I	A	1950–1988	2.0	3.0	1.0	2.0	4.0	**12.0**	0.0	0.0	1.0	0.0	2.0	**3.0**	**15.0**
	I	A	1989–1997	2.0	3.0	1.0	2.0	4.0	**12.0**	0.0	1.0	1.0	0.0	2.0	**4.0**	**16.0**
	I	A	1998–2000	2.0	3.0	3.0	2.0	4.0	**14.0**	0.0	1.0	1.0	0.0	2.0	**4.0**	**18.0**
	I	A	2001–2010	3.0	3.0	3.0	3.0	4.0	**16.0**	0.0	1.0	1.0	0.0	2.0	**4.0**	**19.0**
Trentino-Alto ***Aldige/***	I	A	1950–1971	2.0	3.0	1.0	2.0	4.0	**12.0**	0.0	0.0	1.0	0.0	2.0	**3.0**	**15.0**
Südtirol	I	A	1972–1988	2.0	2.0	1.0	2.0	3.0	**10.0**	0.0	0.0	1.0	0.0	2.0	**3.0**	**13.0**
	I	A	1989–1997	2.0	2.0	1.0	2.0	3.0	**10.0**	0.0	1.0	1.0	0.0	2.0	**4.0**	**14.0**
	I	A	1998–2000	2.0	2.0	3.0	2.0	3.0	**12.0**	0.0	1.0	1.0	0.0	2.0	**4.0**	**16.0**
	I	A	2001–2010	3.0	2.0	3.0	2.0	3.0	**13.0**	0.0	1.0	1.0	0.0	2.0	**4.0**	**17.0**
Valle d'Aosta	I	A	1950–1988	2.0	3.0	1.0	2.0	4.0	**12.0**	0.0	0.0	1.0	0.0	2.0	**3.0**	**15.0**
	I	A	1989–1997	2.0	3.0	1.0	2.0	4.0	**12.0**	0.0	1.0	1.0	0.0	2.0	**4.0**	**16.0**
	I	A	1998–2000	2.0	3.0	3.0	2.0	4.0	**14.0**	0.0	1.0	1.0	0.0	2.0	**4.0**	**18.0**
	I	A	2001–2010	3.0	3.0	3.0	2.0	4.0	**15.0**	0.0	1.0	1.0	0.0	2.0	**4.0**	**19.0**
Friuli-Venezia-	I	A	1963–1988	2.0	3.0	1.0	2.0	4.0	**12.0**	0.0	0.0	1.0	0.0	2.0	**3.0**	**15.0**
Giulia	I	A	1989–1997	2.0	3.0	1.0	2.0	4.0	**12.0**	0.0	1.0	1.0	0.0	2.0	**4.0**	**16.0**
	I	A	1998–2000	2.0	3.0	3.0	2.0	4.0	**14.0**	0.0	1.0	1.0	0.0	2.0	**4.0**	**18.0**
	I	A	2001–2010	3.0	3.0	3.0	2.0	4.0	**15.0**	0.0	1.0	1.0	0.0	2.0	**4.0**	**19.0**
Bozen-Südtirol/	II	Y	1950–1971	2.0	1.0	1.0	1.0	3.0	**8.0**	0.0	0.0	1.0	0.0	2.0	**3.0**	**11.0**
Bolzano-Alto Adige	II	Y→A	1972–1988	2.0	3.0	1.0	2.0	4.0	**12.0**	0.0	0.0	1.0	0.0	2.0	**3.0**	**15.0**
	II	A	1989–1997	2.0	3.0	1.0	2.0	4.0	**12.0**	0.0	1.0	1.0	0.0	2.0	**4.0**	**16.0**
	II	A	1998–2000	2.0	3.0	3.0	2.0	4.0	**14.0**	0.0	1.0	1.0	0.0	2.0	**4.0**	**18.0**
	II	A	2001–2010	3.0	3.0	3.0	2.0	4.0	**15.0**	0.0	1.0	1.0	0.0	2.0	**4.0**	**19.0**
Trentino	II	Y	1950–1971	2.0	1.0	1.0	1.0	3.0	**8.0**	0.0	0.0	1.0	0.0	2.0	**3.0**	**11.0**
	II	Y→A	1972–1988	2.0	3.0	1.0	2.0	4.0	**12.0**	0.0	0.0	1.0	0.0	2.0	**3.0**	**15.0**
	II	A	1989–1997	2.0	3.0	1.0	2.0	4.0	**12.0**	0.0	1.0	1.0	0.0	2.0	**4.0**	**16.0**
	II	A	1998–2000	2.0	3.0	3.0	2.0	4.0	**14.0**	0.0	1.0	1.0	0.0	2.0	**4.0**	**18.0**
	II	A	2001–2010	3.0	3.0	3.0	2.0	4.0	**15.0**	0.0	1.0	1.0	0.0	2.0	**4.0**	**19.0**

(*continued*)

I = highest regional tier; II = second-highest regional tier; III = third-highest regional tier; A=autonomous region; Y=asymmetric region; D=dependent region; S=standard region; → change in status.

Continued

Country	Tier	Type	Year	Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Represen-tation	**Self rule**	Law making	Executive control	Fiscal control	Borrowing control	Const reform	**Shared rule**	**RAI**
Japan																
Todofuken	I	S	1950–1991	2.0	1.0	3.0	1.0	3.0	**10.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**10.0**
	I	S	1992–1999	2.0	1.0	3.0	1.0	4.0	**11.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**11.0**
	I	S	2000–2005	2.0	2.0	3.0	1.0	4.0	**12.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**12.0**
	I	S	2006–2010	2.0	2.0	3.0	2.0	4.0	**13.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**13.0**
Latvia																
Reģioni	I	S	2009–2010	1.0	0.0	0.0	0.0	2.0	**3.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**3.0**
Lithuania																
Apskritys	I	S	1995–1999	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I	S	2000–2009	2.0	1.0	0.0	0.0	1.0	**4.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**4.0**
Regionų plėtros tarybos	I	S	2010	1.0	1.0	0.0	0.0	1.0	**3.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**3.0**
Macedonia																
Ryegioni	I	S	2007–2010	1.0	0.0	0.0	0.0	1.0	**2.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**2.0**
Malaysia																
Negeri-negeri	I	S	1957–1963	2.0	2.0	2.0	1.0	4.0	**11.0**	1.5	1.0	1.0	1.0	4.0	**8.5**	**19.5**
	I	S	1964–1968	2.0	2.0	2.0	1.0	4.0	**11.0**	1.0	1.0	1.0	1.0	4.0	**8.0**	**19.0**
	I	S	1969–1971	2.0	2.0	2.0	1.0	4.0	**11.0**	0.0	1.0	1.0	1.0	0.0	**3.0**	**14.0**
	I	S	1972–2010	2.0	2.0	2.0	1.0	4.0	**11.0**	1.0	1.0	1.0	1.0	4.0	**8.0**	**19.0**
Sabah	I	A	1963	3.0	4.0	3.0	1.0	4.0	**15.0**	1.5	1.0	1.0	1.0	4.0	**8.5**	**23.5**
	I	A	1964–1968	3.0	4.0	3.0	1.0	4.0	**15.0**	1.0	1.0	1.0	1.0	4.0	**8.0**	**23.0**
	I	A	1969–1971	3.0	4.0	3.0	1.0	4.0	**15.0**	0.0	1.0	1.0	1.0	0.0	**3.0**	**18.0**
	I	A	1972–2010	3.0	4.0	3.0	1.0	4.0	**15.0**	1.0	1.0	1.0	1.0	4.0	**8.0**	**23.0**
Sarawak	I	A	1963	3.0	4.0	3.0	1.0	4.0	**15.0**	1.5	1.0	1.0	1.0	4.0	**8.5**	**23.5**
	I	A	1964–1968	3.0	4.0	3.0	1.0	4.0	**15.0**	1.0	1.0	1.0	1.0	4.0	**8.0**	**23.0**
	I	A	1969–1971	3.0	4.0	3.0	1.0	4.0	**15.0**	0.0	1.0	1.0	1.0	0.0	**3.0**	**18.0**
	I	A	1972–2010	3.0	4.0	3.0	1.0	4.0	**15.0**	1.0	1.0	1.0	1.0	4.0	**8.0**	**23.0**

Singapore	I	A	1963	3.0	3.0	3.0	1.0	4.0	**14.0**	1.5	1.0	1.0	1.0	4.0	**8.5**	**22.5**
	I	A	1964	3.0	3.0	3.0	1.0	4.0	**14.0**	1.0	1.0	1.0	1.0	4.0	**8.0**	**22.0**
Kuala Lumpur	I	D	1974–2010	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
Labuan	I	D	1984–2010	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
Putrajaya	I	D	2001–2010	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
Ban-ban/ perban-perban	II	S	1957–1964	1.0	0.0	1.0	0.0	4.0	**6.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**6.0**
	II	S	1965–1975	1.0	0.0	1.0	0.0	0.0	**2.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**2.0**
	II	S	1976–2010	1.0	0.0	1.0	1.0	0.0	**3.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**3.0**
Ban-ban/perban-perban (Sabah, Sarawak)	II	S	1963–2010	1.0	0.0	1.0	1.0	0.0	**3.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**3.0**
Mexico																
Estados	I	S	1950–1979	1.0	1.0	2.0	2.0	3.0	**9.0**	1.5	0.0	1.0	0.0	4.0	**6.5**	**15.5**
	I	S	1980–1982	1.0	1.0	1.0	2.0	3.0	**8.0**	1.5	0.0	0.0	0.0	4.0	**5.5**	**13.5**
	I	S	1983–1988	2.0	1.0	1.0	2.0	3.0	**9.0**	1.5	0.0	0.0	0.0	4.0	**5.5**	**14.5**
	I	S	1989–1992	2.0	1.0	1.0	2.0	4.0	**10.0**	1.5	0.0	0.0	0.0	4.0	**5.5**	**15.5**
	I	S	1993	2.0	2.0	1.0	2.0	4.0	**11.0**	1.5	0.0	0.0	0.0	4.0	**5.5**	**16.5**
	I	S	1994–1996	3.0	2.0	1.0	2.0	4.0	**12.0**	1.5	0.0	0.0	0.0	4.0	**5.5**	**17.5**
	I	S	1997–2003	3.0	3.0	2.0	2.0	4.0	**14.0**	1.5	0.0	0.0	0.0	4.0	**5.5**	**19.5**
	I	S	2004–2010	3.0	3.0	3.0	2.0	4.0	**15.0**	1.5	0.0	0.0	0.0	4.0	**5.5**	**20.5**
Distrito Federal	I	D	1950–1979	1.0	1.0	0.0	1.0	0.0	**3.0**	1.5	0.0	1.0	0.0	0.0	**2.5**	**5.5**
	I	D	1980–1987	1.0	1.0	0.0	1.0	0.0	**3.0**	1.5	0.0	0.0	0.0	0.0	**1.5**	**4.5**
	I	D	1988–1992	2.0	1.0	0.0	1.0	2.0	**6.0**	1.5	0.0	0.0	0.0	0.0	**1.5**	**7.5**
	I	D→A	1993–1996	2.0	2.0	0.0	1.0	2.0	**7.0**	1.5	0.0	0.0	0.0	0.0	**1.5**	**8.5**
	I	A	1997–2003	2.0	3.0	2.0	1.0	4.0	**12.0**	1.5	0.0	0.0	0.0	0.0	**1.5**	**13.5**
	I	A	2004–2010	2.0	3.0	3.0	1.0	4.0	**13.0**	1.5	0.0	0.0	0.0	0.0	**1.5**	**14.5**
Baja California	I	D	1950–1952	1.0	0.0	0.0	1.0	0.0	**2.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**2.0**
	I	D→S	1953	1.0	1.0	2.0	2.0	3.0	**9.0**	1.5	0.0	1.0	0.0	4.0	**6.5**	**15.5**

(*continued*)

I = highest regional tier; II = second-highest regional tier; III = third-highest regional tier; A=autonomous region; Y=asymmetric region; D=dependent region; S=standard region; → change in status.

