

The provincialization of the environment under the Milei government

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Executive summary

The Government consolidated its political support in the 2025 parliamentary elections and is now closer to achieving the majorities it needs to deepen, through legislative means, the reform proposals that two years ago it had only attempted to force through decrees of necessity and urgency, dismantling pre-existing political agreements.

Among its main reforms are the consolidation of the Incentive Regime for Large Investments (RIGI), the reform of the intelligence service, and the drastic reduction of different areas of the State that are essential to guaranteeing the population's human rights. Along the same lines, the loss of hierarchy of the highest environmental authority stands out, as does the constant reduction of budgets for areas related to ecosystem protection and climate action.

These decisions can be understood through the Government's adherence to climate denialism, which leads to the denial of the problem as a matter of public agenda, and which is linked to a growing number of leaders positioned on the far right globally who share these traits. On the domestic agenda, this new electoral support is resulting in a renewed attack against central laws for the environmental agenda, such as the reform of the Ley de Glaciares, which, like the Ley de Bosques, is included within the so-called Pacto de Mayo. This is framed within a process of deregulation that seeks to smooth the conditions for the arrival of foreign investment in natural resources, with highly regressive consequences in terms of environmental protection.

Introduction

In Argentina's 2025 legislative elections, the electorate reaffirmed the administration of President Javier Milei, who, as a result, consolidated his positive image and gained momentum to continue carrying out his reform proposals. Many of these proposals had not advanced during his first two years in office, since he did not have majority support in the two chambers of the National Congress.

However, the absence of parliamentary majorities had not fully managed to halt the agenda of comprehensive reform, which was implemented mainly through decrees of necessity and urgency. This was achieved by dismantling the pre-existing political agreements of different political coalitions and adding the necessary votes. In this way, the government was able to carry out some of its reform proposals and had political support to veto recently passed laws.

Nor should it be forgotten that the first bill (known as the Ley Ómnibus) sent to Congress in December 2023 by the then-new administration included the reform of numerous laws (the elimination of 14 laws, the modification of 21 laws and 6 decrees). These proposals pursued as their sole "alleged" purpose the control of high inflation, for which it was argued that it was necessary to deregulate the economy and reduce public spending. That original bill did not receive the necessary support, so it was modified (it contained changes to fewer laws), was named Ley de Bases Ómnibus 2 and was finally approved on June 12, 2024 (and enacted on July 8) as Law 27.742 on Bases and Starting Points for the Freedom of Argentines (known as the Ley Bases).

In its original wording, the environmental chapter involved the reform of central laws for ecosystem protection, such as Law 26.331 on Native Forests, Law 26.639 on the Protection of Glaciers and the periglacial environment, as well as Law 26.815 on Fire Management. Most of these reforms did not advance during the first months of government, as they did not have sufficient political support. However, these reform proposals were reissued at the end of 2025 with a majority in Congress, and the amendments to the Ley de Glaciares are now a reality, following their approval in April 2026 (Law No. 27.804, published in the Official Gazette on April 24, 2026).

The foreign relations agenda also underwent a major shift: Argentina moved away both from its traditional commitment to dialogue and multilateralism and from its tendency to support proposals that advanced the recognition of human rights.

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Along these lines, the direct relationship with the president of the United States since the beginning of 2025 translated into a decisive shift in Argentina's foreign policy; Argentina supported or followed the northern government in its unilateral definitions. Among these, notable examples include its support for United States positions in the United Nations General Assembly, its announcement that it would leave the World Health Organization (WHO), and its public denunciation of the Sustainable Development Goals (SDGs). In return, its support for the Trump administration's policies also brought it the financial support necessary to contain the foreign exchange market in the pre-electoral period.

Environmental policies of Javier Milei's government in its first two years

By way of review, and as we have already described in previous editions of this environmental report, the La Libertad Avanza government first adhered to climate denialism and to the denial of its anthropocentric origin. Along the same lines, it disregards the scientific agreements produced for decades by the Intergovernmental Panel on Climate Change (IPCC) and the information provided by various independent studies (Nápoli and Marchegiani, 2025).

