



Local Government in Argentina

Responses to Urban-Rural Challenges

edited by

Lucas González and Romina Del Tredici

Universidad Nacional de San Martín and Universidad Católica de Córdoba





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The H2020-MSCA-RISE-2018 project aims to provide solutions for local governments that address the fundamental challenges resulting from urbanisation. To address these complex issues, 18 partners from 17 countries and six continents share their expertise and knowledge in the realms of public law, political science, and public administration. LoGov identifies, evaluates, compares, and shares innovative practices that cope with the impact of changing urban-rural relations in major local government areas (WP 1-5).

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INFORMATION

Eurac Research
Viale Druso/Drususallee, 1
39100 Bolzano/Bozen – Italy

logov@eurac.edu
www.logov-rise.eu

SCIENTIFIC COORDINATION

Eurac Research: Karl Kössler

WP 1 – Local Responsibilities and Public Services

LMU Munich: Martin Burgi

WP 2 – Local Financial Arrangements

Universidad Autónoma de Madrid: Francisco Velasco Caballero

WP 3 – Structure of Local Government

University of Fribourg: Eva Maria Belser

WP 4 – Intergovernmental Relations of Local Government

NALAS – Network of Associations of Local Authorities of South East Europe: Elton Stafa

WP 5 – People’s Participation in Local Decision-Making

Ximpulse GmbH: Erika Schläppi

EDITORIAL TEAM

Universidad Nacional de San Martín and Universidad Católica de Córdoba: Lucas González, Romina Del Tredici
Eurac Research: Karl Kössler, Theresia Morandell, Caterina Salvo, Annika Kress, Petra Malferttheiner

GRAPHIC DESIGN

Eurac Research: Alessandra Stefanut

COVER PHOTO

Sadie Teper/Unsplash



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Contents

1. The System of Local Government in Argentina	1
2.1. Local Responsibilities and Public Services in Argentina.....	5
2.2. <i>Access to Public Services in Two Patagonian Oil Towns</i>	8
2.3. <i>City-Planning Agreements in Córdoba</i>	14
2.4. <i>Córdoba Connectivity Plan: Government Deployment of Infrastructure to Equalize Territorial Opportunities</i>	19
3.1. Local Financial Arrangements in Argentina: An Introduction.....	24
3.2. <i>Financing School Canteens to Fight Child Malnutrition in Urban and Rural Chaco</i>	25
3.3. <i>Trust Fund UniRSE, Santa Cruz</i>	31
3.4. <i>Local Government's Taxing Power</i>	35
4.1. The Structure of Local Government in Argentina: An Introduction	40
4.2. <i>Local Government Cooperation against Climate Change</i>	42
4.3. <i>Micro-Regions in the Province of Catamarca</i>	46
4.4. <i>Local Cooperation for Agroecology</i>	50
5.1. Intergovernmental Relations of Local Governments in Argentina: An Introduction	55
5.2. <i>Multilevel Government Cooperation for Open Pit Mining Projects</i>	57
5.3. <i>Intergovernmental Relations in Environmental Policy</i>	63
5.4. <i>When Governors Resist in their Territories: Intergovernmental Conflicts Related to Federal Labor Legislation</i>	70
6.1. People's Participation in Local Decision-Making in Argentina: An Introduction	74
6.2. <i>Participation in an Environmental Conflict in Malvinas Argentinas, Cordoba Province</i>	77
6.3. <i>Government Goals Plan: Citizen Participation in the Control of Compliance of the Mandates in Cordoba (Action Plan of the Government)</i>	83
6.4. <i>Community Participation in Local Decision-Making Regarding Lithium Production in Jujuy</i>	87



1. The System of Local Government in Argentina

Lucas González and Juan Javier Negri Malbrán, *Universidad Nacional de San Martín*

Types of Local Governments

Argentina is a federal country consisting of 23 provinces and the Capital City of Buenos Aires as a federal district. Their autonomy is enshrined in the Constitution of 1853, which was last time reformed in 1994. According to the Federal Constitution, provinces can vote their own constitutions and laws. They have the power to elect their authorities and organize their own administrations, even in areas of justice and security. In addition, provinces have broad constitutional autonomy in fiscal and spending functions. A delineation of powers between central government and the provincial states is based on the general principle that all provinces have the power of those competences not expressly delegated in the Constitution to the federal state.

The third tier is composed of local governments. As the provinces have a political, administrative, judicial, and financial autonomy, the scope of municipal autonomy is determined by the province in which they are located. That translates into a wide range of definitions and configurations for local governments. Several municipal governments, depending on the provinces, have the authority to draft municipal charters (usually depending on the size of their populations). In some provinces, municipalities include only urban areas around cities, leaving rural areas under the jurisdiction of provincial governments. This translates into serious challenges for the delivery of social services. In others, municipal governments may include several cities and rural areas too.

Departments are an administrative division between provinces and municipalities, which do not have policy functions nor fiscal responsibilities. They mainly have a cadastral and statistical role, but in some provinces, they are also electoral districts to elect provincial representatives.

The adoption of federalism and a decentralized system of government that recognized autonomy to subnational units was the result of civil wars in the 1820s, after independence, and the only possible way to solve the political and economic conflicts in a country of enormous territorial extension.

Legal Status of Local Governments

Both the national Constitution, as amended in 1994, and most of the provincial constitutions explicitly recognize the autonomy of municipalities. According to Article 123 of the Argentine



Constitution, '[e]ach province dictates its own Constitution, in accordance with the provisions of Article 5 ensuring municipal autonomy and regulating its scope and content in the institutional, political, administrative, economic and financial order.' The sanction of several municipal charters (*cartas orgánicas municipales*) marks a progressive increase in the decision-making capacity of the municipalities. But this contrasts with limited administrative capacities to provide services (many of them decentralized at the provincial level) and scarce public resources and tax powers to finance their expenses (mostly concentrated at the national level).¹

(A) Symmetry of the Local Government System

Although the Argentinian Constitution establishes a substantial autonomy for subnational tax powers, in practice the provinces have delegated large amounts of responsibility to the national government for the collection of revenue (income taxes, sales, special taxes and taxes on fuel). The resulting revenue concentration contrasts with a process of decentralization of expenditure whereby the responsibility for key social functions is in the provincial hands. The only activities that are the exclusive competence of the national authorities are those related to defense and foreign affairs. In the areas of economic affairs, public security, and social infrastructure, the national government shares responsibility with the provinces, while the latter have exclusive competence in primary and secondary education and local (municipal) organization and services. The Constitution defines a wide area of public services for which national and provincial authorities can participate in the legislation and provision of public services, although the tendency in the last two decades has been for the national government to decentralize direct administration of those functions to the provinces. Therefore, the provinces are currently in charge of most social expenditures (including basic education, health services, poverty programs, housing) and economic infrastructure. Despite this, the national government maintains a significant regulatory power in many of these areas and manages some programs within these sectors, such as social security, social programs for poorer households, and complementary educational programs that subsidize poorer schools.

Given this decentralization of spending and fiscal centralization, there is a high degree of vertical fiscal imbalance. Argentina addresses this large vertical fiscal imbalance through a complex system of intergovernmental transfers. The most important component of this system is the revenue sharing agreement (called *coparticipación*), which is the process by which part of the revenues collected by the central government are transferred to the provinces. Over time, the system has redistributed revenue from the richest central region to the most backward provinces in the northwest and northeast. It has also favored richer and low-density Patagonian provinces. Despite this, the system has corrected part of the large regional income

¹ Monica Iturburu, 'Municipios Argentinos: Potestades y restricciones constitucionales para un nuevo modelo de gestión local' (2nd ed, Instituto Nacional de la Administración Pública 2000) 33.



asymmetries among provinces in Argentina. We have to bear in mind that regional inequalities in Argentina are enormous. Formosa, for instance, has a GDP per capita more than 10 times lower than the City of Buenos Aires (2,256 versus USD 23,439). Although it has corrected regional income inequalities, the revenue transfer system has not had a substantial impact on provincial and local welfare indicators, as most social functions depend on the provinces (and are strongly correlated with provincial spending, particularly in social areas).

Political and Social Context in Argentina

The main parties that govern the provinces are the Justicialist Party (PJ), *Cambiemos*, which is the alliance governing the national government (formed by the Radical Civic Union, or UCR, Republican Proposal, or PRO, and other minor parties), and a constellation of minor parties, including the Socialist Party and provincial parties. *Cambiemos* governs four provinces (Buenos Aires, Corrientes, Jujuy and Mendoza) and the City of Buenos Aires. The PJ (in one of its several factions) governs 14 provinces (Catamarca, Chaco, Córdoba, Entre Ríos, Formosa, La Rioja, La Pampa, Salta, San Juan, San Luis, Santa Cruz, Tierra del Fuego, Tucumán, and Santiago del Estero). The socialists govern one province (Santa Fe) and provincial parties govern the other four provinces (Chubut, Misiones, Neuquén and Río Negro). Argentina has 1922 municipalities² governed by these and other national, provincial or local parties.

According to the last census, Argentina has 40,117,096 inhabitants, out of which more than 91 per cent (36,517,332) live in urban areas and the rest (3,599,764) in rural areas. More than 19 million live in 10 cities of more than 500,000 inhabitants, the largest being the metropolitan area of Buenos Aires (with 12,806,866 inhabitants and 31.9 per cent of the population).

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² Iturburu, 'Municipios Argentinos', above, 80.



Local Responsibilities and Public Services



2.1. Local Responsibilities and Public Services in Argentina: An Introduction

Lucas González, *Universidad Nacional de San Martín*

In Argentina, as in all developing countries, access to local services is a trenchant social issue. The place where you are born determines a large part of your wellbeing, including the probability of not dying at birth, living a longer and decent life, and having access to basic and good quality health, education, and security.

Some figures could give an idea of that link between place of birth and wellbeing. Infant mortality in Formosa is three times larger than in Tierra del Fuego or Buenos Aires.³ Life expectancy in the Province of Chaco is 5 years lower than in Neuquén.⁴ The illiteracy rate in Ramon Lista (13.5 per cent), one of the poorest departments in Formosa, it is 64 times higher than in the Comuna 14, Capital (0.21 per cent).

Improving living conditions of the poorer population plays a fundamental role in achieving sustainable development, and these living conditions depend on the access to basic services, which in most cases depend on subnational units of government. The relevance of this report section to the project is twofold. In the first place, the access to services is significantly influenced by the urban-rural divide. The latter area has extremely low levels of access to most services. It is important to note, however, that not all urban centers enjoy basic service provision across their territories, but coverage in urban areas is considerably larger.

In addition, access to services in Argentina involves the three existing levels of government. In the first place, the federal government plays an obvious role in oversight and regulation. The public services regulative bodies are autonomous agencies within the scope of the executive branch, that check on the quality of provision by private or public companies, which are bestowed with the task of providing and extending public services networks. The provincial (second tier) and local levels play key roles, because the provision of public services has been decentralized to the provinces since the late seventies, and most provinces implemented some form of local decentralization. Therefore, provincial and local governments are in charge of delivering most social services.

Local public service provision in Argentina is an ideal topic to be explored due to its linkages in combination with at least three crucial issues. First, coordination and cooperation in federal countries is relevant because several layers of government are involved in the process of public service provision. It is therefore closely linked with report section 5 on intergovernmental

³ Instituto Nacional de Estadística y Censos (INDEC), 'Tasa de mortalidad por mil habitantes, según grupo de edad y sexo. Total del país. Años 2012-2016' (INDEC 2016).

⁴ Instituto Nacional de Estadística y Censos (INDEC), 'Tablas abreviadas de mortalidad 2000-2001. Total País y Provincias' (Documento de Trabajo del Programa Análisis Demográfico No 146, INDEC 2017).



relations of local governments. Secondly, it is also important to take into account that, besides the role of the public sector, local public service provision also depends on the role of civil society. Thirdly, it is also influenced by particularistic interests.

Firstly, provision of local services in Argentina is an ideal opportunity to analyze intergovernmental coordination and cooperation (or conflict) in a federal country. The provision of local services in the country depend on the coordination and collaboration between multiple levels of government. At the national level, despite recent advances in a clearer definition of responsibilities, the institutional framework continues to lack coherence and coordination between federal actors is poor. Being a federal country, the provinces are responsible for delivering most social services, including basic health, primary and secondary education, and public security. The large political, fiscal, and administrative autonomy of the provinces results in a great diversity of institutional arrangements and administrative capacities for the provision of these basic services, and others such as drinking water and sewerage.

Second, the provision of local services is not only a function of coordination or collaboration between units of government. In other words, it does not only depend on the role the public sector pays. Collaboration and even pressures from community organizations and economic interests are also critical factors to consider. In the literature there is a certain consensus that collaboration between the public and private sectors and civil society is fundamental to improve access to services.⁵ On the other hand, a growing urban segregation generates differentiated access to goods and services. For Heller and others,⁶ the place of residence determines the level of basic services to which a person is entitled, generating a 'differentiated citizenship', with unequal access to essential services, such as health, education, and economic opportunities. This research project explicitly focuses on the role of social organizations in allowing the most disadvantaged sectors of society to access resources in possession of the richest sectors.

Thirdly, we argue that the provision of local services also depends on the role of economic interests. When economic elites capture the local state, different sectors of society will be more likely to have differentiated access to services. By state capture we understand a scenario in which politicians are intimately related to dominant economic sectors at the local level. More specifically, where a given local unit has a predominant economic sector, provision of local services is more likely to be either limited or skewed in favor of the dominant economic sector, compared with local units enjoy a diversified economic structure.

Of course, the phenomenon of the concentration of economic power and its impact on the political process occurs in all countries to varying degrees and at different levels of government

⁵ See, for instance: Robert Putnam, Robert Leonardi and Raffaella Nanetti, *Making Democracy Work: Civic Traditions in Modern Italy* (Princeton University Press 1993) 99.

⁶ Patrick Heller, Partha Mukhopadhyay, Subhadra Banda and Shahana Sheikh, 'Exclusion, Informality and Predation in the Cities of Delhi' (Working Paper, New Delhi Centre for Policy Research 2015).



within each country. However, in developing countries the levels of economic power concentration of economic power can lead to excessive overrepresentation of the interests of the powerful, which at its turn affects the level of legitimacy the regime enjoys. Countries with low levels of development (and relatively poorer districts within these countries) have fewer resources for the development of state infrastructure and lower levels of institutionalization that make capture easier, more likely and intense.

In short, public service delivery in Argentina provides an ideal setting to explore state capacities and coordination among levels of government in federal countries, the effect of community organization, and of economic concentration (or diversification) and their effects in the provision of basic services; which at its turn speaks also to democracy and legitimacy.

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2.2. Access to Public Services in Two Patagonian Oil Towns

Lucas González, *Universidad Nacional de San Martín*

Relevance of the Practice

Initially we select two local governments in which there are very different forms of intergovernmental fiscal relations, initiatives for community organization, and pressures from economic elites. Both are oil towns in Patagonia but one of them receives substantial shares of fiscal revenue from the oil it produces, has an active and mobilized civil society, and more autonomous provincial and local states, which are less influenced by pressures from the powerful oil sector. The other oil town is the opposite: receives few revenues from the oil it produces, civil society is less active and coordinated, and the provincial and local governments are very much captured by the oil sector. Access to services in the main urban area as well as in the surrounding rural areas in both of them are radically different.

Description of the Practice

Las Heras is a quintessential oil enclave. It is in a remote location in the middle of the Patagonian steppe, 768 km. away from the capital city of the province and 135 km. away from the next medium size city, Caleta Olivia. Las Heras and Caleta Olivia are part of the Gulf of San Jorge oil basin (together with other oil producing cities, such as Comodoro Rivadavia and Pico Truncado). Las Heras had a population of 17,281 inhabitants according to the last census (2010) and grew at an average annual rate of 7.5 per cent during the last decade.

Most of the people in the town work in the oil economy, by far the most important activity in the region. Oil salaries are high. A wellhead operator, a low-skilled job, earns a minimum salary of about ARP 70,000 (or USD 4,400; exchange rate for May 2017), 5 times the salary in the public sector. But only part of these high salaries is spent in town; and few oil royalties are redistributed across the provincial territory. Although some of the oil workers live in Las Heras with their families, a large proportion of them are either young single males who live in town alone or males living in town without their families.⁷ These workers transfer part of their salaries outside town (and even the province, to their own provinces, mostly in the north of

⁷ Interamerican Development Bank (IADB)-Fundación YPF, 'Las Heras Sostenible. Hacia un desarrollo urbano con identidad' (IADB-FYPF 2014b) 23.



the country). The managers of the oil companies tend to live in upper middle-class neighborhoods in Comodoro Rivadavia or Rada Tilly, located 200 km. away from Las Heras.

Few royalties from oil are re-invested in Las Heras. The provincial government collects them and only 7 per cent of the total is redistributed to municipalities across the province. According to the latest data available (up to September 2017), the provincial government collected about ARP 678 per capita in oil revenues,⁸ but only a small share of it is allocated to Las Heras: ARP 53.5 per capita.⁹ With a modest budget and large social needs, the municipal government allocates almost all its revenues to current spending (mostly salaries). Capital expenditures (i.e., public works) are almost exclusively from federal investments.¹⁰ Most of the collected oil rents go to a unique provincial account (*Cuenta Única del Tesoro*, CUT). The provincial government decides its allocation with little oversight from the provincial legislature (largely dominated by the incumbent party) or other subnational control institutions (the Court of Auditors, or *Tribunal de Cuentas*, has three members representing the incumbent party and one from the opposition). Political institutions do not favor either the redistribution of oil rents or social accountability. As a result, most of the budget is allocated to current spending, and most of it geographically located in Río Gallegos. Santa Cruz is one of the provinces with the largest share of public employment as a share of the total employment (51.6 per cent in 2015). Rents from oil extracted almost 800 km away from the political capital of the province help finance part of it. It is very difficult for citizens and local social groups to put pressures on provincial politicians who are this far away from town and who are the ones deciding where most of the rents would be allocated.

This oil enclave concentrates income in a small part of the provincial territory (mostly the provincial capital city) and redistributive institutions do not reallocate revenue across it. This enclave economy has developed few linkages with the rest of the provincial economy and has had a weak impact on access to better local services in town, rural areas around it, and across the province.

In terms of services, Las Heras has few hotels and restaurants, most of which are poor quality and quite expensive for national standards. The city also lacks a public transportation system, which causes problems for communications both inside and outside the city.¹¹

There are serious deficits in the provision of health and education services. Las Heras has also a high housing deficit, 41.4 per cent in 2013, compared to the capital city, Río Gallegos (6.3 in 2010) and has a very high informality of property domains (27 per cent) due to a large process

⁸ Or a total of about USD 186 million (or ARP 3.4 billion) in these 9 months of 2017.

⁹ Data provided by the Ministry of Economics, Finance and Infrastructure of the Province of Santa Cruz (Ministerio de Economía, Finanzas e Infraestructura, Provincia de Santa Cruz 2018).

¹⁰ Interamerican Development Bank (IADB)-Fundación YPF, 'Las Heras Sostenible. Hacia un desarrollo urbano con identidad' (IADB-FYPP 2014b) 101.

