

## Republic of Cuba

(República de Cuba)



**Capital:** Havana

**Inhabitants:** 11.382.820 (2006)

**Area:** 110.861 km<sup>2</sup>

### 1. Introduction



The Republic of Cuba is an insular and independent State, located in the Caribbean, 109,886 km<sup>2</sup> in size, with a population of 11.245.836 inhabitants and a population density of 102,3 inhabitants/km<sup>2</sup>.

The National Territory is divided into 14 provinces and 169 municipalities. State control is exercised via organs of the People's Power, which are organized into National, Provincial and Municipal Assemblies of People's Power. The National Assembly of People's Power is made up of 609 members<sup>1</sup> (diputados) from throughout the country who are elected by direct and secret ballot<sup>2</sup>. In the 1960s the municipal government organizations acted as units of the Cuban Revolutionary Government. In 1976 the system of

People's Power was institutionalized with the creation of the People's Power Assemblies on national, municipal and provincial levels. In 1992 the electoral system was reformed to increase popular participation in elections held by organs of the State and in July 2000, Law 91 of the People's Councils<sup>3</sup> was approved and extended to include the scope and set-up of local governments throughout the country. The law sets out: "Article 2. The People's Council is a local organ of the People's Power, representative in character and invested with maximum authority with which to execute its functions. It acknowledges the given territorial demarcation, supports the National Assembly of People's Power in the execution of its powers and is responsible for understanding and responding to the needs and interests of the people that live within its sphere influence." Article 3 decrees that: "it represents and acts within the designated area, whilst also acting as a representative of the organs of the municipal, provincial and national People's Power, to the people living within that demarcation, its institutions and other established entities."

<sup>1</sup> Taken from: Nacional Statistics Office. CUBA IN FIGURES, 2005. Chapter 1 Territory and Climate; chapter II Population

<sup>2</sup> See: Structure of Cuban State in: <http://www.asanac.gov.cu/>

<sup>3</sup> Law No. 91 of PEOPLE'S COUNCILS. Approved by the National Assembly of People's Power on July 13, 2000 and published in the Republic of Cuba's Official Gazette in the extraordinary edition No.6 July 25, 2000.



Local governments operate on a municipal and provincial level, with support from the actions of "the People's Councils, an expression of our socialist democracy and link with state leadership, that carry out their tasks with the active participation of the people, and in the interests of the community and society as a whole." The highest authority of the Cuban State is working to consolidate the role of local governments with the aim of "...elevating the roles of the Municipal and Provincial Assemblies to assume positions that act with maximum authority as local bodies of the State in each territory."<sup>4</sup>

## 2. Territorial Organization

The Cuban State is organized by the regime of the People's Power, structured by the National Assembly of People's Power, the maximum authority of the Republic of Cuba's State, which replicates its structure in the provinces and municipalities through the Provincial and Municipal Assemblies of People's Power. When the National Assembly of People's Power is in session, the State is governed by the State Council, a collegiate organ of Cuban state authority, elected by members of the National Assembly for a period of five years, that answers to the National Assembly on management issues during each session (every 6 months). From among its members<sup>5</sup>, the State Council chooses a President that represents the State when the State Council is in session and answers to the State Council on management issues.

The Central Government (national) is organized by the Council of Ministers, the highest-ranking executive and

administrative body, and by the system of Ministries, units of the different government branches, created and approved of by the National Assembly of People's Power. The Provincial Governments are made up of Provincial Administrative Councils, designated and approved by the Provincial Assemblies of People's Power, to whom they answer, with regard to areas of management. The Municipal governments are made up of Municipal Administrative Councils that are designated and approved of by the Municipal Assemblies of People's Power, to whom they also answer to. Government administration is as such dispatched from a central level to the localities. The Assemblies of People's Power in the localities "...are granted the maximum local authority in order for them to execute their state functions within their respective demarcations. They coordinate the governments, via the organs that constitute them, and where relevant, manage economic production and service entities that are directly subordinate to them and develop a model that collectively satisfies the welfare, economic, cultural, educational and recreational needs of the territory over which each one holds jurisdiction."<sup>6</sup> Public spending on local activity can be ascertained by looking at certain financial indicators that reveal a total public spending volume of 3 685.60 Pesos/inhabitant and on a local level, public spending is 1 418.68 Pesos/inhabitant. Of total expenditure, local public spending represents 38.49%. This public spending amounts to 28.4% of GDP, while total public spending on investment is 12.19% of GDP. The country's capital, the City of Habana has its own particular regime of local government,

