



Argentina

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In terms of its Constitution of 1853, Argentina is a federal, republican, and democratic state. It has 24 subnational districts (23 provinces and the Autonomous City of Buenos Aires (CABA),¹ which has special status) and about 2400 local governments (municipalities and others). Local governments are democratically elected by the citizens, and their autonomy is constitutionally recognised. The legal status of local governments is regulated largely in provincial laws and constitutions, as a result of which they enjoy wide heterogeneity in size, powers, tax capacity, and electoral rules. Despite their limited ability to collect taxes, their chronic impecunity, and their moderate organisational capacity, Argentine local governments play a growing role in political and social life—a fact which was spotlighted during the Covid-19 crisis.

¹ After its acronym in Spanish.

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I COUNTRY OVERVIEW

The Republic of Argentina is located in the south-eastern corner of South America. With a surface area of 2,780,400 km² subject to effective sovereignty, it is the largest Spanish-speaking country in the world² and the fourth-most populous in Latin America. With a low population density, it has 40,117,096 inhabitants,³ most of whom are concentrated in the Greater Buenos Aires agglomeration (38.9 per cent) and the Pampean and Metropolitan regions (66.3 per cent).⁴

Argentina's contemporary ethnic composition is the result of the interaction between the pre-Columbian indigenous-native population (Guarani, Mapuche, Tehuelches, and Diaguitas, among others), the Iberian European colonists, and forced immigrants of African-sub-Saharan origin enslaved in the colonial era. From 1860 onwards, this population received an immense influx from a wave of European immigration, mostly Italian and Spanish (1860–1955). Similarly, since the mid-twentieth century, the ethnic composition was influenced by large internal migrations from the countryside to the city, and from the north and the coast to the country's large cities; in addition, the Argentine territory has always received a considerable migratory flow from South American countries. The composition of the current population has been influenced significantly by these different waves of immigration.

According to the World Bank, Argentina's nominal gross domestic product (GDP) for 2020 (USD 383,067 billion) ranks 31st in the world, namely 8442 USD annually in per capita terms for the same year. With abundant natural resources in energy (gas and lithium reserves) and agriculture, it is a leader in food production (with large-scale industries in agriculture and livestock), and has enormous potential in renewable energy. The country also has great opportunities in certain manufacturing

² If we take into account the Malvinas, South Georgia, South Sandwich, and numerous other smaller islands (administered by the United Kingdom, but with disputed sovereignty), plus a portion of the Antarctic area south of parallel 60° S, called Argentine Antarctica, over which Argentina claims sovereignty, the surface area increases to 3,761,274 km².

³ This figure comes from the 2010 National Census, the last one carried out in Argentina. In 2020, the planned census could not take place due to Covid-19.

⁴ According to the most recent estimates, its population is 45,195,777 (United Nations, Department of Economic and Social Affairs, Population Division. *World Population Prospects: The 2015 Revision, Medium Variant*).

subsectors and in the innovative high-tech services sector. Its Human Development Index is 0.845, placing it among the group of countries with very high human development (46th).⁵ Adjusted by inequality, Argentina falls back four places in the ranking, while in the gender inequality index it falls back to 75th place. Urban poverty (measured in relation to a basic basket of goods and services) is high, affecting 42.9 per cent of the population in the second half of 2020, with an extreme poverty rate of 10.5 per cent and a child poverty rate (under 14 years of age) of 57.7 per cent.

The country has a republican form of government and democratic representative regime with a three-part structure. The legislative branch is bicameral: a Senate of 72 seats, with three representatives per province and three for CABA, and a Chamber of Deputies composed of a variable number of representatives per province depending on its population. Members of Congress are elected through a system of proportional representation and are renewed, in the Senate, by thirds every two years (six years of term, re-electable) and, in the Chamber of Deputies, by halves every two years (four years of term, re-electable). The executive branch is presidential, directly elected by the population in a single country district on the basis of a ticket composed of a president and a vice president with four years of mandate and the possibility of immediate re-election only for one more term. Judicial power is exercised by the Supreme Court of Justice and the other lower courts (federal and provincial). The legal system is one of civil law.

It is important to note that the main disruptions to the functioning of democracy during the twentieth century were the recurrent *coups d'état* that interrupted democratically elected governments in 1930, 1943, 1955, 1962, 1966, and 1976. Unlike in other Latin American countries, these episodes of dictatorship were almost always conservative and, in the case of the last and bloodiest (1976–1983), neoliberal.⁶

⁵ PNUD, *Human Development Report 2020. The Next Frontier: Human Development and the Anthropocene* (United Nations Development Programme, 2020).

⁶ In the 53 years that elapsed from the first coup in 1930 until the fall of the last civic-military dictatorship in 1983, there were 25 years of undemocratic rule with 14 dictators as ‘presidents’ and various de facto authorities throughout the country. See Felix Luna, *Los Golpes Militares (1930–1983)* (Planeta, 2003).

The two major Argentine political parties are the Radical Civic Union (*Unión Cívica Radical*, UCR) and the Justicialist Party (*Partido Justicialista*, PJ). The UCR arose in 1891 from a split within the conservative *Partido Autonomista Nacional* (PAN). Ideologically, it is a defender of secularism, liberalism, nationalism, developmentalism, and social democracy, having played a decisive role in challenging compulsory male suffrage and instituting liberal democracy. It has been particularly representative of the middle classes. The PJ, founded by Juan Domingo Perón in 1946, adopted social justice as its main banner, remaining since then closely linked to the working class and trade unions, but so too to conservative groups in the provinces.⁷ It has an anti-imperialist ideology and a federal vocation. The PJ was instrumental in obtaining compulsory suffrage for women and deepening democracy in terms of economic and social rights. It was outlawed and unable to present candidates in elections between 1955 and 1972.

The social structure of Argentina in the twentieth century was divided by three fundamental cleavages: class; the opposition between national interests and foreign economic interests; and the tension between the interests of the most underdeveloped regions and those of the most developed.⁸ These cleavages persist to this day. The two major parties broadly represent one side or the other of them, and over the last decades have drawn their support from relatively heterogeneous masses of voters. The Argentine party system is not, therefore, configured along the lines of the classic European conservative-liberal-workerist spectrum (which is fundamentally linked to class cleavages), but is characterised by the coexistence of two broad-based multiclass movements (Radicalism and Peronism) that coincide with other, smaller parties of ephemeral or provincial nature. Since the big political parties have alternated in power, sometimes within the framework of broader coalitions, the Argentine party system is bipartisan, with some periods of Peronism acting as a predominant party.⁹ Given the existence of a federal state and an electoral system anchored in the provinces, the national party system coexists with a multiplicity of

⁷ Darío Macor y Cesar Tcach, (eds) *La Invención del Peronismo en el Interior del País* (Universidad Nacional del Litoral, 2003).

⁸ Manuel Mora y Araujo, 'Comentarios sobre la búsqueda de la fórmula política argentina' (1972) 12(47) *Economic Development* 623–629.

⁹ Both the UCR and the PJ, since their creation, have captured the presidency 10 times.

provincial party systems, autonomous of each other, within the framework of a single polity. In this context, interactions and veto actors multiply exponentially in a situation of fragmentation and denationalisation, which impacts on governance and the capacity for the reform and implementation of public policy.¹⁰

2 HISTORY, STRUCTURES, AND INSTITUTIONS OF LOCAL GOVERNMENT

In Argentina, the third level of public administration is called local government. According to official data, there are currently a total of 2294 local governments,¹¹ half of which are municipalities and the other half of which are local governments without municipal status. The latter go by various designations—development commissions, rural boards, government boards, municipal commissions, development delegations, and communes—and their status varies according to what is assigned to them under the different provincial constitutions. These local governments thus have no legal subordination with respect to other municipalities, but instead represent a type of local government within a particular territory.¹² The number of local governments in each province and the average population per local government is given in Table 1.

Each of the 23 Argentine provinces (excluding CABA) is divided into departments (in the Province of Buenos Aires, *partidos*), which are split into districts (a distribution which is only administrative, as it does not imply the existence of government institutions). Each district has localities, which are named municipalities when they exceed a certain number of inhabitants or are given this status by means of a provincial law. They

¹⁰ Carlos Varetto, *Las Múltiples Vidas del Sistema de Partidos en Argentina* (Eduvim, 2018).