¹¹ Interamerican Development Bank (IADB)-Fundación YPF, 'Las Heras Sostenible. Hacia un desarrollo urbano con identidad' (IADB-FYPP 2014b) 89.



of informal occupation of land in the city. Only 36 per cent of the inhabitants have access to sewerage and waste collection does not reach 60 per cent of the households with the required frequency.¹² Poor welfare standards and large inequality in Las Heras are correlated with high levels of violence: there are 12.7 homicides per 100,000 inhabitants (more than twice the national average of 5.3 in 2015) and 263.5 robberies with violence per 10,000 inhabitants.¹³

This oil enclave has produced enormous resources, but its wealth is mostly spent in the administrative and political center of the province, without provincial political institutions redistributing significant amounts of rents to non-oil producing areas and social sectors being able to exert meaningful pressures for accountability.

The other case is Añelo, an oil town located in the Patagonian desert, part of a geological formation called the Neuquén Basin. It is similar to Las Heras in that it is highly dependent on oil. But there are important differences among them. The first difference is that the institutions for revenue sharing redistribute a larger share of oil revenues from oil-producing to non-producing regions. The Province of Neuquén doubles the share of oil rents redistributed from producing to non-producing districts of Santa Cruz (13.5 per cent compared to 7). The provincial government of Neuquén collects about ARP 1012.7 per capita (latest data available for 2014). Añelo, for instance, received ARP 254.7 per capita, almost five times the amount of oil rents per capita that Las Heras gets. These funds are reinvested across the province to improve welfare indicators as well as to promote and give basic infrastructure to other economic activities. Consequently, local governments receive more funds from revenue sharing, which enables them to better target social needs and demands for infrastructure both in urban and rural areas.¹⁴

Another important difference is that this locality employs a large number of workers from the region and from the large metropolitan area of Neuquén, Plottier, and Cipolletti. Several workers either live in this oil town or commute to the larger cities. The hydrocarbon production in the Vaca Muerta shale oil fields led to the creation of 5,000 jobs in Neuquén, of which, Añelo absorbed about 20 per cent.¹⁵ The entire oil and gas sector generated a total of 57,253 jobs in the province (14,109 direct and the rest indirect and induced),¹⁶ compared to only 1,831 in Santa Cruz (during 2013).¹⁷

¹² *ibid* 23.

¹³ *ibid* 99.

¹⁴ Interamerican Development Bank (IADB)-Fundación YPF, 'Añelo Sostenible. Innovación para la Planificación de la Ciudad' (IADB-FYPF 2014a) 77f.

¹⁵ *ibid* 69.

¹⁶ *ibid* 20; Instituto Argentino del Petróleo y del Gas (IAPG), 'Análisis y Proyección de Impactos Económicos Esperados del Desarrollo de los Hidrocarburos No Convencionales en Argentina. Cuantificación de Impactos Económicos del Desarrollo en Escala de Vaca Muerta en la Provincia de Neuquén' (IAPG 2014).

¹⁷ Interamerican Development Bank (IADB)-Fundación YPF, 'Las Heras Sostenible. Hacia un desarrollo urbano con identidad' (IADB-FYPF 2014b) 53.



More jobs, more community organization, larger and more active unions also mean more societal demands and pressures on politicians. Neuquén systematically ranked as one of the most socially conflictive and mobilized provinces in Argentina during 2009-2017 (data available for this period).¹⁸ These societal pressures are targeted not only to provincial but also to local politicians. Differently from Las Heras's, local politicians in Añelo have a larger local budget to target local social needs and demands for infrastructure, more oil rents redistributed from the province, and face more societal and sectorial pressures to deliver public goods and services.¹⁹ All this impacted on better welfare standards in the city and its region, despite its enormous population growth (its population skyrocketed from 1,742 inhabitants in 2001 to 6,000 in 2015).

Health and education services in Añelo are limited. But the main difference with Las Heras is that there is a great variety of complex health services in the nearby City of Neuquén, as well as tertiary institutes and technical schools in nearby towns, including two national public universities within 100 km.²⁰

The housing deficit in Añelo is 27 per cent according to the 2010 census (compared to 41.4 per cent in Las Heras in 2013).²¹ But the Municipality of Añelo granted pieces of land for 180 social housing units and plans to grant 370 more to cover it.²² On top of that, the provincial government expanded substantially its capital spending in the region during the oil boom.²³ About 72 per cent of households have access to good quality running water, and the sewage network covers 46.6 per cent of households in the city;²⁴ ten percentage points more than in Las Heras.

As indicated in an official report, 'poverty indicators are more related to structural problems of urban growth and settlement than to issues related to lack of employment, resources, and access to education'.²⁵

¹⁸ 'Informes sobre Conflictividad Social' (annual reports, Diagnóstico Político 2009-2016); 'Informes sobre conflictividad local' (annual reports, Observatorio Económico ACIPAN 2013-2017).

¹⁹ Añelo's mayor, Darío Díaz, confirmed these sectoral and citizens' pressures for more and better public services in town in an interview during fieldwork in April 2016.

²⁰ *ibid* 71.

²¹ *ibid* 66.

²² *ibid* 67.

²³ 'Cuenta de Inversión' (annual reports, Gobierno de Neuquén 2005-2014); Lucas González, 'Oil Rents and Patronage: The Fiscal Effects of Oil Booms in the Argentine Provinces' (2018) 51 *Comparative Politics* 101, 112.

²⁴ Interamerican Development Bank (IADB)-Fundación YPF, 'Añelo Sostenible. Innovación para la Planificación de la Ciudad' (IADB-FYPPF 2014a) 55ff.

²⁵ *ibid* 69.



Assessment of the Practice

Oil towns in Neuquén, particularly Añelo, have redistributed a larger share of their wealth to the rest of the province, have an active and mobilized civil society, and more autonomous provincial and local states. This is very different to what happened in Las Heras, where oil rents are concentrated in a distant and quite socially isolated administrative center, civil society is less active and coordinated, and the provincial and local governments are very much permeated by the oil sector. As a result, access to services in both of them are radically different; the oil town in Neuquén has contributed to improve welfare indicators across the province and in the other case, only economic sectors closely related to the extractive activities and the central government collecting rents seem to have reaped the benefits of natural resources wealth.

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2.3. City-Planning Agreements in Córdoba

María Beatriz Valencia, *Universidad Nacional de Córdoba*

Relevance of the Practice

The selected practice is the implementation of City Planning Agreements in Córdoba, an instrument that enables public-private articulation for urban development projects with modifications to current regulations. On the grounds of an insufficient municipal budget, the local government uses this instrument to obtain financing for public works and services in exchange for flexibility in ‘too rigid’ urban planning regulations. The Agreements are instruments that have been used in many cities with great diversity of modalities and results. In addition, local governments view these initiatives with great interest due to their high possibility of replicability, but often ignoring the conditions under which they are applied and the results they achieve. The analysis of this case allows us to investigate some of its outcomes, not only in relation to land planning and use, but also in relation to how it is articulated with municipal financing, transparency and accountability, as well as the mechanisms of articulation with local actors.

Description of the Practice

In Argentina, more than 90 per cent of the population resides in urban centers. The City of Córdoba is one of the 5 most important metropolitan agglomerates, with a projection to the year 2019 of 1,446,201 inhabitants.²⁶ With 576 km², it is one of the largest cities in Latin America and includes both urban and rural areas within its territory. Local regulations differentiate them by land use. Being large and diverse, the city lacks an urban planning tool to regulate the use and occupation of land. The city has three ordinances²⁷ to do that.²⁸ Precisely, these norms can be modified applying the Urban Planning Agreements (Ordinance no 12077 approved in 2012) by the local council.

²⁶ Secretaría de Planificación Territorial y Coordinación de la Obra Pública, Argentina Urbana, ‘Plan Estratégico Territorial’ (Ministry of the Interior, Public Works and Housing 2018) <https://www.argentina.gob.ar/sites/default/files/plan_estrategico_territorial_2018_baja.pdf>.

²⁷ Ordenanza de Fraccionamiento del Suelo [Soil Fractionation Ordinance] no 8060/ 86, Ordenanza de Ocupación del Suelo en Áreas intermedias y periféricas [Soil Occupation Ordinance in Intermediate and Peripheral Areas] no 8256/86, Ordenanza de Uso del Suelo [Land Use Ordinance] no 8133/85.

²⁸ María Beatriz Valencia, ‘Articulación Público-Privada en Intervenciones Urbanas para el Desarrollo Urbano Sustentable. Lineamientos para su implementación en un contexto de Gobernanza – Convenios Urbanísticos Córdoba’ (Master Thesis in Environmental Governance and Urban Development, FAUD UNC 2020).



Due to the rigidity and lack of updating of regulations, there were also negotiations between the public and private sectors that led to exceptions prior to this ordinance. The main goal was to make real estate projects viable. The objective and official argument for the approval of the Urban Planning Agreements was to regulate them and make them more transparent to avoid discretion. The ordinance establishes three fundamental objectives: (i) to provide the municipal government with management tools to favor the development of the city, promoting private investment, in concurrence with plans, programs, works and actions of public interest; (ii) to promote public-private cooperation as well as among different public jurisdictions; (iii) to achieve urban and structural transformations more quickly and without using only public resources.

The negotiation process takes place between actors from the private sector and the municipality, especially from the Urban Development and/or Planning area, with some intervention from other areas only by request. But the reports and recommendations from them were not always taken into account. The City Planning Agreements must be approved by the local council. However, many times the requests were presented without leaving time to read them in detail and less so to allow for debates, being approved by making use of the automatic majority that the incumbent party has in the council.²⁹

Since the enactment of the ordinance, 31 Agreements of a very diverse scale, type and location were approved, involving 2,107 hectares of land in plots between 4,000 m² and 753 hectares.³⁰ These agreements enabled the construction of nearly 10 million covered square meters, generating great benefits for the private sector in exchange for a few concessions for the city, which represented meager revenues compared to the budget for public works of the Ministry of Urban Development.³¹

Most of the agreements extended the urban sprawl to the limits of the city territory, in areas without services or urban equipment, with a large environmental impact for water streams. Through these agreements, private investors occupied more than 1,800 hectares of rural land and areas for industrial use, which ended up being part of the residential urban land market, increasing their value up to 10 times, thus limiting access to productive activities and affordable housing for vast sectors of the population. Other projects were located in the urban area, but in areas with already collapsed public services. These developments increased densities from 50 to 500 houses per hectare in neighborhoods that had previously only 25. This had an impact on both the provision of services and neighborhood identities because, although the

²⁹ Organic Chart, Governability Clause (Art 137) if 'the party that has won the most votes does not occupy half plus one of the seats' it is ensured with the absolute majority because 'the party to get the most votes is entitled to half plus one of the seats' means that the role of representing citizenship seems to be undermined to become a representation of the Executive Branch.

³⁰ Portal de Gobierno Abierto, Municipalidad de Córdoba, 'Registro de Convenios Urbanísticos_071019' <https://docs.google.com/spreadsheets/d/13re_dZZICTibpV8oSAFHtsbttiRNlwqMF8l7ZQAYMCg/edit#gid=1459675868>.

³¹ María Beatriz Valencia, 'Informe de Convenios Urbanísticos Córdoba a 7 años de su puesta en vigencia' (2019).



Agreements include the obligation of the private actor to build infrastructure on the land of his undertaking, the services and maintenance of the infrastructure are in charge of the municipality.³²

Furthermore, only two of the projects complied with the Public Hearing instance required by the Provincial Environmental Law.³³ One of them had to be held in two sessions due to the number of registered speakers, and the other was held in a town near the City of Córdoba, with very little publicity and assistance. In both, the opposition to the project from neighbors and experts were not answered by those responsible of the projects and the environmental licenses were finally granted.

Assessment of the Practice

Although the City Planning Agreements are valid tools for urban management, it is essential to pay attention to the details of its implementation. There are many aspects that could be evaluated in relation to the fulfillment of the stated objectives:

- They do not help regulate, increase transparency, and reduce discretion; they have increased it.
- They do not favor the development of the city; they have only promoted private investment, translating in practice into a model for real estate growth.
- There has not been cooperation among public actors at different levels of government, nor was the metropolitan inter-municipal coordination strengthened. They were only negotiated with private sector actors to make interventions with greater benefits for them.
- They did not contribute to achieving urban and structural transformations since most of the public works generally benefit the urban projects by the private investors.
- The city has missed the opportunity to obtain land for social or community purposes.
- Many of the agreements did not specify deadlines and guarantees of compliance and citizens cannot verify them because there are no transparency mechanisms. There are also no possibilities to quantify the impact on public resources, to monitor the destination of the funds, and the budget for public works. Furthermore, they do not

³² María Beatriz Valencia, 'Concertaciones y convenios urbanísticos' *La Voz del Interior* (12 July 2012); Cristina del Campo and María Beatriz Valencia, 'Los Objetivos de Desarrollo Sostenible, Una nueva oportunidad en la gestión de las ciudades' (2020) 31 *Revista Iberoamericana de Derecho Ambiental y Recursos Naturales*.

³³ Loteo 'Los Ombúes', Malagueño, 23/2/2016

<<https://secretariadeambiente.cba.gov.ar/proyectosingresados/aviso-proyecto-emprendimiento-urbanistico-loteo-los-ombues-zona-urbana-la-localidad-malagueno/>> and Urbanistic Project 'Distrito Las Artes' located in a venue known as 'ex Batallón N° 141', Córdoba, 14/06/2016
<<https://secretariadeambiente.cba.gov.ar/cordoba-1406/>>.



consider other associated environmental and social costs in the medium and long term connected to the extension and maintenance of services and equipment.

- The ordinance does not include any form of citizen participation existing in Argentina for the approval of the Agreements and the aforementioned 'governance clause' is probably violating republican principles of the division of powers.

For all these reasons, we can conclude by saying that the current application of urban development agreements in the City of Córdoba does not guarantee their use in favor of the public interest. It would be possible to modify these results if changes were introduced in the ordinance and the procedures, but this does not seem to be on the political agenda in the short term.

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2.4. Córdoba Connectivity Plan: Government Deployment of Infrastructure to Equalize Territorial Opportunities

Melisa Gorondy Novak, *Universidad Católica de Córdoba*

Relevance of the Practice

Information and Communication Technologies (ICT) created a 'Digital Revolution',³⁴ in which Internet has become a human right.³⁵ Public policies to extend connectivity along territories are fundamental. Internet penetration is still a challenge for the peripheral and rural areas of Argentina.

The selected practice, based on the Province of Córdoba Connectivity Plan, provides evidence about different strategies of territorial connectivity and digital inclusion. The case is an example of a public policy in which the development of infrastructure is linked to a process of digital inclusion. It seeks to provide citizens with knowledge of the use of the internet as a tool for social and local development.³⁶ The practice highlights the interconnection between public policies in the quest to make resources more efficient.

The case also reveals the dependence on infrastructure investment of the local level and the need of territorial articulation with multiple stakeholders, including private sector and civil society, to cover a highly fragmented and diverse territory.

Description of the Practice

The Province of Córdoba has a high degree of administrative fragmentation compared to other provinces, encompassing 427 local governments, while the average number of municipalities

³⁴ Martin Becerra, 'Revolución digital: ciudadanía y derechos en construcción' (Cuadernos SITEAL 2015) <http://www.tic.siteal.iipe.unesco.org/sites/default/files/stic_publicacion_files/tic_cuaderno_ciudadania_20160210.pdf>.

³⁵ Alix Aguirre and Nelly Manasía, 'Derechos humanos de cuarta generación: Inclusión social y democratización del conocimiento' (2014) 14 *Télématique 2* <<https://www.redalyc.org/pdf/784/78435427002.pdf>>; Pedro López López and Toni Samek, 'Inclusión digital: un nuevo derecho humano' (2009) 172 *Educación y Biblioteca* 114 <<https://core.ac.uk/download/pdf/11886312.pdf>>.

³⁶ Juan Benavides and others, 'Impacto de las Tecnologías de la Información y las Comunicaciones (TIC) en el Desarrollo y la Competitividad del País' (Fedesarrollo 2011) <<http://www.repository.fedesarrollo.org.co/handle/11445/180>>.



per province in Argentina is 91.³⁷ This fragmentation is related to a diversity in socioeconomic indicators and geographic regions, which become the basis for inequalities among localities in the province.

In relation to connectivity, 69.5 per cent of households in Córdoba have access to broadband internet. However, within the universe of households that do not have broadband access, 50.6 per cent only have mobile connection.³⁸ Although the software industry in the province has grown significantly,³⁹ most ICT companies are still concentrated in urban areas, mainly in the capital. That leaves rural and peripheral areas out of the opportunities offered by the development of technological sectors.

The 'Córdoba Connectivity Plan' is a public policy aimed at 'educating creative and innovative citizens capable of developing their localities in the context of the digital revolution'.⁴⁰ This plan consists of, first, infrastructure investment (e.g., a fiber optic network) to guarantee connectivity throughout the provincial territory, linking rural and urban schools, hospitals, and public buildings of the 427 local governments of the province. Second, a digital inclusion initiative which seeks to reduce the digital gap in access, use, and appropriation of technologies.

A previous infrastructure investment built the first fiber optic network in the City of Córdoba in 1999. The Secretary of Connectivity created the Córdoba Connectivity Plan in 2018 and, in 2020, the Córdoba Connectivity Agency, a public-private state unit. Its main goals were to expand connectivity infrastructure, integrating it with other national and provincial fiber optic networks, and to promote digital literacy.⁴¹

To optimize the allocation of resources, and achieve greater penetration in the territory, the government used the gas pipeline to lay the fiber optic network. This strategy highlights the alternative of interconnection between public policies when the execution of two or more political actions requires considerable investment, in the quest to make resources more efficient.

The Government of Córdoba also coordinated efforts with the Provincial Energy Enterprise, the national government, cooperatives, and private entities to take advantage of previous infrastructure investments.

³⁷ OECD, 'OECD Territorial Reviews: Córdoba, Argentina' (OECD Publishing 2016) <<https://doi.org/10.1787/9789264262201-en>>.

³⁸ Dirección General de Estadísticas y Censo de la Provincia de Córdoba, 'Hogares con acceso a banda ancha' (*Dirección General de Estadística y Censos*, 2019) <<https://estadistica.cba.gov.ar/marco-de-bienestar-2/>>.

³⁹ Córdoba Technology Cluster and Economic Trends, 'Monitor TIC' (March edition, 2018) <https://files.gfiles.me/uo/aps2812/_u/2018-4/monitor_estadistico_tic_-_2018_04_v02.pdf>.

⁴⁰ Connectivity Córdoba Plan, Law no 10,564/2018.

⁴¹ Law no 10,737/2020.



The connectivity plan has been complemented by two other initiatives. First, Citizen Connection Spaces, which are places where citizens have free access to the internet in waiting rooms of provincial public hospitals, museums, cultural centers, and other public offices and open spaces in towns of the provincial countryside. The provincial government provided internet connection to public offices and spaces in the 427 local governments of the province. These actions provided internet access for peripheral and rural areas of the province.

Second, the digital inclusion initiative democratized access to ICT, seeking to reduce the digital gap in access, use, and appropriation of technologies, strengthening digital knowledge and skills, mainly in vulnerable sectors of the population. It includes training courses in basic abilities to use ICT, and hackathons for digital alphabetization for older adults, women, people in rural areas, and with disabilities. These actions are carried out in collaboration with universities, civil society organizations, and technological entrepreneurs.

Assessment of the Practice

The Córdoba Connectivity Plan laid out a network of more than 2,300 km of fiber optic. It connected 100 per cent of the provincial hospitals, more than 3,000 schools, more than 200 open spaces and more than 300 public agencies. In addition, more than 65,000 people have already accessed digital literacy programs.⁴² The challenge is to deepen those training initiatives for citizens in order to make them capable of participating in the growing digital economy, not only appropriating existing technologies, but also contributing to the generation of technological development in their localities.

