

Executives, Legislatures, and Decentralization

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This article considers the role of executives and legislatures in authoring decentralizing legislation to study the type of decentralization each sought to achieve. I find that differences across branches are more significant than differences across political parties. The executive played a significant role in the process of decentralization emphasizing administrative forms of decentralization. Congressional efforts to write laws, on the contrary, focused on the political aspects. Thus, the involvement of both branches in policymaking contributed to the multidimensional form and high degree of decentralization in Colombia.

KEY WORDS: decentralization, Colombia, executive–legislative relations, legislation

Decentralization is something of an ironic policy. It requires the national government to give up power to subnational governments and to unmake the “centralist tradition” (Veliz, 1980). Yet, governments are doing precisely that. Throughout Latin America, national governments have guaranteed state and local government participation in national revenue, in some cases writing guarantees of almost 50 percent into the constitution. In other cases, they have transferred responsibility for providing important services, such as education and health care, to subnational governments, also giving them control over associated financing and personnel. At face value, decentralization means that those who benefit from the current distribution of power are promoting a policy that reduces the power (and patronage resources) available to them in the future. So why would any president or member of congress choose this policy?¹

Myriad reasons have been offered for the adoption of decentralization, including pressure from international agencies such as the World Bank (Rosenfeld, 1995); the nature of the party system (Willis, Garman, & Haggard, 1999) and future, strategic electoral calculations of parties (O’Neill, 1999, 2003); power plays among actors (Eaton, 2001); and a growing crisis of legitimacy (Grindle, 2000). While the literature has explored the general motivations of governments in adopting decentralization, the authorship of decentralizing laws has received relatively scant attention in the literature to date. By ignoring bill authorship, we lose insight into whose interests and preferences shaped this important public policy.

This article considers the role of executives and legislatures in authoring decentralizing legislation to uncover whether there are systematic differences in the type

of decentralization they preferred to see adopted. Across Latin America, presidents are generally seen as the most important actor in the policymaking process, leading some to characterize Latin America's legislatures as reactive rather than proactive (Cox & Morgenstern, 2001). Thus, as in other policy areas throughout Latin America, the executive branch should be expected to play a leading role, seeking to institutionalize its preferences. Members of congress, however, may have their own preferences, and their participation in the policymaking process may affect the form of decentralization that develops. I argue that the combination of efforts by executives and legislatures to each institutionalize their own preferences produces a more multidimensional form of decentralization than if only one branch is involved. The combination of executive and legislative involvement thus produces a balance of political, fiscal, and administrative decentralization.

I begin with a review of the extant literature to explain how the advantages that may be derived from decentralization lead the executive and legislative branches to prefer different forms of decentralization. While I would expect this argument to hold across all presidential democracies, the evidence presented here draws on Colombia. Thus, the second section overviews the evolution of decentralization in Colombia to provide the reader with an understanding of how decentralization has advanced. This characterizes the level and form of decentralization in the country and allows the Colombian case to be placed in comparative context. Third, I consider in detail the authorship of decentralizing laws, to test whether there is a clear relationship between the branch that authored a decentralizing law and the form of decentralization it advanced. Finally, I conclude with a discussion of the implications of these findings for decentralization in other countries.

Executive and Legislative Preferences for Decentralization

In many countries, the process of decentralization, especially the adoption of direct mayoral elections took place in a context of declining legitimacy. Low levels of civil engagement and an absence of popular participation in government characterized many Latin American countries that decentralized (Nickson, 1995). National governments (both executives and legislatures) saw decentralization as one way to regain popular support by creating new opportunities for participation and fostering greater accountability. Based on a comparison of decentralization in Argentina, Bolivia, and Venezuela, Grindle (2000) concludes that decentralization was driven by an elite realization that the political system was in danger of collapse, facilitating the adoption of sweeping reforms that would otherwise have been politically untenable. Decentralization may have been politically costly, but a crisis of legitimacy convinced many that radical changes were necessary. Decentralization thus became a solution because it was seen as a way to restore citizen's trust in government by building greater accountability and participation.²

A legitimacy crisis also surrounded the decision to decentralize in Colombia. Popular discontent was manifest in a series of massive and spontaneous civil strikes in the mid-1980s in which people took to the streets to protest poor public services (Dugas et al., 1992). Additionally, a significant number of people participated in the

unofficial, student-sponsored referendum on a constituent assembly by depositing the extra *septima papelita* (seventh paper) in their ballot envelope.³ This contributed to “a growing realization among the national political leadership of both parties that political reforms were necessary” (Hartlyn, 1988, p. 199). In Colombia, as elsewhere, it is necessary to keep this context in mind because it helps explain why both executives and legislatures would be willing to undertake otherwise unthinkable reforms. Universal recognition of a problem, however, does not translate into universal agreement on the solution. Rather, the argument to be developed next suggests that the executive and legislature saw different forms of decentralization as the solution, with the executive preferring to address the administrative weaknesses of the state and the legislature opting to focus on the political. Their preferences for different forms of decentralization derive from the specific benefits each sought to obtain by decentralizing.