¹¹ National Census of 2010 (INDEC). More recent calculations, according to information provided by the Municipal Observatory of the Undersecretary of Municipal Relations of the Ministry of the Interior, indicate that in 2021 there were 2,308 municipalities in the country. See Ministry of Interior, *Informe sobre paridad en Argentina. Relevamiento federal de Concejos Deliberantes* (Ministry of Interior, 2021).

¹² As such, there are no multilevel local government structures that exercise jurisdiction over the same territory. See Daniel Cravacuore, ‘Los municipios argentinos (1990–2005)’, in Daniel Cravacuore, *Procesos Políticos Municipales Comparados en Argentina y Chile (1990–2005)* (National University of Quilmes—Autonomous University of Chile, 2007) 25–49.

Table 1 Number of local government and average population per province (2010)

<i>Province</i>	<i>Number of local governments</i>	<i>Average population per local government</i>
Buenos Aires	134	116,605
Mendoza	18	96,607
Tierra del Fuego	3	42,006
San Juan	19	35,845
Salta	59	20,584
La Rioja	18	18,536
Chaco	68	15,519
Misiones	75	14,688
Corrientes	68	14,573
Tucumán	112	12,888
Jujuy	61	11,038
Chubut	47	10,694
Catamarca	36	10,217
Santa Cruz	27	9942
Neuquén	58	9294
Santa Fe	370	8634
Río Negro	75	8349
Formosa	55	8195
Córdoba	428	7503
San Luis	68	6013
Santiago del Estero	119	5605
Entre Ríos	247	4919
La Pampa	129	2472

Source National Census of 2010

are governed by an executive power—exercised by an *Intendente* (or Mayor, elected by direct universal suffrage)—and a legislative power, exercised by a Deliberative Council which has the authority to pass municipal ordinances and the size of which, in terms of the number of councillors, depends on the number of inhabitants. The rest of the localities that meet certain minimum requirements (the existence of urban areas, for example) may be governed by a development commission consisting of a president and several members.

Demographically, the Argentine municipal system stands out for its heterogeneity: three municipalities govern more than one million inhabitants and comprise 11 per cent of the country's population, whereas

there are two local governments with less than 20 inhabitants. Half of local governments have fewer than 5000 inhabitants, showing the infra-municipalism characteristics of the system.¹³ There are only 30 local governments with more than 250,000 inhabitants.¹⁴ In short, as Table 1 shows, the Argentine municipal system has, on the one hand, a few large municipalities that contain the major proportion of the country's population, and, on the other, many small local governments with few inhabitants.¹⁵

Understanding the history of Argentine federalism is fundamental to analysing relations between national, provincial, and municipal governments. The Argentine Republic is a federal state that was established after the dissolution, in the early nineteenth century, of the Viceroyalty of the Río de la Plata, part of the Spanish crown. The process of emancipation began in 1810 and culminated in 1816 with the declaration of independence. Interprovincial conflicts were rife for most of the nineteenth century and arose mainly from attempts to limit the hegemony of the province of Buenos Aires. The need to create an autonomous and strong federal government was presented as the only way to counter the most powerful province without rejecting its participation; economic necessity was another reason to keep the rest of the Argentine provinces together.¹⁶

The process of establishing the Argentine federal state culminated in 1880 with the military defeat of the province of Buenos Aires by the rest of the provincial powers. After its capitulation, the province lost control over the City of Buenos Aires and its port and, therefore, over the main

¹³ 'Infra-municipalism' refers to the existence of a large number of small local governments highly dependent on superior levels of government and characterised by reduced administrative structures, populations and budgets—all of which make it difficult for them to exercise the functions required by their citizens. See Enzo Ricardo Completa, '¿Cómo salir de la trampa del inframunicipalismo en Argentina y no morir en el intento?' *Espacios Políticos* (2011) 7; and Mónica Iturburu, 'New Institutional Arrangements to Tackle Argentina's Inframunicipalism', *Cooperación Intermunicipal en Argentina* (2001) 37–66.

¹⁴ In comparative terms, in Latin America the average per municipality is 40,000 inhabitants. See Jacint Jordana, *Relaciones intergubernamentales y descentralización en América Latina: Una perspectiva institucional*, Working Document Series I–22 UE (BID, April 2001).

¹⁵ The average size of local governments relative to their number of inhabitants also varies markedly among the different provinces.

¹⁶ Edward Gibson and Tulia Falsetti, 'Unity by the Stick', in Edward Gibson (ed) *Federalism and Democracy in Latin America* (Johns Hopkins University Press, 2004) 226–254.

revenues of the state: customs returns. The City of Buenos Aires (today, CABA) was thus dismembered from the Province of Buenos Aires and remained, from then until 1994, under the control of the federal government. This historic event put an end to half a century of military struggle between the provinces and led to the consolidation of a federal state in Argentina.¹⁷ Since then, Argentina has been a multilevel state in which the national state, 24 provincial units, and about 2,300 local governments share responsibilities among each other.

Two historical events frame the special status of the capital city, Buenos Aires: its federalisation in 1880 and its autonomy in 1994. During the interval between them, there were 23 provinces in the country and a Federal Capital. The creation of the Municipality of the City of Buenos Aires in 1880 entailed powers and resources far superior to those of the rest of the Argentine municipalities. It was governed by an executive power (*Intendente*) appointed by the President, while the Congress of the Nation delegated powers to a Deliberative Council whose members were elected by the citizens.¹⁸ The 1994 Reform of the Argentine National Constitution consolidated the principle of the full autonomy of the government of the City of Buenos Aires,¹⁹ giving rise to a new name: the Autonomous City of Buenos Aires (*Ciudad Autónoma de Buenos Aires*, CABA). This allowed it to become an institution analogous to the other provinces after enacting its own constitution and forming an autonomous government elected by the citizens of the city. Thus, on 30 June 1996, elections were held for the first time for the head of government (executive branch), who has a role similar to that of governors.

Elections were also held on the same date for a Constitutional Convention which, after two months of sessions, approved the CABA Constitution on 1 October 1996. The former Deliberative Council ceased its

¹⁷ Tulio Halperin Donghi, *Contemporary Latin American History* (Alianza Editorial, 1969).

¹⁸ Horacio Cao, *La administración pública argentina: Nación, provincias y municipios*, XIII International Congress of CLAD on State and Public Administration Reform (Buenos Aires, 2008).

¹⁹ Article 129 of the National Constitution states: ‘The city of Buenos Aires shall have a system of autonomous government, with its own powers of legislation and jurisdiction, and its head of government shall be directly elected by the people of the city’.

functions on 10 December 1997, having been replaced by the city legislature. From that moment on, CABA has had a dual nature. The first is of a temporary character, that of the capital's residence in the country, until it is granted a new destination; the second is of a permanent character and consists of the creation of a new entity in the federal framework together with the national state, the provinces, and the municipalities.²⁰ After the transformation of the Federal Capital into CABA, there are no more territories under the direct control of the federal state.

In the country, there are 23 metropolitan areas with highly variable populations in terms of demographic size—the largest, that of Buenos Aires, with 13,588,171 inhabitants, and the smallest, around the city of Villa Carlos Paz (Córdoba), with 69,840. However, none of them has institutional recognition. The metropolitan issue is relatively absent from the concerns of society and the state in Argentina. The ‘functional city’, in contrast to the idea of the ‘legal city’, appears not as a direct, specific object but as part of the powers of the governments of the minor territories (municipalities) and even, in many cases, of the governments of the intermediate territories (provinces). This is hence based on a formal definition that does not take into account the reality of what happens in some spaces or how they change over time. Therefore, to the extent that a city becomes independent of its ‘original’ territory, the state organisation as it was initially conceived ceases to correspond to the new urban form and to the unity of the processes that characterise and determine it. Argentine federalism has adopted a rigid position in the face of a new problem to have emerged: the idea of the metropolitan city.²¹

Regarding the delimitation of municipalities, most provincial constitutions are unclear on this, delegating the final establishment of territorial boundaries to the provincial legislature. Some constitutions adhere to a system in which adjoining *ejidos* (also called *partidos*, departments, or districts) cover urban and rural areas, such that the entire provincial

²⁰ The proclamation of the autonomy of Buenos Aires in 1994 gave the citizens of CABA the possibility of making their own laws, being judged by their own judges, and administering their own resources—powers that were already enjoyed by all citizens of the country's other jurisdictions. See Matías Federico Landau, *Gobernar Buenos Aires: Ciudad, política y sociedad, del siglo XIX a nuestros días* (Prometeo, 2018).