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Local Financial Arrangements



3.1. Local Financial Arrangements in Argentina: An Introduction

Lucas González, *Universidad Nacional de San Martín*

Addressing socioeconomic problems is mostly a subnational task in Argentina, as in many other decentralized countries. In the midst of adjustment reforms and deep economic crisis in the 1990s, the national government initiated a process of retrenchment and reduced significantly the social services it delivered. Associated to it, policy responsibilities of subnational units dramatically increased after the 1990s decentralization policies. Several key social services, such as primary health and education, are policy responsibilities of subnational units in Argentina (as well as in the most decentralized federal systems, such as Brazil and Mexico, and even in some decentralized unitary countries, such as Colombia). These decentralized social services are crucial to improve socioeconomic indicators at the subnational level.

Municipal governments in Argentina have 6 per cent of the total revenues and 9 per cent of the total spending. These shares are 16 and 33 for provinces and 80 and 58 for the federal government.⁴³ This imbalance means that subnational units have to rely on two main sources of revenue to face dire socioeconomic conditions: their own revenue (that is, the revenue they collect autonomously) and federal transfers they receive from the central government. Local governments collect very few taxes (such as garbage and lightning service fees), which represent about 40 per cent of municipal total revenue, and depend on provincial as well as federal transfers, which are about 50 per cent of their total revenue.⁴⁴ Some of them are automatic transfers (such as those from the revenue sharing system) and other discretionary. Without federal transfers, more disadvantaged provinces and municipalities depend on their own revenue to deliver vital social services. This severely diminishes their capacity to deal with the social problems they face, especially because their own revenue is lower than the national average and they usually have to deal with worse social indicators (and in most cases, they have poorly trained professionals with low salaries to deliver them).

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⁴⁴ *ibid* 26.



3.2. Financing School Canteens to Fight Child Malnutrition in Urban and Rural Chaco

Lucas González, *Universidad Nacional de San Martín*

Relevance of the Practice

How do local governments cope with demanding social needs? Do their own finances help them targeting increasing social needs in their districts? Or, do central government transfers help subnational governments provide useful services?

This section explores initiatives developed at the local level in the Province of Chaco, in northern Argentina, to cope with child malnutrition in the context of limited federal and provincial transfers as well as insufficient revenues collected locally.

As part of an ongoing research project,⁴⁵ we carried out a survey in June-July 2019 to 183 school principals in Barranqueras, Charata, Fontana, General José de San Martín, Las Breñas, Machagai, Quitilipi, and Resistencia. The interviews were conducted during the months of May and July 2019 by teams of pollsters from the Government School of the Province of Chaco. We also conducted fieldwork research to schools across the province.

Chaco is one of the poorest provinces in Argentina, with a GDP per capita less than half the national average and performance far below the national average on a whole host of social and economic indicators. According to the 2010 census, approximately 23 per cent of provincial residents live in households with unsatisfied basic needs, the third highest rate in the country.⁴⁶ The province has the highest illiteracy rates among children of 10 years of age (5.5 per cent)⁴⁷ and the lowest life expectancy at birth in the country, both among men and women (69.5 and 76.4 years, respectively).⁴⁸

These social conditions are also reflected in available data on nutrition in the province. Research on childhood nutrition in Argentina shows that both undernutrition and overweight/obesity are present in the country, with the latter being more common, affecting

⁴⁵ Ana de la O, Lucas Gonzalez and Rebecca Weitz-Shapiro, 'Voluntary Audits: Experimental Evidence on a New Approach to Monitoring Front-Line Bureaucrats' (APSA Annual Meeting, Washington DC, August/September 2019).

⁴⁶ Instituto Nacional de Estadística y Censos (INDEC), 'Censo nacional de población, hogares y viviendas 2010: censo del Bicentenario: resultados definitivos' (INDEC 2012).

⁴⁷ *ibid* 116.

⁴⁸ Instituto Nacional de Estadística y Censos (INDEC), 'Tablas abreviadas de mortalidad por sexo y edad 2008-2010. Total del país y provincias' (INDEC, Serie Análisis Demográfico N° 37, 2013).



about one-third of Argentine children.⁴⁹ Chaco is one of the few provinces with over 5 per cent of children aged 6-72 months who were found to be underweight in a study conducted by the Ministry of Health.⁵⁰

One major federal program designed to address nutritional deficits is the school free meal program, known colloquially as *comedores escolares* (school canteens). The school meal program forms part of a larger national anti-hunger program, the *Plan Nacional de Seguridad Alimentaria* (Food Security National Program) which was established in 2003 in the wake of the 2001 national economic crisis. School canteens that provide a free meal or snack during the school day have a long tradition in Argentina⁵¹ and have had varied structures and funding sources. The current program is funded jointly by the national government and the provinces.⁵²

In our field research, we found that federal and provincial funds in Chaco are insufficient to cope with increasing demands for meals for children due to rising unemployment, increasing food prices due to high inflation, and soaring poverty. As a consequence, school canteens in the province have to rely on local governments and their communities to cope with the increasing demands they face.

Description of the Practice

Given levels of poverty and social exclusion in Chaco, it is not surprising that many local observers attach great importance to the province's school free meal program. A previous provincial Minister of Education expressed the view that, given Argentina's ongoing economic crises, the food served in schools 'is not a complement like in other years, but instead one of the children's principle meals or even their only meal of the day.' One school principal pointed to the importance of the program as a source of higher quality nutrition than students would otherwise receive; in her words, there are 'parents with few resources who don't know how to feed their children; they buy or give them money for candies, so the milk that we give them in school becomes their most important food.'

School principals are the key actor in the implementation of the meal program. They are responsible for preparing menus, managing foodstuffs, coordinating and overseeing food preparation on site, and ensuring that food is distributed to students during each school day

⁴⁹ Sergio Britos, Gala Díaz Langou, Cecilia Veleda, José Florito, Nuria Chichizola, and Malena Acuña, 'Lineamientos Para Una Política Federal de Alimentación Escolar' (CIPPEC 2016).

⁵⁰ Dirección Nacional de Maternidad e Infancia (2006) 52.

⁵¹ Sergio Britos, Alejandro O'Donnell, Vanina Ugalde, and Rodrigo Clacheo, 'Programas Alimentarios En Argentina' (Centro de Estudios sobre Nutrición Infantil 2003).

⁵² Britos and others, 'Lineamientos Para Una Política Federal de Alimentación Escolar'. Also see Gala Díaz Langou, Pablo Bezem, Carolina Aulicino, Estefanía Cano, and Belén Sánchez, 'Los Modelos de Gestión de Los Servicios de Comedores Escolares En Argentina' (CIPPEC 2014).



at snack and/or lunch time, depending on the meal regime the school is assigned by the program.

School canteens suffer from a lack of resources, both for the federal and provincial program administration and to fund sufficient food to meet student needs.⁵³ The lack of resources has to do with increasing prices due to inflation and more number of children attending school canteens due to the lack of food in their homes.

As a consequence of these restrictions in federal and provincial funds, local governments began to play an important role. Larger cities allocate part of their social programs to fund personnel to run canteens, especially cooks and cleaning personnel. In other cases, particularly in smaller towns and rural areas, mayors get personally involved in contacting local supermarkets and getting donations for school canteens.

Local community organizations and parents' associations also help school canteens providing the main meals to kids in school in urban localities and rural areas in Chaco. According to our survey, in 94 per cent of the schools there is a parents' association, and in 31 per cent of the cases, principals report that the parents' associations are very active in helping them running the canteens.

A usual view of community participation is related to improving accountability. We found this dynamic mostly in urban areas, especially in larger cities, where parents' associations exert pressures on school principals and members of the school board to control school finances and improve services (such as the quality of the classrooms' infrastructure, the cleanliness of toilets, and the quality of food in canteens).

When it comes to accountability for overall performance in school, the opinion that most worries the school principals is that of the parents. In total, 167 directors reported to parents among the three most relevant actors at the time of accountability (equivalent to 92 per cent of principals), followed by students (52 per cent) and supervisors (51 per cent). Only 20 per cent believe they are concerned about the opinion of the ministry and 4 per cent, the opinion of the Court of Auditors.

In schools of these districts, the majority of students are middle class, children of professionals, who usually work as employees in the public sector.

If relation to the provision of food services, if funds from the province and the federal government do not reach in time, school directors usually ask parents to collaborate with products, such as yerba mate (a local version of tea) and sugar, or to collaborate in parents' associations to help getting access to the products.

⁵³ Gala Díaz Langou and others, 'Los Modelos de Gestion de Los Servicios de Comedores Escolares En Argentina', above.



In schools located in the most humble neighborhoods of the City of Resistencia (capital of the province), it was possible to identify, based on observation and during interviews with the directors, their strong commitment in the administration of the school canteen and in providing quality meals to students.

But in schools far away from the main urban areas of larger cities and especially in rural areas we saw a different dynamic.

To begin with, the socioeconomic background of families is different. In smaller towns, students are usually divided in two groups: mostly middle-class students, who attend during the morning, and students from more humble families, who come to school during the afternoon.

In the smallest cities in the interior of the province and in rural areas, most of the students come from poor families, children of coastal workers, farmers, and day laborers, who do not have a fixed daily job. Many students are in a situation of social vulnerability. In some cases, school directors asserted that ‘food in the school is the only one of the day they get.’

One important feature of school canteens in these district is the level of involvement of the school directors in the provision of meals, which is usually very high. They help preparing special menus, taking into account the eating habits of students in those regions, usually very different from those in larger cities. These students really need better nutrition at schools, because many of them do not get it at home.

Another important feature is that parents’ associations are very active. They get funds through other activities, such as running a kiosk in schools. In one school, parents organized a pie sale as an activity to raise funds for repairing classrooms and help the school canteen with food, and got great results out of the participation of families. With those funds, they can cover gas expenses, and compensate for the lack of products that are not supplied by the Ministry of Social Development.

In these schools, directors highlighted the sacrifice that is carried out day by day to be able to offer meal services. In some cases, canteens have one or two people who cook. They are paid around ARP 50 per month for a 6-hour work day. This ‘salary’ is provided by the municipality, in the form of a social assistance plan.

But the most relevant dynamic we found was that instead of encouraging social accountability, community participation was mainly related to guaranteeing the delivery of food in school canteens. Parents participated and got personally involved to secure a decent meal a day for their kids. According to our fieldwork, food preparation is mostly carried out by volunteers, in part due to the lack of funding for staff to carry out this task. Local governments face serious limitations in smaller towns and rural areas to contribute funding personnel. In most of the cases, cooks in canteens are the mothers of students (in a few cases also fathers, who usually work in the fields). Teachers also often help in the kitchen, because the staff is not enough. Very importantly, parents also help school canteens by growing vegetables and taking care of



animals in small farms near schools. In some of these cases, working for the school canteen was a source of food not only for students but also for their parents.

Assessment of the Practice

The analyzed case shows how fiscal transfers from the federal government are crucial to deliver critical social services, especially in poorer localities of the interior and rural areas. Local governments also play a key role, mostly through the personal involvement of the mayor. Her main role is mostly to secure food for students and decent infrastructure for schools and their canteens.

But the study also presents a novel dynamic. Community participation has been crucial in innumerable cases around the world. Its most usual role is to improve social services by increasing accountability. This dynamic is present in most larger cities and across urban areas in the province. It also provides networks of social engagement, characteristically in parents' associations, to help improving services at schools.

But in many school canteens in Chaco, particularly those in remote localities and in rural areas, the direct involvement of the community has been crucial to run canteens. Parents and teachers help cooking meals, growing vegetables and raising animals to provide a reliable source of food for children. Sometimes parents also get their own food in the schools.

Despite the optimistic note related to the role of community participation in the delivery of social services in poorer districts and rural areas, it is important to stress the enormous limitations in the role of federal and provincial transfers in this study. Without them being relevant in the provision of this and other social services, it is very unlikely that very unequal developing countries, such as the one under study here, can reduce the enormous disparities across their territories.

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3.3. Trust Fund UniRSE, Santa Cruz

Romina Del Tredici, *Universidad Nacional de San Martín and Universidad Católica de Córdoba*

Relevance of the Practice

The national government favored the Province of Santa Cruz with the distribution of discretionary public works during the presidencies of Néstor and Cristina Kirchner (2003-2015), but punished it during the government of Mauricio Macri (2016-2019). In this context, the provincial government created the Trust Fund 'United in Corporate Social Responsibility' (UniRSE), which allowed it to sustain public investment at the local level during the latter period. The analysis of this fund is important because it involves different revenue sources, intergovernmental transfers, and integrated investment strategies to strengthen urban-rural linkages. It also allows us to discuss whether there is a deficit in terms of public accountability and local budgets' transparency. Finally, this practice shows how conditional grants can directly affect local life when are aimed to reduce disparities across municipalities by fostering investment at the local level.

Description of the Practice

In most federal countries, central governments transfer large amounts of money among regions. In some cases, these transfers are institutionalized and relatively stable, but in others they are the result of political struggles and coalitions among actors. In Argentina, there is a high degree of discretion in the territorial allocation of public works. During the presidencies of Néstor and Cristina Kirchner, the distribution had a partisan and structural logic: the central government favored allied governors in the countryside and punished governors of the largest central provinces, who were the strongest competitors for the presidency.⁵⁴ It mostly benefited the least populated and politically allied provinces in Patagonia: Santa Cruz, the home province of the Kirchners, was at the top of the list.⁵⁵ On the contrary, the central provinces were the main electoral coalition and the main political allies of Mauricio Macri. As a relatively weak president, in terms of legislative support and in public opinion, Macri was less capable of resisting pressures from the governors of the central provinces. The Patagonian provinces were not among the most affected in terms of the distribution. However, the

⁵⁴ González LI and Del Tredici R, '¿A Qué Provincias Favorece el Gobierno de Mauricio Macri? La Distribución de Fondos Federales de Infraestructura (2016-2018)' (2019) 1 Tramas. *Revista de Política, Sociedad y Economía* 25.

⁵⁵ *ibid* 8.



national government reduced almost half the amounts transferred (on average and per capita) to them. The Province of Santa Cruz, in particular, was the least favored.⁵⁶

In 2016, the Government of Santa Cruz signed agreements with mining companies for the creation of the UniRSE Fund for four years (Provincial Law no 3476/2016). The objective of the program was to collect mining revenues and redistribute them across the provincial territory. It helped to finance infrastructure and housing projects, health facilities, and even sports scholarships.⁵⁷ The government created an administrative committee of the fund, chaired by a representative of the Ministry of Economy, Finance, and Infrastructure and included representatives of the Ministry of Production, Trade, and Industry, the Ministry of Social Development, Health and Environment, and the Secretariat of State of Labor and Social Security and the Mining Chamber of Santa Cruz. The legislation establishes that mining companies should contribute a monthly percentage of up to 2 per cent of the value of their exports.

Alicia Kirchner, the Governor of the province, defined the program as a combination of ‘public works with Corporate Social Responsibility’ which, through an alliance with mining companies, allowed the provincial government to carry out important public works to connect cities across the territory of the state.⁵⁸ The Minister of Production claimed that the UniRSE fund was what allowed them to sustain provincial government’s investments during Macri’s government.⁵⁹ We have to bear in mind that federal and provincial public works are usually the major sources of public works at the local level in Argentina.

Assessment of the Practice

The creation of this fund was possible because the national government granted large tax cuts to mining companies in 2016.⁶⁰ In 2020, as an indication of the relevance of the UniRSE fund, the Governor decided to extend it until 2024. Mining companies, on the other hand, expressed their commitment to continue financing it, as a form of corporate social responsibility.⁶¹

⁵⁶ *ibid.*

⁵⁷ Sebastián Premici, ‘El desarrollo como horizonte’ (*Cadena del Sur*, 2 December 2019) <<https://cadenadelsur.com/el-desarrollo-como-horizonte/>> accessed 22 May 2021.

⁵⁸ Romina Del Tredici and Lucas I González, Interview with Alicia Kirchner, Governor of Santa Cruz (Rio Gallegos, 5 February 2021).

⁵⁹ Romina Del Tredici and Lucas I González, Interview with Silvina Córdoba, Minister of Production of Santa Cruz (Rio Gallegos, 4 February 2021).

⁶⁰ La Opinión Austral, ‘Provincia renovó hasta 2024 acuerdos con mineras por el UniRSE’ (*La Opinión Austral*, 10 October 2020) <<https://laopinionaustral.com.ar/edicion-impresa/provincia-renovo-hasta-2024-acuerdos-con-mineras-por-el-unirse-253798.html>> accessed 22 May 2021.

⁶¹ *ibid.*



During the first two years, the fund contributed to overcome the financial costs the national government imposed and, when the fiscal situation improved, 'it began to turn towards the encouragement and promotion of productive investments'.⁶² The government reoriented mining revenue with 'the objective of improving the development of the whole province and not only of the localities that have large mining projects' in their territories. In three years, '2,386 million pesos were executed, of which 44 per cent was distributed directly among 21 municipalities and (smaller units of government, called) development commissions. Of the total resources collected, 1,080 million pesos were specifically allocated to finance infrastructure projects.'⁶³

For the Governor, the funds were essential for the 'connection among cities.'⁶⁴ The works carried out have the objective of strengthening, diversifying productive activities, and providing autonomy to the areas of the province that are located furthest from the capital.⁶⁵ The provincial investments indirectly act as conditional grants to the municipalities and, because some of them are investments in services infrastructure (e.g. gas), they may affect municipal financing generating more economic activity and improving municipal tax collection.⁶⁶

The opposition to the government questioned the lack of transparency in the use of these funds.⁶⁷ The program can be questioned, in the first place, due to the lack of autonomy of local governments in the decision-making process over the allocation of infrastructure funds and, once they are finished, the property of public works (being a hospital or a school) belongs to the province. Second, it can also be criticized because of the absence of citizen participation in the process: the agreements take place between companies and the provincial state, and social organizations rarely participate or receive funds. Finally, although there is an inter-ministerial committee that administers the funds, there are no other types of spending supervision.

⁶² Premici, 'El desarrollo como horizonte', above.

⁶³ *ibid.*

⁶⁴ Del Tredici and González, Interview with Alicia Kirchner, above.

⁶⁵ La Opinión Zona Norte, 'Inauguraron la última etapa de la planta de gas en Los Antiguos que beneficiará a miles de familias' (*La Opinión Austral*, 13 April 2021) <<https://laopinionaustral.com.ar/edicion-impresa/quedo-inaugurada-la-ultima-etapa-de-la-planta-de-gas-en-los-antiguos-337094.html>> accessed 22 May 2021; Grupo La Provincia, 'Bauer encabezó apertura de un Centro Cultural en Santa Cruz y destacó el trabajo con las regiones' (*Grupo La Provincia*, 12 May 2021) <<https://www.grupolaprovincia.com/cultura/bauer-encabezo-apertura-de-un-centro-cultural-en-santa-cruz-y-destaco-el-trabajo-con-las-regiones-714807>> accessed 22 May 2021.

⁶⁶ *ibid.*

⁶⁷ El Divergente, 'Radicalismo de Puerto San Julián pide transparencia a gobierno provincial en manejo de fondo UNIRSE' (*El Divergente*, 16 December 2020) <<https://www.eldivergente.com.ar/radicalismo-de-puerto-san-julian-pide-transparencia-a-gobierno-provincial-en-manejo-de-fondo-unirse/>> accessed 22 May 2021; Mediática Digital, 'Siguen malgastando el futuro de Santa Cruz' (*Mediática Digital*, 10 June 2019) <<https://www.mediaticadigital.com.ar/nota/24094-siguen-malgastando-el-futuro-de-santa-cruz/>> accessed 22 May 2021.