One implication of the expansive literature on fiscal federalism is that decentralization can be a way for governments to improve overall economic efficiency by leaving some functions to subnational governments (Weingast, 1995). Local governments are closer to citizens and thus are best positioned to know what they want (Hayek, 1945). Decentralization thus improves the provision of public goods and increases government efficiency by bringing the provider of the goods closer to the citizens. The responsiveness should extend to this provision of services as well because citizens seek out the mix of services and taxes most desirable to them (Tiebout, 1956).⁴ In theory, local officials have strong incentives to act in the interests of citizens and firms to prevent them from relocating (Buchanan, 1995), ensuring efficient public services and market preservation (Weingast, 1997; Williamson, 1985).⁵ The World Bank—as well as other international financial institutions—advocated decentralization as a way to gain increased efficiency in the provision of public goods (World Bank, n.d.). Encouraged by the international financial institutions, many governments in Latin America came to favor decentralization.

Shrinking budgets made the quest for efficiency especially attractive because it offered a way to cut the budget without cutting services. As the head of the large state bureaucracy, the executive (and his cabinet) should find this appealing. Thus, for agency heads and ministers (who can initiate legislation in many Latin American countries) as well as presidents, administrative decentralization should be more attractive than other forms of decentralization for two reasons. First, by making local governments responsible for public services (like health care), they avoided the blame for cutting services and could deflect blame for poor quality. Second, high levels of administrative decentralization, combined with limited fiscal decentralization, would allow them to retain control over how subnational governments provided these services.⁶

While the executive is expected to be actively involved in advancing its preferred form of decentralization, the legislature should be expected to play a role and seek to institutionalize its own preferences. Political decentralization is supposed to create opportunities for citizens to participate and for opposition parties to govern.⁷ Additionally, a recent work has linked the decision to decentralize with the nature of the party system. Willis et al. (1999) argue that when the nomination process

within political parties is decentralized (i.e., takes place at the subnational level and is controlled by subnational elites), this creates incentives for members of congress to support decentralization. Through an analysis of Argentina, Brazil, Colombia, Mexico, and Venezuela, they demonstrate that decentralized nominations and strong state level party organizations create incentives for politicians to be loyal to the state's interest and to try to strengthen government at this level through decentralization.

O'Neill (1999, 2003) explains decentralization as a result of parties' calculations of future electoral outcomes. Where parties are established enough to have long-time horizons, they will prefer decentralization if they expect their future electoral prospects to be better at the subnational level than at the national level. In Colombia, she argues that decentralization was advanced by the Conservative Party during the presidency of Belisario Betancur (1982–86) because while the Conservatives had secure regional electoral bailiwicks, they knew they were unlikely to capture a majority of the national vote again in the near future.⁸ While both O'Neill and Willis et al. (1999) provide evidence that congress members have reasons to support decentralization, they do not indicate what form of decentralization congress is likely to prefer.

Penfold-Becerra (1999) provides some insight on this point. He focuses on the way in which the electoral system (encouraging personal vote seeking or party discipline) creates incentives for members of congress to be accountable to local interests. Deputies with incentives to engage in personal vote seeking are more likely to be interested in advancing decentralization and in particular to transfer resources (i.e., to engage in fiscal decentralization) before transferring responsibilities. Emphasizing fiscal decentralization, he argues, would build support among the local political elite, strengthening their electoral position and accountability to local interests. It would also encourage deputies to ensure that any additional responsibilities given to subnational governments (both department and municipal) came with adequate, if not extra, funding.

Falleti (2005) articulates a sequential theory of decentralization in which she explains the form of decentralization in a country as a result of the order in which the reforms took place. In her view, "different outcomes for intergovernmental balance of power are less a result of the particulars of individual policy reforms than a product of the *evolution* of such reforms and of the type of actors they empower along the way" (p. 338). Using Argentina, Brazil, Colombia, and Mexico, she demonstrates that when presidents started the process of reform, administrative decentralization came first, whereas if congress controlled the pace of reform, the first steps were likely to be political. Falleti's argument is complimented by the argument presented here, as I provide different evidence that executives and legislatures have different preferences and seek to advance their own agenda during the entire process of reform.

In sum, the executive branch is expected to prefer administrative decentralization over other forms of decentralization. Meanwhile, congress is expected to care about decentralization generally, but to be especially concerned with fiscal (and possibly political) decentralization. Within the congress, parties whose electoral

prospects are better at the subnational level than at the national level should most actively push decentralization, especially political decentralization, as it would enhance their electoral opportunities.⁹

Decentralization in Colombia

The previous section laid out the preferences of the different branches for different forms of decentralization. In this section I consider the path of decentralization in Colombia to characterize the relative mix of political, administrative, and fiscal decentralization. Colombia is a good case for testing expectations regarding the preferences of executives and legislatures for different forms of decentralization for a variety of reasons. First, decentralization in Colombia has taken place during a democratic era. In countries where decentralization and democratization occurred at the same time, it is difficult to separate elements of change that are decentralizing from those that are democratizing. Additionally, this has meant that the process of decentralization has been more gradual in Colombia, allowing an examination of the role of individual actors over time.