This denialism was especially serious and sharply contrasted with the severe impacts of climate change in the country. Forest fires occurred in Córdoba (2025) and in Patagonia (2025 and the first months of 2026). There, the fire first devastated the area of Puerto Patriada and then part of Los Alerces National Park, in the province of Chubut. The lack of political and management response to these increasingly extreme and frequent phenomena is evident. Far from being recognized as central problems on the public agenda, these challenges are systematically relegated to decision-making. This is reflected in sustained budget cuts, in the shrinking and reconfiguration of the State, as well as in the underexecution of already allocated resources.

In environmental matters, institutional degradation has been significant. The Ministry of Environment was reduced to the rank of subsecretariat and, during 2024, its budget registered a real cut of 79.4% in relation to the funds executed in 2023 (Cena Trebucq, 2025). In 2025, the adjustment deepened: the Subsecretariat of Environment presented a real fall of 80.8% compared with 2023. For 2026, should the full amount of projected funds be executed, a real reduction of 79.6% is projected compared with that same year (Cena Trebucq, 2026).

This dynamic is replicated in other budget lines linked to environmental care. If the comparison with 2023 is maintained, the National Parks Administration registers a real fall of 34% in 2024 and 39.3% in 2025, while for 2026 a real reduction of 32.3% is projected. Meanwhile, the budget lines allocated to sanitation and infrastructure improvement in the Matanza-Riachuelo Basin showed real falls of 76.6% in 2024, 87.7% in 2025, and a real reduction of 92.2% is expected for 2026.

The promotion of renewable energy and energy efficiency did not escape this trend either: they registered real falls of 66.4% in 2024 and 64% in 2025. For 2026, a real increase of 12.7% is projected compared with 2023, explained mainly by budget lines financed with international loans aimed at targeting subsidies, but which do not include the execution of civil works or infrastructure intended to expand renewable energy generation capacity.

Finally, the case of the National Fire Management Service is relevant. During 2024, it executed barely 22% of its budget, which implied a real fall of 81% compared with 2023. In 2025, it executed 76% of the available funds, in a context marked by the serious forest fires already mentioned, while for 2026, a real reduction of 69.2% is projected compared with 2023 (Cena Trebucq, 2026).

While all budget lines linked to social and environmental wellbeing are falling¹, one of the only ones that is increasing is that of the State Intelligence Secretariat (SIDE): this division received 19.2% more in real terms than that of the 2023 budget and is the highest figure of the last five years (FARN, August 2025).

These definitions are linked to the centrality acquired in his economic policy by the control of inflation and the pursuit of fiscal surplus at any cost. Regardless of how to achieve and sustain it, Milei appears to have secured his midterm electoral support largely thanks to the control of inflation, an aspect that is central for a citizenry that experienced the consequences of an extremely high inflationary process, with levels of 100% year-on-year inflation at the end of Alberto Fernández's previous administration. For political analysts, this is one of the central aspects that still explains his broad support, but which would have begun to deteriorate.

At the same time that the State is being reformed and reduced in socio-environmental and rights-related matters, the Incentive Regime for Large Investments (RIGI)² was launched, a special scheme designed to attract capital to extractive sectors. This regime grants tax, customs, and foreign exchange benefits to projects – such as infrastructure, forestry, hydrocarbon and mining projects – exceeding USD 200 million. Likewise, it establishes an order of priorities in access to strategic resources, such as water and energy, favoring these ventures over the needs of local³ populations.

¹This downsizing of the State in environmental matters was not isolated: there was a general reduction of its structure which, at the beginning of the Government, involved the closure of 13 ministries and 200 government areas, and a reduction of more than 40,000 public-sector jobs, which after two years in office reportedly amounted to the loss of 63,000 positions. Key rights-related areas – such as education, gender, science and environment – were eliminated, merged or downgraded in hierarchy.

