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DYNAMICS IN LEGISLATIVE–EXECUTIVE RELATIONS IN ARGENTINA, 2019 AND 2023

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DOI:10.1017/S1049096524000696

Scholars have proposed institutional, economic, cultural, and global explanations for the observed dynamics in legislative–executive relations (Ishiyama 2022). This article analyzes how economic factors affected legislative–executive relations in Argentina between 2019 and 2023.

At the end of 2019, when a change of government administration took place, the country went into recession, with high inflation rates (53.5%) and high debt levels. The presidency of neoliberal leader Mauricio Macri (2015–2019) implemented a process of financial valorization (Wainer 2021). GDP had fallen from 643.86 billion USD in 2017 to 446.76 billion USD in 2019. The national government's gross debt increased from 57% of GDP in 2017 to 89.8% in 2019. Its main creditor was the International Monetary Fund (IMF), with which it had signed a 57.1 billion USD standby agreement. Because the IMF negotiated only with the executive branch (Ishiyama 2022), the Congress never discussed or approved of this loan, thereby shrinking legislative power.

When Alberto Fernández assumed the presidency (December 10, 2019–December 9, 2023), he rejected the final installment of the IMF loan to address the impact of economic conditions (Banco Central de la República Argentina 2020). At the same time, he introduced two draft bills to Congress that, when passed, intensified the legislative decline. This weakened the power and influence of parliaments, along with a corresponding increase in the concentration of power in the executive branch (Mezey 2020).

The first bill declared a "state of emergency," arguing that the economic crisis and the health system required special power for the executive branch because it could act more quickly than Congress (Ishiyama 2022). This explanation is similar to what Roberts (2017) provided when he noted how crises are used to expand executive discretion. In December 2019, Congress approved this initiative (i.e., Law No. 27,541), which established a moratorium for small- and medium-sized enterprises (SMEs) and imposed a tax on the purchase of foreign products. Congress also transferred to the executive branch the power to renegotiate foreign debt, restructure electricity and gas service rates, promote productive reactivation, improve pensions, and deliver essential medicine for outpatient treatment to patients with high social vulnerability.

The second bill (i.e., Law No. 27,544) was passed to resolve the unsustainability of the debt. It limited foreign debt issuance and delegated the executive branch to conduct debt-management operations, as well as to negotiate for the trading and restructuring of interest maturity services and principal amortizations of foreign debt issued under foreign legislation. The passage of this law was justified by the need for a strong government to negotiate with creditors (e.g., the IMF). Like other multilateral organizations, the IMF negotiates with only the executive branch. In this case, globalization expanded executive power (Roberts 2017) and weakened legislative power (Milner 2021).

In March 2020, the COVID-19 pandemic erupted. Immediately, the national government used the Necessity and Urgency Decree (also known as the DNU)[123] to restrict the movement of people and transportation. As a result, not only did economic activity slow down; legislative activity did as well. There were legal discussions about whether Congress could conduct its meetings remotely. For this reason, Vice President Cristina Fernández de Kirchner promoted before the Supreme Court of Justice a declaratory action of certainty so that the highest court would clear the state of uncertainty regarding the constitutional validity of Congressional meetings using virtual and remote means.

On April 24, 2020, the Supreme Court of Justice ruled that the legislative branch has all of the constitutional power to interpret its own rules of procedure and the best way to conduct meetings (Honorable Senado de la Nación S/acción declarativa de certeza 2020). Finally, on May 13, both houses of Congress returned to functioning through the remote modality, doing so until July 2021. The data demonstrate the significant impact that the COVID-19 restrictions had on the economy and social indices.

As shown in table 1, 2020 GDP fell from 446 billion USD to 386 billion USD and that debt, unemployment, inflation, and poverty rates increased. This happened despite the fact that during the 2019–2021 period, Congress functioned regularly and passed laws to alleviate the impact of COVID-19. When Congress functioned remotely (i.e., May 2020 through July 2021), more than 70

Table 1

Argentina Economic Activity Data, 2019–2023 (in Billions USD)

	2019	2020	2021	2022	2023
GDP[2]	446.76	385.22	487.38	630.66	654.89
Debt[3]	89.8	103.8	80.8	84.7	154.5
Unemployment Rate	9.8	11.6	8.8	6.8	6.6
Inflation*	53.5	42.0	48.4	72.2	133.5
Poverty	35.5	42.0	37.3	39.2	41.4