Continued

Country	Tier	Type	Year	Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Represen-tation	**Self rule**	Law making	Executive control	Fiscal control	Borrowing control	Const reform	**Shared rule**	**RAI**
Baja	I	D	1950–1973	1.0	0.0	0.0	1.0	0.0	**2.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**2.0**
California Sur	I	D→S	1974	1.0	1.0	2.0	2.0	3.0	**9.0**	1.5	0.0	1.0	0.0	4.0	**6.5**	**15.5**
Quintana Roo	I	D	1950–1973	1.0	0.0	0.0	1.0	0.0	**2.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**2.0**
	I	D→S	1974	1.0	1.0	2.0	2.0	3.0	**9.0**	1.5	0.0	1.0	0.0	4.0	**6.5**	**15.5**
Netherlands																
Provincies	I	S	1950–1979	2.0	1.0	1.0	1.0	3.0	**8.0**	1.5	0.0	2.0	0.0	4.0	**7.5**	**15.5**
	I	S	1980–1993	2.0	2.0	1.0	1.0	3.0	**9.0**	1.5	0.0	2.0	0.0	4.0	**7.5**	**16.5**
	I	S	1994–2010	2.0	2.0	1.0	2.0	3.0	**10.0**	1.5	0.0	2.0	0.0	4.0	**7.5**	**17.5**
New Zealand																
Regions	I	S	1974–1988	2.0	1.0	2.0	1.0	3.0	**9.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**9.0**
	I	S	1989–1997	2.0	1.0	2.0	1.0	4.0	**10.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**10.0**
	I	S	1998–2010	2.0	1.0	2.0	2.0	4.0	**11.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**11.0**
Auckland	I	Y	1963–1988	2.0	1.0	2.0	1.0	4.0	**10.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**10.0**
Wellington	I	Y	1974–1988	2.0	1.0	2.0	1.0	4.0	**10.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**10.0**
Nicaragua																
Departamentos	I	S	1950–2010	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
Managua	I	D	1950–1986	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I	D	1987	1.0	0.0	0.0	1.0	0.0	**2.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**2.0**
	I	D→A	1988–1989	2.0	1.0	0.0	1.0	0.0	**4.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**4.0**
	I	A	1990–1996	2.0	1.0	0.0	1.0	4.0	**8.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**8.0**
	I	A	1997–2010	2.0	2.0	0.0	1.0	4.0	**9.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**9.0**
Región	I	A	1987–1989	2.0	1.0	1.0	0.0	0.0	**4.0**	0.5	1.0	0.0	0.0	2.0	**3.5**	**7.5**
Autónoma del Norte	I	A	1990–2002	2.0	1.0	1.0	0.0	4.0	**8.0**	0.5	1.0	0.0	0.0	2.0	**3.5**	**11.5**
	I	A	2003–2010	2.0	3.0	2.0	0.0	4.0	**11.0**	0.5	2.0	2.0	0.0	2.0	**6.5**	**17.5**
Región	I	A	1987–1989	2.0	1.0	1.0	0.0	0.0	**4.0**	0.5	1.0	0.0	0.0	2.0	**3.5**	**7.5**
Autónoma del Sur	I	A	1990–2002	2.0	1.0	1.0	0.0	4.0	**8.0**	0.5	1.0	0.0	0.0	2.0	**3.5**	**11.5**
	I	A	2003–2010	2.0	3.0	2.0	0.0	4.0	**11.0**	0.5	2.0	2.0	0.0	2.0	**6.5**	**17.5**
Norway																
Fylker	I	S	1950–1974	2.0	1.0	0.0	1.0	1.0	**5.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**5.0**

	I	S	1975–1992	2.0	2.0	3.0	1.0	3.0	**11.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**11.0**
	I	S	1993–2010	2.0	2.0	3.0	2.0	3.0	**12.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**12.0**
Svalbard	I	D	1950–2010	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
Panama																
Provincias	I	S	1950–1971	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I	S	1972–1982	1.0	0.0	0.0	0.0	1.0	**2.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**2.0**
	I	S	1983–2010	2.0	1.0	0.0	0.0	2.0	**5.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**5.0**
Kuna Yala	I	A	1950–1999	2.0	2.0	0.0	0.0	2.0	**6.0**	0.0	0.0	0.0	0.0	4.0	**4.0**	**10.0**
	I	A	2000–2010	2.0	2.0	0.0	0.0	2.0	**6.0**	0.0	2.0	0.0	0.0	4.0	**6.0**	**12.0**
Emberá-Wounaan	I	A	1983–1999	2.0	2.0	0.0	0.0	2.0	**6.0**	0.0	0.0	0.0	0.0	4.0	**4.0**	**10.0**
	I	A	2000–2010	2.0	2.0	0.0	0.0	2.0	**6.0**	0.0	2.0	0.0	0.0	4.0	**6.0**	**12.0**
Ngöbe-Buglé	I	A	1997–1999	2.0	2.0	0.0	0.0	2.0	**6.0**	0.0	0.0	0.0	0.0	4.0	**4.0**	**10.0**
	I	A	2000–2010	2.0	2.0	0.0	0.0	2.0	**6.0**	0.0	2.0	0.0	0.0	4.0	**6.0**	**12.0**
Kuna de Madugandí	I	A	1996–1999	2.0	1.0	0.0	0.0	3.0	**6.0**	0.0	0.0	0.0	0.0	4.0	**4.0**	**10.0**
	I	A	2000–2008	2.0	1.0	0.0	0.0	3.0	**6.0**	0.0	2.0	0.0	0.0	4.0	**6.0**	**12.0**
	I	A	2009–2010	2.0	2.0	0.0	0.0	3.0	**7.0**	0.0	2.0	0.0	0.0	4.0	**6.0**	**13.0**
Kuna de Wargandí	I	A	2000–2008	2.0	1.0	0.0	0.0	3.0	**6.0**	0.0	2.0	0.0	0.0	4.0	**6.0**	**12.0**
	I	A	2009–2010	2.0	2.0	0.0	0.0	3.0	**6.0**	0.0	2.0	0.0	0.0	4.0	**6.0**	**13.0**
Paraguay																
Departamentos	I	S	1950–1991	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I	S	1992	2.0	1.0	0.0	1.0	0.0	**4.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**4.0**
	I	S	1993–2010	2.0	1.0	0.0	1.0	4.0	**8.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**8.0**
Asunción	I	D	1950–1990	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I	D	1991	1.0	0.0	0.0	0.0	4.0	**5.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**5.0**
	I	D→A	1992–2010	2.0	1.0	0.0	3.0	4.0	**10.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**10.0**
Peru																
Departamentos	I	S	1950–1988	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I→II	S	1989–1992	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	II→I	S	1993–2002	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I	S	2003–2010	2.0	2.0	0.0	1.0	4.0	**9.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**9.0**

(*continued*)

I = highest regional tier; II = second-highest regional tier; III = third-highest regional tier; A=autonomous region; Y=asymmetric region; D=dependent region; S=standard region; → change in status.

Continued

Country	Tier	Type	Year	Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Represen-tation	**Self rule**	Law making	Executive control	Fiscal control	Borrowing control	Const reform	**Shared rule**	**RAI**
Regiones	I	S	1989–1992	2.0	0.0	0.0	0.0	3.0	**5.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**5.0**
Provincias	II	S	1950–1962	1.0	2.0	0.0	2.0	4.0	**9.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**9.0**
	II	S	1963–1967	2.0	2.0	0.0	2.0	4.0	**10.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**10.0**
	II	S	1968–1975	1.0	2.0	0.0	2.0	0.0	**5.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**5.0**
	II	S	1976–1979	1.0	0.0	0.0	2.0	0.0	**3.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**3.0**
	II	S	1980–1988	2.0	0.0	0.0	2.0	4.0	**8.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**8.0**
	II→III	S	1989	2.0	0.0	0.0	2.0	4.0	**8.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**8.0**
	III	S	1990–1992	2.0	2.0	0.0	2.0	4.0	**10.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**10.0**
	III→II	S	1993–2002	2.0	2.0	0.0	2.0	4.0	**10.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**10.0**
	II	S	2003–2010	2.0	2.0	0.0	1.0	4.0	**9.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**9.0**
Lima	II	S→A	2003–2010	2.0	3.0	0.0	1.0	4.0	**10.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**10.0**
Callao	II	S→Y	2003–2010	2.0	3.0	0.0	1.0	4.0	**10.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**10.0**
Philippines																
Provinces/	I	S	1950–1959	2.0	1.0	0.0	0.0	4.0	**7.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**7.0**
Independent cities	I	S	1960–1973	2.0	1.0	1.0	0.0	4.0	**8.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**8.0**
	I	S	1974–1978	1.0	0.0	1.0	0.0	4.0	**6.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**6.0**
	I→II	S	1979–1982	1.0	0.0	1.0	0.0	2.0	**4.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**4.0**
	II	S	1983–1985	1.0	1.0	1.0	0.0	2.0	**5.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**5.0**
	II	S	1986–1987	1.0	1.0	1.0	0.0	0.0	**3.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**3.0**
	II	S	1988–1990	2.0	1.0	1.0	0.0	4.0	**8.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**8.0**
	II	S	1991	2.0	1.0	1.0	2.0	4.0	**10.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**10.0**
	II	S	1992–2010	2.0	2.0	1.0	2.0	4.0	**11.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**11.0**
Autonomous Region in	I	D	1979–1989	1.0	0.0	0.0	0.0	3.0	**4.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**4.0**
Muslim Mindanao	I	D→A	1990	2.0	2.0	1.0	0.0	4.0	**9.0**	0.0	0.0	0.0	0.0	3.0	**3.0**	**12.0**
	I	A	1991–2010	2.0	2.0	1.0	2.0	4.0	**11.0**	0.0	0.0	0.0	0.0	3.0	**3.0**	**14.0**
Poland																
Województwa	I	S	1990–1998	1.0	0.0	0.0	1.0	1.0	**3.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**3.0**
	I	S	1999–2010	2.0	2.0	0.0	1.0	3.0	**8.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**8.0**
Portugal																
Distritos	I	S	1950–1978	1.0	0.0	0.0	0.0	1.0	**2.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**2.0**
	I→II	S	1979–2010	1.0	0.0	0.0	0.0	1.0	**2.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**2.0**

Comissões	I	S	1979–2010	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
desenvolvimento	I	S	1950–1975	1.0	0.0	0.0	0.0	1.0	**2.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**2.0**
Açores	I	S→A	1976–1979	3.0	2.0	2.0	1.0	4.0	**12.0**	0.5	1.0	0.0	0.0	2.0	**3.5**	**15.5**
	I	A	1980–1997	3.0	3.0	2.0	1.0	4.0	**13.0**	0.5	1.0	0.0	0.0	2.0	**3.5**	**16.5**
	I	A	1998–2010	3.0	3.0	3.0	2.0	4.0	**15.0**	0.5	1.0	1.0	0.0	2.0	**4.5**	**19.5**
Madeira	I	S	1950–1975	1.0	0.0	0.0	0.0	1.0	**2.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**2.0**
	I	S→A	1976–1990	2.0	2.0	2.0	1.0	4.0	**11.0**	0.5	1.0	0.0	0.0	2.0	**3.5**	**14.5**
	I	A	1991–1998	3.0	3.0	2.0	1.0	4.0	**13.0**	0.5	1.0	0.0	0.0	2.0	**3.5**	**16.5**
	I	A	1999–2010	3.0	3.0	3.0	2.0	4.0	**15.0**	0.5	1.0	1.0	0.0	2.0	**4.5**	**19.5**
Romania																
Judete	I	S	1991–1993	2.0	1.0	0.0	0.0	3.0	**6.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**6.0**
	I	S	1994–1997	2.0	1.0	1.0	0.0	3.0	**7.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**7.0**
	I→II	S	1998	2.0	1.0	1.0	0.0	3.0	**7.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**7.0**
	II	S	1999–2010	2.0	1.0	1.0	1.0	3.0	**8.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**8.0**
Regiuni de dezvoltare	I	S	1998–2010	1.0	0.0	0.0	0.0	1.0	**2.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**2.0**
Russia																
Respubliki	I	S	1993–1995	3.0	3.0	3.0	3.0	4.0	**16.0**	2.0	0.0	1.0	0.0	4.0	**7.0**	**23.0**
	I	S	1996–1999	3.0	3.0	3.0	2.0	4.0	**15.0**	2.0	0.0	1.0	0.0	4.0	**7.0**	**22.0**
	I→II	S	2000–2004	2.0	2.0	3.0	2.0	4.0	**13.0**	2.0	1.0	1.0	0.0	4.0	**8.0**	**21.0**
	II	S	2005–2010	2.0	1.0	3.0	2.0	3.0	**11.0**	2.0	1.0	1.0	0.0	4.0	**8.0**	**19.0**
Respubliki	I	Y	1994–1995	3.0	3.0	3.0	3.0	4.0	**16.0**	2.0	0.0	1.0	0.0	4.0	**7.0**	**23.0**
(bilateral treaty)	I	Y	1996–1999	3.0	3.0	3.0	2.0	4.0	**15.0**	2.0	0.0	1.0	0.0	4.0	**7.0**	**22.0**
	I→II	Y	2000–2004	3.0	3.0	3.0	2.0	4.0	**15.0**	2.0	1.0	1.0	0.0	4.0	**8.0**	**23.0**
Subyekty federacii	I	S	1993–1995	2.0	3.0	3.0	3.0	2.0	**13.0**	2.0	0.0	1.0	0.0	4.0	**7.0**	**20.0**
	I	S	1996–1999	2.0	3.0	3.0	2.0	4.0	**14.0**	2.0	0.0	1.0	0.0	4.0	**7.0**	**21.0**
	I→II	S	2000–2004	2.0	2.0	3.0	2.0	4.0	**13.0**	2.0	1.0	1.0	0.0	4.0	**8.0**	**21.0**
	II	S	2005–2010	2.0	1.0	3.0	2.0	3.0	**11.0**	2.0	1.0	1.0	0.0	4.0	**8.0**	**19.0**

(*continued*)

I = highest regional tier; II = second-highest regional tier; III = third-highest regional tier; A=autonomous region; Y=asymmetric region; D=dependent region; S=standard region; → change in status.