Second, Colombia is a theoretically interesting case because decentralized nominations and a highly personalizing electoral system should create incentives to respond to the demands of subnational elites by decentralizing power.¹⁰ Thus, the congress should be among the most likely to support political (and fiscal) decentralization. Yet, institutional rules in Colombia mean that while the Congress should want decentralization, they may have a difficult time bringing it about. Scholars studying legislative–executive relations have categorized Colombia’s legislature as venal or parochial and argue that a president confronting this kind of legislature will seek to buy them off, trading pork for policy acquiescence (Cox & Morgenstern, 2001).¹¹ Theoretically, Colombia presents us with a case where the legislature should care about decentralization, but institutional rules would suggest they will be limited in their ability to actually bring it about. Thus, while this discussion focuses upon Colombia, what we learn from it should apply to other Latin American countries because if the legislature in this case manages to change the form of decentralization, legislatures that should theoretically be more involved in the policy process should be more successful.

Colombia’s 1991 constitution clearly states that the country is a “decentralized unitary republic.” However, the initial postindependence period included a roughly 65-year experiment with a federal constitution.¹² Concern that regional tensions would pull the country apart led to increasing centralization, and in 1886 the new constitution created a centralized, unitary government. This constitution, with modifications, remained in force until a constituent assembly rewrote it in 1991.¹³

One of the first steps toward decentralization was a 1968 constitutional reform that introduced a mechanism for automatic financial transfers from the national government to the department governments (the *situado constitucional*).¹⁴ Departmental sharing in national revenues consequently increased from 0 percent in 1967 to 18.7 percent in 1978 and rose to 23.4 percent in 1988 although how the funds were to be spent was specified, which limited subnational government discretion (Depar-

tamento Nacional de Planeación, 1982). In 1983, municipalities gained control over the collection and administration of the property tax, including responsibility for assessing property values (Garay, 1994).¹⁵ This provided the municipalities with greater fiscal autonomy as they controlled both the amount collected and how it would be spent. In 1986 the sales tax was replaced by municipal participation in the Value Added Tax (VAT) extending the *situado* to the municipalities. Even though the way in which municipalities were to spend the *situado* was strictly proscribed, this increased municipal fiscal resources and created incentives for administrative efficiency. Thus, prior to the 1991 constitution, municipal governments had significant funding and some limited discretion, while department government enjoyed increased revenue with limited discretion over expenditures.

In political terms, the country remained relatively centralized until the late 1980s. Among the most significant advances was a 1986 constitutional amendment (Legislative Act 1 of 1986) establishing the direct, popular election of *alcaldes* (mayors); before, mayors were appointed by the executive. Subsequent laws clarified the functions of the mayors, made mayoral elections concurrent with those for the municipal council, set the term length (originally two years, extended to three in 1994); established residency requirements; spelled out the conditions and reasons for removing a mayor from office; and prohibited people from holding both national and subnational office at the same time.

Administrative decentralization began later, in the late 1980s. To increase the administrative and bureaucratic capacity of subnational governments, Minister of Government, Jaime Castro, initiated two laws in 1986 designed to improve the quality of subnational public administration. Public administration in the departments was reformed with the goal of giving them greater administrative and fiscal autonomy, improving administration, and fighting corruption (Exposition of Motives, Law 3 of 1986). The municipal code was revised in 1986 (through Law 11 of 1986) with a similar goal. In 1988 and 1990 administrative decentralization accelerated, and the municipalities were given responsibility for overseeing public health care and education. Municipal control over education became extensive as hiring and firing decisions came under municipal control, although the departments retained a coordinating role. In 1990, the National Health Service was reorganized to increase the discretion and responsibility of subnational governments. The Exposition of Motives for this law makes it clear that the cabinet ministers, who introduced the law, were convinced by the arguments being advanced by international organizations that increased efficiency and quality would result from decentralization as they specifically intended to improve the quality of public health care by decentralizing responsibility for the service. Thus, prior to the constituent assembly, extensive administrative decentralization had taken place.

The 1991 constituent assembly codified many of the changes that had been made before as well as clarified the functions of different levels of government. The national government is responsible for planning the global development of the economy, guaranteeing access to education and health care, defining general policies regarding the administration of public services, investing in public works of a national character, cofinancing regional and local projects, assisting the territorial

entities, and defining macroeconomic and sectoral policies. The departmental governments are responsible for planning departmental development, coordinating health care and education services, supporting the municipalities in providing domestic public services, investing in departmental public works, coordinating and administering the system of cofinancing, presenting and executing public works projects at a broader level, and advising the municipalities. Finally, the municipal governments are responsible for planning municipal development, directly providing education, health care, and domestic public services, investing in local public works at both the design and execution stages, and promoting greater citizen participation.¹⁶ This new division of responsibilities strengthened both the administrative dimension of decentralization and the "municipalist" character of the state.¹⁷ It also reflected a desire to maintain some national control as proposals in the constituent assembly to adopt a formally federal system were rejected (Dugas, 1993).