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3.4. Local Government's Taxing Power

Mónica Iturburu, *Universidad Nacional del Centro de la Provincia de Buenos Aires*

Relevance of the Practice

The National Constitution (NC) recognizes three levels of government – nation, provinces and municipalities – and assigns to the provinces the majority of taxing powers. The federal government (FG) has exclusive and permanent authority over import and export duties and is authorized to collect direct taxes on an exceptional basis and indirect taxes together with the provinces. Provinces also have permanent jurisdiction over direct taxes. Regarding local governments, Article 123 of the NC states that each province dictates its own constitution, ensuring municipal autonomy and regulating its scope and content in the institutional, political, administrative, economic, and financial order. Some authors say that this article implies the express recognition of the local government's original taxing power.

Despite the constitutional provisions, the FG holds the most significant taxing power in practice. At the beginning of the national organization, due to the separation of tax sources and the concurrent power to collect internal taxes, the provinces held a high degree of autonomy. This autonomy remained until 1934; since then, successive laws have been restricting it. The most outstanding is the Federal Tax Revenue Share Law no 23.548, enacted in 1988, which has been modified several times and is still in force. This law limits what can be taxable or not for the two most critical provincial taxes. Since 1993, provincial autonomy has been reduced to its minimum expression by signing the Fiscal Agreement that added more restrictions for all provincial taxes, establishing restrictions on average rates, and forced the elimination of taxes. The Fiscal Consensus I (signed in 2017) reinforced this strategy,⁶⁸ later partially made more flexible by the Fiscal Consensus II in 2018. All these legal instruments were ratified by the provincial authorities.

The taxing power concentration in the FG reduces the scope to which provinces can exercise their power since they are prevented from creating similar taxes to the ones collected by the FG. Municipalities also face this prohibition, created by the law no 23.548, except for all charges and administrative fees for services (Article 9(b)). Furthermore, the fact that the legal provision comes from a commitment assumed by the provincial level, without local government's participation, reinforces the subjugation of municipal autonomy.

⁶⁸ Alberto Porto, 'Autonomía Fiscal Provincial en la Argentina. ¿Federalismo o Centralismo?' in Alberto Porto (ed), *Temas de políticas públicas* (Universidad Nacional de La Plata 2019) <<https://www.mfp.econo.unlp.edu.ar/wp/wp-content/uploads/2019/08/POLiticas-PUBLICas-Porto-DIGITAL-web.pdf>>.



According to law no 23.548 (Article 9(g)), provinces must establish a system for distributing revenues received from the FG among the municipalities in their territory. This system must determine the indices for the distribution of funds. In compliance with this commitment, twenty-two out of the twenty-three provinces have established a revenue share system, in some cases, with several years of delay and due to court orders. The instituted systems are very varied. Each province distributes among the municipalities the federal revenues they receive, in percentages that go from 8 per cent to 26 per cent. Provinces also redistribute the taxes they collect, such as the gross income tax. Some jurisdictions transferred the collection of some taxes to the municipalities (for example, one province did so with the gross income tax and seven with the real land tax). Only a third of municipal revenues come, on average, from their own sources, and in recent years the level of self-financing has decreased.⁶⁹

The criteria for assigning resources to municipalities (secondary distribution) are also very heterogeneous, but the compensatory criterion (69 per cent) dominates widely, distributing resources based on variables that allow a certain approximation to the level of expenditures. Although the most used is the population, a third of the regimes establish formulas that favor the less populated municipalities by distributing additional funds based on the 'distance from the capital', 'rural population that receives services from the municipality', 'inverse to population', 'inverse to population density', or distributions in which a portion of the shared mass is allocated excluding the capital city. However, the percentages that are distributed according to these criteria are always marginal (between 1 per cent and 10 per cent).

Description of the Practice

The tasks carried out by the municipalities have increased since the 1990's, when the federal and provincial governments transferred functions to them. In some cases, it resulted from formal processes (such as health or drinking water). In many others it resulted from transfers made only in practice due to the lack of sufficient services from the competent jurisdiction and the public expectation deposited at the closest level of government. The most recent example corresponds to internal security, a provincial competence progressively carried out by municipalities – sometimes encouraged by the provincial orbit. It includes the provision of resources for the provincial police's operation, the installation of monitoring centers, and the creation of armed patrols. Depending on its size and location, municipalities carry out different responsibilities that do not correspond to them. This progressive appropriation of greater functions was not compensated with the provision of equivalent resources, generating

⁶⁹ Directorate for Analysis of Provincial Debt and Municipal Finances, 'Regímenes provinciales de coparticipación de recursos a los gobiernos locales en Argentina' (Ministry of Economy and Public Finance – National Directorate for Fiscal Coordination with the Provinces 2014)
<https://www.economia.gob.ar/dnap/municipios/documentos/regienes_provinciales_de_coparticipacion_de_recursos.pdf>.



financial shortcomings that led those municipalities most affected to seek alternative sources of income.

The contrast between the increase in functions municipalities have to deliver and the restriction established by law no 23.548, limiting the taxing power to the remuneration rates for services, generated a process of manifest deformation of the concept of ‘charges and administrative fees’.⁷⁰ Municipalities have begun collecting fees for services delivered that, due to their taxable events, absence of territorial contact, calculation bases, and taxable categories, looked a lot like provincial and federal taxes. Different judicial bodies created resolutions that acknowledged exceptions that allowed municipalities to charge fees for potential services or had a very generic tax base.⁷¹ Nevertheless, the judicial power has also stopped the municipal tax collection aspirations. For example, a road fee was applied to the sale of fuels in several municipalities, which was considered unconstitutional by some courts and resisted by gas station’s owners and users, generating a wave of interruption of the application and inhibition of those who planned to enforce it. However, these policies are rarely initiated in small municipalities, which themselves do not have sufficient capacities to increase the tax burden on their residents. Added to this is the lack of autonomy, due to the fact that most provincial constitutions only recognize it in local governments that exceed a population floor. However, if the tax innovation initiated by larger municipalities is little resisted, it tends to be replicated in small local governments.

Assessment of the Practice

In summary, municipalities face a scenario of deregulated functions and regulated income. Since municipalities are the first representation of government that citizens have and mainly act on the field, when is possible they continue to assume new tasks, sometimes reallocating resources from their own and non-delegable functions. To a large extent, the insufficient collection is explained by the weakness of the tax systems that are conditioned, in part, by rules of a lower rank than the constitutional one. The significant positive correlation between the economic development of the jurisdictions and their degree of self-financing has been evident during the Covid-19 pandemic, which accentuated the differences between the municipalities with the greatest capacities and those that lagged behind. Faced with this scenario, many rural municipalities could not provide a satisfactory response to a population

⁷⁰ The concept of ‘tasa’ was translated as ‘charges and administrative fees’.

⁷¹ Orlando Pulvurenti, ‘Tasas Municipales: Decisiones de CSJN y dispersión jurisprudencial’ (Sistema Argentino Información Jurídica 2019) <[Local Government and the Changing Urban-Rural Interplay](http://www.saij.gob.ar/orlando-pulvurenti-tasas-municipales-decisiones-csjn-dispersion-jurisprudencial-dacf190051-2019-02-21/123456789-0abc-defg1500-91fcanirtcod?&o=23&f=Total%7CFecha%7CEstado%20de%20Vigencia%5B5%2C1%5D%7CTema/Derecho%20tributario%20y%20aduanero%5B3%2C1%5D%7COrganismo%5B5%2C1%5D%7CAutor%5B5%2C1%5D%7CJurisdicci%F3n%5B5%2C1%5D%7CTribunal%5B5%2C1%5D%7CPublicaci%F3n%5B5%2C1%5D%7CColecci%F3n%20tem%E1tica%5B5%2C1%5D%7CTipo%20de%20Documento/Doctrina&t=421#>.</p></div><div data-bbox=)



that had to face social, preventive and mandatory isolation without digital, banking or basic health infrastructure, generating a negative impact that is still difficult to measure.

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Structure of Local Government



4.1. The Structure of Local Government in Argentina: An Introduction

Elisabeth Mohle, *Universidad Nacional General San Martín*

Historically, Argentine municipalities performed three types of functions: regulation and control of urban infrastructure and economic activities carried out in their territory, some basic social services (such as primary health), and local government administration. Most of these functions were fulfilled without any form of horizontal inter-institutional articulation because the implementation of the policies was basically local.⁷²

However, the decentralization processes implemented in the nineties, where the central government transferred some functions – especially local development – without funding attached,⁷³ prompted the need to generate mechanisms of inter-municipal cooperation. The most important example of inter-municipal cooperation are interjurisdictional agencies and/or municipal associativism for local development. Specifically the local development agencies work with the mission of designing and implementing a specific territorial strategy, constructing a regional territorial problematic agenda and seeking solutions within a framework of complementarity and public-private commitment.⁷⁴

The limited institutional and fiscal capacity of local governments to deliver the new functions demanded innovative responses which, incidentally, exceeded territorial limits. Examples of these innovative responses can be found in environmental issues as waste management, climate change adaptation and mitigation and the promotion of agroecology.

This emergence of inter-municipal cooperation in Argentina could be attributed to the transformation of the roles, functions, and spheres of action of local governments in the context of neoliberal economic reforms during the 1990s.⁷⁵

⁷² Daniel Cravacuore, 'La cooperación intermunicipal en la provincia de Buenos Aires. Fortalezas y debilidades' in María Elena Lurnaga and Antonio Cardarelo (eds), *La geografía de un cambio. Política, gobierno y gestión municipal en el Uruguay* (Ediciones de la Banda Oriental 2001).

⁷³ Tullia G Falleti, 'Una Teoría Secuencial De La Descentralización: Argentina Y Colombia En Perspectiva Comparada' (2006) 46 *Desarrollo Económico* 317.

⁷⁴ Pablo Costamagna and Noemi Saltarelli, 'Las agencias de desarrollo local como promotoras de la competitividad de las pymes. Experiencia del caso argentino' in José L RhiSausi, *El desarrollo local en América Latina. Logros y desafíos para la cooperación europea* (Nueva Sociedad 2004).

⁷⁵ José Luis Coraggio, 'Descentralización, el día después—' (Secretaría de Posgrado, Facultad de Ciencias Sociales and Oficina de Publicaciones, Ciclo Básico Común, University of Buenos Aires 1997).



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4.2. Local Government Cooperation against Climate Change

Elisabeth Mohle, *Universidad Nacional de San Martín*

Relevance of the Practice

We study the Argentine Network of Municipalities against Climate Change (*Red Argentina de Municipios frente al Cambio Climático*, RAMCC) as an example of an organization that promotes cooperation among municipalities to take action against climate change.

Cities are beginning to take an increasing role in relation to the impacts of global warming and deciding actions related to its mitigation and adaptation. In this context, it is important to study how municipalities approach one of the greatest challenges that humanity faces.

The scale and bureaucratic capacities of the vast majority of cities are clearly smaller than those of the national and provincial governments. This means serious problems in access to resources, knowledge, and tools necessary to effectively carry out adequate actions against climate change. This challenge is even greater for rural areas, which tend to be more dependent on agricultural production (and therefore on climatic conditions).

The RAMCC was created in response to this obstacle of economies of scale, capacity building, and access to resources and the local level and in rural areas.

Description of the Practice

RAMCC is a coalition of 222 Argentine municipalities that coordinates and promotes strategic plans to tackle climate change, within the objectives of the Global Covenant of Mayors for Climate and Energy (GCoM).⁷⁶ The Network was formed in November 2010 during the First International Conference on Municipalities and Climate Change and became an instrument for coordinating and promoting local public policies to face climate change in cities and rural areas in Argentina.

The municipalities members of RAMCC represent eighteen provinces, a great diversity of regional differences, and encompassing large cities with more than 1 million inhabitants as well as small rural towns. This diversity constitutes an enormous challenge, but at the same time it allows RAMCC to address a heterogeneous variety of environmental challenges.

⁷⁶ 'Municipios' (RAMCC) <<https://www.ramcc.net/municipios.php>> accessed 7 June 2020.



The network's main goal is to promote and execute municipal, regional, or national projects or programs related to mitigation and/or adaptation to climate change, based on the mobilization of local, national, and international resources. It seeks to: i) reduce greenhouse gas emissions to 45 per cent by 2030, ii) reach carbon neutrality by 2050, and iii) increase the resilience of cities to extreme weather.⁷⁷

The tools generated in RAMCC aim at: (i) socializing good practices, tools, and training programs; (ii) support the development of specific Local Climate Action Plans for each city and (iii) access to financing through a trust fund.

RAMCC Trust Fund

Local governments face several obstacles when they need to access funds to carry out actions against climate change (lack of information, insufficient technical capabilities of their human resources, lack of articulation between jurisdictions, among many others). They need technical, administrative, and financial tools that will allow them to access reliable information regarding financing sources, specific requirements of credit organizations, and their own capacities to integrate into an effective national climate change policy.

Faced with this scenario, a group of local government members of RAMCC created the first Argentine trust to manage, support, and implement projects, programs, and policies related to adaptation and mitigation of climate change: the 'RAMCC Trust'.

This trust constitutes an economic, administrative and financial tool available to member municipalities that enables them to make investments that would not otherwise be done by an individual municipality, and allowing the inclusion of all municipal governments that wish to contribute resources to target climate change, as well as being beneficiaries of the resources, funds, and services that the RAMCC Trust manages.⁷⁸

Climate Action Plan in the Cities of the Province of Mendoza

Another concrete example is the implementation of Climate Action Plans in the Province of Mendoza. This is a cooperation between the provincial Secretary of Environment and the RAMCC to design and implement the Provincial Program of Local Climate Action Plans in the municipalities of Mendoza.

In this way, each locality presents a Local Climate Action Plan with the coordination of the provincial government, open to citizen participation to incorporate sustainable practices.⁷⁹The

⁷⁷ 'Sobre RAMCC' (RAMCC) <<https://www.ramcc.net/ramcc.php>> accessed 7 June 2020.

⁷⁸ Alejandro Cejas, 'Fideicomiso RAMCC: un mecanismo para el financiamiento climático local' (RAMCC, 20 August 2020) <<https://ramcc.net/noticia.php?id=1060>> accessed 18 October 2020.

⁷⁹ 'Los municipios aplicarán un Programa Acción Climática' (*Mendoza Gobierno*, 7 June 2017) <<http://www.prensa.mendoza.gov.ar/los-municipios-de-mendoza-contaran-con-un-programa-provincial-de-planos-locales-de-accion-climatica/>> accessed 14 July 2020.



main difference between urban and rural local government's Climate Plans is on what issues they focus. The City of Mendoza works primarily on energy efficiency, sustainable constructions and transport, efficient waste management, urban biodiversity conservation and disaster risk management programs⁸⁰. In contrast, rural municipalities are still working on their plans and focus much more on adaptation and risk management, than mitigation.

Assessment of the Practice

Climate change is one of the greatest challenges for humanity and cities are fundamental actors to mitigate and adapt to it. However, cities face great challenges to carry out actions to tackle climate change, mainly due to scarce resources and capacities at the local level.

In order to address these obstacles, several municipalities cooperated to create the RAMCC, which allows them to solve problems of economies of scale and access to knowledge, experiences, capacities, and resources to design effective policies against global warming.

The creation of the network is especially important for rural communities considering the differences between them and urban municipalities, their relative capacities, and the climatological challenges they face.

The specific experiences analyzed, the Trust Fund and the Climate Action Plan in Mendoza, show the important role of RAMCC as a space for cooperation for the effective implementation of measures against climate change in Argentine cities. There still is much work to be done to understand and measure the impact and success of the RAMCC in accompanying the different necessities of urban and rural local governments.

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— 'Los municipios aplicarán un Programa Acción Climática' (*Mendoza Gobierno*, 7 June 2017) <<http://www.prensa.mendoza.gov.ar/los-municipios-de-mendoza-contaran-con-un-programa-provincial-de-planes-locales-de-accion-climatica/>>

— 'Sobre RAMCC' (*RAMCC*) <<https://www.ramcc.net/ramcc.php>>

— 'La ciudad de Mendoza profundiza sus acciones ante la emergencia climática' (*RAMCC*, 28 July 2020) <<https://ramcc.net/noticia.php?id=1043>>

— 'Municipios' (*RAMCC*) <<https://www.ramcc.net/municipios.php>>

⁸⁰ 'La ciudad de Mendoza profundiza sus acciones ante la emergencia climática' (*RAMCC*, 28 July 2020) <<https://ramcc.net/noticia.php?id=1043>>.



Cejas A, 'Fideicomiso RAMCC: un mecanismo para el financiamiento climático local' (RAMCC, 20 August 2020) <<https://ramcc.net/noticia.php?id=1060>>



4.3. Micro-Regions in the Province of Catamarca

Juan Negri, *Universidad Nacional de San Martín*

Relevance of the Practice

The Argentine Constitution guarantees the autonomy of local ('municipal') governments. In addition, it states that 'the provinces may create regions for economic and social development and establish bodies with powers to fulfill their purposes and may also enter into international agreements' (Articles 123 and 124). However, local governments have not become relevant actors within the political landscape. They function within the framework of national and provincial (state laws), which have financial attributes that local governments do not.

The institutional framework for local cooperation is virtually non-existent. With three exceptions (over 23), provincial constitutions do not mention anything about inter-municipal cooperation nor the creation of organisms. Some provincial constitutions do mention cooperation in specific areas such as energy production or public works.⁸¹

Hence, experiences of local cooperation are not common in Argentina. This happens despite the fact that experts and academics have presented inter-municipal cooperation as a relevant tool for strengthening local governments.⁸² Authors highlight the potential of inter-municipal cooperation to overcome diseconomies of scale in the provision of services or in the performance of public works, favor and undertake joint actions for the development of regions, increase the capacity to negotiate with other government jurisdictions and with contractors, suppliers, companies that provide services at the provincial or national level.

The main challenge that local agglomeration face in Argentina is the lack of trained personnel and technical teams to implement a better government management. This difficulty is exacerbated in medium-sized cities, which incorporate new functions and competences at a rapid pace. On very few occasions these cities can accompany this process with training of their personnel. Most local governments work based on 'demand' and do not have the capacity to establish their priorities in the medium and long term.⁸³ The low level of tax collection at the local level also results in budgetary difficulties.

⁸¹ Iturburu M, 'Municipios argentinos. Potestades y Restricciones constitucionales para un nuevo modelo de gestión local' (Instituto nacional de la administración pública 2001).

⁸² Lorena Coria, 'El rol de las autoridades locales para el desarrollo sostenible: La experiencia de los municipios de la microrregión Andalgalá' (2007) 1 DELOS: Desarrollo Local Sostenible Una revista académica <<http://www.eumed.net/rev/delos/00/>>.

⁸³ Ana Cafiero, 'La cooperación descentralizada en Argentina' (Observatorio de cooperación descentralizada 2009); <http://biblioteca.municipios.unq.edu.ar/modules/mislibros/archivos/libreria-201.pdf>



On top of these challenges, local governments have expanded their competences. Traditional local government tasks include planning; manage personnel, urban development and planning. A new set of 'new competencies' emerged in recent years. These include a new role of local governments as agents of economic promotion, which comprises the design and implementation of strategies for local development. The latter need requires to generate territorial environments capable to attract, retain and encourage investment and employment; as well as the identification, expansion and endorsement of nuclei of sectoral strength to promote geographic clusters.

