

## Ecuador

### *Self-rule*

#### INSTITUTIONAL DEPTH AND POLICY SCOPE

Ecuador has three tiers of subnational governance, of which one is intermediate: twenty-four *provincias* (provinces), including the special autonomous province of Galápagos. These *provincias* are subdivided into 221 *cantones* (cantons, whose governments are referred to as *municipios*, or municipalities), and further subdivided in more than a thousand *parroquias* (parishes) (C 1946, Art. 124). Since 1998, the constitution allows for the creation of *circunscripciones territoriales indígenas y afroecuatorianas* (CTI, indigenous and afro-Ecuadorian territorial circumscriptions; C 1998, Art. 224). The 2008 constitution and the 2010 COOTAD decentralization law (*Código Orgánico de Ordenamiento Territorial Autonomía y Descentralización*) set out how *parroquias rurales*, *cantones*, or *provincias* may become a CTI after consultation of the indigenous population, but by 2018 no CTI had been created. Land belonging to indigenous populations is constitutionally inalienable, including the natural resources within it, but these rights are poorly observed (Watson 2011; Alatorre 2012). Some 25 percent of Ecuador's population is indigenous, with most of the remainder of mixed blood.

The number of *provincias* has increased from seventeen in 1950 to twenty-four in 2010.<sup>1</sup> The 2008 constitution provides incentives for two or more *provincias* to form an autonomous *region* (C 2008, Art. 244). The *provincias* in the Amazonas territories receive special recognition in the 2008 constitution because they “form part of an ecosystem that is essential for the environmental balance of the planet” (C 2008, Art. 250). The provision states that there will be an integral development plan for the entire region to ensure the conservation and protection of the ecosystems and *sumak kawsay*—which is Quechua for “Good Life, or Good Living.” There is then an opening for special statute regions. In 2018, the national assembly passed a law creating the Circunscripción Territorial Especial Amazónica (Amazonian Special Territorial Constituency, CTEA) (*Ley Orgánica para la Planificación Integral de la Circunscripción Territorial Especial*

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<sup>1</sup> In 1953, Santiago Zamora *provincia* was divided into two: Morona-Santiago and Zamora-Chinchipec. In 1959, Napo Pastaza province split into the *provincias* of Napo and Pastaza. In 1973, the Territorio Insular del Archipiélago de Colón became the *provincia* of Galápagos. In 1989 Sucumbíos *provincia* split from Napo; and in 1998 Orellana *provincia* split from Napo. Finally, in 2007 two *provincias* were carved out of cantons from existing provinces: Santa Elena was formed by the *cantons* of La Libertad, Salinas, and Santa Elena (formerly Guayas *provincia*); and Santo Domingo de los Tsáchilas was formerly part of Pichincha *provincia*.

Amazónica).<sup>2</sup> Finally, the capital city of Quito has special status as the *Distrito Metropolitano de Quito* since 1993 (Ley 46, 1993). We code the *provincias* since 1950, the Archipiélago de Colón, or Galápagos, as a special autonomous region since 1998, the *Circunscripción Territorial Especial Amazónica* from 2018, and the *distrito metropolitano* of Quito from 1993.

Ecuador changed its constitution five times: 1946, 1967, 1978 (*codificada* in 1984, 1993, and 1997), 1998, and 2008. The country was under military rule during 1963–66 and 1972–79 (Skidmore, Smith, and Green 2010: 186–90). During the democratic interlude between 1966 and 1972 the military kept its role as arbiter (Frank 2007: 137). The period 1996–2000 was characterized by great political volatility, with the rotation of six different presidents in five years (O’Neill 2003: 163).