Continued

Country	Tier	Type	Year	Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Represen-tation	**Self rule**	Law making	Executive control	Fiscal control	Borrowing control	Const reform	**Shared rule**	**RAI**
Subyekty federacii (bilateral treaty)	I	Y	1996–1999	3.0	3.0	3.0	2.0	4.0	**15.0**	2.0	0.0	1.0	0.0	4.0	**7.0**	**22.0**
	I→II	Y	2000–2004	3.0	3.0	3.0	2.0	4.0	**15.0**	2.0	1.0	1.0	0.0	4.0	**8.0**	**23.0**
Okruga	I	S	2000–2010	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
Tatarstan	I	S→Y	1994–1995	3.0	4.0	3.0	3.0	4.0	**17.0**	2.0	0.0	1.0	0.0	4.0	**7.0**	**24.0**
	I	Y	1996–1999	3.0	4.0	3.0	2.0	4.0	**16.0**	2.0	0.0	1.0	0.0	4.0	**7.0**	**23.0**
	I→II	Y	2000–2006	3.0	4.0	3.0	2.0	4.0	**16.0**	2.0	1.0	1.0	0.0	4.0	**8.0**	**24.0**
	II	Y	2007–2010	3.0	3.0	3.0	2.0	3.0	**14.0**	2.0	1.0	1.0	0.0	4.0	**8.0**	**22.0**
Bashkortostan	I	S→Y	1994–1995	3.0	4.0	3.0	3.0	4.0	**17.0**	2.0	0.0	1.0	0.0	4.0	**7.0**	**24.0**
	I	Y	1996–1999	3.0	4.0	3.0	2.0	4.0	**16.0**	2.0	0.0	1.0	0.0	4.0	**7.0**	**23.0**
	I→II	Y	2000–2004	3.0	4.0	3.0	2.0	4.0	**16.0**	2.0	1.0	1.0	0.0	4.0	**8.0**	**24.0**
Serbia and Montenegro																
Montenegro	I	S	1992–2002	3.0	4.0	4.0	3.0	4.0	**18.0**	2.0	0.0	2.0	0.0	4.0	**8.0**	**26.0**
	I	S	2003–2006	3.0	4.0	4.0	3.0	4.0	**18.0**	3.0	0.0	2.0	0.0	4.0	**9.0**	**27.0**
Serbia	I	S	1992–2002	3.0	4.0	4.0	3.0	4.0	**18.0**	2.0	0.0	2.0	0.0	4.0	**8.0**	**26.0**
	I	S	2003–2006	3.0	4.0	4.0	3.0	4.0	**18.0**	3.0	0.0	2.0	0.0	4.0	**9.0**	**27.0**
Okruzi (Serbia)	II	S	1992–2006	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
Vojvodina (Serbia)	II	A	1992–2001	2.0	1.0	0.0	0.0	4.0	**7.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**7.0**
	II	A	2002–2006	2.0	2.0	0.0	0.0	4.0	**8.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**8.0**
Kosovo (Serbia)	II	A	1992–1998	2.0	1.0	0.0	0.0	4.0	**7.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**7.0**
Serbia																
Okruzi	I	S	2007–2008	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I→II	S	2009–2010	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
Vojvodina	I	A	2007–2010	2.0	2.0	0.0	0.0	4.0	**8.0**	0.5	0.0	0.0	0.0	4.0	**4.5**	**12.5**
Regionalni razvojni saveti	I	S	2009–2010	1.0	0.0	0.0	0.0	1.0	**2.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**2.0**
Slovakia																
Kraje	I	S	1996–2001	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
Samosprávné kraje	I	S	2002–2004	2.0	1.0	0.0	1.0	3.0	**7.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**7.0**
	I	S	2005–2010	2.0	1.0	1.0	1.0	3.0	**8.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**8.0**

Slovenia															
Regionalne agencije	I	S	1999–2010	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
South Korea															
Do/gwangyeoksi	I	S	1952–1959	2.0	1.0	0.0	0.0	2.0	**5.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**5.0**
	I	S	1960	2.0	1.0	0.0	0.0	4.0	**7.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**7.0**
	I	S	1961–1990	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I	S	1991–1994	2.0	1.0	1.0	1.0	2.0	**7.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**7.0**
	I	S	1995–1998	2.0	1.0	1.0	1.0	4.0	**9.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**9.0**
	I	S	1999–2003	2.0	2.0	1.0	1.0	4.0	**10.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**10.0**
	I	S	2004–2010	2.0	3.0	1.0	1.0	4.0	**11.0**	0.0	1.0	1.0	0.0	0.0	**2.0**	**13.0**
Jeju	I	S→A	2006–2010	2.0	3.0	1.0	1.0	4.0	**11.0**	0.5	1.0	1.0	0.0	2.0	**4.5**	**15.5**
Spain															
Provincias	I	S	1950–1977	1.0	0.0	0.0	1.0	1.0	**3.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**3.0**
	I	S	1978–1980	2.0	1.0	1.0	1.0	3.0	**8.0**	1.0	0.0	0.0	0.0	3.0	**4.0**	**12.0**
	I→II	S	1981–2010	2.0	1.0	1.0	1.0	3.0	**8.0**	1.0	0.0	0.0	0.0	3.0	**4.0**	**12.0**
Araba (Basque country)	I	A	1950–1977	1.0	1.0	3.0	1.0	1.0	**7.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**7.0**
	I	A→Y	1978–1980	2.0	1.0	4.0	1.0	3.0	**11.0**	1.0	0.0	0.0	0.0	3.0	**4.0**	**15.0**
	I→II	Y	1981–2010	2.0	1.0	4.0	1.0	3.0	**11.0**	1.0	0.0	2.0	0.0	3.0	**6.0**	**17.0**
Navarra	I	A	1950–1977	1.0	1.0	3.0	1.0	1.0	**7.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**7.0**
	I	A→Y	1978	2.0	1.0	3.0	1.0	1.0	**8.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**8.0**
	I	Y	1979–1981	2.0	1.0	3.0	1.0	4.0	**11.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**11.0**
	I	Y	1982–1986	3.0	3.0	4.0	1.0	4.0	**15.0**	0.5	0.0	2.0	1.0	4.0	**7.5**	**22.5**
	I	Y	1987–2001	3.0	3.0	4.0	1.0	4.0	**15.0**	0.5	2.0	2.0	1.0	4.0	**9.5**	**24.5**
	I	Y	2002–2010	3.0	3.0	4.0	1.0	4.0	**15.0**	0.5	2.0	2.0	2.0	4.0	**10.5**	**25.5**
Ceuta	I	D	1956–1977	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I	D→A	1978	2.0	2.0	2.0	1.0	0.0	**7.0**	1.0	0.0	0.0	0.0	4.0	**5.0**	**12.0**
	I	A	1979–1994	2.0	2.0	2.0	1.0	4.0	**11.0**	1.0	0.0	0.0	0.0	4.0	**5.0**	**16.0**
	I	A	1995–1996	3.0	3.0	2.0	1.0	4.0	**13.0**	1.0	2.0	1.0	1.0	4.0	**9.0**	**22.0**
	I	A	1997–2001	3.0	3.0	3.0	1.0	4.0	**14.0**	1.0	2.0	1.0	1.0	4.0	**9.0**	**23.0**
	I	A	2002–2010	3.0	3.0	3.0	1.0	4.0	**14.0**	1.0	2.0	2.0	1.0	4.0	**10.0**	**24.0**

(*continued*)

I = highest regional tier; II = second-highest regional tier; III = third-highest regional tier; A=autonomous region; Y=asymmetric region; D=dependent region; S=standard region; → change in status.

Continued

Country	Tier	Type	Year	Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Represen-tation	**Self rule**	Law making	Executive control	Fiscal control	Borrowing control	Const reform	**Shared rule**	**RAI**
Melilla	I	D	1956–1977	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I	D→A	1978	2.0	2.0	2.0	1.0	0.0	**7.0**	1.0	0.0	0.0	0.0	4.0	**5.0**	**12.0**
	I	A	1979–1994	2.0	2.0	2.0	1.0	4.0	**11.0**	1.0	0.0	0.0	0.0	4.0	**5.0**	**16.0**
	I	A	1995–1996	3.0	3.0	2.0	1.0	4.0	**13.0**	1.0	2.0	1.0	1.0	4.0	**9.0**	**22.0**
	I	A	1997–2001	3.0	3.0	3.0	1.0	4.0	**14.0**	1.0	2.0	1.0	1.0	4.0	**9.0**	**23.0**
	I	A	2002–2010	3.0	3.0	3.0	1.0	4.0	**14.0**	1.0	2.0	2.0	1.0	4.0	**10.0**	**24.0**
Bizkaia (Basque	I	S→Y	1978–1980	2.0	1.0	4.0	1.0	3.0	**11.0**	1.0	0.0	2.0	0.0	3.0	**6.0**	**17.0**
country)	I→II	Y	1981–2010	2.0	1.0	4.0	1.0	3.0	**11.0**	1.0	0.0	2.0	0.0	3.0	**6.0**	**17.0**
Gipuzkoa (Basque	I	S→Y	1978–1980	2.0	1.0	4.0	1.0	3.0	**11.0**	1.0	0.0	2.0	0.0	3.0	**6.0**	**17.0**
country)	I→II	Y	1981–2010	2.0	1.0	4.0	1.0	3.0	**11.0**	1.0	0.0	2.0	0.0	3.0	**6.0**	**17.0**
Comunidades	I	S	1982	3.0	3.0	2.0	1.0	0.0	**9.0**	0.5	0.0	1.0	1.0	4.0	**6.5**	**15.5**
*autónomas**	I	S	1983–1986	3.0	3.0	2.0	1.0	4.0	**13.0**	0.5	0.0	1.0	1.0	4.0	**6.5**	**19.5**
	I	S	1987–1996	3.0	3.0	2.0	1.0	4.0	**13.0**	0.5	2.0	1.0	1.0	4.0	**8.5**	**21.5**
	I	S	1997–2001	3.0	3.0	3.0	1.0	4.0	**14.0**	0.5	2.0	1.0	1.0	4.0	**8.5**	**22.5**
	I	S	2002–2010	3.0	3.0	3.0	1.0	4.0	**14.0**	0.5	2.0	1.0	2.0	4.0	**9.5**	**23.5**
Catalunya	I	Y	1979	3.0	3.0	0.0	0.0	0.0	**6.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**6.0**
	I	Y	1980–1986	3.0	3.0	2.0	1.0	4.0	**13.0**	0.5	0.0	1.0	1.0	4.0	**6.5**	**19.5**
	I	Y	1987–1996	3.0	3.0	2.0	1.0	4.0	**13.0**	0.5	2.0	1.0	1.0	4.0	**8.5**	**21.5**
	I	Y	1997–2001	3.0	3.0	3.0	1.0	4.0	**14.0**	0.5	2.0	1.0	1.0	4.0	**8.5**	**22.5**
	I	Y	2002–2010	3.0	3.0	3.0	1.0	4.0	**14.0**	0.5	2.0	1.0	2.0	4.0	**9.5**	**23.5**
Pais Vasco	I	Y	1979	3.0	3.0	0.0	0.0	0.0	**6.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**6.0**
	I	Y	1980	3.0	3.0	0.0	1.0	4.0	**11.0**	0.5	0.0	1.0	1.0	4.0	**6.5**	**17.5**
	I	Y	1981–1986	3.0	3.0	0.0	1.0	4.0	**11.0**	0.5	0.0	2.0	1.0	4.0	**7.5**	**18.5**
	I	Y	1987–2001	3.0	3.0	0.0	1.0	4.0	**11.0**	0.5	2.0	2.0	1.0	4.0	**9.5**	**20.5**
	I	Y	2002–2010	3.0	3.0	0.0	1.0	4.0	**11.0**	0.5	2.0	2.0	2.0	4.0	**10.5**	**21.5**
Galicia	I	Y	1981–1986	3.0	3.0	2.0	1.0	4.0	**13.0**	0.5	0.0	1.0	1.0	4.0	**6.5**	**19.5**
	I	Y	1987–1996	3.0	3.0	2.0	1.0	4.0	**13.0**	0.5	2.0	1.0	1.0	4.0	**8.5**	**21.5**
	I	Y	1997–2001	3.0	3.0	3.0	1.0	4.0	**14.0**	0.5	2.0	1.0	1.0	4.0	**8.5**	**22.5**
	I	Y	2002–2010	3.0	3.0	3.0	1.0	4.0	**14.0**	0.5	2.0	1.0	2.0	4.0	**9.5**	**23.5**

* Statutes to become *comunidades autónomas* came into force in 1981 (Asturias, Cantabria), 1982 (Aragon, Islas Canarias, Castilla-La Mancha, La Rioja, Murcia, and Valenciana), and 1983 (Castilla y León, Extremadura, Islas Baleares, and Madrid).

Andalucia	I	Y	1981	3.0	3.0	2.0	1.0	0.0	**9.0**	0.5	0.0	1.0	1.0	4.0	**6.5**	**15.5**
	I	Y	1982	3.0	3.0	2.0	1.0	4.0	**13.0**	0.5	0.0	1.0	1.0	4.0	**6.5**	**19.5**
	I	Y→S	1983	3.0	3.0	2.0	1.0	4.0	**13.0**	0.5	0.0	1.0	1.0	4.0	**6.5**	**19.5**
Comarcas (Catalunya)	III	S	1987–2010	2.0	2.0	0.0	0.0	3.0	**7.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**7.0**
Val d'Aran (Catalunya)	III	S→A	1991–2010	2.0	2.0	0.0	0.0	4.0	**8.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**8.0**
Sweden																
Landstinge	I	S	1950–1970	2.0	1.0	3.0	3.0	3.0	**12.0**	1.5	0.0	2.0	0.0	4.0	**7.5**	**19.5**
	I	S	1971–1999	2.0	2.0	3.0	3.0	3.0	**13.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**13.0**
	I	S	2000–2010	2.0	2.0	3.0	2.0	3.0	**12.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**12.0**
Switzerland																
Cantons	I	S	1950–2002	3.0	4.0	4.0	3.0	4.0	**18.0**	1.5	1.0	1.0	0.0	3.0	**6.5**	**24.5**
	I	S	2003–2007	3.0	4.0	4.0	3.0	4.0	**18.0**	1.5	1.0	2.0	0.0	3.0	**7.5**	**25.5**
	I	S	2008–2010	3.0	4.0	4.0	3.0	4.0	**18.0**	1.5	2.0	2.0	0.0	3.0	**8.5**	**26.5**
Thailand																
Changwat	I	S	1950–1954	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I	S	1955–1999	1.0	0.0	0.0	0.0	2.0	**3.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**3.0**
	I	S	2000	1.0	1.0	1.0	0.0	2.0	**5.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**5.0**
	I	S	2001–2003	1.0	1.0	1.0	1.0	2.0	**6.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**6.0**
	I	S	2004–2007	2.0	2.0	1.0	1.0	3.0	**9.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**9.0**
	I	S	2008–2010	2.0	2.0	1.0	1.0	3.0	**9.0**	1.0	0.0	0.0	0.0	0.0	**1.0**	**10.0**
Bangkok	I	A	1972–1999	2.0	0.0	0.0	0.0	4.0	**6.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**6.0**
	I	A	2000	2.0	2.0	1.0	0.0	4.0	**9.0**	0.0	1.0	0.0	0.0	0.0	**1.0**	**10.0**
	I	A	2001–2005	2.0	2.0	1.0	1.0	4.0	**10.0**	0.0	1.0	0.0	0.0	0.0	**1.0**	**11.0**
	I	A	2006–2007	2.0	2.0	1.0	1.0	4.0	**10.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**10.0**
	I	A	2008–2010	2.0	2.0	1.0	1.0	4.0	**10.0**	1.0	1.0	0.0	0.0	0.0	**2.0**	**12.0**
Pattaya	I	A	1978–1999	2.0	0.0	0.0	0.0	4.0	**6.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**6.0**
	I	A	2000	2.0	2.0	1.0	0.0	4.0	**9.0**	0.0	1.0	0.0	0.0	0.0	**1.0**	**10.0**
	I	A	2001–2005	2.0	2.0	1.0	1.0	4.0	**10.0**	0.0	1.0	0.0	0.0	0.0	**1.0**	**11.0**
	I	A	2006–2007	2.0	2.0	1.0	1.0	4.0	**10.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**10.0**
	I	A	2008–2010	2.0	2.0	1.0	1.0	4.0	**10.0**	0.0	1.0	0.0	0.0	0.0	**1.0**	**11.0**

(*continued*)

I = highest regional tier; II = second-highest regional tier; III = third-highest regional tier; A=autonomous region; Y=asymmetric region; D=dependent region; S=standard region; → change in status.