This situation is then problematic. Local government cooperation has not increased, even when these units have expanded their competencies and face new challenges.

This said, in the last twenty years, experiences in local government cooperation increased, albeit in a 'non-institutional' fashion but through geographically based cooperation. In this case, municipalities have joined their neighbors in order to address common challenges faced by a defined geographical area. This strengthens cooperation and increases economies of scale, contributing to the achievement of economic, social and territorial cohesion, to increase negotiation capacity with third parties, and to carry out shared public works. By this token, inter-municipal cooperation attempts such as the Catamarca micro-region program have appeared.

Description of the Practice

One particular example of institutional based attempt at fostering inter-municipal cooperation took place in the Province of Catamarca, in the Argentine northwest. The provincial authorities introduced 'micro-regions'. The process of defining the latter was a political decision of the provincial government, and it was implemented 'top-down': the decision to group regions did not come from society but from provincial authorities, which demarcated territorial units with similar population characteristics, each with of less than 10,000 km² in extension.

The objective was to achieve a 'sustainable development' through economic and productive growth. The provincial government considered that the provincial capital concentrated almost all productive, social, and cultural activities in the province, and therefore a more careful planning had to be applied.

The more specific objectives were to:

- develop territorial and cultural identity and a sense of belonging, stimulating culture and revaluing heritage in all its forms;
- strengthen human and social capital by enhancing the capacities of society to promote its own development;



- promote balanced and integrated economic development with active policies to promote activities that create employment;
- guarantee the sustainable and adequate management of the environment;
- make essential goods and services more accessible for the population.

The specific actions carried out included, firstly, strengthening of the provision of infrastructure and equipment in the intermediate urban nodes (mid-size cities such as Santa María, Belén, Tinogasta, Andalgalá, Villa Antofagasta, Recreo and Los Altos that served as ‘capitals’ of the micro-regions). This aimed at guaranteeing essential services to the community and to ensure a more equitable and balanced inclusion of people and places. A second action was to improve internal connectivity by prioritizing three existing route corridors (National Route 157 Corridor, National Route 38 Corridor and National Route 40 Corridor) and creating three new corridors (East-Paso San Francisco transversal corridor, Andean interconnection corridor and the Paso de San Francisco corridor). This optimized the link between the provincial capital and the internal regional networks and achieved a more fluid articulation of internal activities. The Catamarcan micro-region program thirdly aimed at reinforcing the geopolitical positioning of the province at the regional level.

Further actions undertaken within the program included to:

- stimulate the self-determination capacities of regional areas through devolution of specific administrative capacities and the creation of *Centros de decision* (decision centers, CDD);
- recover and revalue the elements of the cultural landscape to highlight the value of the archaeological and architectural heritage; through the creation of touristic hubs;
- generate economic policies that improve opportunities for regional development through the consolidation of a network of production and consumption centers;
- increase investment in digital connectivity.

Assessment of the Practice

The project had ambitious objectives and was unable to fulfil its expectations. The project started in 2004, and an evaluation of the project⁸⁴ in 2011 suggested the following conclusions:

- the micro-regions could not diminish the influence of the Greater Catamarca region;
- the process generated economic growth in the regions, but there was no significant improvement of living conditions;
- the provincial government progressively lost interest in the project, which resulted in fragmented policies;

⁸⁴ Interview with Lorena Coria, Doctoral Student, Universidad Nacional de Luján (Buenos Aires, June 2021).



- partisan differences blocked some progress, which was not uniform throughout the province;
- some of the CDDs actually served as ambassadors of the provincial government, which was not the original intention.

The experience with inter-municipal cooperation is limited in Argentina. Some basic experiences encountered obstacles to pursue their objectives. Some of these obstacles reside in the scant institutional setting that does not include the possibility of local integration. The small size of the majority of Argentine local governments constitutes an institutional weakness that hampers their ability to provide more and better services. The minimum legislated population to constitute a municipality needs to be revised. Institutional designs and legal frameworks also need to be improved. Reforms must tend, on the one hand, to avoid the constitution of new municipalities of unviable size (some very small municipalities were created recently by provincial governments out of demands of local population of ‘autonomy’ from a larger urban center). On the other hand, the reforms should promote and facilitate the formation of inter-municipal institutions, with broad and growing functions. The diversity of strengths among local governments should be the object of particular concern for public authorities. Unfortunately, there is no discussion at the national level of these issues.

The primary challenge is undoubtedly for the provincial authorities. The role of the National State is more limited but not less important. Although it would only have the right to intervene if municipal autonomy is not assured, the federal government should not give up its guiding role, nor lose the opportunity to influence the establishment of equitable conditions of development for the inhabitants of the different Argentine municipalities.

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4.4. Local Cooperation for Agroecology

Elisabeth Mohle, *Universidad Nacional de San Martín*

Relevance of the Practice

The most emblematic phenomenon of the green revolution in Argentina was the introduction and approval of the transgenic soybean resistant to the herbicide glyphosate (RR soybean) in the 1990s. The genetically modified seed plus the herbicide glyphosate allowed the crop to be profitable as it lowered production costs. This allowed Argentina to develop the so-called 'revolution of the pampas'. Although the effects on the capacity to increase crops were undeniable, so were the socio-environmental damages. Not only in terms of biodiversity loss, but also in terms of human costs: the agricultural frontier was advancing, displacing peasants who became poor in the cities.⁸⁵

Faced with this scenario, a new approach to agriculture began to emerge: agroecology. This new approach began to promote a comprehensive, open, and interdisciplinary paradigm. First, it was considered as an innovation from a technological point of view based on the understanding of ecological dynamics applied to crops and the management of natural resources. But when it arrived to Latin America, it was combined with the appearance of peasant movements and a political vision of farmers' empowerment.

This process is particularly important at the local level of government because the acute effects and problems associated with the dominant agricultural model are most evident at this level. In this sense, it is of fundamental importance to study how municipalities deal with this problem and react to the emergence and diffusion of answers to these problems as alternative production models.

As the capacities of rural governments are relatively small, they face serious problems to access and mobilize resources, as well as to generate the knowledge and tools necessary to build consistent and effective alternative production models.

Particularly, there are eight key drivers in the process of taking agroecology to a larger scale: (i) recognition of a crisis that motivates the search for alternatives, (ii) social organization, (iii) constructivist learning processes, (iv) effective agroecological practices, (v) mobilizing

⁸⁵ Bruno Reichert, 'Discutir el "campo". Una grieta en el suelo latinoamericano' (*Nueva Sociedad*, January 2021) <<https://nuso.org/articulo/soja-campo-america-latina/>>.



discourses, (vi) external allies, (vii) favorable markets, and (viii) favorable political opportunities and policy frameworks.⁸⁶

Local cooperation is a fundamental answer to many of these obstacles. And, in this sense, the federal initiative of the National Network of Municipalities and Communities that promote Agroecology (RENAMA) is a crucial actor in the local and cooperative construction of responses to the negative socio-environmental impacts of the dominant agricultural production model in Argentina.

Description of the Practice

Faced with the economic, social and environmental impacts of hegemonic agricultural production modes, the alternative paradigm of agroecology began to spread through the country and began to be adapted by producers, mainly those excluded by the other system. According to the latest National Agricultural Census (2018), there are 2,324 farms that do agroecology in Argentina, out of an estimated total of 250,000 farms.⁸⁷ If the farms that grow organic crops (they do not use transgenics) or biodynamic crops (a specific method of organic farming) are added in total, there are about 5,277 productive units that work in an 'unconventional' way in the country, which means that one of every 50 agricultural holdings in Argentina work under an alternative productive paradigm.

Nevertheless, the massification and escalation of these alternative production modes requires governmental assistance in ways that are not easy to provide by single local governments.⁸⁸

To overcome this problem of scale, in 2016, a group of agronomists, doctors and socio-environmental referents created the National Network of Agroecological Municipalities (RENAMA). As agroecology is characterized by its multidisciplinary and pluri-epistemological character, its meaning and understanding have varied (evolving) over time. It can be seen simultaneously as a scientific approach, as a movement, or as a series of techniques. In this way, the interest, and its adoption by different actors (farmers, educators, researchers, technicians, and politicians) has reflected these different meanings.⁸⁹ Consequently, RENAMA is made up of farmers, agricultural technicians, municipalities, government entities, academic and scientific organizations, and grassroots organizations, with the objective of exchanging experiences and knowledge for the transition towards agroecology of the agri-food system.

⁸⁶ Mateo Mier and others, 'Escalamiento de la agroecología: impulsores clave y casos emblemáticos' (working paper no 1, Grupo en masificación de la agroecología 2019).

⁸⁷ National Institute of Statistics and Census of Argentina, 'National Agricultural Census' (*indec*, 2018) <<https://cna2018.indec.gob.ar/>>.

⁸⁸ Mier and others, 'Escalamiento de la agroecología'.

⁸⁹ Alexander Wezel, and Virginie Soldat, 'A Quantitative and Qualitative Historical Analysis of the Scientific Discipline of Agroecology' (2009) 7 *International Journal of Agricultural Sustainability* 3.



The organization works through a logic of voluntary cooperation between municipalities and other actors in the face of social demand. Currently, RENAMA is a network that includes 34 Argentine towns (plus one in Uruguay and one in Spain) and groups 180 producers who work on about 100,000 hectares under the agroecological paradigm, with the advice of 85 technicians. The network works on the base of cooperation between the different actors and the promotion of the activity. Local governments take information and policy options from the network to apply them in their communities.

An interesting example is the commune of Zavalla. A town of 7,000 inhabitants located in the heart of the agricultural Pampa, in the south of the Province of Santa Fe. Similarly to every rural town in Argentina, barely a street separates the houses from the cultivated fields.

The intense use and close exposure of agrochemicals generated a social claim for a legislation that prohibited applications in a peri-urban strip of 800 meters from the inhabited limit. A measure that generated discomfort among producers and thus was very difficult to implement. Trying an alternative, the commune carried out an agroecology pilot test on a four-hectare site, where lettuce, arugula and zucchini were planted, among other crops. But producers were not used to this new way of working, so the first results were not as expected.

In 2019 the commune became part of RENAMA, and an agroecological plan was designed. Now, through an environmental tax, imposed by the local government, the commune subsidizes a fixed monthly amount equivalent to producers who decide to try an alternative production model.

Today Zavalla has some hectares dedicated to agroecological horticultural production, but in the vast majority of the 150 reconverted hectares they make extensive crops that are common in the area, such as corn or wheat. Last season they produced 50 tons of agroecological wheat in the town. Profits doubled production costs, while with conventional wheat, which they used to grow before agroecology, the costs outweighed the profits.⁹⁰ For all the actors involved, having technical assistance is key as it is a new mode of production for everyone.

Assessment of the Practice

For a country in which the exports of the cereal and oilseed complexes account for around 40 per cent of the total exported volume, the agricultural production model is not easy to discuss and dispute. But at the same time, its scale generates broad impacts whose negative effects are mainly found in rural cities that suffer from unregulated agrochemical application, where small producers are marginalized, and environmental problems appear.

⁹⁰ Jorgelina Hiba, 'Red de municipios expande la agroecología en Argentina' (*Diálogo Chino*, 9 February 2021) <<https://dialogochino.net/es/agricultura-es/39830-red-de-municipios-expande-la-agroecologia-en-argentina/>>.



The construction of alternatives, for now, is an eminently territorial and local process where the articulation first between producers and then between municipalities is crucial. To enable and enhance these cooperation processes, the RENAMA appears to be a fundamental, successful, and growing actor.

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Intergovernmental Relations of Local Governments



5.1. Intergovernmental Relations of Local Governments in Argentina: An Introduction

Elisabeth Mohle, *Universidad Nacional de San Martín*

While the federal government in Argentina has exclusive responsibility for foreign policy, economic regulations, and defense, there are shared powers with the province in the areas of justice, health, education, and social security. Each provincial constitution defines the scope and contents of the responsibilities shared with the federal government, as well as the organization and powers of its local governments.

This legal framework balances the autonomy of subnational units and self-rule of these units with the principles of shared government between them and the central state. In other words, both levels share the capacity for decision-making without consultation with the other level, in an attempt to combine the self-government of regional and/or minority interests, with the government of common national interests. The same dynamic occurs, although with a lower degree of autonomy, between provincial and local governments.

The specific processes, mechanisms, and institutions through which the constitution is put into practice in the interaction between levels of government depend on a multiplicity of political and socioeconomic conditions, including historical tensions and informal traditions. Both formal and informal dynamics regulate federal supervision and intergovernmental cooperation. Communication and coordination among the different levels of government take place in some formal arenas (such as the federal councils for fiscal, education, health issues), and through the federation of municipal authorities, but in many instances they depend on partisan as well as personal or informal relationships.

The decentralization processes and the growing relevance of local identities and interests have placed local politics at the center of federal politics in Argentina, demanding better intergovernmental coordination.

Specifically, in relation to the management of natural resources, the national Constitution in Argentina establishes that the provinces are sovereign over the resources found in their territory. Thus, although the federal government has competence in environmental matters, for example, in relation to the protection of forests and glaciers, decisions about the exploitation of mineral resources depend on the provincial level of government.

In this scenario, local governments have traditionally been little more than recipients and executors of provincial level policies. However, the tendency of recent decades to promote large-scale mining has turned their role into a more complex one. Citizens under their jurisdiction are the ones that will be affected by the potential negative impacts of the activity. Hence, the political alignment or opposition between local and provincial governments is an



important factor affecting the degree of organization and mobilization of populations that resist or oppose mining and the implementation of provincial policy in that matter.



5.2. Multilevel Government Cooperation for Open Pit Mining Projects

Elisabeth Mohle, *Universidad Nacional de San Martín*

Relevance of the Practice

We study two local governments in their relationship with their provincial and national counterparts regarding the installation of open pit mining projects in their respective jurisdictions. The first one is Andalgalá, a small town of 12,000 inhabitants, and the second one Famatina, a tiny community of only 2,500 people.

Both municipalities are located in the northwest of Argentina, have similar political regimes⁹¹ and levels of development (measured by the HDI). However, there is a fundamental difference in relation to open pit mining: La Alumbrera open pit mine is active in one of the provinces, while in the other this type of activity has been resisted. Both provinces differ in their legislation regarding mining, their fiscal regimes, the degree of citizen mobilization, and the pressures the mining sector can exert.⁹²

We will see how, in this context, the political alignment or opposition between local governments and the national and provincial counterparts in their strategy of supporting new mining projects is essential to strengthen citizen mobilization to effectively promote or prevent the establishment of mining companies. Additionally, we will observe if there is any difference regarding the resources to which the communities in the more urban or more rural context have access.

Description of the Practice

Andalgalá is a city of 12,600 inhabitants in the Province of Catamarca,⁹³ located in the northern part of the province, 248 km from the provincial capital. Most of the population worked in agriculture and small-scale mining,⁹⁴ when Bajo La Alumbrera, the first Argentine open pit mine, got installed in the 1990s. Initially, Alumbrera was projected to include a complex

⁹¹ Jacqueline Behrend, 'Democratización Subnacional: Algunas preguntas teóricas' (2012) 2 POSTData 11.

⁹² Elisabeth Mohle, '¿Cómo se decide sobre el territorio? Gobernanza de conflictos mineros. Los casos de Andalgalá, en Catamarca, y Famatina, en La Rioja (2005-2016)' (Master thesis, Georgetown University 2019).

⁹³ Instituto Nacional de Estadística y Censos, 'Censo nacional de población, hogares y viviendas 2010: censo del Bicentenario: resultados definitivos' (INDEC 2012).

⁹⁴ Ministerio de Hacienda y Finanzas Públicas, 'Informes Productivos Provinciales: Catamarca' (República Argentina 2016).



network of extraction and industrialization that would take place in the City of Andalgalá, creating jobs and economic development that would continue even after finishing the activities of the mine.⁹⁵ These promises of employment and progress penetrated deeply in a poor province where an important share of their population leave for Buenos Aires and other larger cities in search of employment.⁹⁶ The three levels of governments (national, provincial, and local) aligned their discourses about the benefits of bringing open pit mining to the province. This, together with the real hopes placed on progress by all implicated actors, a certain degree of ignorance of the real impacts of the activity, and the absence of similar experiences in the country, played a role in influencing the community of Andalgalá, who welcomed Alumbraera with open arms.

However, the project that was finally carried out was only the open pit mine, without the ambitious associated industrial complex. Not too much time passed from the beginning of the operations, until the disenchantment with Alumbraera arose. First, the jobs created were much fewer than promised. Second, few royalties were distributed to the local government and there were serious shortages of public works and services.⁹⁷ Third, frustration with sluggish economic growth grew together with an incipient notion of incompatibility of this mega exploitation project with traditional ways of life. Finally, there were several environmental accidents.⁹⁸

Although regulating mining activities is not directly a competence of the local government, all these issues impacted directly on the local community. In 2002 neighbors of Andalgalá organized the assembly *Vecinos por la Vida* (neighbors for life) with the aim of discussing the impact of the mine in their lives. As neighbors organized, pressures on the mayor mounted both to keep social peace and to provide answers to their demands.

In this scenario, by the end of 2009, a local councilor asked for provincial public information regarding mining prospection in the area. He received a report which included the Pilciao 16 that covered a large portion of the City of Andalgalá.⁹⁹ Whether the mayor knew this information beforehand is not clear, but at least publicly, the alignment between levels of governments started to break.

Since then, the assembly strongly mobilized against the project. Its members carried out several protests that were repressed with varying degrees of severity and presented judicial demands that, finally, in 2016 halted the activities in the zone. Opposition to a neighboring

⁹⁵ Enciclopedia de Ciencia y Tecnología, 'Bajo de la Alumbraera' (2015).

⁹⁶ Lucas Gabriel Christel, 'Resistencias sociales y legislaciones mineras en las provincias argentinas: los casos de Mendoza, Córdoba, Catamarca y San Juan (2003-2009)' (doctoral thesis, Universidad de San Martín 2015).

⁹⁷ *ibid.*

⁹⁸ Hector Oscar Nieva, 'Variación de parámetros geoquímicos, río Vis Vis, Catamarca, Argentina, causas y consecuencias' (Master thesis, Instituto Nacional Politécnico de Lorraine 2002).

⁹⁹ Darío Aranda, 'Andalgalá, la ciudad que fue concesionada' (*Página 12*, 29 March 2010) <<https://www.pagina12.com.ar/diario/elpais/1-142860-2010-03-29.html>>.



mining project in Agua Rica also escalated, despite it had been planned with relative social peace until then.

While the alignment between the national and provincial government continued steadily since the nineties on, the local government started to show some concessions to the growing citizen opposition and left the position of total support the provincial and national counterparts still showed. Both the mayor and the local council proposed referendums to give neighbors the formal opportunity to express themselves about the project. None of these initiatives were formally implemented. But in the elections of 2011, the winning mayor was the candidate that had publicly declared himself against the Agua Rica project and that endorsed the mandate to protect natural resources.

From that moment on, the local government differed sharply from the pro-mining discourse and actions that the provincial and national governments endorsed. The city's legislative council unanimously sanctioned an ordinance prohibiting open-pit metal mining activity. This was a powerful political signal, even though the local government has no jurisdictional authority over natural resources and therefore the capacity of such ordinance to effectively prevent mega-mining in the territory is null. The provincial government did not directly endorse the position of the assembly, but social pressures and the support from the local government finally forced the judiciary to stop all activities at the Agua Rica site.

