



# Local Government in Argentina

## Responses to Urban-Rural Challenges

edited by

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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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# 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.<sup>139</sup> 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.<sup>140</sup>

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.<sup>141</sup>

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.<sup>142</sup>

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

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

<sup>140</sup> 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.

<sup>141</sup> Welp, 'La participación ciudadana en la encrucijada', above, 118.

<sup>142</sup> José Guillermo García, 'Los mecanismos de democracia directa como procedimientos institucionales de participación ciudadana en Argentina' (2009) 51 *RMCPs* 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.<sup>143</sup>

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).<sup>144</sup> 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.<sup>145</sup> 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'.<sup>146</sup>

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.<sup>147</sup>

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.<sup>148</sup> These movements show not only the existence of a citizenry capable of mobilizing and

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<sup>143</sup> *ibid* 90.

<sup>144</sup> *ibid* 93.

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

<sup>146</sup> Welp, 'La participación ciudadana en la encrucijada', above, 118.

<sup>147</sup> 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.

<sup>148</sup> *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.<sup>149</sup>

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





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