Continued

Country	Tier	Type	Year	Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Represen-tation	**Self rule**	Law making	Executive control	Fiscal control	Borrowing control	Const reform	**Shared rule**	**RAI**
Trinidad and Tobago																
Tobago	I	D	1962–1979	1.0	0.0	0.0	0.0	2.0	**3.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**3.0**
	I	D→A	1980–1995	2.0	0.0	0.0	0.0	2.0	**4.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**4.0**
	I	A	1996–2010	2.0	2.0	0.0	1.0	4.0	**9.0**	0.0	1.0	0.0	0.0	0.0	**1.0**	**10.0**
Turkey																
Iller	I	S	1950–1960	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I	S	1961–2004	2.0	1.0	0.0	1.0	2.0	**6.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**6.0**
	I	S	2005–2008	2.0	1.0	0.0	1.0	3.0	**7.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**7.0**
	I→II	S	2009–2010	2.0	1.0	0.0	1.0	3.0	**7.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**7.0**
Kalkunna ajanslari	I	S	2009–2010	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
United Kingdom																
Counties	I	S	1950–1993	2.0	2.0	1.0	1.0	4.0	**10.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**10.0**
	I→II	S	1994–2010	2.0	2.0	1.0	1.0	4.0	**10.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**10.0**
Regions	I	S	1994–1998	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I	S	1999–2010	2.0	1.0	0.0	1.0	1.0	**5.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**5.0**
Northern Ireland	I	A	1950–1971	2.0	3.0	1.0	1.0	3.0	**10.0**	1.0	0.0	0.0	0.0	0.0	**1.0**	**11.0**
	I	A→D	1972–1999	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I	D→A	2000–2002	3.0	3.0	1.0	1.0	4.0	**12.0**	1.5	1.0	0.0	0.0	4.0	**6.5**	**18.5**
	I	A→D	2003–2006	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I	D→A	2007–2010	3.0	3.0	1.0	1.0	4.0	**12.0**	1.5	1.0	0.0	0.0	4.0	**6.5**	**18.5**
Scotland	I	A	1950–1998	1.0	0.0	0.0	0.0	0.0	**1.0**	1.0	0.0	0.0	0.0	0.0	**1.0**	**2.0**
	I	A	1999–2010	3.0	3.0	3.0	1.0	4.0	**14.0**	1.5	1.0	0.0	0.0	4.0	**6.5**	**20.5**
Wales	I	A	1964–1998	1.0	0.0	0.0	0.0	0.0	**1.0**	1.0	0.0	0.0	0.0	0.0	**1.0**	**2.0**
	I	A	1999–2010	2.0	3.0	0.0	1.0	3.0	**9.0**	1.5	1.0	0.0	0.0	4.0	**6.5**	**15.5**
Greater London	I	A	2000–2010	2.0	2.0	1.0	1.0	4.0	**10.0**	0.5	0.0	0.0	0.0	0.0	**0.5**	**10.5**
United States																
States	I	S	1950–2010	3.0	3.0	4.0	3.0	4.0	**17.0**	1.5	2.0	0.0	0.0	4.0	**7.5**	**24.5**
Alaska	I	A	1950–1958	2.0	3.0	1.0	1.0	2.0	**9.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**9.0**
	I	A→S	1959	3.0	3.0	4.0	3.0	4.0	**17.0**	1.5	2.0	0.0	0.0	4.0	**7.5**	**24.5**

Hawaii	I	A	1950–1958	3.0	3.0	4.0	1.0	2.0	**13.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**13.0**
	I	A→S	1959	3.0	3.0	4.0	3.0	4.0	**17.0**	1.5	2.0	0.0	0.0	4.0	**7.5**	**24.5**
Puerto Rico	I	D	1950–1951	1.0	0.0	0.0	0.0	4.0	**5.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**5.0**
	I	D→A	1952–2010	2.0	3.0	4.0	2.0	4.0	**15.0**	0.0	0.0	0.0	0.0	1.0	**1.0**	**16.0**
Washington DC	I	D	1950–1973	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I	D→A	1974–1994	2.0	3.0	4.0	2.0	4.0	**15.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**15.0**
	I	A→D	1995–2000	1.0	0.0	0.0	0.0	3.0	**4.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**4.0**
	I	D→A	2001–2010	2.0	3.0	4.0	2.0	4.0	**15.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**15.0**
Indian Tribes	I	A	1950–2010	2.0	2.0	4.0	1.0	4.0	**13.0**	0.0	0.0	0.0	0.0	2.0	**2.0**	**15.0**
Counties (CT until 1960, DE, FL, NJ, PA)	II	S	1950–2010	2.0	2.0	2.0	2.0	4.0	**12.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**12.0**
Counties (AZ, CA, MD, NV, NY, WA)	II	S	1950–2010	2.0	2.0	3.0	2.0	4.0	**13.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**13.0**
Counties (MA)	II	S	1950–2010	2.0	1.0	0.0	0.0	4.0	**7.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**7.0**
Planning regions (CT)	II	S	1972–2010	2.0	1.0	0.0	0.0	3.0	**6.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**6.0**
Uruguay																
Departamentos	I	S	1950–1966	2.0	2.0	1.0	1.0	4.0	**10.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**10.0**
	I	S	1967–1972	2.0	1.0	1.0	1.0	4.0	**9.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**9.0**
	I	S	1973–1984	1.0	1.0	1.0	1.0	0.0	**4.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**4.0**
	I	S	1985–1996	2.0	1.0	1.0	1.0	4.0	**9.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**9.0**
	I	S	1997–2010	2.0	2.0	1.0	1.0	4.0	**10.0**	0.0	1.0	1.0	0.0	0.0	**2.0**	**12.0**
Venezuela																
Estados	I	S	1950–1957	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I	S	1958–1960	1.0	0.0	0.0	0.0	2.0	**3.0**	1.5	0.0	0.0	0.0	0.0	**1.5**	**4.5**
	I	S	1961–1988	2.0	1.0	0.0	1.0	2.0	**6.0**	1.5	0.0	0.0	0.0	4.0	**5.5**	**11.5**
	I	S	1989–1993	2.0	1.0	0.0	1.0	4.0	**8.0**	1.5	0.0	0.0	0.0	4.0	**5.5**	**13.5**
	I	S	1994–1999	2.0	2.0	0.0	1.0	4.0	**9.0**	1.5	0.0	0.0	0.0	4.0	**5.5**	**14.5**
	I	S	2000–2008	2.0	1.0	0.0	1.0	4.0	**8.0**	0.5	0.0	0.0	0.0	0.0	**0.5**	**8.5**
	I	S	2009–2010	1.0	1.0	0.0	1.0	4.0	**7.0**	0.5	0.0	0.0	0.0	0.0	**0.5**	**7.5**

(*continued*)

I = highest regional tier; II = second-highest regional tier; III = third-highest regional tier; A=autonomous region; Y=asymmetric region; D=dependent region; S=standard region; → change in status.

Continued

Country	Tier	Type	Year	Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Represen-tation	**Self rule**	Law making	Executive control	Fiscal control	Borrowing control	Const reform	**Shared rule**	**RAI**
Distrito	I	D	1950–1957	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
Federal/ Capital	I	D	1958–1999	1.0	0.0	0.0	0.0	0.0	**1.0**	1.5	0.0	0.0	0.0	0.0	**1.5**	**2.5**
	I	D	2000–2010	1.0	0.0	0.0	0.0	0.0	**1.0**	0.5	0.0	0.0	0.0	0.0	**0.0**	**1.5**
Dependencias Federales	I	D	1950–2010	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
Delta Amacuro	I	D	1950–1957	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I	D	1958–1990	1.0	0.0	0.0	0.0	2.0	**3.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**3.0**
	I	D→S	1991	2.0	1.0	0.0	1.0	4.0	**8.0**	1.5	0.0	0.0	0.0	4.0	**5.5**	**13.5**
Amazonas	I	D	1950–1957	1.0	0.0	0.0	0.0	0.0	**0.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	I	D	1958–1991	1.0	0.0	0.0	0.0	2.0	**3.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**3.0**
	I	D→S	1992	2.0	1.0	0.0	1.0	4.0	**8.0**	1.5	0.0	0.0	0.0	4.0	**5.5**	**13.5**

I = highest regional tier; II = second-highest regional tier; III = third-highest regional tier; A=autonomous region; Y=asymmetric region; D=dependent region; S=standard region; → change in status.

Country Scores

Country	Year	Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Represen-tation	**Self-rule**	Law making	Executive control	Fiscal control	Borrowing control	Const reform	**Shared rule**	**RAI**
Albania	1992–1999	0.0	0.0	0.0	0.0	0.0	**0.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**0.0**
	2000–2010	1.0	0.0	0.0	0.0	1.0	**2.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**2.0**
Argentina	1950	1.8	2.4	3.2	2.4	3.3	**13.2**	1.3	0.0	1.6	0.0	2.6	**5.5**	**18.7**
	1951–1952	1.8	2.5	3.3	2.5	3.5	**13.7**	1.4	0.0	1.7	0.0	2.7	**5.8**	**19.4**
	1953–1954	1.9	2.6	3.4	2.6	3.6	**14.1**	1.4	0.0	1.7	0.0	2.8	**5.9**	**20.0**
	1955–1956	1.0	2.8	3.7	2.8	3.8	**14.1**	1.5	0.0	1.8	0.0	3.0	**6.3**	**20.4**
	1957–1958	1.9	2.8	3.7	2.8	3.8	**14.1**	2.0	0.0	1.8	0.0	3.9	**7.7**	**21.8**
	1959–1965	1.9	2.8	3.7	2.8	2.9	**14.1**	2.0	0.0	1.8	0.0	3.9	**7.7**	**21.8**
	1966–1971	1.0	1.8	3.7	2.8	0.1	**9.5**	0.0	0.0	0.0	0.0	0.0	**0.0**	**9.5**
	1972	1.0	1.8	3.7	2.8	0.1	**9.5**	0.0	0.9	0.0	0.0	0.0	**0.9**	**10.4**
	1973–1975	1.9	2.8	3.7	2.8	3.8	**15.0**	1.5	0.9	1.8	0.0	3.0	**7.3**	**22.3**
	1976–1982	1.0	1.8	1.8	2.8	0.0	**7.5**	0.0	0.9	0.0	0.0	0.0	**0.9**	**8.4**
	1983–1984	2.8	2.8	1.8	2.8	3.8	**14.1**	2.0	0.9	1.8	0.0	3.9	**8.6**	**22.7**
	1985–1987	2.8	2.8	1.8	2.8	3.8	**14.1**	2.0	0.9	0.0	0.0	3.9	**6.8**	**20.9**
	1988–1990	2.8	2.8	1.8	2.8	3.8	**14.1**	2.0	0.9	1.8	0.0	3.9	**8.6**	**22.7**
	1991–1995	2.8	2.8	1.9	2.8	3.9	**14.1**	2.0	0.9	1.9	0.0	3.9	**8.7**	**22.8**
	1996–2000	3.0	3.0	2.0	3.0	4.0	**15.0**	2.0	1.0	2.0	0.0	3.9	**8.9**	**23.9**
	2001–2003	3.0	3.0	2.0	3.0	4.0	**15.0**	1.5	1.0	2.0	0.0	3.0	**7.5**	**22.5**

(*continued*)