Additionally, the 1991 constitution contained provisions that advanced political and fiscal decentralization. The major political advance was the conversion of governors from presidential appointees to direct, popularly elected figures. The new constitution advanced fiscal decentralization by increasing the value of the *situado constitucional* transferred to subnational government.¹⁸ While this increased the amount of money expended by both department and municipal governments, it did not provide discretion or autonomy because the way subnational governments could spend the money was carefully circumscribed. Some municipalities enjoy more autonomy than others because not all are equally dependent upon the *situado*. In smaller municipalities, it often accounts for half of total income, but in larger municipalities (those with a population over 500,000) income from transfers averages only 24 percent, giving them more discretion in how to spend their revenue (Departamento Nacional de Planeación, 1998). These differences reflect variation in the value of the tax bases (in terms of industry and commerce, property, and basic sales taxes) of different municipalities. In general, the departments' tax authority is weak encompassing liquor, beer, tobacco, and vehicles. Liquor taxes on average account for 33 percent of total departmental tax revenues, leaving departments heavily dependent upon the *situado constitucional*, other transfers, and a few licensing fees (Alesina, Carrasquilla, & Echavarría, 2000). Both departments and municipalities receive some funds from royalties collected on the production of oil and coal, although this is a less important source of financing as the amount transferred is about one-third that of other transfers.¹⁹

Legislation passed since 1991 has maintained and expanded administrative decentralization. One important advance, which illustrates the administrative nature of decentralization, is Law 60 of 1993. Written by the Ministers of Education, Government, Health and Treasury (*Hacienda*), this law expanded municipality responsibility to include basic administration, financing, infrastructure investment, and evaluation of education; providing health care and potable water; maintaining public housing, administering subsidies to the poor, promoting and strengthening private entities providing the above services, plus promoting and participating in the development of land-and-cattle farms. It also specified the percentage of national revenues subnational governments receive under the *situado constitucional*,

as well as the way in which this money was to be spent. Departments must spend 60 percent on education, 20 percent on health care, and the remaining 20 percent on either education or health care. Meanwhile, the municipalities are required to spend 30 percent on education, 25 percent on health care, 20 percent on water and sanitation, and 5 percent on culture and recreation, with the remaining 20 percent to be spent in their choice of the above categories. Other laws increased municipal competencies in urban planning and development and provided specific funding for these functions. Thus, by the end of the 1990s, decentralization in Colombia was relatively advanced in fiscal, political, and administrative terms.

Who Wrote the Laws?

This article uses decentralizing laws in Colombia to study differences in the preferences of the executive and legislative branches in the form of decentralization, and the power of that branch to bring it about. A study of laws reveals distinct information from a study of bills, decrees, constitutions, or even an examination of the implementation of laws. A study of any of these other areas would reveal much about the nature of decentralization in a country and indeed other authors have productively taken this approach. However, a focus on laws gives us unique insight into the evolving relative pressures and success of executives and legislatures in advancing decentralization. In other arenas, like constituent assemblies or presidential decrees—one actor or the other is systematically denied participation. Laws are the one place both executives and legislatures have a chance to participate. In this case laws are preferable to bills because a focus on laws identifies who is primarily responsible for the present form of decentralization; a focus on bill sponsorship would identify who tried to advance decentralization. While the later would be useful, it would risk the confusion of bills intended to please a constituent or make a statement with those that were an attempt to make policy. Using laws as the unit of analysis does not assume or require that bills become law without being amended. Even if amended, the original bill still tells us whether the president or the congress was initially responsible for a proposal to decentralize education, for example. This allows us to compare the way legislatures and executives contributed to the decentralization debate as well as revealing the areas in which each was successful.

Admittedly, bills are amended once introduced and laws may or may not be implemented as written. Indeed the implementation of a law may occur in a way that is consistent with the spirit of the law or that fundamentally changes its meaning. A study of the implementation of laws would tell us much about the ultimate shape of decentralization in a country and about the influence of the bureaucracy in shaping decentralization, but would lose sight of the focus on executive–legislative bargaining. Thus, the best way to study the difference in executive–legislative preferences in form of decentralization is through an examination of laws. The remainder of this section considers the sponsorship of decentralizing laws in Colombia. First, I consider the relative importance of different political parties in authoring decentralizing laws. Second, I test for systematic differences in

the type of laws written by the executive and legislature. Finally, I consider the way preferences interact with the relative influence of each branch.

An important first step in this research was to obtain a complete list of all decentralizing laws. A list of 72 laws and legislative acts (constitutional amendments) was assembled by consulting three sources.²⁰ First, a complete search of an index of laws for terms most commonly identified with decentralization was conducted.²¹ Second, that list was cross-referenced with the index of laws on decentralization contained in Gaitán Pavía and Moreno Ospina (1992). Finally, this list was checked against the laws identified by the Colombian National Department of Planning (Departamento Nacional de Planeación) as related to the theme of decentralization.²² A substantial amount of overlap exists between these three lists, although it is not perfect. I include a law listed by any of these three sources.

Political Parties and Decentralization

Table 1 presents a breakdown of the laws that advanced decentralization by presidential administration and sponsor. This table allows us to identify the relative balance of the executive and legislative branches in writing decentralizing laws as well as to compare the number of decentralizing laws adopted during different

Table 1. Sponsors of Decentralizing Laws by President

	Executive Initiated	Executive and Legislative	Members of Both Chambers	Chamber of Deputies Only	Senate Only	Unclassifiable ^a	Total
Betancur Partido Conservador (1982–86)	6				2	2	10
Barco Partido Liberal (1986–90)	10		1	2	2	1	16
Gaviria Partido Liberal (1990–94)	19			2	3	1	25
Samper Partido Liberal (1994–98)	9	2		1	4	1	17
Pastrana ^b Coalición (1998–2002)	4						4
Totals	48	2	1	5	11	5	72

Note: Laws are classified by presidential administration based on the president who signed the bill into law.

