

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 1998.¹ *Estados* are divided into statistical regions, which have no administrative life. New constitutions were passed in 1947, 1953, 1961, and 1999 (and revised in 2009). Two *distritos metropolitanos* (metropolitan districts)-- the Distrito del Alto Apure and Distrito Metropolitano de Caracas--were created in 2001 and 2000, respectively, and abolished late 2017.

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).²

¹ 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*.

² 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.^v *Estados* score 1 on policy scope from 2000.

The Chávez regime tightened central control over subnational governments. In 2007, a constitutional amendment 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.

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 *Distrito Federal* is coded here as a special capital region because it is a single municipality outside the standard regime, in the same tier as the states. The *Distrito Metropolitano de Caracas* is one of two metro regions formed after the 1999 constitution gave municipalities the right to request the formation of inter-municipal administrations called *distritos metropolitanos* (Art. 171).

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 have general purpose administrations 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*.

While the 1947 and 1953 constitutions envisioned *distritos* between the state and local level, these were authoritarian periods in which local governance was not autonomous and the application of constitutional norms in the midst of constitutional crises and coups was inconsistent. The 1961 constitution defines municipalities as the autonomous local level of government and allows for states or groups of municipalities to form *distritos* (Art. 28).

While the 1989 *Ley Orgánica del Régimen Municipal* discusses metropolitan districts as a tier of local government (Art. 13) whose formation can be initiated by the national legislature, municipal governments, or by 20 percent of the municipal electorates (Art. 25), as well as outlining what their sources of funding would be (Art. 26), the passage of a law by the national legislature was required to create the districts, which took place for the first time after the 1999 constitution with the creation of the *Distrito Metropolitano de Caracas* (DMC) and the *Distrito del Alto Apure*.

Alto Apure was created from the municipalities of José Antonio Páez and Rómulo Gallegos in 2001 by special law (Decree Law 56) but its first government was elected in 2004. The district had 116,256 inhabitants in 2007. Alto Apure had competences in a broad array of traditional municipal competences including housing, sanitation, transportation, architecture and historical patrimony, urban planning, social housing, social protection, daycare, culture and sports, district police, and the transfer of competences to community groups (Art. 6).

The DMC was created in 2000 (*Ley Especial Sobre el Régimen del Distrito Metropolitano de Caracas* 2000), electing an *Alcalde Mayor* and legislative council (*cabildo*) that year. The DMC had 5,946,955 inhabitants in 2017 according to the National Statistics Institute. Alto Apure shared

these representative institutions. The competences of the DMC were laid out in the Constitution of 1999 (Art. 178) and the *Ley Orgánica del Régimen Municipal* (Organic Municipal Law) and include aqueducts (in coordination with its municipalities), sale and distribution of electricity and gas, urban planning, architecture, social housing, roads and traffic control, transportation (in coordination with its municipalities), public safety and firefighting, metropolitan police, laws to harmonize municipal tax regimes, garbage collection, and parks and recreation (Art. 19).

The introduction of parallel local authorities appeared in 2002 with the *Ley de los Consejos Locales de Planificación Pública* (Local Public Planning Councils), based on the 1999 constitution, and attempting to create community organizations that would oversee municipal government. These were not particularly successful, in large part due to their rejection by municipal authorities, and a more committed effort was undertaken to promote the already existing (since 1999) but weak *consejos comunales*, culminating in the 2005 *Ley Orgánica del Poder Público Municipal* (Gaceta Oficial 38204), which mandated that municipal governments organize the *consejos* (Art. 113). Local governments were slow to act and in 2006 President Chávez encouraged legislation codifying the independent status of the *consejos* and dedicating institutional resources to getting them up and running. The *Ley de los Consejos Comunales* (Gaceta Oficial 5806) passed in early 2006, making the *consejos* independent from municipal government, but with permission to tackle any policy area relevant to community life, financing from the central government, and a direct relationship with the presidency (Art. 30).

While this parallel system of local governance was the reality nationwide, the DMC appears to have received more focused attention, as well. While from 2000-2008 the elected *Alcalde Mayor* of Caracas was from the ruling party, in 2008 the leader of the national opposition was elected *Alcalde Mayor*. In 2009, through the *Ley sobre la Organización y Régimen del Distrito Capital* (Law on Capital District Organization and Regime), the central government created a parallel administration for the Distrito Capital (one of the five municipalities in the DMC), which shifted budget and staff directly from the district government to the new, centrally appointed office (Araujo 2010: 219). The new executive position was the centrally appointed *Jefe de Gobierno* and the national legislature was its council. The new administration took control of foundations, institutes, schools, district public services such as firefighting and public safety in the Distrito Capital. The DMC also ceased receiving its constitutionally mandated transfers. Later that year, the *Ley Especial del Régimen Municipal a Dos Niveles del Área Metropolitana de Caracas* was passed in an extraordinary session of the national legislature, stripping the DMC of most of its funding and circumscribing its competences (Gaceta Oficial 39276).

In the final days of 2017, both Alto Apure and the DMC were completely disbanded by the Asamblea Nacional Constituyente (National Constitutional Assembly) through the *Decreto Constituyente para la Supresión y Liquidación del Área Metropolitana y Distrito del Alto Apure* (Constitutional Decree for the Suppression and Liquidation of the Metropolitan Area and District of Alto Apure, Gaceta Oficial 41308).³

³ While a few weeks later in January 2018 the national legislature decreed this decision null, the districts remain suppressed.

