

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 2011b; 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 (339 in 2018) 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).¹

In 1995, *prefecturas* (departmental governments) were established in the country's nine *departamentos* with indirectly elected *consejos departamentales* (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.²

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

¹ 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, 2018).

(Zegada Claire 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.²

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 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 2011a: 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. A 2012 decision by the Plurinational Constitutional Tribunal limited the central government’s ability to suspend subnational authorities who were under judicial investigation (Sentencia Constitucional Plurinacional 2055/2012), thereby constraining its veto power, though the LAD’s provisions for removing subnational authorities from office upon judicial conviction remained intact (Arts. 148-149).³ 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;

² 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).

³ This provision was used by the Evo Morales government to suspend opposition governors in Beni and Tarija departments and replace them with pro-government interim governors (Eaton 2017: 159).

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).⁴ 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 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

⁴ 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.

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. In 2013, the *departamento* of Tarija transferred competences for infrastructure development and maintenance, agricultural health and safety, tourism promotion, cultural policy, and sports (Departmental Law 79, Art. 3), but these were not effectively implemented until 2017, after a Regional Autonomic Statute (*Estatuto Autonómico Regional del Gran Chaco*) was approved by referendum (in November 2016) and the national government formally created the Autonomous Regional Government of Gran Chaco through Law 927 (2017). We code policy scope 2 from 2010 to 2016 and adjust it to 3 from 2017.

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 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. As of 2019, there were only three fully constituted AIOCs (Charagua Iyambae in Santa Cruz, Uru Chipaya in Oruro, and Raqaypampa in Cochabamba), and 31 communities were in the process of applying to become AIOCs.⁵ 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).^α

FISCAL AUTONOMY

Departamentos did not set the base and/or rate of any tax throughout the

⁵ See also “Bolivia: Diez años de autonomías indígenas,” *APCBOLIVIA: Agencia Plurinacional de Comunicación*, August 9, 2019, <http://www.apcbolivia.org/noticias/noticia.aspx?fill=61116&t=bolivia:-diez-años-de-autonom%C3%ADas-ind%C3%ADgenas>.

1950–2017 period (Daughters and Harper 2007: 228; Brosio 2012). 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 required enabling law (C 2009, Art. 323). In 2011, the *Ley de Clasificación y Definición de Impuestos de Dominio de los Gobiernos Autónomos* (Law 154) was passed giving *Departamentos* control of the base and rate of inheritance, aircraft and boat, and environmental taxes (Law 154, Arts. 7 and 11). However, as of 2018, only inheritance taxes have been implemented by departments, starting in 2015. At the same time, Law 154 gave the national Ministry of Economy and Public Finance the authority to “coordinate and harmonize” subnational taxes (Art. 24), and all new subnational taxes require *ex ante* approval from the Ministry (Arts. 19-22). As a result, the bases and rates of inheritance taxes are effectively standardized across all departments.⁶

⁶ Between 2015 and 2017, all *departamentos* passed legislation setting the departmental base and rate of the inheritance tax, but all of them set the same base and rate. “Leyes de creación de impuestos departamentales que cuentan con informe técnico favorable del Ministerio de Economía y Finanzas Públicas,” *Ministerio de Economía y Finanzas Públicas*, https://www.economiayfinanzas.gob.bo/index.php?opcion=com_contenido&ver=contenido&id=3244&id_item=672. The implementation of aircraft and boat and

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 autonomy is also limited by the central government's veto power and authority to standardize subnational taxes per Law 154. 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 and Departmental Law 79 from Tarija department allow the regional government to collect and/or create departmental taxes applicable within the region, but *ex ante* approval by the national government is required (Law 154, Arts. 19-22).

BORROWING AUTONOMY

Departamentos were deconcentrated until 1995, after which they 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). Based on the LAD, autonomous regions' borrowing authority was contingent on the approval of the *departamento* out of which they are formed. Since the *departamento* of Tarija had not granted Gran Chaco the authority to borrow, it scores 0 for the entire period (Ley Departamental No. 79, 2013). However, a 2019 reform to the LAD extended the same conditions for borrowing that apply to all other subnational governments to autonomous

environmental taxes is contingent on the central government's assessment of the tax base, which had not yet been completed as of 2018 (Villarroel 2018).

regions, thus increasing Gran Chaco's borrowing autonomy as of 2019 (Law 1198, 2019).

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).⁷

In principle, the *asamblea departamental* (departmental assembly) was elected by the municipal councils (*concejos municipales*) in each *provincia* of that *departamento*.⁸ But from 1949–84 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.

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 2011a). The *asamblea regional* of the autonomous region of Gran Chaco is elected

⁷ 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. The LAD allowed the president to suspend governors who were under judicial investigation, and the Morales government used this authority to replace the governors of Beni and Tarija in 2010 and 2011 with pro-government interim governors (Eaton 2017), but this provision of the LAD was found to be unconstitutional by the Plurinational Constitutional Tribunal in 2013.