^aSome laws were unclassifiable because it was not possible to determine whether the author was a vice-minister or an alternate deputy. Other laws were unclassifiable because they were an explicit combination of several bills and the original sponsors of all bills could not be identified.

^bCaution is necessary in drawing conclusions about the Pastrana administration because the analysis draws only on the first two years of the administration.

presidential administrations. The most decentralizing laws (approximately one-third of the total) were passed during President César Gaviria Trujillo's administration. The 25 decentralizing laws adopted during Gaviria's presidency are in addition to the reforms implemented in the 1991 constitution and come despite the fact congress was not continually in session during this time. Other Liberal presidents, Ernesto Samper Pizano and Virgilio Barco, were less active than President Gaviria, each accounting for around 22 percent of decentralizing laws. The administration of Conservative President Belisario Betancur passed relatively few laws (around 13 percent).²³ However, the Betancur administration was successful in pushing some significant pieces of decentralizing legislation including the constitutional amendment creating elected rather than appointed mayors, as well as the law that guaranteed municipal participation in the VAT. Thus, the overall number of laws passed under Conservative presidents is smaller than under Liberal presidents, but includes significant laws. This is contrary to a pure party-based expectation since important legislation was adopted under Liberal presidents as well. Law 60 of 1993, which transferred responsibility for several services to the municipalities and also specified the amount of the *situado* that subnational governments received, was adopted under President Gaviria. This indicates both Liberal and Conservative presidents advanced decentralization.

O'Neill (2003) argues that because the Conservative Party had longtime horizons and regional strongholds, they were the best positioned to benefit from decentralization. But, smaller parties might benefit because of new opportunities, even though they lack the long time horizons of the Liberals and Conservatives. To better assess the role of small parties, the Liberal Party, and the Conservative Party, Table 2 breaks down the legislator-initiated laws by the author's party allowing an explicit comparison of the Liberal Party, the Conservative Party, and all other parties.²⁴

Congress members from the Liberal party were the most active in writing decentralizing laws, sponsoring or co-sponsoring 11 of the 16 decentralizing laws. Meanwhile, members of the Conservative Party only sponsored or co-sponsored five; the same number as member of small parties. The difference between the two traditional parties becomes even sharper if we do not include jointly sponsored laws, dropping Conservative Party sponsorship to two decentralizing laws and Liberal Party sponsorship to seven. Thus, the Conservatives do not appear to have played a leading role in writing the laws, although members of the Conservative Party were more likely to initiate decentralizing bills (Escobar-Lemmon, 2003). The Conservatives might have wanted to decentralize, which would be consistent with their higher rate of initiating bills, but their infrequent control of the presidency combined with the fact that they never controlled a majority of congress prevented them from dictating its terms.²⁵

Small, nontraditional parties also actively authored decentralizing laws (5 of 16 decentralizing laws). The fact that they sponsor or co-sponsor laws at nearly the same rate as members of the two traditional parties is impressive considering they hold far fewer seats in congress than the Liberals or Conservatives.²⁶ There is tremendous ideological diversity within the "other" category. The AD-M-19 and the Unión Patriótica, on the one hand, are both leftist parties, whereas the Movimiento

Table 2. Laws Originating in the Legislature by Party

Sponsor	Number of Laws ^a
Liberal Party ^b	7
Conservative Party	2
"Other" Parties	3
Mov. De Integración Regional	1
Mov. Salvación Nacional ^c	1
Mov. Cívico Independiente	1
Liberal and Conservative co-sponsored	2
Liberal and Unión Patriótica co-sponsored	1
Conservative and "Other" co-sponsored	0
Liberal, Conservative and M-19 co-sponsored	1

^aThe total laws considered in this table is 16 while the total from Table 1 is 17. This difference is because of the fact that one of the laws was a result of members combining several bills into one and information was not available on sponsors of all component bills.

^bOne of the laws included in this category was sponsored by three deputies—Rafael Amador, Jose Blackburn Cortes, and Jose Corredor who ran under the Nuevo Liberalismo label for the congress when this bill was initiated, but in all other congresses they served as members of the Liberal Party.

^cIn 1990 and 1991 Rodrigo Marin Bernal ran on the Movimiento Salvación Nacional ticket and it was as a member of party that he sponsored this law. However, he served five prior terms as a member of the Conservative Party.

Salvación Nacional is a center-right party. Even though they are a diverse group and each contributed a single law, this is still evidence "other" parties played a role in decentralization. The active role of the Liberal Party in both the executive and legislative branches is important because they have had the most opportunities to govern. They have won the presidency more often than other parties have and had a majority or plurality in congress consistently. This indicates that the ability to pass legislation because of their place in the policymaking process is important—a theme that is echoed in consideration of the relative influence of executives and legislatures.

Do Executives and Legislatures Prefer Different Forms of Decentralization?