²¹ Pedro Pérez, ‘El desafío de la gobernabilidad metropolitana en la Argentina Badía’, in Gustavo Badía and Rodrigo Carmona (eds) *La Gestión Local en Argentina: Situación y Perspectivas* (UNGS, 2008).

territory is included within local governments. Others adhere to non-adjointing *ejidos*—the in-between municipalities where there are lands of exclusively provincial jurisdiction, either because the urban *ejido* coincides with the limits of the municipality, due to urbanisation, or because a rural area is added to the borders of the urban *ejido* as a way of anticipating the growth of the city. Thus, in 2010, 92 per cent of the Argentine population lived in territories under the jurisdiction of a local government, 7 per cent lived in CABA, and the remaining 1 per cent lived in rural areas that do not correspond to any jurisdiction at the municipal level but which fall under a provincial jurisdiction.²²

Recently, and particularly in the context of the Covid-19 crisis, although there have been some manifestations in relation to the reality of the Metropolitan Area of Buenos Aires (*Área Metropolitana de Buenos Aires*, AMBA), it is not a problem that has been given priority. Currently (2022), the AMBA is composed of CABA and 23 municipalities (*partidos*) of the province of Buenos Aires, establishing a continuous urban space with a total population of 11,334,809 inhabitants. In a broader sense, the Metropolitan Region of Buenos Aires (*Región Metropolitana de Buenos Aires*, RMBA) can also be considered, thus adding another 15 municipalities of the Province of Buenos Aires and amounting to a total population of 12,889,468 inhabitants. However, to date none of the metropolitan areas of the country has any type of institutional framework to manage its common problems.²³

With regard to the existence of specific local entities for indigenous peoples, Argentina is home to more than 30 ethnic groups, speaking 13 languages and representing 2.4 per cent of the population, of whom 18 per cent live in rural areas where they comprise more than 1600 communities. Civil law recognises the legal status of such communities and their right to claim ownership and possession of the lands they inhabit. However, the communities do not enjoy specific forms of government under public law that can be subsumed under any kind of local government.²⁴

²² Alejandro López Accotto and Mariano Macchioli, *La Estructura de la Recaudación Municipal en la Argentina: Alcances, Limitaciones y Desafíos* (UNGS, 2015).

²³ Pedro Pérez, 'Buenos Aires: Ciudad metropolitana y gobernabilidad' (2019) 20(3) *Estudios Capitalise Demográficos y Urbanos*.

²⁴ Ministry of Justice of the Nation, *Derechos de los pueblos indígenas en Argentina: Una compilación* (Publications Area of the Ministry of Justice and Human Rights, 2015).

3 CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT

In Argentina, there has been a long legal debate about whether municipalities are autarkic or autonomous. Autarky means that an entity or organism has the capacity to administer itself, in accordance with a rule which is imposed on it; autonomy means that it has the ability to administer itself and the right to dictate rules of self-government and be governed by democratically elected authorities. In March 1989, the Nation's Supreme Court of Justice interpreted the municipalities as constitutionally autonomous.²⁵

The recognition of municipal autonomy gives rise to a democratic government and entails greater political participation, since a municipality's governing bodies are elected by its citizens in regular, competitive, free, and fair elections. In Latin America, the date on which a country's first elections of subnational, local, or intermediate governments were held usually came soon after the year in which its democratic transition took place. Excluding some cases such as Colombia, Venezuela, or Costa Rica, where democracy did not disappear in the 1970s, local elections were held after the countries' transition to democracy: in no instances were local elections held before then. This indicates the emergence of new expectations in the face of strong social demands, given that the local power had not previously had the opportunity to legitimise itself.²⁶

In Argentina, the National Constitution does not define the municipal regime of local governments, but provides only a general regulatory framework. Article 5, inscribed in the original text of 1853, states:

Each province shall enact for itself a Constitution under the republican representative system, in accordance with the principles, declarations

²⁵ In 1989, the Supreme Court of the Nation, in its decision in *Rivademar v the Municipality of Rosario*, recognised this power of the municipalities, rectifying the doctrine which had predominated since the decision in *Ferrocarril del Sud v the Municipality of La Plata* in 1911. This doctrine established that 'municipalities are nothing more than delegations of provincial powers, circumscribed to administrative purposes and limits that the Constitution has foreseen as entities of the provincial regime and subject to their own legislation'. To date, all provincial constitutions recognise municipal autonomy except for four: La Pampa, Mendoza, Santa Fe, and the Province of Buenos Aires.

²⁶ Jordana (n 14).

and guarantees of the National Constitution; and ensure its administration of justice, its municipal system, and primary education. Under these conditions, the Federal Government shall guarantee to each province the enjoyment and exercise of its institutions.

Article 123, included in the reform of 1994, provides that '[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 reform of the National Constitution of 1994 ended the legal controversy regarding municipal autonomy or autarky. The National Constitution also empowers municipalities to establish their own forms of government through the drafting of municipal charters, albeit their scope is determined by the legislation of each province. As a result, there are as many local regimes in the country as provinces, since it is the latter that define them in a specific chapter of their provincial constitutions and in their municipal laws. Each province thus defines the typology of its local governments: some do not, while others define up to five different types, including municipalities of different categories and non-municipal local governments. Just as provinces exercise their constituent power of the second degree through the sanction of provincial constitutions, municipalities also do so in the third degree with the approval of the respective organic charters. In the provinces that have enshrined municipal autonomy, the municipalities have the power to determine their organic charter—that is, a regulation of their own which orders the clauses governing the executive and legislative powers and establishes the rules on the budget, the electoral board, and other matters. Its sanction for non-compliance is carried out following the usual procedures of a constitutional norm, since it is drafted by a local convention in accordance with the general principles of the provincial constitution.²⁷

The 24th district, CABA, also has full autonomy, but of a particular kind, given its mixed status as both province and capital. It is organised into 15 communes governed by the Buenos Aires Law 1.777/2005. These are decentralised units of political and administrative management

²⁷ Daniel Cravacuore, 'El sistema municipal argentino', Paper prepared to be presented at the XI Congreso Chileno de Ciencia Política, organised by the Asociación Chilena de Ciencia Política (Chilean Association of Political Science, ACCP, 2014).

which, in some cases, cover more than one neighbourhood. Communes have exclusive and concurrent powers with the city government. Among the first powers are the maintenance of secondary roads and green spaces, the administration of the commune's heritage, the legislative initiative, and the preparation of its budget and government programme.

Since gaining its autonomy, Buenos Aires is no longer a municipality but an autonomous city with a city government. These modifications involved replacing councillors with deputies of the city and the *Intendente* with a *Jefe de Gobierno* (Head of Government) elected by universal suffrage. The reconstruction of Buenos Aires as a government based on the principles of its own constitution places it on an equal footing with the provinces in the federal regime. For the first time, it is defined as a community of self-governing citizens, and not as a space for the coexistence of national political powers and local municipal authorities.²⁸

4 GOVERNANCE ROLE OF LOCAL GOVERNMENT

The municipal autonomy enshrined in the National Constitution means that it is possible for municipalities freely to elect government authorities (political autonomy), manage and allocate their budgets independently (financial autonomy), and form organisational structures and appoint staff autonomously from other political powers (administrative autonomy).²⁹ The municipalities' power arises from the provinces' legal system—that is, from their constitutions and municipal laws, but so too from the municipal organic charters.