<sup>4</sup> See: Structure of Cuban State in: [http://www.asanac.gov.cu/espanol/Comisi3n de 3rganos Locales.htm](http://www.asanac.gov.cu/espanol/Comisi3n%20de%203rganos%20Locales.htm)

<sup>5</sup> Made up of 31 Members. See: Structure of Cuban State in <http://www.asanac.gov.cu/>

<sup>6</sup> Calculated on the basis of the State Budget for the year 2007. See: Law N° 102 OF THE STATE BUDGET FOR 2007. See: Republic of Cuba's Official Gazette. Ministry of Justice. EXTRAORDINARY, from Thursday 28 December, 2006. Year CIV, N° 46, pages. 363 – 366. URL: <http://www.gacetaoficial.cu/>



which is formed like a province and made up of 19 urban municipalities. Besides this you have the Special Isle of Youth Municipality, which does not belong to any province, it being an island, separate from the 14 provinces on the Cuban island. This structure of local government goes back to 1976 when the process of institutionalization began and a new Political Administrative Division was formed which saw the 6 provinces become 14 with 169 municipalities, as well as the Special Isle of Youth Municipality.

### 3. Local Democracy

#### 3.1 – Local Political System

The political parties do not participate as such in the election of state bodies or municipal governments (they do not propose candidates nor do they have electoral platforms, election programs etc.) the sole party, acting as a political organization, directs, coordinates and observes that constitutional rules are adhered to and the electoral process carried out according to the law. The elections are pluralist, illustrated by the fact that they are organized by the resident population in each electoral district, whereby a Delegate (Delegado) is directly elected to the Municipal Assembly of People's Power every two-and-a-half years. From among the municipal delegates and by proposal from social, civil and mass organizations, delegates are then put forward for positions within the Provincial Assemblies and Deputies proposed for the National Assembly of People's Power, chosen every five years. Delegates for the Provincial Assemblies and Deputies of the National Assembly are elected by secret, direct ballot, by the entire population across the country which ensures that those elected, come from all over the country and mean that the municipalities and the provinces are also represented.

The authority elect is invested with executive functions in accordance with the Constitutional law. It is determined by the Electoral law, executed by the corresponding Electoral Commission by Agreement and Oath of Office, which is endorsed by an accredited Certificate bearing a stamp that indicates whether he/she is a Delegate or Deputy of the People's Power. The percentage of voters that take part in the electoral process of delegates and deputies is the principal indicator of the people's attitude with regard to local and national politics.

#### 3.2 – Civil participation

The Constitution acknowledges direct democratic procedures through the nomination of delegates by locals from each electoral district, chosen by them to represent them in the Municipal Assembly of People's Power, the direct and secret election of delegates, the Rendition of Accounts to the electorate (whereby each delegate has to report his/her work performance) every six months, to the possibility of removing delegates or deputies that do not comply with the people's mandate. The electoral district is the first level at which the People's Power operates, via the people, where the Delegates are nominated and elected, Deputies of the National Assembly of People's Power voted for, who then, before the people of each district, have to periodically answer to the delegates and the People's Council. The People's Council is where state and local government activity are managed and provides a point of contact for local governments and the electorate; in the electoral areas, it does the same for the Deputies of the National Assembly, where the various districts are brought together; where Deputies are received, matters of State and government debated and where these are elected.