Source: International Monetary Fund.
Note: *Inflation rate, average consumer prices (annual percentage change).

https://doi.org/10.1017/S1049096524000696 Published online by Cambridge University Press

laws were passed—twice as many as in 2019 (Bercholc 2021). At the same time, the executive branch used DNUs on a daily basis to regulate the isolation measures required to combat the pandemic and to establish economic contingency measures. For example, it extended the health emergency; regulated economic activities enabled to operate; created an emergency family income for people in households without labor income (i.e., payments in three installments); and the Emergency Assistance Program for Work and Production—that is, complimentary salaries paid by the state to people employed in companies. In 2020, 76 DNUs were issued; in 2021, 40. The Bicameral Control Commission of DNU analyzed most of these DNUs. It is important to note that Congress had the power to annul these decrees but decided not to reject any originating in the Fernández administration. However, in 2020, the Senate rejected three DNUs issued in 2018 by former President Mauricio Macri.

In 2022–2023, the loss of the ruling majority in Congress resulted in a paralysis in legislative work, thereby deepening the decline of the legislative branch.

For its part, in 2020, Congress passed laws with tax benefits for healthcare workers to enable social-distancing education, implemented tax holidays for SMEs, and established a tax on large fortunes. This "extraordinary contribution" would be paid only once by those who had declared fortunes of more than 200 million pesos—about 12,000 people. The proceeds would be used to sustain the healthcare system.

As the government sought to cushion the impacts of the COVID-19 pandemic, it used the delegated powers granted to it by Congress to renegotiate the debt with private creditors under foreign jurisdiction—a total of 66 billion USD. When the debt payments were postponed, the government requested a new agreement with the IMF to be able to renegotiate the repayment terms of the loan taken in 2018. After an extensive process, Congress did not approve or announce the agreement until 2022.

In the 2021 elections, the presidential party lost its majority in the Senate and its membership in the Chamber of Deputies was reduced. As a result, there was a paralysis in legislative activity, as evidenced by the inability of the legislature to pass most draft bills —only 36 laws were passed in 2022—and the government continued to issue decrees based on necessity and urgency. Nevertheless, in 2022–2023, the Bicameral Control Commission of DNU did not directly control any of those DNUs.

To conclude, there was a legislative decline from 2019 to 2023 in Argentina. Initially, in 2019, the economic crisis and high debt led Congress to transfer power to the executive branch to negotiate with the IMF. Subsequently, in 2020–2021, the legislative delegation was defined by the COVID-19 pandemic and the need to reduce its economic impact and to address the health emergency. Finally, in 2022–2023, the loss of the ruling majority in Congress resulted in a paralysis in legislative work, thereby deepening the decline of the legislative branch.

CONFLICTS OF INTEREST

The author declares that there are no ethical issues or conflicts of interest in this research. ■

NOTES

1. The DNU, a special order issued by the president of Argentina, was established in the Constitution in 1994. Unlike regular decrees, which are used in Argentina for rulemaking, a DNU has the force of law. After the president signs a DNU, it comes into force almost immediately; afterward, the National Congress must examine it in the Bicameral Control Commission of DNU and determine whether it will be allowed to remain in force. This corresponds to the institutional design, and there has been research on this subject for the Argentine case (Blogna Tistuzza 2020).
2. GDP, current prices (USD billions).
3. National government gross debt (percentage of GDP).

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THE PHYSICAL PROXIMITY OF THE EXECUTIVE BRANCH TO THE LEGISLATURE: HOW CLOSE IS TOO CLOSE? THE CASE OF AUSTRALIA

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DOI:10.1017/S1049096524000684

Australia has a parliamentary political system with a majoritarian electoral system for its Commonwealth House of Representatives. This Spotlight article discusses how the physical proximity of the executive branch to the legislature contributes to the former exercising power over the latter. In Australia, the executive branch is housed within the legislature building (Fewtrell 1985) by "deliberate design" (Macintyre 2008, 48). That is, the executive and legislative functions of government are carried out in the same building. Ester (2011, 127) described this accommodation arrangement as "unprecedented" and one "that shows scant regard for ensuring the [legislature's] constitutional sovereignty is underpinned through physical separation."

https://doi.org/10.1017/S1049096524000696 Published online by Cambridge University Press