The federal constitutional framework is not precise in terms of the roles and responsibilities of each level of government. Historically, this has allowed functions to be reassigned in a variety of ways. Currently, the federal government has sole responsibility for foreign relations, currency issuance, trade regulation, inland and foreign navigation, and defence. In contrast, there are shared competencies in several sectors, including the administration of justice, primary and secondary education, and social security. The provinces have significant powers, as they have the right to adopt their own constitutions, establish representative governments—which consist of governors and legislatures elected on the basis of the

²⁸ Landau (n 20).

²⁹ López Accotto and Macchioli (n 22).

provinces' own electoral rules—and appoint local judiciaries. Likewise, provinces retain the right to impose and collect certain taxes, and are responsible for initiating provincial public policies and implementing national ones.³⁰ Provincial governments can also borrow and issue bonds, create their own public services companies, industries and banks, and establish and finance municipal governments. Finally, because governors (or provincial party leaders) have control of not only local nomination and electoral processes but also the selection and conduct of national legislators from their provinces, they wield enormous influence in the national arena.³¹

The concurrent competences between the national, provincial, and municipal governments are the construction of infrastructure works; the care of the population in situations of poverty and destitution; consumer protection; the promotion of economic development; sports promotion; health care; the regulation of cargo and passenger terminals, as well as automotive transport; tourism promotion; and the management of cultural and natural heritage. The competencies shared between the provincial government and municipalities are the provision of public services; the administration of water and sewerage networks; fire protection; and health care.³²

There is also a set of exclusive municipal competences, historically limited to three major areas of action: construction and maintenance of urban infrastructure; regulation and control of the activities carried out in the territory and urban traffic; and support to at-risk populations through direct social assistance, primary health care, and civil defence against natural disasters. These fields have been addressed with greater or lesser efficiency by all local governments. Nevertheless, for about two decades some of them have progressively assumed a set of new responsibilities (environmental preservation; civic security; economic promotion; access

³⁰ Allyson Lucinda Benton, 'Presidentes fuertes, provincias poderosas: La economía política de la construcción de partidos en el sistema federal argentino' (2003) 10(1) *Política y Gobierno*, 103–137.

³¹ Mark Jones and Scott Mainwaring, 'The Nationalisation of Parties and Party Systems: An Empirical Measure and an Application to the Americas' (2003) 9 *Party Politics* 139–166; Pablo Spiller and Mariano Tomassi, 'El funcionamiento de las instituciones políticas y las políticas públicas en la Argentina: Una aproximación desde la nueva economía institucional' (2000) *Desarrollo Económico* 425–464.

³² Cravacuore (n 27).

to justice and the resolution of family and/or neighbourhood conflicts; social development and non-formal education), thus expanding their agendas. The Argentine municipalities have seen, therefore, a substantial increase in their functions, due to both the pressure of growing demands by citizens and the decentralisation of power by the provinces and the nation.³³

Local governments have slightly enlarged staff, although of variable competence, and generally lack sufficiently qualified technicians for the execution of new functions, usually due to the relatively low salaries in municipal administration compared to those in other sectors. The legal regime of public employment varies: in some provinces it is standardised between provincial and municipal employees, while in others, local governments have their own regime, even though mixed situations are very common. In terms of career management, personal relationships prevail over principles of excellence. Municipal employee unions play an important role in defending workers' rights, and their actions. In recent years, local governments have concentrated their meagre budgets on salary payments and current expenses, conditioning investment expenses to the possibility of obtaining discretionary transfers from the nation or the province. However, the proportion of personnel expenditure relative to total current expenditure in all Argentine municipalities decreased from 64 per cent in 1993–2002 to 57 per cent in 2003–2013, which translates into a recent greater availability of resources to finance other municipal functions.³⁴

Each province defines the electoral system of its municipalities—the proportional representation system prevails—although the municipalities with an organic charter can modify it partially, which they generally do by combining it with a majority system. Elections are multiparty in nature, although in some local governments one party may be highly dominant, a fact originating both in the particularities of the electoral systems and in cultural phenomena and clientelism. The local executive power (*Intendente*, or Mayor) is usually elected, by a simple majority of the popular vote, for a period of four years with, generally, the possibility of re-election for an additional term, although in some provinces there are no term

³³ Cravacuore (n 12).

³⁴ Cravacuore (n 27).

limits. The legislative branch (*Honorable Concejo Deliberante*, or Deliberative Council) has a variable number of members, as prescribed by the laws or organic charters; these members (*Concejales*, or Councillors) do not usually have restrictions on re-election after their four-year term. Mid-term elections for the renewal of councils are common, although in other provinces they are held only every four years. Marginally, there are local governments of small populations that lack division of powers: they have only a collegiate authority or a unipersonal commissioner.

The election of the mayor and the councillors may be held on separate ballots—thereby encouraging greater plurality—or on the same ballot, thus tending to consolidate a parliamentary majority. The date of local elections may be concurrent with that of provincial and, eventually, national elections, although some organic charters state that they must be held in autonomous elections. Citizens have no form of control over local management beyond their representatives, but an Ombudsman's Office—however limited its importance—has been created in some municipalities.³⁵

5 FINANCING LOCAL GOVERNMENT

The ability to generate revenue and incur expenditure is a significant dimension of local political institutions' capacity for action. In Argentina, the National Constitution clearly determines what kind of taxes the nation and the provinces may collect, but it does not expressly state the distribution of such taxes between the provinces and the municipalities. It establishes that the federal level has exclusive competence over external or customs taxes,³⁶ and concurrent competence with the provinces over indirect taxes, and, exceptionally and temporarily, direct taxes.³⁷ The provinces, for their part, have exclusive competence to establish direct taxes³⁸ and, concurrently with the national government, indirect taxes.³⁹ With respect to municipalities, the constitutional text recognises only their

³⁵ Ibid.

³⁶ Articles 4 and 75(1).

³⁷ Article 75(2) para 1.

³⁸ Article 121.

³⁹ Article 75(2) para 1.

economic and financial autonomy, in article 123, and their taxing power, in article 75(30).

The provisions of the National Constitution must be supplemented by those of the Federal Tax Revenue Sharing Regime (National Revenue Sharing Law 23.5488/1988), which regulates the distribution of resources between the nation and the provinces. This law, which in article 9, inc. g distributes approximately 80 per cent of the taxes in the country, establishes that the provinces are required by themselves, and through them, their municipalities, not to establish taxes analogous to the national taxes included in this system. Therefore, about 80 per cent of the taxes in effect in the country are sanctioned and collected by the federal government (which then distributes them, partially), leaving only four taxes in the hands of the provinces. This acts as a restriction on the taxing capacity of provinces and municipalities, which have only fees for services and special contributions as possible genuine revenue sources. It also limits, in practice, the effective exercise of municipal autonomy even if the provincial constitutions expressly recognise it, since it implies less room for manoeuvre and greater levels of loyalty towards the governments of the other two levels. The political actors that benefit most from this situation are the provincial executives, since—directly or through the different instances of the provincial government—they can influence municipal spending according to their interests.⁴⁰

With respect to the provincial constitutions, in general they do not provide a precise demarcation of tax competences between provinces and municipalities.⁴¹ Local government revenues are frequently regulated by the requirements of the municipal laws of the different provinces (which define the rates and taxes that can be collected by local authorities) and the co-participation law of each district (which regulates fiscal transfers from the provincial to the municipal budgets). Among the 23 subnational districts in the country, there is a wide diversity in the transfer systems in terms of both the funds or revenues shared and the criteria used in their allocation.

⁴⁰ Marcelo Leiras, *All the King's Horses: Political Party Integration and Democratic Governance in Argentina, 1995–2003* (Prometeo Libros, 2007).

⁴¹ Héctor Flores, Martín Gil, Estela Rufina Iparraguirre, and Cristian Daniel, Altavilla, 'Las decisiones del gasto público y el rol de los municipios en el desarrollo local en Argentina: Un abordaje desde la autonomía municipal y los actores sociales y políticos' (2016) 4 *Terra* 1–31.

