

## Argentina: Centralized Power and Underdevelopment

Antonio M. Hernandez

Throughout its history, Argentina has experienced a high degree of concentration of power in the national executive, based in the capital of Buenos Aires, which is also the focus of economic and financial power. This phenomenon in turn has had implications both for the operation of democratic institutions and for the enactment of federalism. While the causes lie in part in problems of institutional design, which might be remedied by constitutional or legal change, they are attributable also to political culture and to a lack of respect for constitutional principles and the rule of law, for which remedies are less readily found.

Argentina's national Constitution, originally promulgated in 1853, reflects the combined influence of the Constitution of the United States and the civil law tradition in the design of both the federal system and the institutions of government. The federation comprises the federal or national sphere of government, 23 provinces, and the autonomous city of Buenos Aires, which is also the federal capital, and the Constitution divides power between them. The establishment of the federation in 1853 brought together 14 existing provinces and, as is often the case in a federation formed in this way, each sphere of government has its own Constitution and governing institutions. The institutional model involves a separation of powers between the executive, legislative, and judicial branches, including the direct election of the federal president, the provincial governors and the head of government (*Jefe de Gobierno*) of the Autonomous City of Buenos Aires. Since 1994, a measure of direct democracy has been available as well through referenda and the "initiative," which is the power of the citizens to present a bill under the Chamber of Deputies.

As is the case with other countries in Latin America, Argentina has experienced serious difficulties with the stability of its political system. This is evidenced, for example, by the series of military coups d'état that took place between 1930 and 1983, disturbing both constitutional order and democracy. This instability has been a major cause of the centralization of power; successive rounds of constitutional alteration have impeded the enactment of provincial and municipal autonomy. While Argentina fortunately returned to a democratic form of government in 1983, the performance of its institutions remains unsatisfactory in many ways. The history of the past twenty years is marked by a lack of institutional quality because the country has endured a state of continuing political, economic, and social emergency, suggesting an underlying political and legal immaturity that must be overcome.

With the re-establishment of democracy in 1983, the exercise of municipal and provincial autonomy advanced and the public rights system was modernized through reforms in the provincial constitutions. Finally, the national constitutional reform of 1994 confirmed the decentralization of power by strengthening federalist principles, recognizing municipal autonomy, and granting a special status to the Autonomous City of Buenos Aires.

But the lack of quality of Argentina's institutions prevents the country from adequately complying with the federal nature of the Constitution. The country cannot overcome the obvious economic, financial, political, and social dependence of the provinces on the federal government. Negotiations regarding fiscal co-participation have been inconclusive, and there is still no legislation in spite of the fact that the constitutional timeframes expired 8 years ago.

**Unfortunately, the constitutional system has not functioned properly and, consequently, neither have the republican and federal institutions. The key problem is the imbalance of power both at the federal and provincial orders. Consequently, it is in the**

president's and the governors' hands that real political power lies. Furthermore, to this is added the predominance of the president and national government over the governors and the provinces, which produces a centralization of power that is distant from the constitutional principles.

The political problems mentioned above create a situation that prevents Argentina from considering such a delicate matter as the federal system and in particular, the modifications that have to take place in order to comply with the principles of the Constitution. The republican system has, among its stated objectives, the goals of freedom, equality among all people, and the horizontal division of power. Federalism as a form of decentralization of power can be conceived only within a democratic political regime that brings power closer to the people and that acts as a vertical control within the state. In effect, vigorous provincial and municipal autonomy presupposes active participation on the part of citizens in order to have good governance and serve as a check on the power of the national government.

Several important changes can be made to address the poor functioning of Argentina's institutions:

- Compliance with the principles of the republican and federal system established under the national Constitution.
- Strengthening the federal role of the Senate.
- Reaffirmation of the role of the Supreme Court of Justice as a guarantor of federalism and balance of the powers.
- Emphasizing democratic education at all levels.
- Initiating deep political reform aimed at improving political parties that are currently not properly performing their roles within the institutional system.

Insofar as future trends are concerned, the best opportunities for the country lie within the opportunities of globalization and deepening the process of decentralization of power. That is why today the word "Glocal" has been coined, indicating that people must think in global terms but act locally. Regarding the risks at hand, it is impossible to hide the magnitude of the crisis that the country is going through. Combined with economic and social underdevelopment, Argentina has historically been compelled to concentrate only on the circumstantial problems that prevent it from resolving the deeper structural ones.