In this section, I use the available evidence on sponsorship of decentralizing laws to test whether the executive and legislative branches have systematically different preferences for the form of decentralization. The executive branch was expected to prefer forms of decentralization that improved the efficiency of government (i.e., administrative decentralization). The legislative branch was expected to seek forms of decentralization that improved opportunities for participation in the political system and transferred increased funds to subnational governments. Thus, they were expected to prefer political and fiscal decentralization.

Table 3 disaggregates the 72 decentralizing laws by sponsor and type of decentralization (administrative, fiscal, or political). This allows us to directly compare

Table 3. Sponsorship of Decentralizing Legislation by Branch and Category

	Legislature Only	Executive Only	Unclassifiable or Both	Total
Administrative				
Decentralization	6	31	3	40
Row (%)	15.0	77.5	7.5	100.0
Column (%)	35.3	64.6	42.9	55.6
Fiscal				
Decentralization	4	13	4	21
Row (%)	19.0	61.9	19.0	100.0
Column (%)	23.5	27.1	57.1	29.2
Political				
Decentralization	7	4	0	11
Row (%)	63.6	36.4	0.0	100.0
Column (%)	41.2	8.3	0.0	15.3
Total	17	48	7	72
Row (%)	23.6	66.7	9.7	100.0
Column (%)	100.0	100.0	100.0	100.0

the types of laws authored by each branch. The differences are noticeable. The bulk of the executive's laws (65 percent) dealt with administrative decentralization. These laws redistributed functional responsibilities from national government ministries to subnational governments, making them responsible for providing a broad range of social services. While the executive focused primarily on administrative decentralization, giving less attention to fiscal (27 percent) or political decentralization (only 8 percent of its decentralizing laws), the legislature's focus was very different. It paid the most attention to political decentralization (41 percent of its decentralizing laws).

The difference in the percentage of laws that focused on administrative decentralization between the executive and legislature is statistically different as well. A two-sample T-test for whether the mean number of laws focused on administrative decentralization versus all others was equal across the two branches reveals a significant difference ($T = 2.449$, $p = 0.017$). Similarly, we are able to say that the difference in sponsoring politically decentralizing laws is also statistically significant ($T = -3.088$, $p = 0.003$). These results provide statistical confirmation for the differences observed in Table 3. Both the executive and the legislature appeared to devote equal attention to fiscal decentralization (27 percent of executive laws and 24 percent of legislative laws dealt with fiscal decentralization). Not surprisingly, this difference is not statistically significant ($T = -0.182$, $p = 0.857$). Consistent with Falleti's (2005) argument, executives and legislatures exhibit marked differences in their preferences for the form of decentralization. The executive branch clearly preferred administrative decentralization while the legislature favored political decentralization. Having established clear differences in the type of decentralizing laws authored by each branch, it is now possible to consider how those preferences combined with the relative power of each branch to produce the form of decentralization ultimately adopted in Colombia.

The Executive–Legislative Balance and the Form of Decentralization Adopted

Recent studies of the balance between the legislative and executive branches have argued that presidents typically play a large role in the legislative process (Cox & Morgenstern, 2001). Siavelis (2002) concludes that although there is relative parity in the number of bills coming from the executive and legislative branches, the Chilean president is far more successful at passing bills into law than the legislature. Casar (2002) observes a similar pattern in Mexico, where the executive's bills have a far greater chance of becoming law. Cox and Morgenstern (2001) argue that Latin America's proactive presidents are able to get what they want from the region's reactive legislatures by employing a different strategy based on the type of legislature they confront. Presidents facing a parochial legislature (where legislators are willing to trade pork for votes on policy) will seek to buy the support of the legislature as opposed to bargaining with them. In their terms the Colombian legislature clearly qualifies as a parochial legislature where deputies give the president broad policy authority and abdicate responsibility for making policy, forcing the president to take the blame for unpopular policies as well as the credit for popular ones. This contributes to the expectation that in decentralization, as in most policy areas, the president will play a bigger role than the congress.

The Colombian constitution also endows the president with the exclusive right to introduce legislation (article 150). According to the constitution, bills on the structure of executive ministries, salaries of public employees, general norms for foreign exchange, external trade, national debt and tariffs, authority to negotiate contracts and loans, establishment of revenues, and expenses of administering the Central Bank must originate in the executive branch. This increases the president's policy-making authority and augments his ability to shape decentralization because some aspects of decentralization, especially those that could be considered administrative reorganization or ministerial restructuring, will fall into these categories.

Of the 72 decentralizing laws listed in Table 3, 67 percent originated in the executive branch while only 24 percent originated in the legislature. This quite clearly points to the larger role of the executive in decentralizing Colombia, suggesting that its preference for administrative decentralization is likely to be reflected in the overall outcome. Indeed the numbers in Table 3 would support this conclusion considering that the number of laws initiated by the executive that focused only on administrative decentralization (31) is nearly twice as many as the total number of laws initiated by the legislature (17).²⁷