In general, the collection of tax revenue in Argentina is strongly concentrated at the national level. This is in line with a theory of collection efficiency which assumes that efficiency increases when collection is carried out by jurisdictions with greater intervention capacity. The current situation does not differ in this regard from that seen four decades ago, taking into account that the main legislation on the subject—National Co-participation Law 23.5488/1988—has yet to be updated. This situation is sustained by a system of intergovernmental transfers, the most important of which are those carried out through revenue-sharing laws (National Law 23.5488/1988 and provincial laws) that define a significant percentage of provincial revenues (about 80 per cent on average, with much variation between provinces). Half of the municipal resources come from this revenue-sharing system and other current national and provincial transfers. Genuine own resources account for 40 per cent (fees and contributions-32 per cent, and other current earnings-eight per cent). This implies that Argentine municipalities are dependent for 60 per cent on transfers from higher levels of government.⁴² Figure 1 illustrates the origin of municipal revenue.

The logic of concentrating fiscal resources at the highest level of government between nation and province is therefore replicated between provinces and municipalities. In practice, only in 11 of Argentina's 23 provinces do municipalities collect taxes on one or some of the typical provincial taxes, while in the other 12 provinces their municipalities do not exercise any taxing powers. The map is varied, however, since, on the one hand, the municipalities of provinces such as Buenos Aires, Chubut, or Córdoba directly collect a great part of their own revenues, while, on the other, La Rioja, Catamarca, and San Juan depend to a greater extent on transfers from provincial and/or national governments.⁴³ Among the municipalities that exercise their own taxing power, there is

⁴² López Accotto and Macchioli (n 22).

⁴³ Local governments' revenues are of both provincial and national origin. The latter have gained preponderance in recent years in municipalities aligned to the federal government for the construction of public works, as well as the resources of the Federal Solidarity Fund, created by National Decree No. 206/2009, which transfers to the provinces 30 per cent of the tax withholdings on the export of soybeans and obliges them to channel at least 30 per cent of them to their local governments. See Paula Clerici, Lucía Demeco, Franco Galeano and Juan Negri, 'Embarrando la cancha. Los aportes a municipios como construcción política', REPSA 2021 Conference.

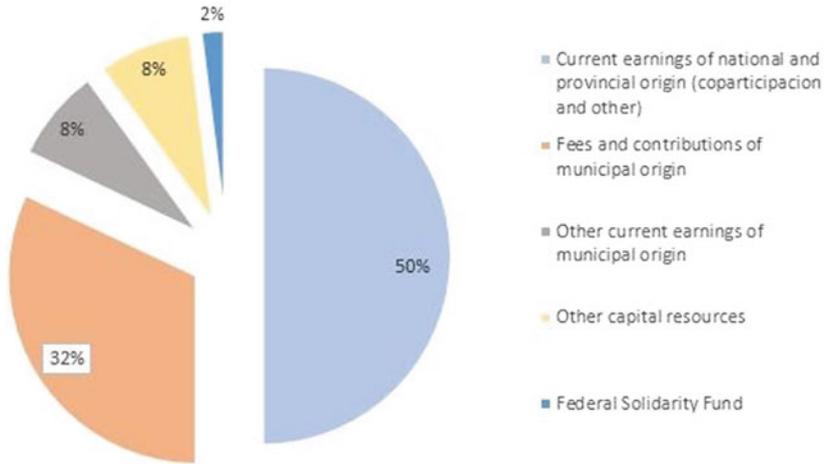


Fig. 1 Origin of municipal revenue in 23 provinces (2013) (*Source* López Accotto and Macchioli [n 22])

evidence of great heterogeneity in the financing scheme: collection of fees, contributions, patents, and fines, among others.

In the case of spending, from the early 1990s to 2019 there is no trend towards decentralisation but instead a slight increase at the national level, linked to a recovery of the state's role in the economy and greater development of social policies. However, it is important to note that in 1980, the national government's share of consolidated expenditure was 66 per cent and that it was the decentralisation implemented in the early 1990s which changed that situation.⁴⁴ Indeed, at that time, spending was decentralised first from the national government to the provinces and then from the latter to their municipalities, while resources were re-centralised.⁴⁵ The consequence was that first the provinces and then the municipalities were responsible for a significant number of competencies without having sufficient own resources to exercise them, thus fostering the provinces' financial dependence on the nation and the municipalities'

⁴⁴ López Accotto and Macchioli (n 22).

⁴⁵ Oscar Cetrángolo, Juan Pablo Jiménez, Florencia Devoto and Daniel Vega, *Las Finanzas Públicas Provinciales: Situación Actual y Perspectivas* (CEPAL, 2002).

Table 2 Distribution of income and expenditure by level of government (1993, 2013, and 2019)

<i>Government level</i>	<i>Revenue</i>			<i>Expenditure</i>		
	<i>1993 (%)</i>	<i>2013 (%)</i>	<i>2019 (%)</i>	<i>1993 (%)</i>	<i>2013 (%)</i>	<i>2019 (%)</i>
National	78	80	79	52	58	56
Provincial	16	16	16	39	33	38
Local	6	4	5	9	9	6

Source Elaboration on data of López Accotto and Macchioli (n 22) and OJF y Assoc. (2019)

on the provinces—a pattern which has been one of the main characteristics of intergovernmental relations in Argentina since the 1990s.⁴⁶ Table 2 shows the distribution of income and expenditure by level of government for nearly three decades.

Calculated as a proportion of GDP, total municipal spending in Argentina went from a value close to 2.8 per cent in 1993–2008 to 3.7 per cent in 2009–2013 before falling to 2.4 per cent in 2019—a historic low-point. In turn, the municipality’s own collection of taxes, fees, duties, and contributions has tended to remain at about 1.2–1.3 per cent. This translates into an increase in the last 20 years of pressure on the municipal fiscus.⁴⁷

With respect to borrowing capacity, both the constitutions of provinces and the provincial laws authorise local governments to borrow money. In all cases, except in the province of Tucumán, the loan is approved by the Deliberative Council of the municipality, but it must meet certain requirements. In 16 provinces the debt cannot exceed 25 per cent of income; in four others it cannot exceed 20 per cent; and in two cases there is no regulation in this regard. Unlike provincial governments, municipalities are governed by provincial *ex-ante* debt control modalities. The weight of interest on debt on current expenditure for all municipal governments in the country has not reached two per cent in any year in the last two decades, and since 2006 it has been less than one per cent. This situation

⁴⁶ Flores et al. (n 41).

⁴⁷ López Accotto and Macchioli (n 22).

has as a consequence the waste of different financial instruments to offer better goods and services to the population and to fulfil new functions.⁴⁸

6 SUPERVISING LOCAL GOVERNMENT

In practice, the fiscal dependence mentioned above constitutes the main mode of control that provincial and national governments exercise over Argentine municipalities. There is no formal form of supervision by the higher levels of government over the local level beyond the logistical coordination and sectorial supervision intrinsic to the normal functioning of certain public policies such as health and education. In this regard, the administrative acts of municipal authorities and their officials are subject to provincial administrative law, which is regulated differently in each of the country's provinces. This implies that, in the face of reasons of illegality, timeliness, merit, or expediency, all the administrative remedies provided for in the provincial legal system of administrative law may be used, imposing an appeal before the same institution that issued the rule or before higher instances, as the case may be.

With regard to the control of municipal political acts such as ordinances, decrees, and municipal resolutions issued under the municipal organic charters, judicial remedies provided for in the provincial and national legal system may be brought before the Superior Courts of Justice of the various provinces, which will decide whether or not the acts respect the provincial constitutions and, ultimately, before the Supreme Court of Justice of the Nation, which determines their respect for the National Constitution.

There is, however, an extraordinary possibility of political control by the provinces of the municipalities, similar to that included in the National Constitution. The latter contains a powerful tool enabling the federal government to take over a provincial authority (*intervención federal*). Article 6 empowers the federal government to intervene in a province and remove elected authorities 'to secure the republican form of government, or repel foreign invasions, and at the request of its constituted authorities to sustain them or re-establish them, should they have been removed by sedition or invasion by another province'. The federal government may

⁴⁸ Ibid.

intervene in the executive, the judiciary, or the legislative powers separately, or any combination of the three. Other American countries have similar institutions.⁴⁹ In Argentina, federal intervention was used extensively in the nineteenth and twentieth centuries, but only six times since the beginning of the current democratic period.