Table 1: Local elections (Voter Turn-out in mun elections. By year)

Year	Turn-out	Year	Turn-out	Year	Turn-out
1976	95,2 %	1986	97,7 %	1997	97,6 %
1979	96,9 %	1989	98,3 %	2000	98,1 %
1981	97,2 %	1992	97,2 %	2002	95,8 %
1984	98,7 %	1995	97,1 %	2005	96,7 %

Source: <http://www.one.cu/aec2006/anuariopdf2006/capitulo21/XXI.1.pdf>

Table 2: Provincial elections (Voter turn-out in Provincial Assemblies of People's Power elections by year)

Year	Turn-out	Year	Turn-out	Year	Turn-out
1993	99,57 %	1998	98,35 %	2003	97,64 %

Source: <http://www.one.cu/aec2006/anuariopdf2006/capitulo21/XXI.3.pdf>

Table 3: National elections (Voter turn-out in Provincial Assemblies of People's Power elections by year)

Year	Turn-out	Year	Turn-out	Year	Turn-out
1992-93	98,71 %	1997-98	98,35 %	2002-003	97,64 %

Source: <http://www.one.cu/aec2006/anuariopdf2006/capitulo21/XXI.5.pdf>

National elections begin with the formation of the National Electoral Commission, followed by the provincial and municipal electoral commissions. They are made up of people from civil society, that represent social and mass organizations, and by representatives of youth and student organizations. These drive the process of nomination and election of the Delegates and the Deputies of the Assemblies of People's Power, to the constitution of Assemblies, taking of the Oath and official investiture of the accredited certificate and stamp which identifies it. The electoral commissions are also responsible for overseeing the election of leadership bodies and presidents. Once this process is complete the commissions cease to exist. The Delegates of the People's Power make themselves available for one day a week in order to receive the electorate and process issues, demands and provide solutions to problems within the circumscription. The Provincial and Municipal Assemblies of People's Power, as in the National Assembly of People's Power, have local offices that are permanently set up and

specifically dedicated to provide assistance to the public or to individuals, when a solution or request requires government or State support. Apart from the State and government, national and local, there are traditional institutions in place such as the lodges (Masons, Odd fellows), churches of various affiliations, NGOs, Organizations of the masses etc., that maintain a relationship with local government and which are bound to follow the correct official procedures, both legal and institutional.

#### 4. Relationship between Central and Local Levels

##### 4.1 – General Issues

The Republic of Cuba's Constitution sets out the organization of State and Government activity on all levels (national and local), that are supported by a coherent legal system. The central, provincial and municipal governments are responsible for the monitoring and valuation of levels under local government,



with the aim of ensuring that they fulfill the state and government functions they are legally obliged to at those levels, and to ensure that they observe the legal requirements, principles and rules of the Constitution. The Constitution, laws and regulations grant local government their autonomy in the areas over which they have authority<sup>7</sup>.

The only authority that has legislative power is the National Assembly of People's Power. In between sessions the State Council can push through legislative regulations, but they still have to be submitted to the National Assembly of People's Power for consideration and approval in their next session, once the State Council has adopted them.

#### *4.2 – Supervision of local governments*

The supervision of local governments is carried out by the National Assembly of People's Power and also by the Provincial Assembly of People's Power over the municipalities. The National and Provincial Assemblies of People's Power have permanent Work Commissions that, in between Assembly sessions, are responsible for assessing the performance of state and government management, carried out by the different State and government structures, at all levels.

Regulations stipulate that in the event of constitutional violation or if civil servants or delegates act outside of their sphere of duties as government authorities, the government structure can be dissolved or the mandate revoked. Institutions exist that are divided in to specialist sectors on central, provincial and municipal levels. These are guided methodically by national authorities from the ministries or national institutes and also have local authorities

that are elected and approved of by the provincial and municipal Assemblies. Local governments are responsible for the management of these sectors within the localities.

#### *4.3 – Guarantee of local government autonomy; rights and interests.*

On a local level, local government autonomy is regulated by a specific Ruling that requires a legal solution to be found in the event that local government rights are affected by the actions of another government. The State system has Offices that deal directly with local government bodies that are in charge of finding a solution to local conflicts through departments of central government.

### **5. Local Responsibilities**

Local authorities are responsible for following the political guidelines established in the Law with regard to budget management, in areas of both income and expenditure.

The local Assemblies of People's Power have the power to dictate the rules and regulations within their areas of management, with regard to territorial organization, the management of assets and services, local development planning, the management and financing of development projects, etc.