The architecture of subnational government was essentially frozen until 1998. *Provincias* had a dual structure of deconcentrated and decentralized governance: a *régimen seccional dependiente* (dependent regime) and *gobiernos seccionales autónomos* (autonomous governments). The *régimen seccional dependiente* was headed by a *gobernador* (governor) appointed by the president (C 1946, Art. 92.6; C 1967, Art. 184.5). The *gobernador* represented the president in the *provincia*, and coordinated national policies in the *provincia* (C 1998, Art. 227). The *gobiernos seccionales autónomos* included a *consejo provincial* (provincial council) and, since 1967, a directly elected *prefecto* (prefect). We estimate that *provincias*, on balance, come closer to decentralized than deconcentrated governance.<sup>β</sup>

Continuity was interrupted by military rule. From 1964–66 and 1972–79, the military closed congress and replaced elected *prefectos* and councilors (Frank 2007: 138). These bans were eliminated in 1979. Institutional depth drops to 1 for these years.

The 1998 constitution is the first to explicitly regulate the authority of *provincias*: it enumerates provincial competences (including limited taxation powers), and stipulates that the central government can devolve more competences. In addition, the constitution establishes the principle that decentralization is mandatory for the central government when a subnational unit requests it and is capable of carrying out the requested activities (C 1998, Art. 226). However, little was consolidated in enabling law (O’Neill 2003: 163), and the most important of these laws, the *Ley Especial de Descentralización del Estado y Participación Social* (Decentralization Law, 27, 1997) strengthened local governments over *provincias* (Frank 2007: 225).

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<sup>2</sup> The *Circunscripción Territorial Especial Amazónica* encompasses the Amazonian *provincias* of Morona Santiago, Napo, Orellana, Pastaza, Sucumbios y Zamora Chinchipe.

In the late 1990s demands for greater provincial autonomy intensified (Frank 2007: 241). A new constitution in 2008 responded by setting out a framework for comprehensive reorganization and decentralization. In a series of implementing laws the architectural landscape was transformed. The *Código Orgánico de Organización Territorial, Autonomía y Descentralización* was passed in October 2010, replacing previous legislation, with the explicit aim of providing political, administrative, and financial autonomy to subnational governance and creating, by 2016, seven or eight regions (COOTAD, Art. 1). Until 2016, the creation of new regions was a voluntary process, after which the president would present a plan to combine *provincias* into regions.<sup>3</sup> By 2019 no new regions had been created. *Provincias* score 2 on institutional depth during the democratic periods: 1950–63, 1967–71, and 1980–2018, and 1 for periods of military rule.

Galápagos became a *provincia* in 1973 with the same dual structure of centrally appointed *gobernador* and locally elected *prefecto*, but with a special legal regime restricting residence, property, and commerce on the island (C 1973, Art. 154). In 1998 the national parliament passed a special statute for the Galápagos (C 1978 *codificada* in 1997, Art. 154; C 1998, Art. 239; Law 67 of 1998), and this was revised in 2009. Galápagos is a sparsely populated area in the Archipiélago de Colón, including twenty-two islands and 107 islets. In 2010 it was estimated to have some 30,000 inhabitants (not including more than 130,000 tourists each year). It has a unique natural environment, and its special status is aimed to preserve that (C 1998, Art. 238; C 2008, Art. 258). About 97 percent of its territory is UNESCO-protected natural habitat. Until 2009, this area was run by the Galápagos National Park under direct ministerial guidance, while the 3 percent outside the park enjoyed limited provincial, municipal, and parochial self-government in the cantons of Santa Cruz, San Cristobal, and Isabela Islands.

While central control over provincial ordinances in the rest of Ecuador is mostly *ex post*, the provincial council of Galápagos needed to have its planning and budget pre-approved by a centrally controlled institution, the *Instituto Nacional Galápagos* (National Galápagos Institute), known as INGALA, set up in 1980. The *Instituto Nacional Galápagos* managed infrastructure development and oversaw implementation of provincial and municipal policies. The provincial council and the prefecture were set up in 1996 when the first elections took place, but policy authority was only devolved in 1998. From 1973–97 we

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<sup>3</sup> A 2015 constitutional amendment removed this deadline, indefinitely postponing the creation of regions (Enríquez 2017: 14-15), but in 2018 the Constitutional Court overturned the 2015 constitutional reform (Decision No. 018-18-SIN-CC). As of 2019, however, regions had still not been created.

score Galápagos as a dependency (=1), and from 1998–2018 we score it as a decentralized region with autonomous status (=2).