Continued

Country	Year	Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Represen-tation	**Self-rule**	Law making	Executive control	Fiscal control	Borrowing control	Const reform	**Shared rule**	**RAI**
	2004–2005	3.0	3.0	2.0	2.0	4.0	**14.0**	1.5	1.0	2.0	1.0	3.0	**8.5**	**22.5**
	2006–2010	3.0	3.0	2.0	2.0	4.0	**14.0**	1.5	2.0	2.0	1.0	3.0	**9.5**	**23.5**
Australia	1950–1964	2.9	3.9	1.9	1.0	3.9	**13.7**	1.5	1.9	1.0	1.9	2.9	**9.3**	**22.9**
	1965–1977	2.9	3.9	1.9	1.0	4.0	**13.8**	1.5	1.9	1.0	1.9	2.9	**9.3**	**23.0**
	1978–1983	3.0	3.9	2.0	1.0	4.0	**13.8**	1.5	2.0	1.0	2.0	3.0	**9.4**	**23.3**
	1984–1988	3.0	3.9	2.0	3.0	4.0	**15.8**	1.5	2.0	1.0	0.0	3.0	**7.5**	**23.3**
	1989–1994	3.0	4.0	2.0	3.0	4.0	**15.9**	1.5	2.0	1.0	0.0	3.0	**7.5**	**23.4**
	1995–1998	3.0	4.0	2.0	2.0	4.0	**14.9**	1.5	2.0	1.0	2.0	3.0	**9.5**	**24.4**
	1999–2010	3.0	4.0	2.0	2.0	4.0	**14.9**	1.5	2.0	2.0	2.0	3.0	**10.5**	**25.4**
Austria	1955–1983	3.0	3.0	2.0	3.0	4.0	**15.0**	1.0	1.0	1.0	1.0	2.0	**6.0**	**21.0**
	1984–1996	3.0	3.0	2.0	3.0	4.0	**15.0**	1.0	1.0	1.0	1.0	4.0	**8.0**	**23.0**
	1997–1998	3.0	3.0	2.0	2.0	4.0	**14.0**	1.0	1.0	1.0	1.0	4.0	**8.0**	**22.0**
	1999–2010	3.0	3.0	2.0	2.0	4.0	**14.0**	1.0	1.0	1.0	2.0	4.0	**9.0**	**23.0**
Bahamas	1973–2010	0.0	0.0	0.0	0.0	0.0	**0.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**0.0**
Barbados	1966–2010	0.0	0.0	0.0	0.0	0.0	**0.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**0.0**
Belgium	1950–1969	2.0	2.0	2.0	1.0	3.0	**10.0**	1.0	0.0	1.0	0.0	4.0	**6.0**	**16.0**
	1970–1979	4.0	3.0	2.0	1.0	4.0	**14.0**	1.0	0.0	3.0	0.0	8.0	**12.0**	**26.0**
	1980–1988	4.0	3.9	2.0	1.0	6.0	**17.0**	1.0	0.0	3.0	0.0	8.0	**12.0**	**28.9**
	1989–1994	5.0	4.0	4.0	2.0	6.1	**21.2**	1.0	2.0	3.0	1.0	8.0	**15.0**	**36.2**
	1995–2001	4.8	3.8	4.8	1.9	6.7	**22.1**	2.0	2.0	2.0	1.0	3.0	**10.0**	**32.1**
	2002–2010	4.8	4.8	4.8	1.9	6.7	**23.1**	2.0	2.0	2.0	1.0	3.0	**10.0**	**33.1**
Belize	1981–2010	0.0	0.0	0.0	0.0	0.0	**0.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**0.0**
Bolivia	1950–1963	1.0	0.0	0.0	0.0	0.0	**1.0**	1.5	0.0	0.0	0.0	3.0	**4.5**	**5.5**
	1964–1966	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	1967–1971	1.0	0.0	0.0	0.0	0.0	**1.0**	1.5	0.0	0.0	0.0	3.0	**4.5**	**5.5**
	1972–1981	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	1982–1984	1.0	0.0	0.0	0.0	0.0	**1.0**	1.5	0.0	0.0	0.0	3.0	**4.5**	**5.5**
	1985–1994	1.0	0.0	0.0	0.0	1.0	**2.0**	1.5	0.0	0.0	0.0	3.0	**4.5**	**6.5**
	1995	2.0	0.0	0.0	0.0	1.0	**3.0**	1.5	0.0	0.0	0.0	3.0	**4.5**	**7.5**
	1996–2004	2.0	0.0	0.0	1.0	1.0	**4.0**	1.5	0.0	0.0	0.0	3.0	**4.5**	**8.5**
	2005–2009	2.0	2.0	0.0	1.0	3.0	**8.0**	1.5	0.0	0.0	0.0	3.0	**4.5**	**12.4**
	2010	2.0	3.0	0.0	1.0	4.0	**10.0**	1.5	1.0	1.0	0.0	0.1	**3.6**	**13.5**

Bosnia and Herzegovina	1995–1997	4.9	4.6	5.9	4.3	6.6	**26.3**	2.0	0.0	2.0	0.0	4.0	**8.0**	**34.3**
	1998–2010	3.3	4.6	5.9	4.6	4.9	**23.1**	2.0	0.0	2.0	0.0	0.0	**4.0**	**27.1**
Brazil	1950–1963	3.0	2.9	3.9	3.0	3.9	**16.7**	1.5	0.0	0.0	0.0	3.0	**4.4**	**21.2**
	1964–1973	2.0	1.0	2.0	1.0	2.0	**7.8**	1.0	0.0	0.0	0.0	0.0	**1.0**	**8.8**
	1974–1981	2.0	1.0	2.0	2.9	2.0	**9.8**	1.0	0.0	0.0	0.0	0.0	**1.0**	**10.8**
	1982–1987	2.0	2.0	2.0	2.9	3.9	**12.8**	1.5	0.0	0.0	0.0	0.0	**1.5**	**14.3**
	1988–1989	3.0	3.0	3.0	3.0	4.0	**16.0**	1.5	0.0	0.0	0.0	3.0	**4.5**	**20.5**
	1990–1999	3.0	3.0	3.0	3.0	4.0	**16.0**	1.5	1.0	0.0	0.0	3.0	**5.5**	**21.5**
	2000–2010	3.0	3.0	3.0	1.0	4.0	**14.0**	1.5	1.0	0.0	0.0	3.0	**5.5**	**19.5**
Brunei	1984–2010	0.0	0.0	0.0	0.0	0.0	**0.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**0.0**
Bulgaria	1991–2010	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
Canada	1950–1984	3.4	3.4	4.2	3.4	4.7	**19.1**	0.1	1.0	1.0	0.0	4.0	**6.1**	**25.2**
	1985–1990	3.4	3.4	4.2	3.4	4.7	**19.2**	0.1	1.0	1.0	0.0	4.0	**6.1**	**25.3**
	1991–2005	3.4	3.7	4.2	3.4	4.7	**19.4**	0.1	1.0	1.0	0.0	4.0	**6.1**	**25.5**
	2006–2010	3.7	3.7	4.2	3.4	4.9	**19.9**	0.1	1.0	1.0	0.0	4.0	**6.1**	**26.0**
Chile	1950–1975	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	1976–1991	2.0	0.0	0.0	0.0	0.0	**2.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**2.0**
	1992–2010	2.0	0.0	0.0	0.0	1.0	**3.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**3.0**
Colombia	1950–1974	1.0	1.0	0.8	0.0	2.0	**4.8**	1.2	0.0	0.0	0.0	2.4	**3.7**	**8.4**
	1975–1980	2.0	1.0	0.8	0.0	2.0	**5.7**	1.2	0.0	0.0	0.0	2.4	**3.7**	**9.4**
	1981–1988	2.0	1.0	0.8	2.0	2.0	**7.7**	1.2	0.0	0.0	0.0	2.4	**3.7**	**11.4**
	1989–1990	2.0	1.0	0.8	2.0	2.3	**8.0**	1.2	0.0	0.0	0.0	2.4	**3.7**	**11.7**
	1991–1992	2.0	3.0	0.8	2.0	4.0	**11.7**	0.0	1.0	0.0	0.0	0.0	**1.0**	**12.8**
	1993–1996	2.0	3.0	1.3	2.0	4.0	**12.2**	0.0	1.0	0.0	0.0	0.0	**1.0**	**13.3**
	1997–2010	2.0	3.0	1.3	1.0	4.0	**11.2**	0.0	1.0	0.0	0.0	0.0	**1.0**	**12.3**
Costa Rica	1950–1995	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	1996–2010	0.0	0.0	0.0	0.0	0.0	**0.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**0.0**
Croatia	1991–1992	0.0	0.0	0.0	0.0	0.0	**0.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**0.0**
	1993–2000	2.0	2.0	0.0	1.0	3.0	**8.0**	1.0	0.0	0.0	0.0	0.0	**1.0**	**9.0**
	2001	2.0	2.0	0.0	1.0	3.0	**8.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**8.0**
	2002–2010	2.0	2.0	0.0	1.0	4.0	**9.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**9.0**

(*continued*)

Note: Reform years appear as separate rows when a self-rule, shared rule, or RAI score changes by 0.1 or more. Scores are rounded to one decimal place, causing occasional summing inequalities.

Continued

Country	Year	Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation	**Self-rule**	Law making	Executive control	Fiscal control	Borrowing control	Constitution reform	**Shared rule**	**RAI**
Cuba	1950–1951	1.0	0.0	0.0	1.0	3.0	**5.0**	1.5	0.0	2.0	0.0	0.0	**1.5**	**8.5**
	1952–1958	1.0	0.0	0.0	1.0	2.0	**4.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**4.0**
	1959–1965	0.0	0.0	0.0	0.0	0.0	**0.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**0.0**
	1966–1975	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	1976–1991	1.0	1.0	0.0	0.0	2.0	**4.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**4.0**
	1992–2010	1.0	1.0	0.0	0.0	3.0	**5.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**5.0**
Cyprus	1966–2010	0.0	0.0	0.0	0.0	0.0	**0.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**0.0**
Czech Republic	1993–1999	0.0	0.0	0.0	0.0	0.0	**0.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**0.0**
	2000–2002	2.0	1.0	0.0	1.0	4.0	**8.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**8.0**
	2003–2010	2.0	2.0	0.0	1.0	4.0	**9.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**9.0**
Denmark	1950–1952	2.0	1.0	0.0	1.0	2.0	**6.0**	0.0	0.0	0.0	0.0	0.0	**0.1**	**6.1**
	1953–1969	2.0	1.0	0.0	1.0	2.0	**6.1**	0.0	0.0	0.0	0.0	0.0	**0.1**	**6.2**
	1970–1972	2.0	2.0	0.0	1.0	4.0	**9.1**	0.0	0.0	0.0	0.0	0.0	**0.1**	**9.1**
	1973–1978	2.0	2.0	3.0	1.0	4.0	**12.0**	0.0	0.0	0.0	0.0	0.0	**0.1**	**12.1**
	1979–2006	2.0	2.0	3.0	1.0	4.0	**12.1**	0.0	0.0	0.0	0.0	0.1	**0.2**	**12.2**
	2007–2010	2.0	1.0	0.1	0.1	4.0	**7.2**	0.0	0.0	0.0	0.0	0.1	**0.2**	**7.3**
Dominican Republic	1950–1951	1.0	0.0	0.0	0.0	0.2	**1.2**	1.0	0.0	0.0	0.0	0.0	**1.0**	**2.2**
	1952	1.0	0.0	0.0	0.1	0.2	**1.3**	1.0	0.0	0.0	0.0	0.0	**1.0**	**2.3**
	1953–1977	1.1	0.1	0.0	0.1	0.2	**1.5**	1.0	0.0	0.0	0.0	0.0	**1.0**	**2.5**
	1978–2006	1.1	0.1	0.0	0.1	0.4	**1.7**	1.5	0.0	0.0	0.0	0.0	**1.5**	**3.2**
	2007	1.1	0.1	0.2	0.1	0.4	**2.0**	1.5	0.0	0.0	0.0	0.0	**1.5**	**3.5**
	2008–2010	1.1	0.3	0.2	0.1	0.4	**2.2**	1.5	0.0	0.0	0.0	0.0	**1.5**	**3.7**
East Timor	2002–2010	0.0	0.0	0.0	0.0	0.0	**0.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**0.0**
Ecuador	1950–1963	2.0	1.0	2.0	2.0	2.0	**9.0**	1.5	0.0	0.0	0.0	3.0	**4.5**	**13.5**
	1964	2.0	1.0	2.0	2.0	0.0	**7.0**	1.5	0.0	0.0	0.0	3.0	**4.5**	**11.5**
	1965–1966	1.0	1.0	0.0	2.0	0.0	**4.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**4.0**
	1967	2.0	1.0	0.0	2.0	3.0	**8.0**	1.5	0.0	0.0	0.0	3.0	**4.5**	**12.5**
	1968–1971	2.0	1.0	0.0	2.0	3.0	**8.0**	1.5	0.0	0.0	0.0	0.0	**1.5**	**9.5**
	1972	2.0	1.0	0.0	2.0	0.0	**5.0**	1.5	0.0	0.0	0.0	0.0	**1.5**	**6.5**
	1973–1978	1.0	1.0	0.0	2.0	0.0	**4.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**4.0**
	1979	1.0	1.0	0.0	2.0	3.0	**7.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**7.0**
	1980–1997	2.0	1.0	0.0	2.0	3.0	**8.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**8.0**