A similar mechanism exists in several of the provincial legal systems (in the provincial constitutions and/or by provincial organic law), allowing the provincial government, by provincial law (although it can be by decree of the governor if the legislature is not in session), to assume executive or legislative municipal powers. The intervention may be total, or limited to a single one of these powers, and has the sole objective of restoring the municipality's normal functioning. As such, the intervention is always approved and carried out by a designated auditor (*interventor*) for a limited period. The occurrence of interventions has, however, been rare.

In the event of a sustained fiscal deficit, it is out of the question for public bodies to go bankrupt. When such a situation arises in a municipality, it is usually the province that is responsible for resolving the situation. In recent years, the financial health of municipalities, measured as a percentage of total expenditure for all municipalities, has been observed in three different stages. Between 1993 and 2002, municipalities showed large imbalances in fiscal matters: on average, a financial deficit of about 4 per cent was recorded. In the stage of the first economic upturn, in 2003 and 2004, there was a strong expansion of the fiscal surplus, of about 6–7 per cent. From 2005 onwards, the trend has been towards financial equilibrium, where years alternate between fiscal deficits and surpluses of about 2 per cent.

7 INTERGOVERNMENTAL RELATIONS

In Argentina, relationships between provincial and municipal governments, and between municipal governments, present a highly complex and heterogeneous picture. The relationship between the provinces and

⁴⁹ Jaqueline Behrend, 'Federal Intervention and Subnational Democratisation in Argentina: A Comparative Perspective', in Jacqueline Behrend and Laurence Whitehead (eds), *Illiberal Practices: Territorial Variance within Large Federal Democracies* (John Hopkins University Press, 2016).

the municipalities is generally hierarchical, informal (formal intergovernmental forums are rare), and enacted through partisan channels. Intergovernmental dynamics are such that mayors are dependent on and, generally, aligned, with the governors.⁵⁰ The ability of the latter to influence the former is both political and fiscal. On the one hand, governors have ‘both electoral incentives and institutional instruments to capture and subordinate the local level’,⁵¹ especially if they share partisan affiliation; on the other hand, provincial governments can exercise discretion in the transfer of fiscal resources to municipal governments and are responsible for enabling new local taxes. Traditionally, then, municipalities have been seen as the ‘administrative units of provincial governments’,⁵² which have exclusive power over the creation, size, and design of municipal institutions.⁵³ However, recent studies show that the role of the mayors has become increasingly important in the last two decades⁵⁴ and that, in particular, the mayors of large cities or capitals can challenge the provincial executive and become an opposition pole.⁵⁵

The decentralisation and territorialisation of the political and party system has resulted in an increasing localisation of politics. In this context, mayors appear as new types of managers who are closer to the people than

⁵⁰ Kent Eaton, *Politics Beyond the Capital: The Design of Subnational Institutions in Latin America* (Stanford University Press, 2004); Tracy Beck Fenwick, ‘The Institutional Feasibility of National-Local Policy Collaboration: Insights from Brazil and Argentina’ (2010) 2(2) *Journal of Politics in Latin America*, 155–183.

⁵¹ Fenwick, *ibid.*

⁵² Andrew Nickson, *Local Government in Latin America* (Lynne Rienner, 1995).

⁵³ Lorena Moscovich and Valeria Brusco, ‘Political Alignments and Distributive Politics at the Municipal Level in Federal Countries’ (2018) 26 *Revista Brasileira de Ciência Política* 63–105.

⁵⁴ See Leandro Eryszewicz, ‘¿Localización de la política? El protagonismo de los intendentes argentinos en la escena nacional’ (2015) *Pensar las Elecciones: Democracia, Líderes y Ciudadanos*, 61–94; Daniel Cravacuore, ‘Gobiernos locales en Argentina’, in José Manuel Ruano de la Fuente and M. Camilo Vial Cossani (eds) *Manual de Gobiernos Locales en Iberoamérica* (CLAD Centro Latinoamericano de Administración para el Desarrollo y Universidad Autónoma de Chile, 2016) 15–40.

⁵⁵ See Miguel De Luca, ‘Political Recruitment and Candidate Selection in Argentina: Presidents and Governors, 1983 to 2006’ in Peter Siavelis and Scott Morgenstern (eds) *Pathways to Power: Political Recruitment and Candidate Selection in Latin America* (Pennsylvania State University Press, 2008) 189–217; Tomás Došek and Carlos Varetto, ‘Conflict or Cooperation? Political Relations between Governors and Mayors in Major Cities in Argentina’ (2021) 40(2) *Bulletin of Latin American Research*, 235–250.

to officials at higher levels of government.⁵⁶ They are hence valuable allies for governors: capital municipalities and those with great population weight are significant for generating a critical mass of voters. Within the framework of local client structures, mayors can coordinate different brokers, an aptitude which is highly important for politicians in the provinces.⁵⁷ Moreover, given that recent work has confirmed a partisan bias in much of the fiscal distribution to local governments,⁵⁸ it is ultimately the mayors who can make political profit from these investments by obtaining electoral support and building territorial political networks.

The growing role of the mayors has also made them interlocutors of the presidents in the territory (mainly those in power since 2003 onwards: Nestor Kirchner, Cristina Fernández, Mauricio Macri, and Alberto Fernández), allowing a direct relationship between the national and local levels and in some cases avoiding the intermediation of the governors.⁵⁹ This strategy of direct territorial links (coupled with direct financial support) has been used to bolster mayors: in provinces governed by the opposition or by a wayward ally, this entails raising local leaders who are often adversaries of the governor. The presidential strategy of generating more than one ally in each provincial territory, sometimes bypassing the governors, has been very useful for the national executive, but in the local arena it generates short-circuits due to the need to sustain agreements that ran in parallel.⁶⁰

With respect to municipal associationism, this type of institutional arrangement began to develop in the provinces of Córdoba and Buenos Aires in the 1990s. Marking a turning-point in this regard, the Constitution of the Province of Córdoba of 1987 enabled the formation

⁵⁶ Eryszewicz (n 54).

⁵⁷ Rodrigo Zarazaga, 'Brokers Beyond Clientelism: A New Perspective Through the Argentine Case' (2014) 56(3) *Latin American Politics and Society*, 23–45.

⁵⁸ Marcelo Nazareno, Susan Stokes and Valeria Brusco, 'Réditos y peligros electorales del gasto público en la Argentina' (2006) *Desarrollo Económico* 63–88; Moscovich (n 53).

⁵⁹ Martín Ardanaz, Marcelo Leiras and Mariano Tommasi, 'The Politics of Federalism in Argentina and its Implications for Governance and Accountability' (2014) 53 *World Development*, 26–45; Mariela Szwarcberg Daby, 'Reelecciones infinitas: el caso de los intendentes del Conurbano' (2016) 21(2) *POSTData: Revista de Reflexión y Análisis Político*, 577–592.

⁶⁰ Penélope Vaca Avila, 'Quiebres y continuidades en las dinámicas multinivel con la llegada de Cambiemos al gobierno' in Matías Triguboff (ed) *Estado y Políticas Públicas en la Argentina de Cambiemos* (Imago Mundi, 2020).

of ‘intermunicipal organisations’, an institution later adopted by other provinces.⁶¹ In Argentina, three models can be distinguished:

- A commonwealth of municipalities (within the same province or across provincial borders), that is, an association, with a legal structure but without political power, through which local governments achieve the joint execution of works and services;
- Micro-regions, composed of a set of local governments that collectively seek local development by means of an inter-municipal agenda in all areas of administration; and
- City networks.

The Argentine Federation of Municipalities⁶² is the most important local government network and the only legal entity that, according to Law No. 24.807/1997, may represent the country’s municipalities before third parties (the relationship with provincial and federal actors runs through the traditional channels).⁶³

Local governments, particularly small and medium-sized ones, began to establish voluntary cooperation agreements in a ‘bottom-up’ process, and organised themselves under different names: associations of municipalities, inter-municipal consortiums, corridors, micro-regions, and others. However, the results to date of inter-municipal associations are discouraging: they reached their peak during the political crisis of 2001, after which many of them were deactivated.⁶⁴

⁶¹ Myriam Consuelo Parmigiani, ‘Aspectos jurídicos y políticos y de la institucionalización de Modelos innovadores de asociativismo municipal: una reflexión a partir de experiencias en Argentina’ (October 2005) Paper presented at the 10th CLAD International Congress on State and Public Administration Reform, Santiago (Chile) 18–21.