The 1998 *Ley Especial para la Provincia de Galápagos* (Special Law for the Galápagos) strengthened self-governance (Hoyman and McCall 2012).<sup>4</sup> The big change was that INGALA, initially a deconcentrated institution, was reformed into the hub of co-governance between central and local governments, consisting of a technical service and new political council. The technical department, headed by a presidentially appointed civil servant, was charged with providing technical assistance to central and decentralized governing bodies on the islands, facilitating coordination among organizations, and delivering public services not provided by the municipal governments (Hennessy 2009; Law 67, Art. 4). A newly created Governing Council of the INGALA was to give guidance to developing the Galápagos. It consists of key decision makers including the provincial *gobernador*, the provincial *prefecto*, a representative of municipal governments, key national ministers, the director of the National Park, and local stakeholders (e.g. the Charles Darwin institute, and the local chamber of commerce) (Law 67, Art. 5). The council was initially headed by the *gobernador* (C 1998, Art. 239), later by the minister of environment (Law 67, Art. 5). In 2002, a comprehensive regional development plan was approved by the Governing Council. The provincial, municipal, and parochial governments remain subject to the general national policies and regional planning guidelines adopted by the Council of INGALA. Centrally appointed officials remain in the majority in both the Governing Council and the Technical Committee, but stronger co-governance in INGALA combined with the existence of a provincial council justifies an increase in institutional depth as of 1998.

After UNESCO placed the Galápagos islands on the “in danger” list (Hennessy 2009, 2010), the government revised the national constitution in 2008. Article 258 of the new 2008 constitution now enshrines the status of the Galápagos more clearly: “The Galápagos province will have a special governance structure. Planning and development will be conducted in strict adherence to the principles of conservation of the Nation’s natural heritage in accordance to law.” This paved the way for a revision of the special law. Under a 2009 presidential decree (Decree 1880), the two main governing institutions in Galápagos, INGALA and the Provincial Government of Galápagos, were merged. The process of combining the two institutions began on October 20, 2008, with the formation of the Governing Council of the Special Region of Galápagos. The new *Consejo de Gobierno* is headed by a representative of the president of the republic, and is further composed of representatives of the three

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<sup>4</sup> This followed a threat by UNESCO to remove the islands from the world heritage list.

Galápagos municipalities, a representative of *juntas parroquiales*, and three ministerial representatives (*Registro Oficial No. 449 del 20 de Octubre del 2008*). Local representatives have equal representation (four out of eight), but there is no longer a provincial *prefecto* and the head answers to the president. From 2009, the council had six members of which three were central appointees. In 2015, the national assembly passed an Organic Law on the Special Regime for the Galápagos Province, which increased council membership to ten, retaining parity between national and local representatives but granting the president's representative tie-breaking authority (*Segundo Suplemento al Registro Oficial No. 520, Art. 10*). The council is responsible for immigration control, information and communication technologies for development, local government, zoning planning, education and human resource capacity building, and management of the natural resources of Galápagos, with special emphasis on the control of invasive species (Charles Darwin Foundation, Galapagos National Park, and Governing Council of Galapagos 2010). Rule-setting remains primarily national.

