

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. According to the 2010 census, the Dominican Republic had 9,445,281 inhabitants. 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.

The creation of deconcentrated regions (ten from 2004) and macro regions (three from 2004 to 2017, now five) has taken place incrementally beginning in 2000 (Decree 685-00), with enabling legislation for Regional Development Councils (*Consejos Regionales de Desarrollo*) approved in 2017. These are consultative bodies tasked with fomenting economic development, made up of local business people and provincial representatives, and do not currently meet the criteria for general purpose government.

The Dominican Republic was governed by 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 *regiones*, *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 the central government allocates responsibilities (C 1966, Art. 83). Between 1950 and 2017 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 2019) had not been enacted. So *provincias* remain for now the only intermediate tier (Art. 197) and they continue to be deconcentrated.¹ 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

¹ 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.

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).^α 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, 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.² 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

Provincias have no tax authority. Until 2007 the *Distrito Nacional* had no taxation authority.³ 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

Provincias have no 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

² 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).

³ 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.^α

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, 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), but these mechanisms have by and large not been implemented and enabling legislation has not been passed.

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.⁴ 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 the return to civil rule in 1978 we evaluate it to be a strong body. Its consent is now required for all legislation; it approves treaties; it appoints the president; it initiates revenue-raising bills. Thus *provincias* 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.^α

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

⁴ The Dominican Republic is an uncommon case of deconcentration in self-rule but shared rule in law making

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.

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Self-rule in the Dominican Republic

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self- rule
						Assembly	Executive	
Provincias	1950–2018	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
	2007–2018	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
	1978–2018	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	1978–2018	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).

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