⁶² See www.famargentina.org.ar/.

⁶³ In recent years, there has been a proliferation of thematic networks, for example the Federal Network of Tourist Municipalities in the face of Climate Change; Healthy Communities; Religious Tourism Management; and Participatory Budgeting. Among the international ones, Mercociudades stands out in the context of Mercosur.

⁶⁴ Cravacuore (n 27).

8 POLITICAL CULTURE OF LOCAL GOVERNANCE

Municipal elections in Argentina attract popular interest and enjoy a high turn-out. Since voting is compulsory in Argentina, elections at all levels achieve a high average turn-out of about 70 per cent. The two major national parties, the PJ and UCR, run for local elections, either autonomously or in coalition with other parties. Provincial and local parties also usually compete as allies, formal or informal, of the national ones, in order to access successfully public transfers.

Mayors represent a significant part of the national leadership due to their role as local leaders and their ability to mobilise the electorate in a country where local politics are important in the context of federal dynamics. However, we must differentiate between, on the one hand, the status of the mayors of the large municipalities—those of the AMBA, with preponderant weight in the national elections—and the provincial capitals—where a significant part of the provincial electorate is concentrated—and, on the other, the status of the mayors of small local governments, who are generally subordinated in compliance with directives originating at the provincial level. In any case, all mayors are of great importance at the local level, since they have more economic and symbolic resources than other territorial actors.⁶⁵ Increasingly, important political careers begin with the position of mayor, with many provincial governors and three presidents (Fernando de la Rúa, Nestor Kirchner and Mauricio Macri, the latter the Head of Government of CABA) having followed this pattern.⁶⁶

Gender equality in the branches of government has been a recurring theme in the Argentine political agenda in recent years. The first advances occurred at the national level, with the approval in 1991 of Law 24.012 on Women's Quota and then, in 2019, with Law 27.412 on

⁶⁵ Edward Gibson and Julieta Suarez Cao, 'Federalised Party Systems and Subnational Party Competition. Theory and Empirical Application to Argentina' (2010) 43(1) *Comparative Politics*, 21–39; Došek and Varetto (n 55).

⁶⁶ De Luca (n 55); Germán Lodola, 'The Sub-national Structure of Political Careers in Argentina and Brazil' (2009) 49(194) *Desarrollo Económico* 247–286; Edward Gibson, *Boundary Control: Subnational Authoritarianism in Federal Democracies* (Cambridge University Press, 2013).

Gender Parity. This was followed by an extensive process of subnational dissemination of such standards.⁶⁷

Thanks to the legislation approved at national level, 2020 was very positive in terms of progress on gender-parity laws at the provincial level: as a result of the trans-partisan organisation and negotiations among legislators, reforms took place in seven provinces. Several of these initiatives were taken or strongly supported by the provincial executive powers either to fulfil campaign promises or because it was an unavoidable demand. This shows that women politicians had the capacity for political engagement and influencing decision-making, and that the pressure exerted by various women's groups in civil society, political parties, academia, and professional sectors was effective. Only three remaining provinces have not yet reformed their quota laws.⁶⁸

There are few analyses on gender equality at the municipal level, but a recent study⁶⁹ shows that, out of a sample of 1135 municipalities, only 140 (12.33 per cent) are governed by women, and that of a total of 9800 seats of deliberative councils, women councillors represent 40 per cent. In general, the percentage is higher in those provinces that have a parity law in force. A conclusion reinforced by another study in the Province of Buenos Aires shows that after the implementation of the

⁶⁷ Between 1992 and 1997, 20 provinces adopted minimum quota laws similar to the national law; Chubut and CABA adhered to the national regulations; and in 2011 and 2012 Jujuy and Entre Ríos joined then. Anticipating the national dynamic, between 2000 and 2002 the provinces of Santiago del Estero, Córdoba, and Río Negro adopted gender-parity laws (50 per cent) for the nomination of candidates to their respective provincial legislatures. These pioneering provinces were joined by Buenos Aires, Salta, Chubut, and Neuquén in 2016 and Catamarca in 2018. While Buenos Aires and Salta had already implemented parity in 2017, the rest would do so for the first time in 2019, in line with the debut of the national law. See Natalia Del Cogliano and Danilo Degiusti, *La nueva Ley de Paridad de Género en Argentina: Antecedentes y Desafíos*, *Observatorio Político Electoral – Documento de Trabajo No. 1* (Ministry of Interior, Public Works and Housing, 2020).

⁶⁸ Those provinces are Tucumán, Tierra del Fuego and Corrientes. Latin American Justice and Gender Team, *El año de la paridad en las provincias*, www.ela.org.ar/a2/index.cfm?muestra&aplicacion=APP187&cni=4&opc=47&codcontenido=4297&plcontampl=12 (accessed 5 July 2021).

⁶⁹ Ministerio del Interior, *Informe sobre paridad en Argentina: Relevamiento federal de Concejos Deliberantes*, 2021.

national parity law, women went from occupying 33 per cent of the council's seats to occupying 40 per cent. In that case, municipalities where women occupied half or more of the seats also increased, from 8 to 19.⁷⁰

9 COVID-19'S IMPACT ON THE ROLE OF LOCAL GOVERNMENT

The Covid-19 pandemic produced a global crisis unprecedented in human history. The first case of Covid-19 detected in Argentina was reported on 3 March 2020 in CABA. Immediately, on 20 March, the national government issued the *Aislamiento Social, Preventivo y Obligatorio* (Social, Preventive and Compulsory Isolation, ASPO) throughout the country for people who did not work in essential sectors of the economy. This measure aimed to flatten the curve of infections for a few months during which period action could be taken to improve health infrastructure and stock up on supplies so that the health system did not collapse. The economy, however, suffered severely, as did most social indicators.

Three months later, on 28 June 2020, the *Distanciamiento Social, Preventivo y Obligatorio* (Social, Preventive and Compulsory Distancing, DISPO) was approved, allowing a resumption of movement subject to restrictions, including the need for permits to cross provincial borders. Since then, there have been several short-term partial closures but never a return to a situation of total lockdown. The severe economic situation and the rapid increase in poverty prevented the reintroduction of quarantine measures in 2021, despite the fact that a second wave of the coronavirus saw a sharp increase in the number of cases and deaths compared to those recorded in 2020. In mid-2021, Argentina was one of the countries with the highest number of cases per capita⁷¹ but also one of them with the

⁷⁰ CIPPEC, 'Participación de las mujeres en los concejos deliberantes antes y después de la primera implementación de la paridad de género. Provincia de Buenos Aires (2017)', www.cippec.org/grafico/participacion-de-las-mujeres-en-los-concejos-deliberantes-antes-y-despues-de-la-primera-implementacion-de-la-paridad-de-genero-pba-2017/ (accessed 26 August 2021).

⁷¹ As of July 2021, Argentina had had 4.72 million cases and 100,000 deaths since the beginning of the pandemic. This equates to 2330 deaths per million inhabitants, ranking the country 13th in the world.

highest vaccination coverage,⁷² thanks to an active policy of agreements and local vaccine production.

The municipal system responded to the crisis with great commitment from its officials in spite of scarce resources. The sector where the greatest challenge arose was health care, a site of concurrent competition between the three levels of government. The municipalities were responsible for primary care, with provincial and national hospitals were the institutions in charge of the hospitalisation of complex cases. In all areas, but in this one in particular, intergovernmental coordination became of fundamental importance.

At the beginning of the crisis and throughout 2020, there was fluid and coordinated work between the different levels of the administration. It was particularly important in the AMBA, where the most severe effects of the pandemic were evident due to the combination of population density and high levels of poverty in sectors of the Buenos Aires *Conurbano*. The coordination was fruitful throughout 2020 despite the lack of formal mechanisms and the affiliation of leaders to the two political coalitions of the country: that of the national government and the Province of Buenos Aires with the PJ, and that of CABA with *Juntos por el Cambio* (UCR and Republican Proposal). Numerous face-to-face and virtual meetings were held between the President, the governor of Buenos Aires, the head of government of CABA, and the 24 mayors to review the capacity to respond to the health crisis.⁷³ Nevertheless, coordination was transformed into competition in line with partisan preferences during 2021, in particular on children's attendance at schools.