⁸ *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>>

according to similar principles.⁹ From 2010 to 2017, Gran Chaco had a transitional three-member executive body (*Órgano Ejecutivo Transitorio*) made up of the directly elected executives (*Ejecutivos Seccionales de Desarrollo*) of the Yacuiba, Caraparí, and Villamontes provinces (which make up the Gran Chaco region). Law 927 (2017) formally created the Autonomous Regional Government of Gran Chaco, provided for the direct election of its Regional Executive Body (*Órgano Ejecutivo Regional*) in the next subnational election (scheduled for 2020), and allowed the regional assembly to elect one of the Gran Chaco's three provinces' sectional executives as interim regional 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 2011a: 9). We conceive this as equivalent to extensive autonomy for both assembly and executive. All three fully constituted AIOCs have distinct legislative and executive collective bodies (Estatuto de la Autonomía Guaraní Charagua Iyambae, Title II; Estatuto de la Autonomía Indígena Originario Campesina de Raqaypampa, Title II, Chapter I; Estatuto del Gobierno Autónomo de la Nación Originaria Uru Chipaya, Title II, Chapter II).

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*

⁹ Formally, regional assemblies have “deliberative, normative, administrative, regulatory, and executive powers” but not legislative authority (Faguet 2013). They are subservient to departmental assemblies' legislative power.

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 (1979–81).

EXECUTIVE CONTROL

There was no executive shared rule before 2015. 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 consisted 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). Law 705 of 2015 changed the makeup of the council to twenty-six members but maintained the same number of subnational representatives. The council meets when called by the president or one-third of its members. The first meeting of the CNA took place in February 2015, and this is when we start coding it. The CNA met three times throughout 2015, twice in 2016, four times in 2017, and once in 2018. Meetings are purely consultative. Since 2015, the internal rules of the council can be modified by two-thirds of the vote of its members.

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. The CNA's first meeting was in 2015. At that meeting, its members proposed a methodology and agenda of a dialogue process aimed at developing and approving a fiscal pact. This agenda and methodology were approved at the second CNA meeting later that year (Servicio Estatal de Autonomías 2016). During the third meeting in 2016, its members approved the rules and timeline of the *pacto fiscal* process, they created a Technical Committee for the Fiscal Pact, which consists of six central government representatives, nine for *departamentos*,

eight for municipalities, five for AIOCs, and one for autonomous regions (CNA Resolution 005/2016). The Technical Committee held its first meeting later that same year, and the process concluded in December 2017 (Servicio Estatal de Autonomías 2017). The deliberations and decisions were not binding.

BORROWING CONTROL

There were calls for the *Consejo Nacional para las Autonomías y la Descentralización* to cover borrowing, but its role was limited until the start of the fiscal pact process in 2015 (Frank 2010). Borrowing was one of the issues discussed in the fiscal pact deliberations that ended in 2017 (Servicio Estatal de Autonomías 2017), but subnational governments' proposals were not binding. 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).¹⁰ 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 constitutional reform, and since the partial reform procedure was used most frequently, we continue to code the “partial track.”^B

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

¹⁰ Since 2004 a constitutional reform must first pass in the chamber that initiated the process (Law 2631).

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.¹¹

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 2010.

¹¹ 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.

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Self-rule in Bolivia

		Institutional	Policy	Fiscal	Borrowing	Representation	Self-
		depth	scope	autonomy	autonomy	Assembly Executive	rule
Departamentos	1950–1984	1	0	0	0	0	1
	1985–1994	1	0	0	0	1	2
	1995–2004	2	0	0	1	1	4
	2005–2009	2	2	0	1	1	8
	2010–2018	2	3	0	1	2	10
Gran Chaco	2010–2016	2	2	0	0	2	8
	2017–2018	2	3	0	0	2	9
Autonomía	1990–2009	1	0	0	0	2	5
	Indígena Originaria Campesina	2010–2018	2	3	0	1	2

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
	2010–2014	0.5	0	0.5	0.5	0	0	0	0	0	0	0	0	0	0	1.5
	2015–2017	0.5	0	0.5	0.5	0	0	1	0	1	0	1	0	0	0	4.5
	2018	0.5	0	0.5	0.5	0	0	1	0	0	0	0	0	0	2.5	
Gran Chaco	2010–2014	0	0	0	0	0	0	0	0	0	0	0	0	0	3	3
	2015–2017	0	0	0	0	0	0	1	0	1	0	1	0	0	3	6
	2018	0	0	0	0	0	0	1	0	0	0	0	0	0	3	4
Autonomía Indígena Originaria Campesina	1990–2009	0	0	0	0	0	0	0	0	0	0	0	0	0	2	2
	2010–2014	0.5	0	0	0.5	0	0	0	0	0	0	0	0	0	3	4
	2015–2017	0.5	0	0	0.5	0	0	1	0	1	0	1	0	0	3	7
	2018	0.5	0	0	0.5	0	0	1	0	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).

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