The differences in preferences and influence between the executive and legislative branches in Colombia determined the form of decentralization adopted. If the executive branch alone had controlled the fate and pace of decentralization, the end result would have been a kind of decentralization that favored administrative outcomes at the expense of other forms of decentralization. The reason that administrative decentralization has not been the only form of decentralization is that the congress played a role. For instance, one of the most important pieces of political decentralization—the constitutional amendment that created directly elected mayors—had its intellectual, if not actual, origins in the congress. During a failed

attempt at this reform in 1982, the summary report from the Senate argued that this particular bill was unconstitutional because congress did not have the authority to initiate this legislation; it needed to originate in the executive branch.²⁸ The involvement of the congress both in authoring laws and pushing the executive to write them ensured that decentralization took on forms beyond administrative decentralization. Their efforts helped to ensure that increased political power and fiscal responsibility were also moved to the subnational level. Consequently, while the congress may have contributed a lower quantity of decentralizing laws, they did have an important influence over the final outcome by ensuring that what emerged was closer to devolution than deconcentration.²⁹

Discussion and Conclusion

The research presented here has examined the process of decentralization in Colombia by focusing on who authored the laws that determined the extent and content of decentralization. The bulk of decentralizing laws were not written by parties who were doing poorly in national elections, but instead came from the Liberal Party who frequently controlled the presidency and a plurality (if not a majority) in the Congress. Even within the congress the Liberal Party authored more decentralizing laws than did either the Conservative Party or other parties.

The willingness of members of the executive branch under both Liberal and Conservative presidents to decentralize is important as most of the laws that decentralized the country came from these nonelected individuals. This allowed the executive branch to play a leading role in determining the pace, scope, and form of decentralization. The executive branch exhibited a marked preference for administrative decentralization, likely stemming from a desire to increase the efficiency with which public goods were provided. In contrast, the congress favored political decentralization. The large role played by the executive led Colombia to adopt a large number of decentralizing laws with a highly administrative character. However, the involvement of the congress added a larger political component to decentralization.

The creation of elected mayors and governors may, in the future, create additional pressure points increasing the incentives legislators have to empower subnational governments. State and local bureaucrats may make their own demands as well. Elected and nonelected officials at all level of government may seek changes that interact with the extant federal/unitary structure of the state in a way that changes the character of decentralization. The role of these individuals as lobbyists for (or against) decentralization as well as their role in implementing these laws is something that future studies should address.

The Colombian case suggests that the participation of both presidents and congresses in writing decentralizing laws balances administrative and fiscal elements with a regard for political decentralization. Presidents across Latin America will likely continue to exercise a great deal of influence over policy, including decisions to centralize or decentralize the country, although the balance of power between presidents and legislatures and the willingness of the congress to accede to the president's preferences will vary across countries. This is likely to produce different

administrative–political balances in other countries. In particular, when presidents exert a high degree of control over a tightly disciplined legislature, we would expect to see an even greater reflection of the president's preferences and quite possibly less fiscal/political decentralization relative to administrative decentralization. In countries where the president must bargain with a powerful legislature full of his political opponents, we might see a pattern of decentralization tilted more toward fiscal/political and less toward administrative decentralization. Additionally, the order in which reforms are adopted may drive the type of decentralization (Falleti, 2005). In short, even if we proceed from the assumption that the executive will play a major role in legislative outcomes the involvement of the congress will vary. The extent to which they are more or less involved is expected to determine the type of decentralization adopted.

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Notes

1. In this article decentralization refers to transfers of responsibility from the national government to subnational governments. While some scholars such as Rondinelli, Nellis, and Cheema (1984) include privatization as a form of decentralization, I focus only on intergovernmental transfers of power and exclude from consideration transfers of responsibility to the private sector.
2. The literature on the greater accountability of local government is extensive. See, for instance, Blair (2000), Burki, Perry, and Dillinger (1999), Manor (1999), Peterson (1997), and Pieterse (2001).
3. The seventh paper was an additional slip of paper distributed by student organizers that voters were encouraged to mark, place in the envelope, and deposit in the ballot box as if it were part of the official ballot.
4. This is consistent with Musgrave's (1959) theory of the public finance under which the distributive (or redistributive) and macroeconomic stabilization functions are most efficiently carried out by the national government, while the allocative function can be carried out most efficiently at the subnational level.
5. The most common criticism of applying this literature to Latin America is that these countries lack the capacity to successfully administer these programs at the municipal level. It is not clear, however, that this risk has dissuaded policymakers as the prevalence of decentralization in the region suggests that governments are convinced by this logic, regardless of their capacity to realize it.
6. A preference for administrative decentralization does not imply hostility or opposition to political or fiscal decentralization. Instead it should be understood as placing greater emphasis on administrative decentralization rather than blocking these other forms.
7. See Friedrich (1968) for an original version of this argument as applied to federal states.
8. In 1982 a split in the Liberal Party, caused by Luis Carlos Galan's candidacy on the new Nuevo Liberalismo label, siphoned enough votes away from the Liberal Party's official candidate (Alfonso Lopez Michelsen) that Betancur won the election with 47.8 percent of the vote.
9. O'Neill sees the second largest party in the country as falling into this category. However, we might expect smaller parties or movements to also favor decentralization. Both regionally focused parties and small movements are both likely to see winning a congressional majority or the presidency as far less likely than a mayoralty or a governorship. In addition to a greater chance of winning, this strategy would offer more effective chances to govern if these offices controlled significant power and resources.
10. Parties in Colombia have not traditionally exercised any control over the use of the party label resulting in multiple lists from each party competing in each district and denying parties a way to punish

dissenters or to maintain party discipline. Additionally, members of both chambers are elected using the simple quota and largest remainder system. This creates strong intra-party (as well as interparty) competition and a high degree of personal vote seeking in Colombian elections (Archer, 1995; Archer & Shugart, 1997; Latorre, 1974). These features remained unchanged in the 1991 constitutional revision and when new departments were created, district magnitude decreased for most districts, and the capital city, Bogotá, became an independent, high-magnitude electoral district (DM = 18). The Senate was converted into a nationwide district with the intent of increasing senators' focus on national issues, but many Senators quickly learned that the same strategies that worked in department-level districts would still allow them to win election (Crisp & Ingall, 2002).