Galápagos scores 1 on institutional depth during the military dictatorship (1973–79), it keeps a 1 after the *Instituto Nacional Galápagos* is created from 1980 and until the onset of decentralization. Since 1998 the score increases to 2. The merger of INGALA and the Provincial Government of Galápagos in 2009 increases the central government veto in Galápagos but falls short of turning it into a deconcentrated unit.<sup>β</sup>

The *Circunscripción Territorial Especial Amazónica* (CTEA) was created for regional planning purposes. It is administered by a *Consejo de Planificación y Desarrollo* (Planning and Development Board). The *Consejo* is responsible for “inter-institutional articulation and coordination among the different levels of government, the citizenry, the public and private sectors” and is tasked with forming a Technical Secretariat to draft a Plan Integral para la Amazonía (Comprehensive Plan for Amazonia) charting a path for sustainable development, conservation, and reparation of biodiversity in the Amazonian region. The *Consejo* is made up of five representatives from the national government, three representatives from the region's *provincias*, *cantones*, and *parroquias*, and three representatives from the local civil society; as such, the CTEA scores 1 on institutional depth.

The Distrito Metropolitano de Quito was created in 1993 (Law 46, 1993). This law gave the local government special authority over urban planning and land use, transportation, and environmental management, on top of the authority enjoyed by other *municipios* (Art. 2; see also Rodríguez-Acosta and Rosenbaum 2008). The Distrito Metropolitano de Quito is governed by an elected metropolitan council and a metropolitan mayor (Ley 46, 1993, Art. 7; see also

Rodríguez-Acosta and Rosenbaum 2008). The national government is authorized by law to override municipal administrations, including that of the Distrito Metropolitano, “in cases of demonstrated paralysis” or “deficient” service provision (Ley de Régimen Municipal 1971, Art. 20). Given that it is subject to central government veto, the Distrito Metropolitano de Quito scores 2 on institutional depth from 1993 to 2018. Although the 2008 constitution provided for Quito (and also Guayaquil) to gain special autonomous status and increased authority (including representation in the national assembly) as *distritos metropolitanos*, it also established new requirements for the enjoyment of this status that neither city has met. The formal establishment of *distritos metropolitanos* now requires both a special law passed by the national assembly and an autonomy statute which must be reviewed by the Constitutional Court and then approved by the voters of the proposed new district (C 2008, Arts. 245-247; COOTAD, Arts. 75-79). As of 2019, Quito meets the first requirement (thanks to the 1993 law) but lacks an autonomy statute so it cannot exercise the authority granted to *distritos metropolitanos* under the 2008 constitution. Guayaquil, on the other hand, does not meet either requirement and is therefore not coded as a metropolitan district.

The distribution of competences between *cantones*, *provincias*, and Galápagos has been dynamic (Frank 2007: 168). Although the constitution mandates that *provincias* only have competences in rural areas (C 1998, Art. 233), the *Ley de Régimen Provincial* (Provincial Code) also allows jurisdiction in urban areas (Frank 2007: 168), and the 2008 constitution abolishes the distinction between rural and urban areas.

The core of provincial competence has always been economic policy: roadworks, environment, irrigation, and river basin administration (C 1998, Art. 233; C 2008, Art. 263). *Provincias* can pronounce *ordenanzas* (ordinances) on a range of public services, and charge special fees necessary to finance their functions (C 1978 *codificada* in 1997, Art. 155). Since the 1998 constitution, the central government can devolve competences to lower levels of government, with the exception of defense and national security, foreign policy and international relations, economic and tax system, foreign debt, and all the rest excluded in international agreements. *Provincias* have acquired responsibility for hydroelectricity, rural development, and rural education (Law 27, Art. 10). *Provincias* also have responsibility for development planning in coordination with the other levels of government (C 2008, Art. 263). In 2014, *provincias* were authorized by the National Council of Competences to exercise their competences in environmental management, development of road and irrigation infrastructure (in accordance with COOTAD, Art. 42).<sup>5</sup> *Provincias* have no

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<sup>5</sup> Germán Guerra Terán, “¿En qué consiste y cómo avanza la descentralización en

explicit competence over local government, police, or own institutional set up. Immigration and citizenship are national.