In terms of competencies, municipalities continued to support basic services—waste collection and final disposal; urban grooming and maintenance; food delivery to the in-need population; and primary health care—and also played a leading role in the vaccination programme in 2021. Many municipalities produced educational materials to promote

⁷² As of July 2021, Argentina ranked 14th in the world in terms of people vaccinated per 100 population.

⁷³ In the larger municipalities where the pandemic had a severe impact, out-of-home isolation beds for the mildly infected were quickly set up in hotels, universities, schools, barracks and sports clubs, in addition to which cemetery graves were prepared. Working in conjunction with each other, the three levels of government built 12 modular hospitals in the first two months of the pandemic, adding 350 new intensive care and 650 intermediate care beds to the system. See Daniel Cravacuore, *Municipalities in Argentina in the Face of the Coronavirus Pandemic COVID-19* (Preprint, 2021).

safety in homes and businesses, and distributed them through social networks. In addition, productive enterprises dedicated to the manufacture of masks and clothing for health personnel were activated. In the social field, several municipalities mobilised networks of volunteers to assist the elderly in the purchase of food and medicine. The delivery of food reinforcements to poor households, in the form of weekly baskets or daily meals, was accelerated, given the closure of school canteens.

As a novel element in terms of competences, the national government expanded during this emergency situation municipal competencies in terms of price control of food and essential cleaning products (PEN Decree 351/20), acting as agents of the federal government. Among the tax actions, the postponement of the collection of municipal taxes, both from households and affected businesses, was widespread. Far more remarkable was the fact that some municipalities—such as Rosario as well as Santa Fe, the third most populous in the country, and with the conspicuous exception of the CABA government—extended lines of credit at a subsidised rate to protect jobs and companies (mainly small and medium-sized enterprises), thereby complementing the actions of the national government. In the area of mental health, some large municipalities set up telephonic helplines to provide psychological counselling for people with ASPO-related conditions. In the same vein, telephonic support for increased gender- and domestic-violence-related complaints was reinforced. Finally, the municipalities were in charge of implementing mandatory quarantine measures and controls in regard to people returning from abroad.⁷⁴

The management of the Covid-19 crisis gave rise, at the municipal level, to various forms of collaborative governance to solve common and urgent problems. These efforts were built, in some cases, on previous experiences of multilevel, horizontal, and public–private collaboration. A recent study of four municipalities of the Buenos Aires *Conurbano*⁷⁵ highlighted that the health, economic, and social situation confronted officials with unfamiliar problems and compelled them to search actively for governance modes capable of addressing these issues. Innovative measures were

⁷⁴ Ibid.

⁷⁵ Jacqueline Behrend and Ximena Simpson, ‘The Covid-19 Pandemic Response in the Municipalities of San Martín, Tres de Febrero, Avellaneda and Quilmes, Policy Paper #5’ (Ciudad Autónoma de Buenos Aires: Asuntos del Sur, 2021).

devised to create short-term solutions for complex problems, mainly ones affecting vulnerable populations.

Collaboration also involved technology transfers to subnational governments, which could lead, in the medium term, to an increase in municipal organisational capacities. Key examples were the implementation of the national programme *Detectar* (Detect), intended to identify new cases of Covid-19, and the coordinated delivery at municipal level of food from national government programmes such as *Programa Argentina contra el Hambre* (Argentina against Hunger Programme) and the *Alimentar* (food) card programme—the latter relied on a distribution network that included schools, neighbourhoods, and companies that donated supplies.

In addition, videoconferencing strengthened multilevel collaborative governance by enabling frequent meetings to be held between officials from different levels of government. This technology also facilitated close monitoring of the situation in the territories, for instance through video calls with women victims of domestic violence or with the inhabitants of vulnerable or more affected neighbourhoods. The articulation with territorial referents and/or intermediaries expanded the scope of the incidence of public policies and allowed the formation of networks with social organisations, neighbourhood referents, churches of different religions, and other territorial actors.

10 EMERGING ISSUES AND TRENDS

Emerging trends regarding the role of municipalities in Argentina have to do with the need to strengthen their capacities to identify and solve collective problems, something that was clearly spotlighted during the management of the Covid-19 crisis. The management capacity of the local governments is undoubtedly limited by their restricted taxing powers. However, this is a pending issue since the approval of the National Revenue Sharing Law 23.5488 in 1988, which could not easily be modified due to the difficulty of achieving the necessary consensus.

Other contemporary issues are the search of scale for economic development, the decentralisation of some provincial policies, the recognition of regional particularities for the promotion of development, and the increase in new municipal functions. Despite their financial limitations, municipalities in recent years have played an increasingly prominent role

in the lives of citizens, both in the political arena and even at the international level, as evidenced by their growing importance in the field of international cooperation.

One of the main ways in which local governments participate in international cooperation is through decentralised and South–South and Triangular Cooperation. A recent seminar in Buenos Aires⁷⁶ showed that Argentine provinces and municipalities are highly active in the Argentine South–South and Triangular Cooperation Fund (FO.AR), which has more than 130 technical cooperation projects in different regions of the world. Fields in which Argentina has added value include agro-industry, productive technological innovation, science and technology, creative industries, the environment, health, and human rights.

Another area of international cooperation is developed through the Argentine Federation of Municipalities,⁷⁷ a non-profit public entity created by the National Law No. 24,807/1997 and empowered to serve as a voluntary association representing all municipalities in the country. Thanks to this entity, a range of agreements have been entered into with international financial organisations (such as the World Bank, Inter-American Development Bank, and Andean Development Confederation), private donors, international cooperation agencies, and the federations of municipalities of other countries in the region. The agreements dealt with such fields as governance, transport, justice, the economy, and agriculture. Further contexts where local governments have played a salient role are the European Union’s URBAL and International Urban Cooperation programmes.⁷⁸

Nonetheless, the main area of regional participation of Argentine municipalities and important cities has been Mercosur (the Southern Common Market, a South American trade bloc). The Treaty establishing a Common Market between Argentina, Brazil, Paraguay, and Uruguay, signed in Asunción on 26 March 1991, gave rise to a process of integration among the countries of the Southern Cone. The process has had its ups and downs and is still under way, but the Treaty is undoubtedly the main framework for regional cooperation in the Southern Cone.

⁷⁶ The 5th Regional Conference ‘Perspectives of Triangular Cooperation in Latin America and the Caribbean’, jointly organised by Argentina and Germany.

⁷⁷ FAM, Convenios, www.famargentina.org.ar/convenios/ (accessed 10 July 2021).

⁷⁸ International Urban Cooperation Program, <https://iuc-la.eu/> (accessed 10 July 2021).

In November 1995, the First Summit of the Mercociudades Network was held in Asunción, culminating in the signing of the 'Founding Act of Mercociudades' by the mayors and other leaders of the participating cities. The objective was to generate an institutional environment in which local governments could express their opinions on the direction of the integration process and develop a space of convergence and exchange.

One of the main challenges that was identified as requiring joint action was the almost non-existent development of international cooperation departments in the region's municipal governments; other challenges were municipalities' lack of resources, lack of staff training, and lack of awareness of the importance of international relations. Likewise, tasks such as the renovation or conversion of the productive bases of cities, the building and maintenance of urban infrastructure, the maintenance of acceptable levels of quality of life for the population, and the articulation of viable mechanisms of social integration, were considered matters that cities could not solve in isolation. Subsequently, the Common Market Council, the highest body of Mercosur, decided at the Belo Horizonte Summit in December 2004 to create the Consultative Forum of Mercosur Municipalities, Federated States, Provinces and Departments, which replaced the *Reunión Especializada de Municipios e Intendencias* (Specialised Meeting of Municipalities and Intendencias). Since then, the participation of local governments in Mercosur has been very active, although at the mercy of the vicissitudes of the regional integration process itself.

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