Famatina is an Argentine town with 2,466 inhabitants in the northern section of the Province of La Rioja.¹⁰⁰ This is a region with a significant production in agriculture and booming tourism even though water is incredibly scarce.¹⁰¹ The populations settled in this region developed techniques that allow them to use water efficiently, thus creating a special relationship and an acute awareness of its importance as a scarce resource. This is a key factor in understanding the rapid reaction of people to a mining project that required to use huge amounts of water.

The city neighbors of one of the oldest mines in the country: La Mejicana, an underground gold mine exploited until the early twentieth century when it became economically inefficient. The ruins of this mine remain atop the snow-capped mountains of Famatina as a reminder to the community that gold is gone, but a contaminated site is still there.

For decades, there was no talk about mining in Famatina until a boom in the prices of minerals, new technologies, and legislative changes began to attract large transnational companies.¹⁰² During the early 2000s, the national government strongly supported mining activities, and the Governor of the province initiated talks so that Barrick Gold could begin to exploit the Famatina mountain. In 2004, the Vice President of the Barrick for Latin America, the Governor, the Vice

¹⁰⁰ Instituto Nacional de Estadística y Censos (INDEC), 'Tablas abreviadas de mortalidad por sexo y edad 2008-2010. Total del país y provincias' (INDEC, Serie Análisis Demográfico N° 37, 2013).

¹⁰¹ Ministerio de Hacienda y Finanzas Públicas, 'Informe Productivo Provincial: La Rioja' (República Argentina 2016).

¹⁰² Lucas Gabriel Christel and Laura Álvarez, 'La puerta de entrada al capital extranjero en el sector minero argentino. Análisis del debate de la ley de Inversiones Mineras (1993)' (2011) 259 Realidad Económica 106.



Governor, and the mayors of the neighboring towns of Chilecito and Famatina signed the contract to begin operations. Up to that moment, there was a clear alignment of all relevant actors to promote the new mining project.

The provincial government and the company promised to deliver accurate information on environmental protection policies, to work together with the neighboring communities, and to create several direct and indirect jobs to promote economic development for the entire region. However, cooperation was practically nonexistent: while the provincial government began operations with the mining company, the neighboring population was not consulted or informed about the exploitation, its implications, and progress.

Concerned and aware of the nearby experience of Bajo la Alumbraera, neighbors of Famatina began to learn about open pit mining and to organize opposition against the project. In May 2006, two years after the presentation of the project, they created the Famatina Assembly with the purpose of preventing the beginning of mining operations, as they believed the activity would not bring any progress to the community.

The Mayor of Famatina, who had been present at the time the contract was signed and initially supported the exploitation of the mine, at first distrusted the assembly and its objectives. But soon he learned about the negative impacts of this type of mining and took notice of the important social opposition. He then switched sides and stopped supporting the project and instead backed all the activities the assembly carried out. He coordinated the first blockade against Barrick to prevent its vehicles from reaching the mine.¹⁰³ As a result, the local government ended up actively opposed to the other levels of government.

After a series of failed meetings with provincial officials, the assembly members and the local government launched an active resistance to prevent the exploitation of Famatina. Together, they first expelled Barrick Gold, then Shandong Gold, Osisko, and Midais, until Famatina was finally declared a National Park.

Assessment of the Practice

Cities near large mining projects directly suffer all the social and environmental impacts of this type of economic activity, receiving only a small part of the benefits, being them jobs, royalties, or industrial activity. Local governments, as direct representatives of those communities, are often tensioned between popular demands and the political loyalty to the Governor (and the President).

¹⁰³ Campanas de Palo, 'Lidoro Leiva en el recuerdo de Carina Díaz Moreno' (*Campanas de Palo*, 31 March 2015) <<http://campdepalo.blogspot.com.ar/2015/03/lidoro-leiva-en-el-recuerdo-de-carina.html>> accessed 21 December 2019.



When installing a new open pit mine, coordination between the three levels of government is essential. In our two cases, there was a clear alignment between the federal and the provincial governments of Catamarca and La Rioja to favor mining activities in the Agua Rica and Famatina projects. Local governments, on the contrary, were more conditioned by the strong opposition of directly affected neighboring communities. In Famatina, the local government supported the Famatina Assembly from the very beginning, while in Andalgalá it changed positions, first from favoring the activity, then to a neutral one, and ends up declaring itself against open pit mining. Thus, while in Famatina the four mining companies were ousted before starting drilling, in Andalgalá, a slower social organization process, the strong presence of Alumbreira, and a more reluctant municipal support only managed to prevent operations at Agua Rica through judicial decisions taken when the mining equipment was ready in the fields.

In sum, the positioning of the local government is of strategic importance. It can either cooperate with the provincial and national governments and the companies and try to demobilize social opposition to guarantee some relative social peace to favor mining; or it can instead support and empower citizen mobilization, making it highly probable that new mining projects will not be implemented.

An important question to address in future research is regarding the causes that explain the differential positioning of local governments when confronted with such conflictive situations. We suggest that it might relate to how local and urban populations have distinct access to resources. For example, in an urban context the availability of information, of networks of diverse actors, the state capacity and the accessible institutions will probably be far more than in a rural context. This would give the contesting communities in a city a wider range of paths to go to fulfil their objectives. In our case we see that while the small town of Famatina seems to only have the option of direct action where the support of the mayor is of crucial importance, in Andalgalá they used different ways to protest the mining project, pursuing the judicial route, for example, where they didn't depend on the clear positioning of the mayor.

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5.3. Intergovernmental Relations in Environmental Policy

Paola Gevaerd, *Universidad Nacional de San Martín*

Relevance of the Practice

Environmental policy has been a controversial issue when addressing the possibilities of development in Argentina, due to the contradictions between environmental protection and the productive specialization of the country in international trade. There is a permanent tension between exploiting natural resources for exporting them in the international market and their local use by communities which live in that environment. That tension translates into policy demands towards national and subnational governments¹⁰⁴ and has social and economic consequences on development.¹⁰⁵

In recent years, the Secretary of Environment and Sustainable Development of Argentina determined that the high levels of deforestation in the country were the consequence of agricultural and livestock activities.¹⁰⁶ In 2007, the Federal Congress sanctioned the Law 26.331 or Native Forest Law (NFL) and gave the Environment Federal Council (COFEMA) the authority to establish the provincial obligations in environmental policies. In particular, and as a result of the native forest, provinces have to implement and regulate the Native Forests Territorial Planning (NFTP). This law sets ecological, social, and productive conservation categories for the implementation of NFTP. It also fixes national level standards on the matter (Articles 41 and 124 of the Argentinian Constitution) and obliges Argentina to give access to information on its environment following international regulations.¹⁰⁷

¹⁰⁴ As of the constitutional reform of 1994 in Argentina, subnational states have the original domain of natural resources.

¹⁰⁵ Kalyani Robbins. *The Law and Policy of Environmental Federalism. A Comparative Analysis* (Edward Elgar 2015); Marta S Juliá, 'La Ley de Protección del Bosque Nativo en Argentina: Algunos Impactos Jurídicos e Institucionales del Proceso de Implementación' (2010) 6 *Pampa: Revista Interuniversitaria de Estudios Territoriales* 169; Kirsten Engel, 'Environmental Federalism: A View from the United States' (discussion paper no 15-28, *Arizona Legal Studies* 2015); Ricardo A Gutiérrez and Fernando Isuani, 'Luces y sombras de la política ambiental argentina entre 1983 y 2013' (2013) 7 *Revista S A A P* 317.

¹⁰⁶ SAyDS – Secretary of Environment and Sustainable Development, 'GEO Argentina 2004' (Ministry of Health and Environment and United Nations Environment Programme 2006) <<http://www.ecopuerto.com/Bicentenario/informes/GEOArgentina2004.pdf>>.

¹⁰⁷ Rio Declaration on Environment and Development of 1992, Rio Agreement on Environment and Sustainable Development, Escazú Agreement, Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and Caribbean. Juan Martín I Azerrat, 'El Acuerdo Escazú y la accesibilidad a derechos ambientales en la Provincia de Río Negro,



However, the NFLN had also consequences for the most vulnerable sectors living in rural areas and using natural resources for subsistence. This is mainly due to the lack of information and monetary resources required by the state bureaucracy to grant permits for the use of natural resources. The law also meant an increase in the cost of access to legal advice, because the formal requirements for its use do not differentiate between actors or the final use of natural resources. Only the well-informed and resource-capable actors can use the land and therefore also to the social benefits provided by law, mainly harming the populations that use it as a means of subsistence. This practice demonstrates the complex intergovernmental relations in this area.

Also, this practice connects with local finance and local structures, because the provinces receive funds for the application of the national forest law in their provincial territories and this is directly related to local structures. The provinces that are more dependent on natural resources applied this law more quickly.¹⁰⁸ Furthermore, as of the sanction of the national law, the provinces could not deforest until they have applied their corresponding provincial laws.

Description of the Practice

One of the main incentives that led to the approval of the native forest was the economic compensation of the National Fund for the Enrichment and Conservation of Native Forests (NFECNF), a promise for all provinces once they have implemented the territorial ordering of native forests.¹⁰⁹ Articles 30 and 31 regulate the compensation of environmental services through Non-Reimbursable Donations (ANR) to all subnational states that carry out processes of conservation of native forests.

Article 32 of the law establishes the amounts to be received by the provinces for environmental services, subject to the number of hectares with the highest degree of conservation.

In 2010, the central government assigned an item in the national budget to the provinces under the NFECNF. Applicants must submit forest management plans ranging from 10 to 15 years to ensure continuity of resources to beneficiaries. The main objective is to guarantee constant assistance and sustainable production over time. Any type of private sector activity that has an impact on the native forest must have prior authorization from the Forest Directorate. The sectors that have the greatest influence on deforestation and environmental degradation are agriculture and livestock.¹¹⁰

¹⁰⁸ MAdyS Ministry of Environment and Sustainable Development, 'Law no 26,331 on Minimum Budgets for the Environmental Protection of Native Forests. Implementation status summary report' (2016) <https://www.argentina.gob.ar/sites/default/files/informe_de_implementacion_2010_-_2016.pdf>.

¹⁰⁹ Made up of 2% of withholdings on exports and 0.3% of the Government Budget.

¹¹⁰ MAdyS Ministry of Environment and Sustainable Development 'Causas e impactos de la deforestación de los bosques nativos de Argentina y propuestas de desarrollo alternativas' (MAyDS 2020)



In turn, an agronomist or forestry engineer must prepare a management plan and present it at the headquarters of the Forest Directorate or at its delegations in the province, according to the requirements and procedures established for each activity.

In general terms, the NFLN assumes that the target community is in a position to request permits and authorizations, and that the role of the provincial state is to meet those demands. Demand is what guides the destination of funds.

While medium and large producers (those having more than 2,000 hectares) have access to permits and the benefits of the native forest law, indigenous and local communities do not. In most cases, it is due to problems in the access to information and in others due to the legal conditions of land tenure required for the granting of forest management plans.

The native forest law provides mechanisms to support small producers and peasant communities,¹¹¹ through comprehensive community plans. However, the national state does not have legal mechanisms to require provincial governments to effectively allocate funds to rural communities, and provincial governments justify this practice arguing that the national government does not meet the compromised budget obligations.

Assessment of the Practice

To date, all provinces have implemented their NFTP. One of the objectives of the NFL was the implementation of the NFTP to stop the deforestation derived from Argentina's productive specialization. But it also sought to have a social impact due to the fact that communities that use forests' natural resources as a means of subsistence suffer the damage caused by deforestation. This mainly occurs in the Parque Chaqueño region where the administrative units (departments) most affected by deforestation had a high percentage of indigenous population.¹¹² In Salta, three departments where 131 indigenous communities live represent 21 per cent of the total deforestation nationwide.¹¹³ In the Province of Formosa, only one department with 46 indigenous communities concentrates 12 per cent of the national total.¹¹⁴

<https://www.argentina.gob.ar/sites/default/files/desmontes_y_alternativas-julio27_0.pdf> and SCCDSel Secretary of Climate Change, Sustainable Development and Innovation, 'Tercer informe bienal de actualización de la República Argentina a la Convención Marco de las Naciones Unidas para el Cambio Climático' (2019) <<https://www.argentina.gob.ar/ambiente/cambio-climatico/tercer-informe-bienal>>.

¹¹¹ Art 21 of the Native Forests National Law no 26,331/2007.

¹¹² Data from deforestation: Ministry of Environment and Sustainable Development (MayDS) and data base for monitoring deforestation in the Argentine Gran Chaco. Built by the Laboratory of Regional Analysis and Remote Sensing of the Faculty of Agronomy of the University of Buenos Aires (UBA), the National Institute of Agricultural Technology (INTA) and the Chaco Argentina Agroforestry Network (REDAF). Data from indigenous communities: National Institute against Discrimination, Xenophobia and Racism (INADI).

¹¹³ Santa Ana, Orán and Rivadavia departments.

¹¹⁴ Patiño department.



In the Province of Chaco, the second department with the highest levels of deforestation accounts for 5 per cent of the national total and 36 indigenous communities live in it.¹¹⁵

Despite the law, the latest report from the Ministry of Environment and Sustainable Development reveals that from its implementation until 2018, 2.8 million hectares of native forests were lost; 87 per cent of them corresponding to the Parque Chaqueño. The main cause is the preparation of the soil for agricultural production.¹¹⁶ Any regulation of the forest could hinder this activity. Hence, the flexibility of the regulation in the provinces with higher levels of deforestation is because the application of the NFTP has an economic incentive behind, access to the NFECNF. Then, the areas could be recategorized, mainly those of medium conservation value¹¹⁷ and thus 'avoid blame'.¹¹⁸

The provinces applied different criteria to legislate their NFTP. These must be carried out by public consultations according to ecological, productive and social criteria. Therefore, according to the conservation category, the areas should be classified according to the conservation value in different colors.¹¹⁹ However, according to the demand for land use, the provinces have varied these criteria, classifying areas with lower conservation value to allow deforestation under apparently legal conditions.¹²⁰

In sum, it is essential to review the actions of the national state regarding the implementation of the NFL in the provinces, mainly in the Parque Chaqueño, since it currently concentrates 64 per cent of the total native forests in the country,¹²¹ 69 per cent of deforestation in 2019,¹²² 50 per cent of the indigenous population,¹²³ and the highest record of social conflicts

¹¹⁵ General Guemes department.

¹¹⁶ MAdS – Ministry of Environment and Sustainable Development, 'Causas e impactos de la deforestación de los bosques nativos de Argentina y propuestas de desarrollo alternativas' (MAdS 2020).

¹¹⁷ The provincial laws that regulate the NFTP allow the recategorization of conservation areas. In the provinces of the Chaqueño Park this is reflected in: Art 3 Provincial Law 6942; Art 13 Provincial Law 6409; Art 3(g) Provincial Law 1552 and Art 8 Provincial Law 7543.

¹¹⁸ Ricardo Gutiérrez and Guillermo V Alonso, 'Gobierno municipal y coordinación interjurisdiccional de políticas públicas' (2018) 18 Documentos y Aportes en Administración Pública y Gestión Estatal 80, cited in Lucas Figueroa, 'Coordinación Intergubernamental en políticas ambientales. La ley de Bosques Nativos en las regiones forestales: Parque Chaqueño y Bosque Andino Patagónico' (2019) 19 Revista documentos y aportes en administración pública y gestión estatal 7.

¹¹⁹ Red, higher conservation value; yellow, medium conservation value; and green, low conservation value.

¹²⁰ Jorge Adámoli, Rubén Ginzburg and Sebastián Tortella, 'Escenarios productivos y ambientales del Chaco Argentino: 1977-2010' (FCEN-UBA and Fundación Producir Conservando 2011); Quispe Merovich, C and Lottici, MV 'Los desafíos del Ordenamiento Ambiental del Territorio y los Servicios Ecosistémicos en la Ley de Bosques Nativos. In Laterra P

¹²¹ MAdS and data base for monitoring deforestation in the Argentine Gran Chaco. Built by the Laboratory of Regional Analysis and Remote Sensing of the Faculty of Agronomy of the University of Buenos Aires (UBA), the National Institute of Agricultural Technology (INTA) and the Chaco Argentina Agroforestry Network (REDAF).

¹²² Data of Global Forest Watch, <<https://www.globalforestwatch.org/>>.

¹²³ National Institute against Discrimination, Xenophobia and Racism (INADI).



associated with land grabbing by foreigners.¹²⁴ In addition, it represents 46.2 per cent of the 51.2 million hectares under NFTP.

In 2011, COFEMA determined the areas most affected by deforestation to carry out a focused conservation program: 'Native Forests and Community' approved on 11 August 2015, by decree no 1645/2015.¹²⁵ The funds come from a World Bank loan executed by 'Programa de las Naciones Unidas para el Desarrollo (PNUD)' (94 per cent) and the rest are national funds through the Secretary of Environmental Policies and Natural Resources.¹²⁶ The objective of the program is to promote productive use through the implementation of sustainable forest management plans that benefit small producers, native communities and peasants through comprehensive community plans, where it works with close families, generating an economic circuit of activities and resources provided by the Native Forest to promote its conservation.

Although this is also the objective of the LB (Article 2(c)), the NFECNF finances livestock and forestry activities. However, the Nation cannot require the provinces to allocate funds especially to the communities.¹²⁷ The Nation-Province tension is found in the conservation requirements that derive from the National enforcement body towards the Provincial, while the funds for this to happen have not historically arrived since the Law was applied in the province.

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¹²⁴ Agostina Costantino, 'La extracción del territorio. Extranjerización de la tierra y modo de desarrollo en Argentina (doctoral thesis, FLACSO 2015). Mexico observes that 55.5% of all social conflicts derived from land grabbing by foreigners throughout the country were concentrated in the northwest and northeast on average>.

¹²⁵ Available at <<https://www.argentina.gob.ar/normativa/nacional/decreto-1645-2015-250572/texto>>.

¹²⁶ Available at <<https://www.ar.undp.org/content/argentina/es/home/projects/bosques-nativos/>>; <<https://www.argentina.gob.ar/ambiente/bosques/comunidad>>.

¹²⁷ Interview carried out with executing technicians of the Native Forests and Communities program, Ministry of the Environment of the Argentine Nation.



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5.4. When Governors Resist in their Territories: Intergovernmental Conflicts Related to Federal Labor Legislation

Lucas González, *Universidad Nacional de San Martín*

Relevance of the Practice

Under what conditions are intergovernmental relations cooperative or conflictive? When do subnational units comply with federal regulations and under what conditions do they resist them? Are there effective mechanisms of conflict resolution and follow-up procedures securing the actual implementation of decisions?

In 2011, Argentine President Cristina Fernandez de Kirchner sent to the National Congress a bill for implementing the so-called Agrarian Labor Regime (informally known as the ‘new statute of the rural laborer’). The bill defined federal regulations related to labor rights in the agricultural sector across the country (such as minimum wage, the maximum of eight hours of working day, paid vacations, prohibition of child labor, appropriate working conditions, among others).¹²⁸ The most controversial aspect of the new bill was who was in charge of auditing and control: until then, these functions were outsourced to a private company and very much controlled by large agricultural companies in the provinces, in collusion with the rural union (UATRE)¹²⁹.¹³⁰ In the new bill, the federal government would be in charge of controlling compliance with the federal laws.

