

Cuba

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Contemporary Cuba, with nearly 11.5 million inhabitants in 2017, 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* (municipalities). 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 (Isla de Pinos until 1978), the number of *municipios* reduced from 407 to 169, and *regionales* abolished.¹ In 2011, the *provincia* of La Habana² was divided into two—Artemisa and Mayabeque, making fifteen. Larger cities are further broken down into districts, but there are no special institutions for metropolitan governance in Cuba.

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revolution of 1959 replaced the constitution with the *Ley Fundamental de 1959* (Fundamental Law of 1959), which was superseded by a new constitution in 1976, which has been amended thrice (in 1991, 1992 and 2002). A new constitutional project was approved by referendum in 2019. It promises to give elected municipal representatives greater authority in new provincial *consejos* (Art. 182-4) and in municipal institutions (Art. 192).

The 1976 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).

¹ 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.

² The province of Ciudad de La Habana became just La Habana in 2010.

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.

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).³ Provinces score 1 for institutional depth for the whole period, and 0 on policy scope 0 for 1959–75, and 1 from 1976.^β

³ See also Cuban Communist Party Statute and Regulation. <<http://www.pcc.cu/eo.php>>.

Isla de la Juventud becomes a *municipio especial* beginning with the 1976 constitution. The special region combines municipal and provincial functions in the institutions of a municipality.

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.^δ 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 only municipal 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.^a

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.^a

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.

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		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
	1992–2018	1	1	0	0	1	2	5
Isla de la Juventud	1976–2018	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	2	0	0	0	0	0	0	3.5
	1952–2018	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Isla de la Juventud	1976–2018	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).

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