The 1998 constitution establishes the principle of petition by the provincial and municipal councils for the transfer of responsibilities. If the subnational entity has the capacity to assume a responsibility, the central government is obliged to transfer it (Faust et al. 2008). Relatively few *provincias* seem to have taken advantage of this mechanism (Faust et al. 2008: 105). We reflect the changing situation by scoring *provincias* 1 for 1950–97 and 2 for 1998–2018.

The provincial government in Galápagos also takes responsibility for health and social services to complement municipal initiatives, but until the 2008 revision these functions were mostly performed by the deconcentrated branch of INGALA. From 2009, the provincial government has become more involved in social care and education. The 2015 Special Regime for Galápagos also gives the government council authority over environmental management and sustainable development, road and irrigation infrastructure, public transportation, water and sanitation, and food security (Art. 5). Special residency rules apply to the Galápagos Islands which can be decided locally within a national framework, but this falls short of a separate immigration regime. Galápagos scores 1 on policy scope from 1998–2008, and 2 from 2009–2018.

The Circunscripción Territorial Especial Amazónica's authority is limited to planning and inter-governmental coordination for sustainable development, but it has no authoritative competences over the decisions of other government bodies. The legislation that created the CTEA assigns various responsibilities to the national government and to the governments of *provincias*, *cantones*, and *parroquias* within the Amazonian region, but it does not grant any authoritative competence to the CTEA's own institutions (Ley Orgánica para la Planificación Integral de la Circunscripción Territorial Especial Amazónica 2018), so the region scores 0 on policy scope.

In addition to its special authority over urban planning and land use, transportation, and environmental management, the Distrito Metropolitano de Quito has the same competences as municipal governments (Law 46, 1993), laid out in the 1971 Municipal Regime Law (Ley de Régimen Municipal). As such, Quito has authority over public works (Art. 162), public utilities (Art. 163), and local police (Art. 64, n. 38), as well as some competences in cultural-educational policy (Art. 165), thus scoring 3 on policy scope from 1993.

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Ecuador?" *Chakana: Revista de Análisis de la Secretaría Nacional de Planificación y Desarrollo (Senplades)*, July 20, 2015, <http://www.planificacion.gob.ec/wp-content/uploads/downloads/2015/07/Chakana-Revista-de-Análisis-de-la-Secretar%C3%ADa-Nacional-de-Planificaci3n-y-Desarrollo-Senplades-N.-6.pdf>

## FISCAL AUTONOMY

Until 1964, *provincias* could set base and rate of a sales tax on liquor, which was also shared with the *cantones* (Frank 2007: 131). In 1964, the military government centralized provincial and municipal taxes in exchange for larger transfers (Frank 2007, 138–41). Hence, *provincias* score 2 for 1950–63 and 0 for 1964–2018.

There is a special tax regime for Galápagos, but the central government determines rates and base of all taxes. The Circunscripción Territorial Especial Amazónica cannot set the base or rate of any taxes. The fiscal authority of the Distrito Metropolitano de Quito is the same as all other municipal governments (Ley 46, 1993, Art. 3). The 1971 Municipal Regime Law passed by the national assembly set the base and rate of all municipal taxes. A 2004 reform allowed municipal councils to set property tax rates within a certain range (Ley Orgánica Reformatoria a la Ley de Régimen Municipal 2004, Arts. 38, 47). The 2010 COOTAD decentralization law confirmed this authority and gave councils authority over other minor taxes (Arts. 504, 517; see also Benalcázar 2013).

## BORROWING AUTONOMY

From 1970 *provincias* could borrow without central government authorization, but debt could not be used for current expenditures and could not be foreign (Frank 2007: 141; Lora 2007: 249; Stein 1999: 379). In 2002, the rules were tightened. The 2002 Fiscal Responsibility, Stabilization, and Transparency Law (revised in 2005 and 2010) includes additional restrictions on subnational borrowing (Lora 2007: 229). *Provincias* now need prior central government authorization and there are restrictions on the amount borrowed and in the use of the funds, i.e. only for investments (Lora 2007: 249; World Bank Qualitative Indicators). The 2008 constitution (Art. 289) states that all levels of government can contract public debt, but all debt needs to be authorized by a *comité de deuda y financiamiento* (debt and funding committee) composed of independent experts.