Some governors and provincial senators from provinces with large plantations immediately resisted the bill in Congress.¹³¹ Despite these pressures, the PJ (Justicialista Party) faction in government (the Victory Front, or FPV) got the numbers it needed and the federal legislation was passed into law 26,727 (Agrarian Labor Regime) in December 2011. After the session in

¹²⁸ These rights had been established in 1944 but were later abolished by a law during the military dictatorship in 1980.

¹²⁹ In an interview with a high-ranking official of the Federal Ministry of Labor on 24 July 2019, he claimed that ‘you wouldn’t notice the difference between the businessman and the union leader’.

¹³⁰ Sebastián Premici, ‘Con todos los derechos de los otros trabajadores’ *Página 12* (22 December 2011); — — *De Patronos y Peones* (Acercándonos Ediciones 2016); Interview with high-ranking official in the area of Labor Policy Planning, Federal Ministry of Labor (Buenos Aires, 22 November 2018); Interview with FT, Resistencia (Chaco, 5 April 2019); Interview with high ranking official in the area of Labor Relations, Federal Ministry of Labor, and the National Commission of Agricultural Work (Buenos Aires, 24 July 2019).

¹³¹ Premici, ‘Con todos los derechos de los otros trabajadores’, above; Interview with the two high ranking officials of the Federal Ministry of Labor (22 November 2018 and 24 July 2019); Interview with former Governor of Chaco (5 April 2019).



Congress, the Federal Minister of Labor, Carlos Tomada, declared ‘those who opposed the bill the most were those who always had an attitude of disregard and exploitation of rural workers (...) reaching extreme situations of degradation and slavery (...). This is the economic sector with the largest share of informal labor in the country’ and ‘the previous legislation did nothing to revert that’.¹³²

After losing the battle in Congress, governors of large plantation provinces played a key role in resisting federal control of this legislation in their territories. These provincial governments were ‘committed to protect the productive sector’ and were ‘worried about the impact on production’, arguing also that ‘people (in the province) make a living out of this’.¹³³

Description of the Practice

Which provinces cooperated with the federal government? Which ones conflicted against it? We evaluated the implementation of this federal labor law in two provinces: Chaco and Corrientes. These two are neighboring provinces, historically, economically, and culturally connected, only separated by the Paraná river. In spite of these similarities, Corrientes’s economy is mostly agrarian, based on large plantations. The main economic products are traditional crops such as rice, tea, yerba mate, and tobacco. It produces about 70 per cent of the dark tobaccos in the country, almost 50 per cent of the total rice, and about 15 per cent of the total yerba mate.¹³⁴ Chaco, on the contrary, has a large public sector and historically small agricultural production units, mostly cotton and quebracho. The province had 73 public employees every 1,000 inhabitants in 2015 (Corrientes had 54; the average for the three largest provinces in the country was 38). Agricultural employment represents only 10 per cent of total employment in 2014.

As a result of this economic structure based on small agricultural production units, Chaco’s political elites faced fewer pressures from the agri-business sector and had more political autonomy in relation to policies that affect it, such as the regulation of labor rights in the province. Political elites in Corrientes, on the contrary, faced more pressures from agricultural elites, which occupied key positions in the cabinet, such as the Ministry of Production.¹³⁵

We interviewed one of the federal supervisors of the RENATRE (National Registry of Rural Workers and Employers) who examined work conditions in the agricultural sector and assessed compliance with federal labor laws in Chaco and Corrientes. He stressed that ‘the provincial

¹³² — — ‘Satisfacción de Tomada’ *Página 12* (22 December 2011).

¹³³ Interview with high ranking official in the area of Labor Relations, Federal Ministry of Labor, and the National Commission of Agricultural Work (Buenos Aires, 24 July 2019).

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¹³⁵ Lucas González and Marcelo Nazareno, ‘Resisting Equality: Subnational State Capture and the Unequal Distribution of Inequality.’ (2021) *Comparative Politics* <<https://doi.org/10.5129/001041522X16185909705013>>.



government helped (implementing and complying with federal labor laws) in Chaco' (Franco Capitanich, cousin of the Governor, was in the area of the provincial government coordinating with federal supervisors). When asked about the situation in Corrientes, he replied: 'In Corrientes no; it's complicated in Corrientes. The provincial political power could not be in favor of something that went against their interests'.¹³⁶

Assessment of the Practice

Despite provincial resistance, in a simple but perhaps revealing indicator, Corrientes had 1,399 sanctions due to failure to comply with federal labor regulations.¹³⁷ Chaco has 48 per cent fewer sanctions than Corrientes (it had 945 sanctions). Provinces of equivalent population have values close to those of Chaco (Santiago del Estero has 913 and Misiones 746 sanctions). We conducted a similar search in April, 2019 and the results are quite consistent: Corrientes had 1,392 sanctions and Chaco 938.¹³⁸ These results have notable implications for workers, especially informal laborers, in rural areas: conflicts between units of governments affect how federal labor regulations are implemented across the territory.

The cases we analyzed show that provinces with more influential economic elites have lower compliance with federal laws, more conflicts with the federal government, and more repression of federal labor rights. This is so because provincial economic elites resisted redistributive politics in Corrientes more than in Chaco, where the province complied with and supported federal labor laws.

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¹³⁶ Interview with FT, Resistencia (Chaco, 5 April 2019).

¹³⁷ Data collected from the Public Registry of Employers with Labor Sanctions (REPSAL), during October and November, 2018; accessed 27 November 2018.

¹³⁸ REPSAL site, <https://www.argentina.gob.ar/trabajo/repsal>, accessed 4 April 2019.



People's Participation in Local Decision-Making



6.1. People's Participation in Local Decision-Making in Argentina: An Introduction

Romina Del Tredici, *Universidad Nacional de San Martín and Universidad Católica de Córdoba*

In Argentina, the incorporation of mechanisms of direct democracy into its legal framework is recent and was not due to a demand from society for greater participation and transparency, but it rather was part of a package of reforms promoted in 1994 by the national government with the aim of convincing voters and enabling presidential reelection.¹³⁹ The main mechanisms are: referendums and popular consultations, popular legislative initiative, revocation of mandate, popular juries, public hearings, and participatory budgets. The main aim of these institutions is mainly propositional, although depending on specific regulation, they can also be informative, consultative and, in some cases, it can mandate a decision.¹⁴⁰

In recent decades, direct democracy mechanisms occupied an important place in the political agenda, due to three main processes: the aforementioned constitutional reform promoted by leaders who sought to eliminate institutional obstacles to stay in power; the crisis of representative democracy, with the increase of citizens' distrust in politics and increasing protests; and the decentralization process, which allocated greater powers to subnational levels of government and increased the relevance of participation mechanisms for citizens.¹⁴¹

Despite this common context, the institutionalization of participatory democracy mechanisms shows uneven development in Argentina. The national Constitution makes tacit reference to direct democracy mechanisms but does not regulate their functioning at the national, provincial, or local level. In the last three decades, the legislation that formally institutionalized the mechanisms of direct democracy was fundamentally developed at the municipal level. In most cases, they were formalized in the provincial constitutions and provincial laws for municipal regimes (municipal organic laws), while in others, they were regulated by municipalities in their organic charters.¹⁴²

In the Province of Buenos Aires, the municipal organic law does not refer to the mechanisms of direct democracy but the Constitution of the province and the City of Buenos Aires enshrine these instruments. In some cases, the provinces explain the procedures necessary for their implementation or in others they indicate the need to pass a law that establishes specific

¹³⁹ Yanina Welp, 'La participación ciudadana en la encrucijada. Los mecanismos de democracia directa en Ecuador, Perú y Argentina' (2008) 31 *Íconos* 117, 127.

¹⁴⁰ María Laura Eberhardt, 'Acerca de la participación y la protesta social en Argentina' (*Diagonales*, 15 July 2019) <<https://diagonales.com/contenido/acerca-de-la-participacin-y-la-protesta-social-en-argentina/15542>> accessed 21 December 2019.

¹⁴¹ Welp, 'La participación ciudadana en la encrucijada', above, 118.

¹⁴² José Guillermo García, 'Los mecanismos de democracia directa como procedimientos institucionales de participación ciudadana en Argentina' (2009) 51 *RMCP* 77, 88.



conditions. The legislation of the provinces of Catamarca, Entre Ríos, La Pampa and Santiago del Estero scarcely mentions these mechanisms. In Santa Cruz, San Luis, Salta, and Tierra del Fuego there is not even mention of the three main mechanisms: referendum, revocation of mandate, and popular legislative initiative. However, a significant number of municipalities established in their organic charters some instruments that directly appeal to citizens. The Constitutions and Municipal Organic Laws of Mendoza and Santa Fe do not mention direct democracy mechanisms. The capital municipalities of these provinces have not yet approved their organic charters, where they could include these mechanisms, in accordance with the principle of municipal autonomy enshrined in the national Constitution of 1994. At the other extreme, Catamarca, Córdoba, Chubut, Chaco, and Río Negro show a greater development of the mechanisms of direct democracy in their Constitutions, Municipal Organic Laws, and Organic Charters. They are regulated in such a detail that it is unnecessary to regulate them in specific ordinances.¹⁴³

While recognizing the increasing relevance of this legislation in Argentina, all direct democracy mechanisms have obvious limitations as a source of access for citizens to the political system. In the first place, many of the procedures need to be activated or mediated by state powers (the executive and legislative branches).¹⁴⁴ Second, the requirements of large investments in time and money usually cause apathy and lack of commitment in citizens. In this context, motivations for mobilization are temporary, and they dissolve once individual demands have been met.¹⁴⁵ Finally, in many cases the leaders resorted to these mechanisms to overcome the checks imposed by other State powers, strengthening what O'Donnell defined as 'delegative democracy'.¹⁴⁶

All these criticisms of the effectiveness of institutionalized forms of participation mechanisms have a correlation in the importance of other non-institutionalized or spontaneous forms of citizen participation in Argentina. The fact that we call them non-institutionalized does not mean that they lack any organization, direction, incentive or promotion. It only means that they do not emerge from a legal regulation (at most it is restricted by it). Unlike institutionalized participation that is mainly propositional, the non-institutionalized forms have an accountability role and tend to be critical to formal political decisions.¹⁴⁷

Popular demonstrations in public spaces have been gaining ground since the late 1990s and the historic mobilization in the 2001 crisis, which led to the resignation of the President.¹⁴⁸ These movements show not only the existence of a citizenry capable of mobilizing and

¹⁴³ *ibid* 90.

¹⁴⁴ *ibid* 93.

¹⁴⁵ María L Eberhardt and others, 'Mecanismos de Participación y Control Ciudadano en la Argentina' (FSOC 2008).

¹⁴⁶ Welp, 'La participación ciudadana en la encrucijada', above, 118.

¹⁴⁷ María Laura Eberhardt, 'Acerca de la participación y la protesta social en Argentina' (*Diagonales*, 15 July 2019) <<https://diagonales.com/contenido/acerca-de-la-participacion-y-la-protesta-social-en-argentina/15542>> accessed 21 December 2019.

¹⁴⁸ *ibid*.



contesting governments. They are also a new form of collective action, legitimate ways of channeling demands, especially those for decent jobs, material goods, and social services. Governments have tended to respond to them through the delivery of social programs, mostly designed to contain these conflicts.¹⁴⁹

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¹⁴⁹ Maricel Rodríguez Blanco, 'Participación ciudadana no institucionalizada, protesta y democracia en Argentina' (2011) 40 Íconos 89.



6.2. Participation in an Environmental Conflict in Malvinas Argentinas, Cordoba Province

Romina Del Tredici, *Universidad Nacional de San Martín and Universidad Católica de Córdoba*

Relevance of the Practice

This practice is an example of an inclusive direct participatory processes of local decision-making, both formal and informal, and of multilevel cooperation and balancing of interests among urban (ULGs) and rural local governments (RLGs). It also shows the interplay and linkage between informal and formal participatory mechanisms throughout the process. It also allows us to study the main factors that influence inclusive participation of less powerful and marginalized social groups (such as women and poor citizens) in urban and rural settings and how participation impacts on other principles of good governance (accountability, rule of law, transparency, equality and non-discrimination, responsiveness) in both ULGs and RLGs.

The most substantive aspect of this case is that it is an example of (i) citizen activation against the state and a multinational company for failing to comply with the environmental law; (ii) politicization of dispersed social sectors; (iii) women's relevant role; (iv) activation of informal participation mechanisms, despite the existence of formal ones.

Description of the Practice

In Argentina, the exponential expansion of transgenic crops and the increasing use of glyphosate as a pesticide led to controversies around their production and consumption. In this context, this section analyzes an emblematic case of citizen participation and protest during four years against the construction of a transgenic seed plant in Malvinas Argentinas, a town of 12 thousand inhabitants located 14 kilometers from the capital of the Province of Córdoba (the second most populated province in the country). A group of neighbors carried out a judicial and social process against a powerful economic sector that seemed asymmetrical at the beginning but in which results were important. Women played a critical and relevant role in this struggle.¹⁵⁰

Malvinas is a city surrounded by crops, it is a hybrid place, neither completely urban nor rural where there are not many jobs available. In June 2012, Monsanto announced the construction

¹⁵⁰ María Eugenia Ludueña, 'Malvinas Argentinas, el pueblo cordobés que venció a Monsanto' (*Chequeado*, 29 Mar 2017) <<https://www.chequeado.com/investigacion/malvinas-argentinas-el-pueblo-cordobes-que-vencio-a-monsanto/>> accessed 21 December 2019.



of one plant for processing corn seeds that would create employment for 400 people at the construction stage and could reach 800 when fully operating. Conditions for the company were quite ideal: the city has access to the natural gas network, connections to main provincial and national roads, reliable sources of water, and had a poorly organized population, with low levels of qualifications and very much in need for jobs.¹⁵¹ However, based on a combination of formal and informal participation mechanisms, local residents managed to stop the construction of the plant and prosecute public officials who failed to comply with environmental laws.

The conflict involved the three levels of government and three political parties: the President of the Nation, member of the *Frente para la Victoria* party, who announced the construction of the plant; the Ministry of Environment at the provincial level, where the *Unión por Córdoba* party ruled; and the municipality governed by a mayor from the Radical Civic Union (or *Unión Cívica Radical* in Spanish, UCR).¹⁵²

The National Environment Law (no 25,675) gave the legal framework for this case. This law establishes 'the minimum standards for the achievement of a sustainable and adequate management of the environment'. Those affected by the construction of the Monsanto plant relied on two aspects of this law. The first indicates that 'any work or activity (...) will be subject to a procedure of environmental impact assessment, prior to its execution'. The second one states that 'every person has the right to be consulted and to give her opinion on administrative procedures that relate to the preservation and protection of the environment.' In order to achieve this, authorities must institutionalize consultation or hearing procedures and the opinion expressed therein will not be mandatory for the authorities; but authorities must defend their decisions publicly in case they take actions contrary to the interests expressed in these consultation or hearing procedures.

Moreover, the Environmental Policy Law of the Province of Córdoba (no 10208) 'complements the minimum standards established in National Law'. It determines that the enforcement authority has to carry out the Environmental Impact Assessment process prior to the execution of any public and private operation. The evaluation procedure includes technical studies and the opinions arising from public hearings or any other citizen participation mechanism.

Malvinas Argentinas does not have an Organic Charter, so it is ruled by the Municipal Organic Law of the Province of Córdoba (no 8102). As stated earlier, Córdoba is one of the provinces that has made the most progress in the legislation related to citizen participation mechanisms. The Municipal Organic Law identifies as popular participation mechanisms the popular initiative, the referendum, the public hearings, and the revocation of mandate.

The announcement that Monsanto decided to invest in the city divided opinions in the community, even within each family. Some people argued that the city needed jobs and a

¹⁵¹ *ibid.*

¹⁵² *ibid.*



company that promoted its growth. Others organized the first meetings of neighbors to oppose its arrival into the city. With the participation of activists and environmental organizations, citizens organized protests, demonstrations, and assemblies and blocked the entrance to the site where the construction of the plant would take place for three years. In this fight against Monsanto, women had a relevant role: The assembly 'Malvinas Struggles for Life' had 70 per cent women among its members.¹⁵³ Also the main members of the assembly were women, who organized the blockade and took charge of daily activities such as preparing food, sleeping, and taking care of kids. Furthermore, the main institutional link with the assembly was the Mothers' Association of Ituzaingó, which led a similar judicial process against fumigations of pesticides that did not comply with legal regulations. Without going into details about the motivation of women to participate more than men, we can say that, in the recent history of Argentina, mothers have a central role in the 'fight for life'.¹⁵⁴

The first action of the neighbors was the dissemination of information about the trials that Monsanto lost in other countries. Then they formed the assembly 'Malvinas Struggles for Life.' Through it, neighbors requested the municipality to stop the works of the company until the environmental impact studies were carried out and a public hearing was convened to express their opinion, as established by the Environment Law. Several organizations and the main universities of the province also recommended the suspension of activities as a precautionary measure, although there was not enough scientific evidence to prove the environmental damage.¹⁵⁵

In September 2012, the residents filed an environmental protection action against the Municipality and a group of lawyers denounced the public officials who authorized the company to begin the construction of the plant without environmental impact studies. In February 2013, the court ordered to suspend the construction of the plant. The mayor and Monsanto appealed to the Superior Court of Justice of Córdoba, which decided that the works of the company could continue, but it also established that the company had to comply with environmental regulations. As a reaction, the assembly members decided to block the entrance of the plant. In September 2013, neighbors organized a march and a music festival, both under the slogan 'No to the installation of Monsanto in Cordoba and Latin America,' at which more than ten thousand people attended.¹⁵⁶

In the 2015 elections, a group of members of the assembly decided to bring the conflict into the partisan competition. They competed against traditional parties for the municipal elections under the Malvinas Despierta party. Although they lost by 400 votes in an 8,000 voters'

¹⁵³ *ibid.*

¹⁵⁴ Claudia Korol, 'Presentación: Socializar las resistencias, construir la memoria colectiva' in Patricia Agosto (ed), *Malvinas: Un pueblo en lucha contra Monsanto* (Ediciones América Libre 2014) <<http://livrozilla.com/doc/1427789/malvinas-un-pueblo-en-lucha-contra-monsanto>> accessed 21 December 2019.

¹⁵⁵ Ludueña, 'Malvinas Argentinas, el pueblo cordobés que venció a Monsanto', above.

¹⁵⁶ *ibid.*



election and the UCR retained power, the assembly members got three local council seats out of a total of seven. They ended up being the main opposition force.¹⁵⁷ The traditional parties (UCR and PJ, which obtained third place) did not oppose the installation of the plant in Malvinas.¹⁵⁸

During the blockade to the construction site there were attempts to evict and the police repressed forcefully several times. The assembly members also reported intimidations by the Construction Workers Union. At the same time, they received messages of support from local environmental organizations from Famatina, Gualeguaychú, Esquel, and others from France, Italy, and Uruguay. Universities and other social organizations supported the struggle, such as the Grandmothers and Mothers of Plaza de Mayo. Several scientists, artists, journalists and even Pope Francis did the same, but few politicians manifested their support,¹⁵⁹ probably due to the political cost of including this issue on the agenda of their parties. The link with the academic sector was important because the municipality asked the neighbors for evidence to stop the project. Both the team of lawyers, as well as researchers and the institutional support of the universities was essential to support the popular mobilization and achieve the objectives of the assembly.

