



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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Contents

1. The System of Local Government in Argentina	1
2.1. Local Responsibilities and Public Services in Argentina: An Introduction.....	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



People's Participation in Local Decision-Making



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

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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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