	1998–2001	2.0	2.0	0.0	2.0	3.0	**9.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**9.0**
	2002–2010	2.0	2.0	0.0	1.0	3.0	**8.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**8.0**
El Salvador	1950–1979	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	1980–1992	0.0	0.0	0.0	0.0	0.0	**0.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**0.0**
	1993–2010	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
Estonia	1992–2010	0.0	0.0	0.0	0.0	0.0	**0.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**0.0**
Finland	1950–1992	1.0	0.0	0.0	0.0	0.0	**1.1**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.1**
	1993–2010	3.0	1.0	0.0	0.0	3.0	**7.1**	0.0	0.0	0.0	0.0	0.0	**0.0**	**7.1**
France	1950–1963	2.0	1.0	1.0	1.0	2.0	**7.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**7.0**
	1964–1971	3.0	1.0	1.0	1.0	2.0	**8.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**8.0**
	1972–1981	3.0	1.0	1.0	1.0	3.0	**9.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**9.0**
	1982–1985	4.0	4.0	2.0	4.0	5.0	**19.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**19.0**
	1986–2010	4.0	4.0	2.0	4.0	6.0	**20.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**20.0**
Germany	1950–1963	5.4	4.5	4.4	3.6	7.3	**25.3**	2.0	1.0	0.0	0.0	4.0	**7.0**	**32.3**
	1964–1965	5.4	4.5	4.4	3.6	7.3	**25.3**	2.0	2.0	0.0	0.0	4.0	**8.0**	**33.3**
	1966–1967	5.4	4.5	2.4	3.6	7.3	**23.3**	2.0	2.0	2.0	0.0	4.0	**10.0**	**33.3**
	1968–1969	5.4	4.5	2.4	3.6	7.3	**23.3**	2.0	2.0	2.0	1.0	4.0	**11.0**	**34.3**
	1970–1971	5.5	4.6	2.5	3.6	7.5	**23.7**	2.0	2.0	2.0	1.0	4.0	**11.0**	**34.7**
	1972–1973	5.7	4.8	2.6	3.7	7.9	**24.6**	2.0	2.0	2.0	1.0	4.0	**11.0**	**35.6**
	1974–1976	5.7	4.8	2.6	3.8	7.9	**24.8**	2.0	2.0	2.0	1.0	4.0	**11.0**	**35.8**
	1977–1989	5.9	5.0	2.7	3.9	8.4	**26.0**	2.0	2.0	2.0	1.0	4.0	**11.0**	**37.0**
	1990–1992	5.5	4.6	2.5	3.7	7.5	**23.7**	2.0	2.0	2.0	1.0	4.0	**11.0**	**34.7**
	1993–1998	5.4	4.6	2.5	3.7	7.5	**23.7**	2.0	2.0	2.0	1.0	4.0	**11.0**	**34.7**
	1999–2000	5.2	4.6	2.5	3.7	7.5	**23.5**	2.0	2.0	2.0	1.0	4.0	**11.0**	**34.5**
	2001–2003	5.4	4.6	2.5	3.7	7.7	**23.9**	2.0	2.0	2.0	1.0	4.0	**11.0**	**34.9**
	2004–2006	5.3	4.6	2.5	3.7	7.7	**23.8**	2.0	2.0	2.0	1.0	4.0	**11.0**	**34.8**
	2007	5.4	4.7	2.6	3.8	7.9	**24.5**	2.0	2.0	2.0	1.0	4.0	**11.0**	**35.5**

(*continued*)

Note: Reform years appear as separate rows when a self-rule, shared rule, or RAI score changes by 0.1 or more. Scores are rounded to one decimal place, causing occasional summing inequalities.

Continued

Country	Year	Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation	**Self-rule**	Law making	Executive control	Fiscal control	Borrowing control	Constitution reform	**Shared rule**	**RAI**
	2008–2009	5.6	4.8	2.6	3.8	8.2	**25.0**	2.0	2.0	2.0	1.0	4.0	**11.0**	**36.0**
	2010	5.6	4.8	2.6	3.8	8.2	**25.0**	2.0	2.0	2.0	2.0	4.0	**12.0**	**37.0**
Greece	1950–1985	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	1986–1993	2.0	0.0	0.0	0.0	0.0	**2.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**2.0**
	1994–1996	3.0	2.0	0.0	1.0	4.0	**10.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**10.0**
	1997–2010	3.0	2.0	0.0	1.0	5.0	**11.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**11.0**
Guatemala	1950–2010	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
Guyana	1966–2010	0.0	0.0	0.0	0.0	0.0	**0.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**0.0**
Haiti	1950–1986	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	1987–2010	1.0	0.0	0.0	0.0	0.0	**1.0**	1.5	0.0	0.0	0.0	3.0	**4.5**	**5.5**
Honduras	1950–2010	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
Hungary	1990–1993	2.0	2.0	0.6	1.9	3.6	**10.1**	0.0	0.0	0.0	0.0	0.0	**0.0**	**10.1**
	1994	2.0	2.0	0.6	1.9	4.0	**10.5**	0.0	0.0	0.0	0.0	0.0	**0.0**	**10.5**
	1995–1998	2.0	2.0	0.6	1.2	4.0	**9.9**	0.0	0.0	0.0	0.0	0.0	**0.0**	**9.9**
	1999–2010	3.0	2.0	0.6	1.2	4.0	**10.9**	0.0	0.0	0.0	0.0	0.0	**0.0**	**10.9**
Iceland	1950–2010	0.0	0.0	0.0	0.0	0.0	**0.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**0.0**
Indonesia	1950–1958	4.0	2.0	0.0	0.0	8.0	**14.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**14.0**
	1959–1965	4.0	2.0	0.0	0.0	6.0	**12.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**12.0**
	1966–1973	3.9	1.9	0.0	0.0	5.9	**11.7**	0.0	0.0	0.0	0.0	0.0	**0.0**	**11.7**
	1974–1978	2.0	0.0	0.0	0.0	4.9	**6.9**	0.0	0.0	0.0	0.0	0.0	**0.0**	**6.9**
	1979–1998	2.0	0.0	0.0	0.0	3.9	**5.9**	0.0	0.0	0.0	0.0	0.0	**0.0**	**5.9**
	1999–2000	2.0	0.0	0.0	0.0	7.8	**9.8**	0.0	0.0	0.0	0.0	0.0	**0.0**	**9.8**
	2001–2003	4.0	2.0	2.0	0.0	7.8	**15.7**	0.0	0.0	0.0	0.0	0.1	**0.1**	**15.8**
	2004–2006	4.0	4.0	2.0	2.0	7.8	**19.7**	1.0	0.0	0.0	0.0	0.1	**1.1**	**20.7**
	2007–2010	4.0	4.0	2.0	2.0	7.8	**19.7**	1.0	0.0	0.0	0.0	0.1	**1.1**	**20.8**
Ireland	1950–1986	0.0	0.0	0.0	0.0	0.0	**0.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**0.0**
	1987–1993	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	1994–2010	1.0	0.0	0.0	0.0	2.0	**3.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**3.0**
Israel	1950–2010	2.0	0.0	0.0	0.0	0.0	**2.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**2.0**
Italy	1950–1962	2.3	1.4	1.1	1.3	3.5	**9.6**	0.0	0.0	0.1	0.0	0.3	**0.4**	**10.0**
	1963–1969	2.3	1.5	1.2	1.3	3.6	**9.8**	0.0	0.0	0.2	0.0	0.3	**0.5**	**10.3**
	1970–1971	4.0	1.5	1.2	3.0	7.0	**16.6**	0.0	0.0	0.2	0.0	0.3	**0.5**	**17.1**

	1972–1973	4.0	2.3	1.2	3.0	7.0	**17.5**	0.0	0.0	0.2	0.0	0.3	**0.5**	**18.0**
	1974–1976	4.0	2.3	0.2	3.0	7.0	**16.5**	0.0	0.0	0.2	0.0	0.3	**0.5**	**17.0**
	1977–1988	4.0	3.2	0.2	3.0	7.0	**17.4**	0.0	0.0	0.2	0.0	0.3	**0.5**	**17.9**
	1989	4.0	3.2	0.2	3.0	7.0	**17.4**	0.0	1.0	0.2	0.0	0.3	**1.5**	**18.9**
	1990–1992	4.0	3.2	1.0	3.0	7.0	**18.2**	0.0	1.0	0.2	0.0	0.3	**1.5**	**19.7**
	1993–1997	4.0	3.2	2.0	3.0	7.0	**19.2**	0.0	1.0	0.2	0.0	0.3	**1.5**	**20.7**
	1998–2000	4.0	3.2	4.0	3.0	7.0	**21.2**	0.0	1.0	0.2	0.0	0.3	**1.5**	**22.7**
	2001–2010	5.0	5.0	4.0	3.0	7.0	**24.1**	0.0	1.0	0.2	0.0	2.0	**3.2**	**27.3**
Jamaica	1962–2010	0.0	0.0	0.0	0.0	0.0	**0.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**0.0**
Japan	1950–1991	2.0	1.0	3.0	1.0	3.0	**10.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**10.0**
	1992–1999	2.0	1.0	3.0	1.0	4.0	**11.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**11.0**
	2000–2005	2.0	2.0	3.0	1.0	4.0	**12.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**12.0**
	2006–2010	2.0	2.0	3.0	2.0	4.0	**13.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**13.0**
Kosovo	2008–2010	0.0	0.0	0.0	0.0	0.0	**0.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**0.0**
Latvia	1990–2008	0.0	0.0	0.0	0.0	0.0	**0.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**0.0**
	2009–2010	1.0	0.0	0.0	0.0	2.0	**3.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**3.0**
Lithuania	1992–1994	0.0	0.0	0.0	0.0	0.0	**0.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**0.0**
	1995–1999	2.0	0.0	0.0	0.0	1.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	2000–2009	2.0	1.0	0.0	0.0	1.0	**4.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**4.0**
	2010	1.0	1.0	0.0	0.0	1.0	**3.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**3.0**
Luxembourg	1950–2010	0.0	0.0	0.0	0.0	0.0	**0.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**0.0**
Macedonia	1991–2006	0.0	0.0	0.0	0.0	0.0	**0.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**0.0**
	2007–2010	1.0	0.0	0.0	0.0	1.0	**2.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**2.0**
Malaysia	1957–1962	3.0	2.0	3.0	1.0	8.0	**17.0**	1.5	1.0	1.0	1.0	4.0	**8.5**	**25.5**
	1963	3.2	2.6	3.2	1.2	6.4	**16.7**	1.5	1.0	1.0	1.0	4.0	**8.5**	**25.2**
	1964	3.2	2.6	3.2	1.2	6.4	**16.7**	1.0	1.0	1.0	1.0	4.0	**8.0**	**24.7**
	1965–1968	3.2	2.4	3.2	1.2	4.0	**14.0**	1.0	1.0	1.0	1.0	4.0	**8.0**	**22.0**
	1969–1971	3.2	2.4	3.2	1.2	4.0	**14.0**	0.0	1.0	1.0	1.0	0.0	**3.0**	**17.0**

(*continued*)

Note: Reform years appear as separate rows when a self-rule, shared rule, or RAI score changes by 0.1 or more. Scores are rounded to one decimal place, causing occasional summing inequalities.

Continued

Country	Year	Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation	**Self-rule**	Law making	Executive control	Fiscal control	Borrowing control	Const reform	**Shared rule**	**RAI**
	1972–1973	3.2	2.4	3.2	1.2	4.0	**14.0**	1.0	1.0	1.0	1.0	4.0	**8.0**	**22.0**
	1974–1975	3.1	2.3	3.0	1.2	3.8	**13.3**	0.9	0.9	0.9	0.9	3.8	**7.5**	**20.9**
	1976–1983	3.1	2.3	3.0	1.9	3.8	**14.1**	0.9	0.9	0.9	0.9	3.8	**7.5**	**21.6**
	1984–2000	3.1	2.3	3.0	1.9	3.8	**14.0**	0.9	0.9	0.9	0.9	3.8	**7.5**	**21.5**
	2001–2010	3.1	2.3	3.0	1.9	3.7	**14.0**	0.9	0.9	0.9	0.9	3.7	**7.5**	**21.5**
Malta	1964–2010	0.0	0.0	0.0	0.0	0.0	**0.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**0.0**
Mexico	1950–1952	1.0	1.0	1.8	1.9	2.6	**8.2**	1.4	0.0	1.0	0.0	3.5	**5.9**	**14.1**
	1953–1973	1.0	1.0	1.8	1.9	2.7	**8.4**	1.5	0.0	1.0	0.0	3.6	**6.1**	**14.5**
	1974–1979	1.0	1.0	1.8	1.9	2.8	**8.5**	1.5	0.0	1.0	0.0	3.7	**6.2**	**14.7**
	1980–1982	1.0	1.0	0.9	1.9	2.8	**7.6**	1.5	0.0	0.0	0.0	3.7	**5.2**	**12.8**
	1983–1987	1.9	1.0	0.9	1.9	2.8	**8.5**	1.5	0.0	0.0	0.0	3.7	**5.2**	**13.7**
	1988	2.0	1.0	0.9	1.9	2.9	**8.8**	1.5	0.0	0.0	0.0	3.7	**5.2**	**13.9**
	1989–1992	2.0	1.0	0.9	1.9	3.8	**9.7**	1.5	0.0	0.0	0.0	3.7	**5.2**	**14.9**
	1993	2.0	2.0	0.9	1.9	3.8	**10.7**	1.5	0.0	0.0	0.0	3.7	**5.2**	**15.9**
	1994–1996	2.9	2.0	0.9	1.9	3.8	**11.6**	1.5	0.0	0.0	0.0	3.7	**5.2**	**16.8**
	1997–2003	2.9	3.0	2.0	1.9	4.0	**13.8**	1.5	0.0	0.0	0.0	3.7	**5.2**	**19.0**
	2004–2010	2.9	3.0	3.0	1.9	4.0	**14.8**	1.5	0.0	0.0	0.0	3.7	**5.2**	**20.0**
Montenegro	2007–2010	0.0	0.0	0.0	0.0	0.0	**0.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**0.0**
Netherlands	1950–1979	2.0	1.0	1.0	1.0	3.0	**8.0**	1.5	0.0	2.0	0.0	4.0	**7.5**	**15.5**
	1980–1993	2.0	2.0	1.0	1.0	3.0	**9.0**	1.5	0.0	2.0	0.0	4.0	**7.5**	**16.5**
	1994–2010	2.0	2.0	1.0	2.0	3.0	**10.0**	1.5	0.0	2.0	0.0	4.0	**7.5**	**17.5**
New Zealand	1950–1962	0.0	0.0	0.0	0.0	0.0	**0.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**0.0**
	1963–1973	0.7	0.3	0.7	0.3	1.3	**3.3**	0.0	0.0	0.0	0.0	0.0	**0.0**	**3.3**
	1974–1988	2.0	1.0	2.0	1.0	3.4	**9.4**	0.0	0.0	0.0	0.0	0.0	**0.0**	**9.4**
	1989–1997	2.0	1.0	2.0	1.0	4.0	**10.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**10.0**
	1998–2010	2.0	1.0	2.0	2.0	4.0	**11.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**11.0**