11. Cox and Morgenstern classify legislatures in Latin America as reactive in the sense that they respond to presidents (in contrast to proactive legislatures like the United States). Morgenstern (2002) classifies legislatures as ranging from subservient to recalcitrant based upon legislator's desire for reelection, party and electoral system, constitution, and other factors. Between recalcitrant and subservient legislatures are those classifiable as workable and venal. While both the workable and venal legislature will seek to bargain the president, workable legislatures will bargain over policy, the venal legislature will bargain over pork.
12. See Fals Borda (1997) and Gómez Gómez (1997) for description/analysis of this period.
13. There are essentially three levels of government in Colombia: (i) the national government; (ii) the departmental; and (iii) the municipal. The 32 departments are roughly the equivalent of states in the United States. Despite referring to them as municipal governments, the 1,070 municipalities are more accurately compared to U.S. counties in terms of scope.
14. The *situación constitucional* is a constitutional allocation that guarantees a portion of the federal budget to subnational governments.
15. Most municipalities did not take advantage of this until much later and continued to rely on the national government to assess property values and maintain records, although some aggressively pursued collection of this tax, and created and maintained updated property values. Regardless of the vigor with which the municipalities chose to pursue tax collection, this should still be seen as a major advance in fiscal decentralization because the property tax is among the most lucrative taxes that subnational governments can appropriately exploit (Bird, Freund, & Wallich, 1995; Ter-Minassian, 1997).
16. See articles 287 (departments) and 311 (municipalities) of the 1991 Constitution.
17. For an extended discussion of municipal functions in Colombia see Gaitán Pavía and Moreno Ospina (1992) and Henao Hidrón (1998).
18. The constitution did not specify the percentages that were to be transferred however, requiring the passage of Law 60 of 1993.
19. For details on the collection and distribution of these monies, see Alesina et al. (2000). See Bird (1984) for a discussion of financing prior to the 1991 constitutional reform.
20. In addition to these laws and legislative acts, numerous presidential decrees have affected and regulated decentralization. These are not considered in the analysis because they can only originate in the executive branch. I chose to exclude decrees to allow a fairer comparison of the executive and legislative branches. Any bias introduced by excluding decrees underestimates the role of the executive.
21. This includes administration, citizen participation, decentralization, department, governor, mayor, municipality, *situación*, and territorial organization, for instance.
22. This list was found at http://www.dnp.gov.co/O1_CONT/DES_TERR/Legater.htm.
23. Unlike the other presidents discussed here, Betancur had neither a majority nor a plurality in Congress.
24. Colombian politics has traditionally been dominated by two old, established parties with deep roots in society (the Liberals and Conservatives). While both strive to be catchall parties, the Liberals are a center-left party and the Conservatives a center-right party. Since the end of the National Front in 1974, the Liberals have consistently gained votes while the Conservatives have lost votes. Additionally, politics has been characterized by an explosion of small parties from all parts of the political spectrum. For more on Colombian parties see Archer (1995), Leal Buitrago and Ladrón de Guevara (1990), and Moreno (2005).

25. O'Neill's work is based on a shorter time period which explains the difference in findings. As such this does not provide evidence to overturn or invalidate her argument.
26. Parties other than the Liberals or Conservatives increased their seat share in the Chamber of Deputies from 10 percent in 1986 to 29 percent in 1998 and from 8 percent in 1974 to 16 percent in 1998 in the Senate.
27. In addition to laws, the executive has been able to use regulatory decrees and presidential decrees to further shape decentralization. For instance, Law 12 of 1986, which transferred part of the VAT to the municipalities and authorized the government to transfer services, was written by three senators. However, one key issue—which services to transfer—was not spelled out in the law. Instead the law leaves it to the executive to issue regulatory decrees specifying which functions would be transferred (Archer & Shugart, 1997; Dugas et al., 1992).
28. The version of this bill that was ultimately passed in 1986 was initiated by Minister of Government, Jaime Castro.
29. Falleti (2005, 340) argues that Colombia follows the sequence of political decentralization, then fiscal decentralization, and that administrative decentralization “was the last, almost residual type of reform. It was pushed through by the national executive.” The analysis here indicates a relatively higher level of administrative decentralization, relative to other levels, and a relatively greater role for the executive than she finds. We differ in our assessments of the level of administrative decentralization and the role of the executive first because this analysis focuses on a longer time period, second and more importantly the focus here is on laws only. She includes bills, decrees, constitutional amendments, and the constitutional revisions as well as laws.

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