The 2015 Special Regime for Galápagos grants the governing council the authority to contract loans with the aim of investment (Art. 11.9), thus scoring 1 since 2015. The Circunscripción Territorial Especial Amazónica cannot borrow directly; its Technical Secretariat is authorized by law to seek out loans and other funding for the implementation of the Comprehensive Plan for Amazonia, but all credit must be contracted by “the different levels of government” (Ley Orgánica para la Planificación Integral de la Circunscripción Territorial Especial Amazónica 2018, Art. 17). Borrowing by the Distrito Metropolitano de Quito is subject to the same rules that apply to all municipal governments. Before 2002, municipal governments could borrow without central government authorization

(which was only required for foreign loans) but loans with terms exceeding one year could only be invested in public works and could not be used to cover current account deficits (Ley de Régimen Municipal 1971, Arts. 456, 459). The 2002 Fiscal Responsibility, Stabilization, and Transparency Law required prior central government authorization and tightened restrictions on the amounts to be borrowed and on the allowed uses of the funds (Lora 2007: 249).

## REPRESENTATION

The composition of the *consejo provincial* (provincial council) has changed multiple times over the past six decades (C 1946, Art. 125; C 1967, Art. 239; C 1998, Art. 228). From 1950–63, the majority of its members were elected and the rest indirectly elected by the *consejos municipales*.<sup>6</sup> From 1964–66 and 1972–78 the military regime replaced elected councilors with appointed councilors (Frank 2007: 138, 143). From 1967–72 and 1979–98 all members of the *consejo provincial* were popularly elected (C 1967, Art. 239; C 1978, Art. 57; C 1978, Art. 120; C 2008, Art. 252). In 1998, the election of the *consejo provincial* went back to the mixed 1946 system (C 1998, Art. 233). Since the 2008 constitution, the *consejo provincial* is indirectly elected; it is made up of municipal mayors and up to seven rotating presidents of *juntas parroquiales*.

From 1950–66, the executive was a *gobernador* appointed by the president (C 1946, Art. 92.6; C 1967, Arts. 184.5 and 238; C 1978 *codificada* in 1984, Art. 78.e; C 1978 *codificada* in 1993, Art. 79.d; C 1978 *codificada* in 1997, Art. 103.e; C 1998, Art. 227). In 1967, dual government was introduced with the creation of a directly elected *prefecto* alongside the appointed *gobernador* (C 1967, Art. 239; C 1978 *codificada* in 1984, Art. 120; C 1998, Art. 233; C 2008, Art. 252). Between 1972 and 1978 the military replaced elected *prefectos* with appointed ones (Frank 2007: 138, 143). Since 2008 there is only a directly elected *prefecto* who is also the president of the *consejo provincial*.

From 1973–95 Galápagos was deconcentrated, and executive power resided with the *Instituto Nacional Galápagos* (INGALA), which reported to the central government. The first provincial council and prefect elections took place in 1996. The *prefecto* shared executive power with the head of the INGALA from 1996 until 1998, and thereafter with the head of the INGALA council.<sup>β</sup> In 2009 the provincial council became indirectly elected. It consists of representatives of the three Galápagos municipalities and a representative of the *juntas parroquiales* as well as three ministerial representatives (Decree 1880). The head is presidentially appointed. Contrary to other provincial councils or to its predecessor, the *consejo de gobierno* combines assembly and executive tasks. This is coded as dual government.

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<sup>6</sup> The size of the *consejo* is proportional to the population in the *provincia*.