Nicaragua	1950–1986	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	1987	1.1	0.0	0.1	0.2	0.0	**1.5**	0.1	0.1	0.0	0.0	0.2	**0.5**	**2.0**
	1988–1989	1.3	0.3	0.1	0.2	0.0	**1.9**	0.1	0.1	0.0	0.0	0.2	**0.5**	**2.4**
	1990–1996	1.3	0.3	0.1	0.2	1.2	**3.1**	0.1	0.1	0.0	0.0	0.2	**0.5**	**3.6**
	1997–2002	1.3	0.5	0.1	0.2	1.2	**3.3**	0.1	0.1	0.0	0.0	0.2	**0.5**	**3.8**
	2003–2010	1.3	0.7	0.2	0.2	1.2	**3.7**	0.1	0.2	0.2	0.0	0.2	**0.8**	**4.5**
Norway	1950–1974	2.0	1.0	0.0	1.0	1.0	**5.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**5.0**
	1975–1992	2.0	2.0	3.0	1.0	3.0	**11.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**11.0**
	1993–2010	2.0	2.0	3.0	2.0	3.0	**12.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**12.0**
Panama	1950–1971	1.0	0.0	0.0	0.0	0.0	**1.1**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.1**
	1972–1982	1.0	0.0	0.0	0.0	1.0	**2.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**2.1**
	1983–1996	2.0	1.0	0.0	0.0	2.0	**5.0**	0.0	0.0	0.0	0.0	0.1	**0.1**	**5.1**
	1997–1999	2.0	1.1	0.0	0.0	2.0	**5.1**	0.0	0.0	0.0	0.0	0.2	**0.2**	**5.3**
	2000–2010	2.0	1.1	0.0	0.0	2.0	**5.1**	0.0	0.1	0.0	0.0	0.2	**0.3**	**5.4**
Paraguay	1950–1990	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	1991	1.0	0.0	0.0	0.0	0.4	**1.4**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.4**
	1992	2.0	1.0	0.0	1.2	0.4	**4.6**	0.0	0.0	0.0	0.0	0.0	**0.0**	**4.6**
	1993–2010	2.0	1.0	0.0	1.2	4.0	**8.2**	0.0	0.0	0.0	0.0	0.0	**0.0**	**8.2**
Peru	1950–1962	2.0	2.0	0.0	2.0	4.0	**10.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**10.0**
	1963–1967	3.0	2.0	0.0	2.0	4.0	**11.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**11.0**
	1968–1975	2.0	2.0	0.0	2.0	0.0	**6.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**6.0**
	1976–1979	2.0	0.0	0.0	2.0	0.0	**4.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**4.0**
	1980–1988	3.0	0.0	0.0	2.0	4.0	**9.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**9.0**
	1989	5.0	0.0	0.0	2.0	7.0	**14.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**14.0**
	1990–1992	5.0	2.0	0.0	2.0	7.0	**16.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**16.0**
	1993–2002	3.0	2.0	0.0	2.0	4.0	**11.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**11.0**
	2003–2010	4.0	4.1	0.0	2.0	8.0	**18.1**	0.0	0.0	0.0	0.0	0.0	**0.0**	**18.1**

(*continued*)

Note: Reform years appear as separate rows when a self-rule, shared rule, or RAI score changes by 0.1 or more. Scores are rounded to one decimal place, causing occasional summing inequalities.

Continued

Country	Year	Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation	**Self-rule**	Law making	Executive control	Fiscal control	Borrowing control	Constitution reform	**Shared rule**	**RAI**
Philippines	1950–1959	2.0	1.0	0.0	0.0	4.0	**7.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**7.0**
	1960–1973	2.0	1.0	1.0	0.0	4.0	**8.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**8.0**
	1974–1978	1.0	0.0	1.0	0.0	4.0	**6.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**6.0**
	1979–1982	1.0	0.0	1.0	0.0	2.1	**4.1**	0.0	0.0	0.0	0.0	0.0	**0.0**	**4.1**
	1983–1985	1.0	1.0	1.0	0.0	2.1	**5.1**	0.0	0.0	0.0	0.0	0.0	**0.0**	**5.1**
	1986–1987	1.0	1.0	1.0	0.0	0.1	**3.1**	0.0	0.0	0.0	0.0	0.0	**0.0**	**3.1**
	1988–1989	2.0	1.0	1.0	0.0	4.1	**8.1**	0.0	0.0	0.0	0.0	0.0	**0.0**	**8.1**
	1990	2.1	1.1	1.0	0.0	4.1	**8.3**	0.0	0.0	0.0	0.0	0.1	**0.1**	**8.4**
	1991	2.1	1.1	1.0	2.1	4.1	**10.4**	0.0	0.0	0.0	0.0	0.1	**0.1**	**10.5**
	1992–2010	2.1	2.1	1.0	2.1	4.1	**11.4**	0.0	0.0	0.0	0.0	0.1	**0.1**	**11.5**
Poland	1990–1998	1.0	0.0	0.0	1.0	1.0	**3.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**3.0**
	1999–2010	2.0	2.0	0.0	1.0	3.0	**8.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**8.0**
Portugal	1950–1975	1.0	0.0	0.0	0.0	1.0	**2.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**2.0**
	1976–1978	1.1	0.1	0.1	0.0	1.1	**2.5**	0.0	0.0	0.0	0.0	0.1	**0.2**	**2.6**
	1979–1990	2.0	0.1	0.1	0.0	1.1	**3.4**	0.0	0.0	0.0	0.0	0.1	**0.2**	**3.6**
	1991–1997	2.0	0.1	0.1	0.0	1.1	**3.5**	0.0	0.0	0.0	0.0	0.1	**0.2**	**3.7**
	1998–2010	2.0	0.1	0.1	0.1	1.1	**3.6**	0.0	0.0	0.0	0.0	0.1	**0.2**	**3.8**
Romania	1991–1993	2.0	1.0	0.0	0.0	3.0	**6.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**6.0**
	1994–1997	2.0	1.0	1.0	0.0	3.0	**7.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**7.0**
	1998	3.0	1.0	1.0	0.0	4.0	**9.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**9.0**
	1999–2010	3.0	1.0	1.0	1.0	4.0	**10.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**10.0**
Russia	1993	2.2	3.0	3.0	3.0	2.3	**13.5**	2.0	0.0	1.0	0.0	4.0	**7.0**	**20.5**
	1994–1995	2.2	3.1	3.0	3.0	2.3	**13.6**	2.0	0.0	1.0	0.0	4.0	**7.0**	**20.6**
	1996	2.4	3.1	3.0	2.0	4.0	**14.5**	2.0	0.0	1.0	0.0	4.0	**7.0**	**21.5**
	1997	2.6	3.1	3.0	2.0	4.0	**14.6**	2.0	0.0	1.0	0.0	4.0	**7.0**	**21.6**
	1998–1999	2.7	3.1	3.0	2.0	4.0	**14.7**	2.0	0.0	1.0	0.0	4.0	**7.0**	**21.7**
	2000–2001	3.6	2.7	3.0	2.0	4.0	**15.3**	2.0	0.4	1.0	0.0	4.0	**7.4**	**22.7**
	2002	3.6	2.6	3.0	2.0	4.0	**15.2**	2.0	0.5	1.0	0.0	4.0	**7.5**	**22.7**
	2003–2004	3.2	2.3	3.0	2.0	4.0	**14.5**	2.0	0.8	1.0	0.0	4.0	**7.8**	**22.3**
	2005–2010	3.0	1.1	3.0	2.0	3.0	**12.1**	2.0	1.0	1.0	0.0	4.0	**8.0**	**20.1**
Serbia	2007–2008	1.5	0.5	0.0	0.0	1.1	**3.2**	0.1	0.0	0.0	0.0	1.1	**1.2**	**4.4**
	2009–2010	2.5	0.5	0.0	0.0	2.1	**5.2**	0.1	0.0	0.0	0.0	1.1	**1.2**	**6.4**

Serbia and	1992–1998	4.9	4.5	4.0	3.0	6.0	**22.4**	2.0	0.0	2.0	0.0	4.0	**8.0**	**30.4**
Montenegro	1999	4.3	4.2	4.0	3.0	4.8	**20.2**	2.0	0.0	2.0	0.0	4.0	**8.0**	**28.2**
	2000–2001	4.4	4.2	4.0	3.0	5.0	**20.7**	2.0	0.0	2.0	0.0	4.0	**8.0**	**28.7**
	2002	4.4	4.5	4.0	3.0	5.0	**20.9**	2.0	0.0	2.0	0.0	4.0	**8.0**	**28.9**
	2003–2006	4.4	4.5	4.0	3.0	5.0	**20.9**	3.0	0.0	2.0	0.0	4.0	**9.0**	**29.9**
Singapore	1965–2010	0.0	0.0	0.0	0.0	0.0	**0.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**0.0**
Slovakia	1993–1995	0.0	0.0	0.0	0.0	0.0	**0.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**0.0**
	1996–2001	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	2002–2004	2.0	1.0	0.0	1.0	3.0	**7.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**7.0**
	2005–2010	2.0	1.0	1.0	1.0	3.0	**8.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**8.0**
Slovenia	1990–1998	0.0	0.0	0.0	0.0	0.0	**0.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**0.0**
	1999–2010	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
South Korea	1950–1951	0.0	0.0	0.0	0.0	0.0	**0.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**0.0**
	1952–1959	2.0	1.0	0.0	0.0	2.0	**5.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**5.0**
	1960	2.0	1.0	0.0	0.0	4.0	**7.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**7.0**
	1961–1990	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	1991–1994	2.0	1.0	1.0	1.0	2.0	**7.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**7.0**
	1995–1998	2.0	1.0	1.0	1.0	4.0	**9.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**9.0**
	1999–2003	2.0	2.0	1.0	1.0	4.0	**10.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**10.0**
	2004–2010	2.0	3.0	1.0	1.0	4.0	**11.0**	0.0	1.0	1.0	0.0	0.0	**2.0**	**13.0**
Spain	1950–1977	1.0	0.0	0.1	1.0	1.0	**3.1**	0.0	0.0	0.0	0.0	0.0	**0.0**	**3.1**
	1978	2.0	1.0	1.2	1.0	3.0	**8.1**	1.0	0.0	0.0	0.0	3.0	**4.0**	**12.1**
	1979	2.6	1.6	1.2	1.0	3.0	**9.4**	1.0	0.0	0.0	0.0	3.0	**4.0**	**13.4**
	1980	2.6	1.6	1.5	1.2	3.8	**10.8**	1.1	0.0	0.2	0.2	3.8	**5.3**	**16.1**
	1981	3.3	2.3	2.0	1.4	4.1	**13.2**	1.2	0.0	0.6	0.4	4.7	**7.0**	**20.1**
	1982	4.1	3.2	2.5	1.7	4.6	**16.0**	1.3	0.0	0.9	0.8	5.8	**8.7**	**24.7**
	1983–1986	4.5	3.7	2.8	1.7	6.2	**19.0**	1.3	0.0	1.1	1.0	6.2	**9.6**	**28.7**
	1987–1996	4.8	4.0	2.6	1.7	6.6	**20.0**	1.3	2.0	1.1	1.0	6.2	**11.6**	**31.6**
	1997–2001	4.8	4.0	3.7	1.7	6.6	**20.9**	1.3	2.0	1.1	1.0	6.2	**11.6**	**32.6**
	2002–2010	4.8	4.0	3.7	1.7	6.6	**20.9**	1.3	2.0	1.1	2.0	6.2	**12.6**	**33.6**
Suriname	1975–2010	0.0	0.0	0.0	0.0	0.0	**0.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**0.0**
Sweden	1950–1970	2.0	1.0	3.0	3.0	3.0	**12.0**	1.5	0.0	2.0	0.0	4.0	**7.5**	**19.5**
	1971–1999	2.0	2.0	3.0	3.0	3.0	**13.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**13.0**
	2000–2010	2.0	2.0	3.0	2.0	3.0	**12.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**12.0**

(*continued*)

Note: Reform years appear as separate rows when a self-rule, shared rule, or RAI score changes by 0.1 or more. Scores are rounded to one decimal place, causing occasional summing inequalities.