Finally, in July 2016, the former mayor was sentenced for abuse of authority and the former Secretary of Environment for authorizing the use of land not suitable for industrial activities. Monsanto sold its land in Malvinas Argentinas and the assembly lifted the blockade. It should be noted that the construction of the plant in Malvinas was not halted due to environmental pollution but because the company and different government areas did not comply with the procedures established by law. When the Municipality of Malvinas confirmed the sale of the Monsanto properties, the assembly of neighbors stated: 'The blockade is lifted, not the struggle.' Today the organizations involved in the conflict continue struggling on related issues that affect nearby places, such as the Provincial Forest Law and the garbage plant in Santa Ana.¹⁶⁰

This participatory process had both local, national, and international repercussions: 'a Popular International Court in The Hague declared Monsanto guilty for damages to human health and to the environment. The information collected during the symbolic process will be used to demand a reform of the Rome Statute and that, in this way, the International Criminal Court includes in addition to genocide, crimes against humanity, war and aggression a fifth figure that is ecocide.'¹⁶¹

¹⁵⁷ *ibid.*

¹⁵⁸ Editorial, 'El tema Monsanto divide a los candidatos en Malvinas Argentinas' (*La Voz*, 11 June 2015) <<https://www.lavoz.com.ar/politica/el-tema-monsanto-divide-los-candidatos-en-malvinas-argentinas>> accessed 17 October 2020.

¹⁵⁹ Ludueña, 'Malvinas Argentinas, el pueblo cordobés que venció a Monsanto', above.

¹⁶⁰ *ibid.*

¹⁶¹ Leandro Ross, 'Las madres de la Generación Monsanto' (*EcosCordoba*, 24 May 2017)

<<https://ecoscordoba.com.ar/las-madres-de-la-generacion-monsanto/>> accessed 21 December 2019.



Assessment of the Practice

Looking at this practice, we can see that, first, Argentina presents successful cases of communities that make the state recognize their demands. We can stress the role of women and the need for an alliance with academic sectors against the difficulties presented by the institutional channels of citizen participation. Second, Institutional participation processes are difficult to activate and once in progress they require a lot of time. In this case, it took several years between the request was presented to the court and the final sentence. This may influence forms of citizens' participation in the future, leading them to proceed with non-institutional mechanisms.

Third, the participatory process involved powerful interest groups. Although they had the support of various organizations, the Malvinas Assembly described the process as an 'asymmetric struggle' against a multinational company. Monsanto is a well-connected and established organization, which was able to gather large political support for their position. Public officials reacted in its favor. The municipal government approved the construction works without an environmental study. The provincial government lost a great opportunity to consolidate the 'Córdoba corn belt' since other multinationals refused from establishing their operations in Córdoba. Fourth, there were several restrictions in the formal spaces for participation at different stages of the process, so citizen groups were forced to create more spaces. The interplay between formal and informal participation forced the authorities to take up the interests of the Malvinas Assembly, but it costs time and money.

Fifth, participatory processes in Argentina are still very restrictive. Only a small number of citizens effectively participate in formal and informal mechanisms. They are quite informed and usually are members of pre-existing organizations. This may affect the legitimacy of the results. Sixth, the growing distrust of Argentines in formal institutions and the expansion of informal participation mechanisms as more effective and faster forms of change. We might need to review our institutional designs and ensure compliance with the law to improve democratic quality and citizen satisfaction with institutions.¹⁶² Currently, formal participation does not take into account metropolitan coordination or the balance of interests among urban (ULGs) and rural local governments (RLGs).

¹⁶² Yanina Welp, 'La participación ciudadana en la encrucijada. Los mecanismos de democracia directa en Ecuador, Perú y Argentina' (2008) 31 Íconos 117, 128-29.



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6.3. Government Goals Plan: Citizen Participation in the Control of Compliance of the Mandates in Córdoba (Action Plan of the Government)

Romina Del Tredici, *Universidad Nacional de San Martín and Universidad Católica de Córdoba*

Relevance of the Practice

The practice described below is important because Córdoba is one of the first four cities in Argentina that implemented the Government Action Plan (*Plan de Metas de Gobierno*) in 2012. Currently, this tool is being extended to other cities, such as the Federal Capital. This practice allows us to highlight the differences that exist between urban and rural settings regarding representative democracy and accountability. In larger cities, where direct contact with government officials is more difficult, citizens need tools to facilitate interaction with them. We also highlight the relevance and effects of the Action Plan in relation to citizen participation, its impact in the provision of public services, and its challenges to make this a more efficient tool.

Description of the Practice

The Government Action Plan is an instrument for planning, management, and accountability, which consists of transforming government proposals into concrete and measurable objectives through compliance indicators.¹⁶³ In the City of Córdoba, it was unanimously approved by the municipal council in 2011 (Ordinance no 11942/11). It mandates the local government to establish strategic actions and indicators for each area of the municipal public administration and to annually monitor and report its evolution.

A network of citizens and organizations, the *Red Ciudadana Nuestra Córdoba*, endorsed the approval of the ordinance, inspired by other similar networks: the *Red Nossa Sao Paulo* and *Cómo Vamos* from Colombia. These organizations demanded an instrument to know the priorities and criteria of the decisions public agents take and to allow citizens to control them. Before, public officials had various plans that were not designed to allow citizen monitoring and which were, in most cases, abandoned. Therefore, having an ordinance that mandated the

¹⁶³ Virginia Romanutti, 'Plan de metas: una experiencia de incidencia colectiva' (*Red Ciudadana Nuestra Córdoba* 2012) 4.



same officials to present a plan of action, represented an institutional improvement for local democracy.¹⁶⁴

Some contextual factors and certain actions made possible the approval of this regulation. First, the support of several organizations and key local stakeholders was crucial. The two most important universities in the province, together with other 50 civil society organizations are members of the *Red Nuestra Córdoba*. Second, the demand from this network got large publicity in the local media, ‘allowing the Action Plan to be installed as an issue in the public agenda.’¹⁶⁵ Finally, the municipal council was divided in several factions, not having any of them the majority of the votes. Members of the *Red Nuestra Córdoba* stated that although this situation could have put in danger the approval of the law, in practice, it forced local representatives to reach a common agreement. In a context of a financial and legitimacy crisis of the local government, as a consequence of several problems inherited from previous administrations and having to face a project endorsed from civil society, the best strategy for local councilors was to reach a consensus. As a result, the local council presented the Action Plan as ‘an instrument to rebuild dialogue and mutual trust between citizens and the municipal government.’¹⁶⁶

The ordinance sets a maximum of 120 calendar days from the beginning of the mandate for the presentation of the Government Action Plan. It also indicates that the municipal government must submit to public hearings annual reports before March 10. Nine years after its approval, the municipal government presented two action plans for the periods 2012-2016 and 2016-2019. Both were organized around four topics: sustainable development, competitiveness, equity and inclusion, and institutional development. Within each topic, the local government defined goals and responsible areas to implement them.¹⁶⁷

Assessment of the Practice

The first two experiences of the Government Action Plan in Córdoba were positive and its approval was an important way to promote local government transparency, accountability, and citizen control. However, this does not mean that the process is not free from challenges.

First, it is necessary to improve the presentation of the plan. The local government has to train public officials because many of them do not know how to define goals in the plan. They also have to geolocate each of the goals, so that decisions are more transparent. These decisions need to have a budget attached to it and to pay attention to problems of the metropolitan area. The metropolitan area of Córdoba has grown enormously in recent years and the

¹⁶⁴ Romanutti ‘Plan de metas’, above, 4.

¹⁶⁵ *Ibid.*

¹⁶⁶ *Ibid.* 15.

¹⁶⁷ Municipalidad de Córdoba, Plan de Metas.



coordination among its local authorities is still deficient, as well as the integration of rural and urban areas. The Action Plan in particular and participation mechanisms in general, are not designed to promote cooperation among municipalities and between rural and urban local governments. The city is physically and socially integrated with rural and urban spaces surrounding it, but in practice the action plan does not favor the interaction between the city and those other areas. The plan's goals are circumscribed exclusively within the limits of its territory.

The second challenge is that citizens and organizations should make the instrument their own, so they can monitor and control the local government.¹⁶⁸ To achieve this, it is important for the municipality to widely publicize the tool (as the ordinance mandates). Although in the two previous periods, the government complied with the mandatory communication, most citizens do not know what the action plan is. The appropriation of the Action Plan by marginalized sectors of society is particularly relevant. This is a common problem of mechanisms for semi-direct democracy, in which people with less education and lower income often have difficulties to get involved. Despite the fact that the Action Plan is described as 'a simple tool',¹⁶⁹ it requires citizens to have time and accurate information to use it.

Third, the organizations that participate in the action plan's public hearing underscore the need for public officials to answer to their proposals. Although public hearings are not a binding mechanism, the municipality could justify the reasons for the decisions that citizens object. Citizens are not involved in the development of the action plan. Currently, the 'control' that this tool allows consists of influencing the public agenda with the visibility of the urban problems or the inconsistencies between the plan, its reports, and the actions of the municipality. Sometimes what the organizations report is taken over by opposition parties, putting greater pressure on the government.

The last challenge for this participation tool is the current context. Due to the global pandemic and the emergency the municipality declared, the incoming government has not yet presented its Action Plan. Its public officials reported that it would be irresponsible to present a four year plan in a context of this uncertainty, with consequences that cannot yet be measured.¹⁷⁰ Civil society organizations and opposition councilors requested to the local government that the institutions and democratic controls become effective.¹⁷¹

There is still no research on the results of the Action Plan for the provision of services in the city, so it is not possible to draw conclusions on the effectiveness of this monitoring mechanism. Its advantages and disadvantages still have to be further evaluated.

¹⁶⁸ Romanutti 'Plan de metas', above, 15.

¹⁶⁹ *ibid* 4.

¹⁷⁰ Diego Marconetti, 'Llaryora le pone pausa al "plan de metas"' *La Voz* (Córdoba, 14 May 2020).

¹⁷¹ Editorial, 'Piden al municipio que vuelva la "efectiva vigencia de las instituciones democráticas"' *La Voz* (Córdoba, 11 June 2020).



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6.4. Community Participation in Local Decision-Making Regarding Lithium Production in Jujuy

Lucas González, *Universidad Nacional de San Martín*

Relevance of the Practice¹⁷²

Lithium is a strategic resource. It is at the core of the transition from fossil to renewable energies. About 80 per cent of lithium reserves are concentrated in the ‘triangle of lithium’, located in the deserts of northern Argentina (Salar de Hombre Muerto), northern Chile (Salar de Atacama), and southern Bolivia (Salar de Uyuni). Argentina is the second world exporter of lithium carbonate. With the expected exports from new production sites, it will be soon close to Chile, the first world exporter.¹⁷³

Production in Argentina is quite recent, but it is booming. It is concentrated in the northwestern provinces of Catamarca, Jujuy, and Salta. These provinces share many historical roots and cultural traditions as well as common economic and institutional (federal) characteristics. Despite these similarities, they have very different models for the extraction and processing of lithium and articulation with social organizations and local indigenous communities. In some cases, there was strong resistance and conflict from local communities and production sites had to be closed. That is the case of Salinas Grandes and Laguna Guayatayoc, in Jujuy. In other localities, production has continued and conflict has largely been avoided, such as in Salar de Olaroz and the Susques community, also in Jujuy.

Why, despite some similarities, there is variation in conflicts with local communities and in the sustainability of production?

Description of the Practice

Contrary to Catamarca and Salta, where mining operations are in charge of private companies, the provincial state in Jujuy regulates and controls lithium extraction and processing. The Salar de Olaroz-Cachauri in the department of Susques, 4,500 meters above sea level, is the main

¹⁷² Part of this section is taken from an ongoing research by Lucas González and Richard Snyder, ‘Modes of Extraction in the Lithium Triangle: Mining Politics in Catamarca, Jujuy, and Salta’ in Giovanna França, Danilo Freire and Umberto Mignozzetti, ‘Natural Resources and Policy Choices in Latin America’ (Konrad Adenauer Foundation 2021).

¹⁷³ Bruno Fornillo (ed), *Geopolítica del Litio: Industria, Ciencia y Energía en Argentina* (CLACSO and El Colectivo 2015) 12.



site for the extraction of lithium in Jujuy. Sales de Jujuy and Minera Exar are the main production sites. The Argentine subsidiary of the Australian transnational mining company *Orocobre Limited* and the Japanese automaker *Toyota Tsusho* are responsible for the operations in Sales de Jujuy. The Canadian Lithium Americas Corp. and the Chilean *Sociedad Química y Minera de Chile SA* operate the Minera Exar project.¹⁷⁴

After the concessions and the declaration of strategic resource, the Province of Jujuy negotiated with *Orocobre* and created the state firm Jujuy Energy and Mining State Society (*Jujuy Energía y Minería Sociedad del Estado, JEMSE*) in 2011. The company got 8.5 per cent of the shares, while the remaining 91.5 per cent is in the hands of the holding company *Orocobre* (66.5 per cent) and *Toyota* (25 per cent).

In the case of Olaroz-Caucharí in Jujuy, *Orocobre* hired a local geologist to decide whether the salt flat was appropriate to exploit lithium, while at the same time he began to make contacts with local communities, preparing the conditions for the company to operate in the region.¹⁷⁵ At the end of 2014, the firm began production, arousing an ambivalent response from the Susques community: while part of its population supported production and decided to take advantage of some of the small economic benefits associated with the activity, another group created the social organization *colectivo La Apacheta*, which demands the direct participation of local communities in the management, decision, and profits of the company.

With the Provincial Government of Jujuy invested as a partner, the company managed to divide and coopt a part of the local indigenous communities. Still, there is some resistance from *La Apacheta*. There was a consultation process (*consulta previa*, or prior consultation) with local communities, where they could decide whether they wanted lithium production in their lands. Local inhabitants meet with representatives from the companies in a local council to get informed about the operations that the company intends to conduct in the area and debate under which conditions they would allow the company to begin them in accordance with International Labor Organization (ILO) Convention 169, which Argentina ratified in 1992. In spite of the consultation, there are reports from environmental organizations denouncing the consultation process as being rigged and non-transparent, since companies provided unclear information and influenced decisions dividing local inhabitants.¹⁷⁶ Production in Olaroz is growing and it is nowadays the main lithium production site in Jujuy.

On the contrary, communities near the Salinas Grandes were not previously consulted, and strongly resisted the installation of mining firms. In spite of being previously fragmented and dispersed, local communities formed the 'Mesa de Salinas Grandes and Laguna Guayatayoc', a local network of 33 local social organizations, and operated in two different fronts: the legal

¹⁷⁴ Pía Marchegiani, Jasmin Höglund Hellgren and Leandro Gómez, 'Lithium Extraction in Argentina: A Case Study on the Social and Environmental Impacts' (FARN 2019) 21.

¹⁷⁵ Bruno Fornillo, 'La energía del litio en Argentina y Bolivia: comunidad, extractivismo y posdesarrollo' (2018) 93 *Colombia Internacional* 179, 194.

¹⁷⁶ Marchegiani, Höglund Hellgren and Gómez, 'Lithium Extraction in Argentina', above.



one, filing a case in the provincial judiciary and the federal Supreme Court, and another case in the Inter-American Court of Human Rights. Under the advice of a group of lawyers, they demanded the call for a ‘free and informed prior consultation’ to decide whether they want lithium mining in their territories.¹⁷⁷ The second front included protests, roadblocks, and the occupation of the salt flat.¹⁷⁸ In July 2011, more than 900 community members, representing 86 indigenous communities and peasant organizations, blocked the National Route 52, near Salinas Grandes, to protest against the projects for large-scale lithium mining.¹⁷⁹ With these two strategies, and fundamentally after the Supreme Court ruling, the mining company decided to put production into a halt, at least until the time of writing this article.

Assessment of the Practice

Argentina does not have a specific federal regulatory framework for the exploitation of lithium. The national mining regime (Law 24,196) completely deregulated the mining sector, granting companies great benefits for the extraction and processing of minerals.¹⁸⁰ This law eliminated all municipal taxes, establishing royalties at 3 per cent of the pithead price.¹⁸¹

On top of a weak federal regulatory framework, the federal Constitution gave provinces control over natural resources and authority to regulate the extraction and processing of oil and minerals. The federal government keeps a minimum jurisdiction to regulate extractive industries, mainly in relation to environmental protection and the participation of indigenous communities in the management of natural resources located in their territories.¹⁸²

A similar legal framework at the federal level cannot explain variation in conflicts and stability of production sites at the community level. The recognition of indigenous rights at the federal level opened up the opportunity for those communities to demand them being respected, but not all communities have been able to do that.

Variation in the provincial legal frameworks that regulate the role of the provincial state in the production process and the recognition of rights to indigenous communities living in production sites may help explaining some of these differences.

¹⁷⁷ Melisa Argento and Julian N Zicari, ‘Las disputas por el litio en la Argentina: ¿ materia prima, recurso estratégico o bien común?’ (2017) 19 *Prácticas de Oficio* 37, 43.

¹⁷⁸ Fornillo, ‘La energía del litio en Argentina y Bolivia’, above, 193-194.

¹⁷⁹ Florencia Puente and Melisa Argento, ‘Conflictos territoriales y construcción identitaria en los salares del noroeste argentino’ in Bruno Fornillo (ed), *Geopolítica del Litio: Industria, Ciencia y Energía en Argentina* (CLACSO and El Colectivo 2015) 119.

¹⁸⁰ Nacif (2014), quoted in Puente and Argento, ‘Conflictos territoriales y construcción identitaria’, above, 122.

¹⁸¹ Marchegiani, Höglund Hellgren and Gómez, ‘Lithium Extraction in Argentina’, above, 10.

¹⁸² Puente and Argento, ‘Conflictos territoriales y construcción identitaria en los salares del noroeste argentino’, above, 123.



There is variation in the role of the provincial state in the production process. The provincial state controls lithium extraction and processing in Jujuy; while production in Salta and Catamarca depends on private companies.

A second important difference among producing provinces is that Jujuy recognized rights to indigenous communities living in production sites, including the legal recognition as indigenous communities and their communal property rights, constituting these groups into legal actors which have to be consulted before any intervention in their territories. Salta and Catamarca denied these rights to indigenous groups in the province, challenging federal regulations on the matter.

Despite these different provincial legal frameworks, there have been protests and conflicts within the same province. That is particularly the case in Jujuy (less so in Catamarca). There were some negotiations in Salar de Olaroz and the Susques community; there has been mobilizations, protests, and conflict in Salinas Grandes and Laguna Guayatayoc.

Federal regulations and variations in provincial legal frameworks in Catamarca, Jujuy, and Salta, cannot explain the different results in terms of stability of production and the existence of conflicts with local indigenous communities within the same provinces.

Possible explanations of these differences within provinces have to include local level variables. Some of the possible local level factors which can account for variations in local resistance and conflict can be, first, the capacity of companies to coopt local leaders and key community members, particularly when communities are more divided in relation to mining. Some companies sought to exploit those divisions, isolating local leaders more radically opposed to mining. A second factor, is that local governments can prevent and manage conflict, promoting consensus, or they can decide to be absent in the process. A third element, particularly relevant when the previous ones are absent, may be the capacity of local communities to organize and articulate at the municipal level and to seek help and legal assistance from provincial, national, and international actors and organizations. When production sites are close to urban communities, local organizations are more likely to be organized. The opposite is the case when production sites are in more isolated rural areas with dispersed populations. The urban and rural divide plays a role in the organizational capacity of local communities. The capacity of local communities to organize can help explaining protests, roadblocks, and the occupation of salt flats; their capacity to seek help and legal assistance, may account for their ability to file cases at the provincial and national level judicial systems.

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Contacts

Local Government and the Changing
Urban-Rural Interplay
www.logov-rise.eu
logov@eurac.edu



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