The *Consejo de Planificación y Desarrollo* (Planning and Development Board) that governs the Circunscripción Territorial Especial Amazónica is made up of a plurality of national government representatives (five out of eleven), three indirectly elected members, and three seats filled by representatives of the local civil society. The president of the Board is appointed by the President. The CTEA thus scores 0 on both categories of representation. The Distrito Metropolitano de Quito has a directly elected *concejo metropolitano* (metropolitan council) and a directly elected *alcalde metropolitano* (metropolitan mayor).

### *Shared rule*

## LAW MAKING

National congress changed from bicameral to unicameral in 1978. Before 1978, the senate was based on the territorial principle though it had also a strong functional component (Frank 2007: 162). The senate consisted of two directly elected senators per *provincia* (C 1946, Art. 42; C 1967, Art. 119), one from the Archipiélago de Colón (later Galápagos) (C 1967, Art. 119), and one from the eastern *provincias* (C 1946, Art. 42). They were directly elected. In addition, nine (C 1946, Art. 42) to fifteen (C 1967, Art. 119) *senadores funcionales* were elected by societal sectors: education; vocational training; journalism; scientific and literary societies; security forces and national civil police; agriculture; commerce; workers and industry (C 1946, Art. 42). The senate was closed during military rule (Frank 2007: 138, 142). The senate had equal powers to the chamber.

## EXECUTIVE CONTROL

The 1978 constitution created the *Consejo Nacional de Desarrollo* (National Development Council) to set economic and social policies. It includes provincial representatives, but its composition is dominated by central representatives (C 1978 *codificada* in 1984, Art. 90). The projects proposed by the *Consejo Nacional de Desarrollo* require presidential approval (C 1978 *codificada* in 1984, Art. 89).

In 1998 the government announced the creation of the *Consejo Nacional de Gobernadores Provinciales* (National Council of Provincial Governors), but it was never instituted (Faust et al. 2008: 95). The 2008 constitution set up the *Consejo Nacional de Competencias* (National Council of Competences), which is a “technical” committee that regulates the transfer of competences to *gobiernos autónomos descentralizados* (C 2008; Art. 269).<sup>7</sup> *Provincias* allocate

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<sup>7</sup> *Consejo Nacional de Competencias*.

just one of four seats on the commission (COOTAD, Art. 118). The design of the *Consejo's* National Decentralization Plan for 2012-2015 involved several workshops with the participation of the *Consortio de Consejos Provinciales* (Consortium of Provincial Councils), an association of provincial governments (Plan Nacional de Descentralización, 2012-2015: 40), but these were not part of an institutionalized system of routine meetings between the central government and regional governments to negotiate policy. There are no special provisions for the Galápagos Islands beyond the ones set out earlier (see institutional depth and policy scope). The 2018 law that created the Circunscripción Territorial Especial Amazónica calls on the national government to devote special attention to promoting sustainable development in Amazonia and sets up a follow-up and evaluation system aimed at ensuring the proper implementation of the law. However, there is no system of routine meetings between the national government and the CTEA's Planning and Development Board to determine national policy toward the region. There are no special provisions for the Distrito Metropolitano de Quito.

#### FISCAL CONTROL

Taxes and expenditures are decided by the *Ley de Presupuesto General* (General Budget Law), passed every year by congress (C 1946, Art. 131). Until 1977, both the senate and chamber of deputies had the authority to establish or abolish taxes (C 1946, Art. 53.5; C 1967 Art. 99), but since regional governments did not have representatives in the senate, this falls outside the remit of fiscal shared rule. From 1978–2007 the chamber of deputies had authority (C 1978 *codificada* in 1997, Art. 82.e). Since 2008, the president has exclusive authority on taxes (C 2008, Art. 135)

Provinces have some indirect lobbying capacity through peak organizations. The *Comisión Nacional de Descentralización y Organización Territorial* (National Commission of Decentralization and Territorial Organization—CONADE), a consultative committee, was set up in the 1970s to provide peak organizations of local and provincial governments access to economic and social development policy, including negotiations on the financial envelope (Frank 2007: 165). The body was composed of eight members, among whom there is one representative of the *Consortio de Consejos Provinciales* (Consortium of Provincial Councils). CONADE was replaced in 1998 by the *Oficina de Planificación* (Planning Office), which was in turn replaced in 2004 by the *Secretaría Nacional de Planificación y Desarrollo* (National Secretariat for Planning and Development, SENPLADES).<sup>8</sup> There are no special provisions for

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<http://www.competencias.gob.ec/institucion/autoridades-miembros>.