Continued

Country	Year	Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation	**Self-rule**	Law making	Executive control	Fiscal control	Borrowing control	Constitution reform	**Shared rule**	**RAI**
Switzerland	1950–2002	3.0	4.0	4.0	3.0	4.0	**18.0**	1.5	1.0	1.0	0.0	3.0	**6.5**	**24.5**
	2003–2007	3.0	4.0	4.0	3.0	4.0	**18.0**	1.5	1.0	2.0	0.0	3.0	**7.5**	**25.5**
	2008–2010	3.0	4.0	4.0	3.0	4.0	**18.0**	1.5	2.0	2.0	0.0	3.0	**8.5**	**26.5**
Thailand	1950–1954	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	1955–1971	1.0	0.0	0.0	0.0	2.0	**3.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**3.0**
	1972–1999	1.1	0.0	0.0	0.0	2.3	**3.4**	0.0	0.0	0.0	0.0	0.0	**0.0**	**3.4**
	2000	1.1	1.1	1.0	0.0	2.3	**5.6**	0.0	0.1	0.0	0.0	0.0	**0.1**	**5.7**
	2001–2003	1.1	1.1	1.0	1.0	2.3	**6.6**	0.0	0.1	0.0	0.0	0.0	**0.1**	**6.7**
	2004–2005	2.0	2.0	1.0	1.0	3.1	**9.1**	0.0	0.1	0.0	0.0	0.0	**0.1**	**9.3**
	2006–2007	2.0	2.0	1.0	1.0	3.1	**9.1**	0.0	0.0	0.0	0.0	0.0	**0.0**	**9.1**
	2008–2010	2.0	2.0	1.0	1.0	3.1	**9.1**	1.0	0.1	0.0	0.0	0.0	**1.1**	**10.3**
Trinidad and Tobago	1962–1979	0.0	0.0	0.0	0.0	0.1	**0.1**	0.0	0.0	0.0	0.0	0.0	**0.0**	**0.1**
	1980–1995	0.1	0.0	0.0	0.0	0.1	**0.2**	0.0	0.0	0.0	0.0	0.0	**0.0**	**0.2**
	1996–2010	0.1	0.1	0.0	0.0	0.2	**0.4**	0.0	0.0	0.0	0.0	0.0	**0.0**	**0.5**
Turkey	1950–1960	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	1961–2004	2.0	1.0	0.0	1.0	2.0	**6.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**6.0**
	2005–2008	2.0	1.0	0.0	1.0	3.0	**7.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**7.0**
	2009–2010	3.0	1.0	0.0	1.0	3.0	**8.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**8.0**
United Kingdom	1950–1963	2.1	2.1	1.0	1.0	4.1	**10.4**	0.1	0.0	0.0	0.0	0.0	**0.1**	**10.5**
	1964–1971	2.2	2.1	1.0	1.0	4.1	**10.4**	0.2	0.0	0.0	0.0	0.0	**0.2**	**10.6**
	1972	2.2	2.0	1.0	1.0	4.0	**10.2**	0.1	0.0	0.0	0.0	0.0	**0.1**	**10.3**
	1973–1985	2.1	1.9	1.0	1.0	3.9	**9.9**	0.1	0.0	0.0	0.0	0.0	**0.1**	**10.0**
	1986–1993	1.5	1.3	0.7	0.7	2.6	**6.8**	0.1	0.0	0.0	0.0	0.0	**0.1**	**6.9**
	1994–1995	2.2	1.3	0.7	0.7	2.6	**7.5**	0.1	0.0	0.0	0.0	0.0	**0.1**	**7.6**
	1996–1998	1.5	0.7	0.3	0.3	1.3	**4.2**	0.1	0.0	0.0	0.0	0.0	**0.1**	**4.4**
	1999	2.5	1.8	0.6	1.2	2.5	**8.5**	0.1	0.1	0.0	0.0	0.5	**0.9**	**9.4**
	2000–2002	2.8	2.1	0.7	1.3	3.2	**10.1**	0.2	0.2	0.0	0.0	0.6	**1.1**	**11.2**
	2003–2006	2.7	2.0	0.7	1.3	3.0	**9.8**	0.2	0.1	0.0	0.0	0.5	**0.9**	**10.7**
	2007–2010	2.8	2.1	0.7	1.3	3.2	**10.1**	0.2	0.2	0.0	0.0	0.6	**1.1**	**11.2**
United States	1950–1951	3.8	3.8	5.0	3.7	5.7	**22.1**	1.5	2.0	0.0	0.0	3.9	**7.4**	**29.5**
	1952–1958	3.8	3.8	5.1	3.8	5.7	**22.2**	1.5	2.0	0.0	0.0	4.0	**7.4**	**29.6**
	1959	3.8	3.8	5.1	3.8	5.7	**22.3**	1.5	2.0	0.0	0.0	4.0	**7.4**	**29.7**

	1960–1973	3.8	3.8	5.1	3.8	5.7	**22.1**	1.5	2.0	0.0	0.0	4.0	**7.4**	**29.6**
	1974–1994	3.8	3.8	5.1	3.8	5.7	**22.2**	1.5	2.0	0.0	0.0	4.0	**7.4**	**29.7**
	1995–1997	3.8	3.8	5.1	3.8	5.7	**22.2**	1.5	2.0	0.0	0.0	4.0	**7.4**	**29.6**
	1998	3.8	3.8	5.1	3.8	5.7	**22.2**	1.5	2.0	0.0	0.0	4.0	**7.4**	**29.6**
	1999–2000	3.8	3.8	5.1	3.8	5.6	**22.1**	1.5	2.0	0.0	0.0	4.0	**7.4**	**29.5**
	2001–2010	3.8	3.8	5.1	3.8	5.6	**22.1**	1.5	2.0	0.0	0.0	4.0	**7.4**	**29.6**
Uruguay	1950–1966	2.0	2.0	1.0	1.0	4.0	**10.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**10.0**
	1967–1972	2.0	1.0	1.0	1.0	4.0	**9.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**9.0**
	1973–1984	1.0	1.0	1.0	1.0	0.0	**4.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**4.0**
	1985–1996	2.0	1.0	1.0	1.0	4.0	**9.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**9.0**
	1997–2010	2.0	2.0	1.0	1.0	4.0	**10.0**	0.0	1.0	1.0	0.0	0.0	**2.0**	**12.0**
Venezuela	1950–1957	1.0	0.0	0.0	0.0	0.0	**1.0**	0.0	0.0	0.0	0.0	0.0	**0.0**	**1.0**
	1958–1960	1.0	0.0	0.0	0.0	1.8	**2.8**	1.5	0.0	0.0	0.0	0.0	**1.5**	**4.3**
	1961–1988	1.9	0.9	0.0	0.9	1.8	**5.6**	1.5	0.0	0.0	0.0	3.7	**5.1**	**10.7**
	1989–1990	1.9	0.9	0.0	0.9	3.7	**7.4**	1.5	0.0	0.0	0.0	3.7	**5.1**	**12.5**
	1991–1993	1.9	0.9	0.0	0.9	3.7	**7.4**	1.5	0.0	0.0	0.0	3.7	**5.2**	**12.6**
	1994–1999	1.9	1.8	0.0	0.9	3.7	**8.4**	1.5	0.0	0.0	0.0	3.7	**5.2**	**13.5**
	2000–2008	1.9	0.9	0.0	0.9	3.7	**7.4**	0.5	0.0	0.0	0.0	0.0	**0.5**	**7.9**
	2009–2010	1.0	0.9	0.0	0.9	3.7	**6.5**	0.5	0.0	0.0	0.0	0.0	**0.5**	**7.0**

Note: Reform years appear as separate rows when a self-rule, shared rule, or RAI score changes by 0.1 or more. Scores are rounded to one decimal place, causing occasional summing inequalities.

Indicators for regional authority

Scoring self-rule

Self-rule	The authority exercised by a regional government over those who live in the region			
Institutional depth	The extent to which a regional government is autonomous rather than deconcentrated.	**0–3**	**0**	No functioning general purpose administration at regional level.
			1	Deconcentrated, general purpose, administration.
			2	Non-deconcentrated, general purpose, administration subject to central government veto.
			3	Non-deconcentrated, general purpose, administration not subject to central government veto.
Policy scope	The range of policies for which a regional government is responsible.	**0–4**	**0**	Very weak authoritative competencies in a), b), c), d) whereby a) economic policy; b) cultural–educational policy; c) welfare policy; d) one of the following: residual powers, police, own institutional set up, local government.
			1	Authoritative competencies in *one* of a), b), c) or d).
			2	Authoritative competencies in at least *two* of a), b), c), or d).
			3	Authoritative competencies in d) and at least *two* of a), b), or c).
			4	Criteria for *3 plus* authority over immigration, citizenship, right of domicile.
Fiscal autonomy	The extent to which a regional government can independently tax its population.	**0–4**	**0**	Central government sets the base and rate of all regional taxes.
			1	Regional government sets the rate of minor taxes.
			2	Regional government sets the base and rate of minor taxes.
			3	Regional government sets the rate of at least one major tax: personal income, corporate, value added, or sales tax.
			4	Regional government sets the base and rate of at least one major tax.

Borrowing autonomy	The extent to which a regional government can borrow	**0–3**	**0**	The regional government does not borrow (e.g. centrally imposed rules prohibit borrowing).
			1	The regional government may borrow under prior authorization (*ex ante*) by the central government and with one or more of the following centrally imposed restrictions a. golden rule (e.g. no borrowing to cover current account deficits) b. no foreign borrowing or borrowing from the central bank c. no borrowing above a ceiling d. borrowing is limited to specific purposes.
			2	The regional government may borrow without prior authorization and under one or more of a), b), c), or d).
			3	The regional government may borrow without centrally imposed restrictions.
Representation	The extent to which a region has an independent legislature and executive.	**0–4**		Assembly:
			0	No regional assembly.
			1	Indirectly elected regional assembly.
			2	Directly elected assembly.
				Executive:
			0	Regional executive appointed by central government.
			1	Dual executive appointed by central government and regional assembly.
			2	Regional executive is appointed by a regional assembly or directly elected.

Scoring shared rule

Shared rule	The authority exercised by a regional government or its representatives in the country as a whole			
Law making	The extent to which regional representatives co–determine national legislation.	**0–2**	**0.5**	Regions are the unit of representation in a national legislature.
			0.5	Regional governments designate representatives in a national legislature.
			0.5	Regions have majority representation in a national legislature based on regional representation.
			0.5	The legislature based on regional representation has extensive legislative authority.
Executive control	The extent to which a regional government co-determines national policy in intergovernmental meetings.	**0–2**	**0**	No routine meetings between central and regional governments to negotiate policy.
			1	Routine meetings between central and regional governments *without* legally binding authority.
			2	Routine meetings between central and regional governments *with* legally binding authority.
Fiscal control	The extent to which regional representatives co-determine the distribution of national tax revenues.	**0–2**	**0**	Neither the regional governments nor their representatives in a national legislature are consulted over the distribution of national tax revenues.
			1	Regional governments or their representatives in a national legislature negotiate over the distribution of tax revenues, but do not have a veto.
			2	Regional governments or their representatives in a national legislature have a veto over the distribution of tax revenues.
Borrowing control	The extent to which a regional government co-determines subnational and national borrowing constraints.	**0–2**	**0**	Regional governments are not routinely consulted over borrowing constraints.
			1	Regional governments negotiate routinely over borrowing constraints but do not have a veto.
			2	Regional governments negotiate routinely over borrowing constraints and have a veto.
Constitutional reform	The extent to which regional representatives co-determine constitutional change.	**0–4**	**0**	The central government or national electorate can unilaterally reform the constitution.
			1	A national legislature based on regional representation can propose or postpone constitutional reform, raise the decision hurdle in the other chamber, require a second vote in the other chamber, or require a popular referendum.
			2	Regional governments or their representatives in a national legislature propose or postpone constitutional reform, raise the decision hurdle in the other chamber, require a second vote in the other chamber, or require a popular referendum.
			3	A legislature based on regional representation can veto constitutional change; *or* constitutional change requires a referendum based on the principle of equal regional representation.
			4	Regional governments or their representatives in a national legislature can veto constitutional change.

Scoring multilateral and bilateral shared rule

Multilateral shared rule		Bilateral shared rule
A. **Law making**		A. **Law making**
Regions are the unit of representation in a national legislature.	**0.5**	The region is the unit of representation in a national legislature.
Regional governments designate representatives in a national legislature.	**0.5**	The regional government designates representatives in a national legislature.
Regions have majority representation in a national legislature based on regional representation.	**0.5**	The regional government or its regional representatives in a national legislature are consulted on national legislation affecting the region.
The legislature based on regional representation has extensive legislative authority.	**0.5**	The regional government or regional representatives in a national legislature have veto power over national legislation affecting the region.
B. **Executive control**		B. **Executive control**
No routine meetings between the central government and regional governments to negotiate policy.	**0**	No routine meetings between the central government and the regional government to negotiate national policy affecting the region.
Routine meetings between the central government and regional governments without legally binding authority.	**1**	Routine meetings between the central government and the regional government without legally binding authority.
Routine meetings between the central government and regional governments with legally binding authority.	**2**	Routine meetings between the central government and the regional government with legally binding authority.
C. **Fiscal control**		C. **Fiscal control**
Neither the regional governments nor their representatives in a national legislature are consulted over the distribution of national tax revenues.	**0**	Neither the regional government nor its representatives in a national legislature are consulted over the distribution of tax revenues affecting the region.
Regional governments or their representatives in a national legislature negotiate over the distribution of national tax revenues, but do not have a veto.	**1**	The regional government or its representatives in a national legislature negotiate with the central government the distribution of tax revenues affecting the region, but do not have a veto.
Regional governments or their representatives in a national legislature have a veto over the distribution of tax revenues.	**2**	The regional government or its representatives in a national legislature have a veto over the distribution of tax revenues affecting the region.
D. **Borrowing control**		D. **Borrowing control**
Regional governments are not routinely consulted over borrowing constraints.		The regional government is not routinely consulted over borrowing constraints affecting the region.
Regional governments negotiate routinely over borrowing constraints, but do not have a veto.		The regional government negotiates routinely over borrowing constraints affecting the region, but does not have a veto.
Regional governments negotiate routinely over borrowing constraints and have a veto.		The regional government negotiates routinely over borrowing constraints affecting the region and has a veto.

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Multilateral shared rule		Bilateral shared rule
E. **Constitutional reform**		E. **Constitutional reform**
The central government or national electorate can unilaterally reform the constitution.	**0**	The central government or national electorate can unilaterally reform the region's constitutional relation with the center.
A national legislature based on regional representation can propose or postpone constitutional reform, raise the decision hurdle in the other chamber, require a second vote in the other chamber, or require a popular referendum.	**1**	A regional referendum can propose or postpone reform of the region's constitutional relation with the center.
Regional governments or their representatives in a national legislature propose or postpone constitutional reform, raise the decision hurdle in the other chamber, require a second vote in the other chamber, or require a popular referendum.	**2**	The regional government can propose or postpone reform of the region's constitutional relation with the center or require a popular referendum.
A legislature based on regional representation can veto constitutional change or constitutional change requires a referendum based on the principle of equal regional representation.	**3**	A regional referendum can veto a reform of a region's constitutional relation with the center.
Regional governments or their representatives in a national legislature can veto constitutional change.	**4**	The regional government can veto a reform of the region's constitutional relation with the center.

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