The main trends in the distribution of power in some sectors, reveals high instances of cooperation between the different levels of government. The three areas which are most decentralized and fall under local government control are: Management of government in Provincial and Municipal administration; Control over territorial organization and planning and the drawing up of the Local Budget (local tax politics, tax types). On the other hand, areas of centralized authority are:

<sup>7</sup> See: Structure of Cuban State in:

[http://www.asanac.gov.cu/espanol/Comisi3n de Organos Locales.htm](http://www.asanac.gov.cu/espanol/Comisi3n%20de%20Organos%20Locales.htm)



Table 4: co-operation in development: State and local Actors

Sectors	Coop. central	Local management	Sectors	Coop. central	local management
Planning	X	X	<i>Social security</i>	X	X
Education	X	X	<i>Administration</i>		X
Health service	X	X	<i>Spending and investment</i>	X	X
Water supply		X	<i>Culture and Arts</i>	X	X
Energy supply	X		<i>Science and technology</i>	X	X
Public transport		X	<i>Social assistance</i>		X
Business development support	X	X	<i>Living and community services</i>		X
Defense and domestic order	X	X			

Central Planning of the National Economy and how it is applied to the localities; The National State Budget and the Central State Budget and its rules and the Nation's Monetary Politics, Tax, Rates and Foreign Politics.

## 6. Local Finance

### 6.1 – Local government income

Local governments have their budgets<sup>8</sup>. Local budgets are made of income transfers, Central Budget income and direct transfers<sup>9</sup>, the last two of which are managed by provincial or central budgets. Local authorities set the tax rates on areas of local activity, which they promote or authorize. They collect the taxes on all the territories' economic activities and retain, of those taxes that come from the activities of entities subordinate to the national ones, and tied in to their jurisdiction, enough to cover up to 30% of

their current expenditure in size and proportion, as decreed by the budget law<sup>10</sup>

In articles 11 and 12 referred to, of law N° 102, the participation percentage and the value, which was transferred to local budgets in the 2007 tax collections from organizations that are subordinate to the national authority connected with the localities, represented a total amount of 1.495.6 million Pesos. This is in line with the regulations established in the Decree Law No 192 of the State's Financial Administration. The Provincial and Municipal Assemblies of the People's Power receive external income from international organizations and from different kinds of donors. They also get funding from foreign mayoralties and sometimes from cities that they are twinned with; these funds are usually destined to specific areas such as community development or infrastructure.

<sup>8</sup> Decree-Law No 192 OF THE STATE FINANCIAL ADMINISTRATION. Given on the 8<sup>th</sup> April 1999

<sup>9</sup> Ibidem. Article 43

<sup>10</sup> Article 11 and 12 of Law N° 102 OF THE STATE BUDGET FOR 2007. See: Republic of Cuba's Official Gazette. Ministry of Justice. EXTRAORDINARY, from Thursday 28 December, 2006. Year CIV, N° 46, pages. 363 – 366. URL: <http://www.gacetaoficial.cu/>



On a Central level, Special Development Programs have been set up that have special budgetary resources, which can be used to strengthen, increase and modernize educational infrastructure, health, community services and computer technology, amongst others. Rates and resources of local budgets represent 70% of their current expenditure. The remaining 30% is made up of taxes from companies under national control that are located in their demarcation, like transfers from the Central Budget.

#### *6.2.– Administration of Local Government Staff*

Local governments tend to have a workforce sufficient in size to ensure that it can adequately fulfill their functions. Personnel are made up of administrative staff, service staff and civil servants that are subject to a systematic process of evaluation, training and assessment, to ensure they are able to meet the demands of the job in question. Special measures are taken to abide by the rules in a bid to avoid corruption. This is carried out by the frequent, sustained and systematic practice of evaluation and adaptation of prevention programs. The main way that management is guaranteed to be carried out efficiently and well, is by the implementation of an ongoing development and training programs for individuals and by adequately briefing personnel so they can carry out civil work or government tasks and who are subject to a rigorous system of personal evaluation.

### **7. Local Government Development**

Local government in Cuba is subject to an ongoing process of perfectionism, which aims to improve its structures and levels of competency and introduce regulations that facilitate this work whilst reducing levels of bureaucracy. The main goal is to ensure that local government is able to effectively respond to civil requirements and provide answers to development issues with efficiency and effectiveness. This process includes the need for an improvement in the electoral system, in the representation and competencies of local government bodies, and in levels of civil participation with regard to important state and government decision-making processes.