<sup>8</sup> Secretaría Nacional de Planificación y Desarrollo

Galápagos or the Distrito Metropolitano de Quito. The 2018 law that created the Circunscripción Territorial Especial Amazónica established two special funds for the region, which are funded with taxes and royalties paid by oil and mining companies operating in the region. However, the law does not give the CTEA's Planning and Development Board any authority over the distribution of these revenues.

#### BORROWING CONTROL

The 2002 Fiscal Responsibility, Stabilization, and Transparency law sets out borrowing conditions for all levels of government. *Provincias* and other subnational governments have no input.

#### CONSTITUTIONAL REFORM

Until 1967, regionally elected senators had veto power over constitutional reform because reforms needed a majority in each chamber (C 1946, Arts. 62 and 190). From 1968–78, the president could call a nation-wide plebiscite to override the congressional decision (C 1967, Art. 258), which nullified provincial control. After the abolition of the senate, *provincias* lost control over constitutional reform.

The Galápagos government and its population are not consulted on changes to the statute. The CTEA and the Distrito Metropolitano de Quito have no input on constitutional reforms.

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## Self-rule in Ecuador

		Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
						Assembly	Executive	
Provincias	1950–1963	2	1	2	2	2	0	<b>9</b>
	1964–1966	1	1	0	2	0	0	<b>4</b>
	1967–1971	2	1	0	2	2	1	<b>8</b>
	1972–1978	1	1	0	2	0	0	<b>4</b>
	1979	1	1	0	2	2	1	<b>7</b>
	1980–1997	2	1	0	2	2	1	<b>8</b>
	1998–2001	2	2	0	2	2	1	<b>9</b>
	2002–2008	2	2	0	1	2	1	<b>8</b>
	2009–2018	2	2	0	1	1	2	<b>8</b>
Galápagos	1973–1995	1	0	0	0	0	0	<b>1</b>
	1996–1997	1	0	0	0	2	1	<b>4</b>
	1998–2008	2	1	0	0	2	1	<b>6</b>
	2009–2014	2	2	0	0	1	1	<b>6</b>
	2015–2018	2	2	0	1	1	1	<b>7</b>
Circunscripción Territorial Especial Amazónica	2018	1	0	0	0	0	0	<b>1</b>
Distrito Metropolitano de Quito	1993-2001	2	3	0	2	2	2	<b>11</b>
	2002-2003	2	3	0	1	2	2	<b>10</b>
	2004-2018	2	3	1	1	2	2	<b>11</b>

### Shared rule in Ecuador

		Law making						Executive control		Fiscal control		Borrowing control		Constitutional reform		Shared rule
		L1	L2	L3	L4	L5	L6	M	B	M	B	M	B	M	B	
Provincias	1950–1964	0.5	0	0.5	0.5	0	0	0	0	0	0	0	0	3	0	<b>4.5</b>
	1965–1966	0	0	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
	1967	0.5	0	0.5	0.5	0	0	0	0	0	0	0	0	3	0	<b>4.5</b>
	1968–1972	0.5	0	0.5	0.5	0	0	0	0	0	0	0	0	0	0	<b>1.5</b>
	1973–2018	0	0	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
Galápagos	1973–2018	0	0	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
Circunscripción Territorial Especial Amazónica		0	0	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
Distrito Metropolitano de Quito	1993- 2018	0	0	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>

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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