In an environment without central government interference and with autonomous institutions, these metropolitan districts would have significant levels of regional authority. However, the existence of the parallel governments under the *consejos comunales*, as well as the clear willingness of the center to disband and defund district government when opposition political leaders were elected, means that they had little prospect of autonomous action. Still, the fact that the center needed legal action to dismantle the autonomous governments it created hints at a complex reality with entities that had the potential for autonomy, before their demise.

Alto Apure scores 1 on institutional depth and 1 on policy scope from 2004 to 2017. The DMC scores 1, 1 from 2001-2008 and 1, 0 for 2009-2017 to reflect the heavy handed intervention of the central government in district governance once opposition leaders won election.

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.⁴

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).

Alto Apure's financial resources included fees and licenses, the nationally collected rural land tax contributed by its rural land (Art. 23.3), half of the state of Apure's receipts from national oil and gas transfers from the (Ley de Asignaciones Económicas Especiales (Decreto Ley 56, Art.

⁴ 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* (Díaz-Cayeros 2006: 158–9).

23.5), and no less than one third of the standard annual national transfer to the state of Apure (Art. 23.6). The DMC had significant resources—broad competences to raise revenue through fees and surcharges in any area of competence and ten per cent of all the own source revenues of the constituent municipalities (*Ley Especial Sobre el Régimen del Distrito Metropolitano de Caracas* 2000, Art. 22), as well as the right to levy taxes assigned to states in the constitution (Art. 24). Alto Apure scores 1 on fiscal autonomy through the period, while the DMC scores 1 for 2001-2008 and 0 for 2009 to 2017, reflecting the downgrade in status that year.

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 was required (Garman, Haggard, and Willis 2001: 220). *Estados* scored 1 for 1950-1999, while the *Distrito Capital*, *dependencias*, and *territorios* score 0 because of their dependent status. Borrowing is not a state competence under the 1999 constitution (Art. 167), so from 2000, states score 0. The 2003 decentralization law only allows states to borrow from the central government in accordance with national law (Law 37753, Art. 3.3).

While municipalities in Venezuela may take on debt under certain circumstances (*Ley Orgánica del Régimen Municipal* 1978, Art. 117), this is not a competence of either *distrito metropolitano*.

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.⁵ 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

⁵ 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).

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 of the now uni-municipal *Distrito Capital* was abolished and replaced by the elected *Alcaldía Mayor* of the district, selected by the voters of all five municipalities in the district.⁶ 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*.

Both executive and legislative branches of the two special metro regions were directly elected by their inhabitants, as a whole. Alto Apure scores 2, 2 on assembly and executive representation for 2004-5 and 1, 1 for 2006-2017, discounted because of the *consejos comunales*. The DMC scores 2, 2 on representation for 2001-2005, and 1, 1 for 2006-2017.

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 Régimen Municipal*, 1989, Art. 56).

Shared rule

Distritos metropolitanos do not participate in 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*.⁷ 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

⁶ The Distrito Capital (formerly Libertador), Sucre, Baruta, Chacao, and El Hatillo in the state of Miranda. The Municipio Libertador de Caracas, which has the same territory as the Distrito Capital, has its own elected, standard municipal government since 1989.

⁷ 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).

significant law making and oversight responsibilities, including checks on the military and the executive branch (C 1961, Art. 150).⁸ *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 1999–2018.

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 *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, vetoed by President Chávez, and eventually pushed through with a veto override vote in 2010. ~~*Consejo* did not begin to function until 2013.~~ The Consejo Federal de Gobierno is presided over by the vicepresident, with a ministry composed of three governors and three mayors elected by the membership (governors, a mayor from each state, cabinet members, and mass civil society representatives chosen by central law makers (Art. 11)). The CFG controls the *Fondo de Compensación Interterritorial* (Interterritorial Compensation Fund) (Art. 3). However, because the CFG is a mix of central, state, and municipal representatives and the 2010 legislation tasks it with organizing the transfer of competences from territorial units to mass civil society

⁸ 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).

organizations (Art. 5), it does not meet the criteria for executive control.

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.

@Version, Nov 2020 – author: S. Chapman-Osterkatz

Self-rule in Venezuela

| | | Institutional depth | Policy scope | Fiscal autonomy | Borrowing autonomy | Representation Assembly | Executive | Self- rule |
|---|-----------|------------------------|-----------------|--------------------|-----------------------|----------------------------|-----------|---------------|
| 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 | 0 | 2 | 2 | 7 |
| | 2009–2018 | 1 | 1 | 0 | 1 | 2 | 2 | 6 |
| Distrito Federal | 1950–1999 | 1 | 0 | 0 | 0 | 0 | 0 | 1 |
| Distrito Capital | 2000-2018 | 1 | 0 | 0 | 0 | 0 | 0 | 1 |
| Dependencias Federales | 1950–2018 | 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 |
| Distrito Metropolitano Alto Apuro | 2004-2005 | 1 | 1 | 1 | 0 | 2 | 2 | 7 |
| | 2006-2017 | 1 | 1 | 1 | 0 | 1 | 1 | 5 |
| Distrito Metropolitano Caracas | 2001-2005 | 1 | 1 | 1 | 0 | 2 | 2 | 7 |
| | 2006-2008 | 1 | 1 | 1 | 0 | 1 | 1 | 5 |
| | 2009-2017 | 1 | 0 | 0 | 0 | 1 | 1 | 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 |
| | 1961–1998 | 0.5 | 0 | 0.5 | 0.5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 0 | 5.5 |
| | 1999 | 0.5 | 0 | 0.5 | 0.5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1.5 |
| | 2000–2018 | 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 |
| Distrito Capital | 2000–2018 | 0.5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0.5 |
| Dependencias Federales | 1950–2018 | 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).