²At least twenty-seven companies have already expressed interest in joining the RIGI since it came into force, and nine have been approved as of the closing date of this article. For more information, see: <https://observatoriorigi.org/>

³As we analyzed at the time (Nápoli and Marchegiani, 2025), the RIGI omits central socio-environmental aspects such as environmental impact studies and assessments and cumulative assessments, and establishes an arbitration mechanism highly favorable to investors, also limiting the State's capacity to regulate activities that are harmful to the environment and that may cause environmental damage. Disputes may be settled outside Argentine jurisdiction in courts such as ICSID.

As we analyzed at the time (for more details, see Nápoli and Marchegiani, 2025), with the RIGI, central socio-environmental aspects such as environmental impact studies and assessments and cumulative assessments are omitted, and an arbitration mechanism highly favorable to investors is established, also limiting the State's capacity to regulate activities that are harmful to the environment, and that may cause environmental damage. In the case of disputes, these may be settled outside Argentine jurisdiction in courts such as ICSID.

Specifically with regard to Indigenous peoples, Ramírez (2025) identifies a policy that weakens the protection system. An example of this is the repeal of Law 26.160 on territorial emergency, which prevented evictions under certain circumstances, and the reordering of the State in the areas that granted legal status (National Registry of Indigenous Communities, RENACI). Added to this are stigmatization policies. These attempt to create a kind of image of Indigenous peoples as “internal enemies” that justifies the advance on their lands and the stripping away of their rights before public opinion (many of their lands are sought for exploitation by mining, hydrocarbon, or agricultural projects). In addition, the criminal apparatus is used as a disciplinary tool when community members are accused without evidence of crimes such as those linked to fires, or Indigenous organizations are accused of being terrorists.

No less important are the security policies aimed at ensuring the strategic economic objectives proposed through tools such as the RIGI. The goal is to restrict social protest, for which the National Ministry of Security created the Productive Security Unit (Resolution 499/2024) on June 10, 2024, and the subsequent Unified Productive Security Command (893/2024), which coordinates security forces to guarantee the operation of mining and hydrocarbon projects. This methodology for guaranteeing operations takes place in contexts where there is no social consensus (Nápoli and Marchegiani, 2025), and even where there are open conflicts and/or claims before the Judiciary due to the lack of compliance with human rights that have been widely recognized for more than three decades.

As if the contents of the plan were not enough to concern different social groups, in December 2025, through Decree of Necessity and Urgency 941/2025, the functions of the Intelligence Secretariat were also modified, granting it more functions and less transparency. With these modifications, the state intelligence agency can use personal data held by government agencies and detain people without clear criteria or guarantees. Likewise, the idea of the “internal enemy” is taken up again and expanded to any activity that may imply influence in the public affairs of the State (FARN, 2026). All of this without being debated in Congress.

Lastly, and no less importantly, there are the proposals and modifications to democratic institutions and their weak – but still functioning – system of checks and balances.

In the first two years, the priority of the Government's administration (i.e. the alleged control of inflation and public spending), which had consequences in environmental aspects and also in many other dimensions central to people's lives – such as health, education, science and culture –

was not supported or agreed upon through broad, transparent and plural debates in Congress, nor did it involve instances of citizen participation such as public hearings (Nápoli and Marchegiani, 2025).

Quite the contrary, its proposals were imposed through an authoritarian drift that involved the systematic and improper use of decrees of necessity and urgency to make decisions of enormous institutional significance, contrary to the principles of separation of powers established by the National Constitution.

In the midterm elections, with the financial support of Donald Trump's government, it was able to sustain the central macroeconomic indicators of great importance to the electorate, such as keeping inflation semi-controlled and the dollar stable, aspects that can largely explain its legislative victory in October 2025.

This closeness with the president of the United States, with specific and significant support from the northern leader in an electoral context, is part of the unquestioning alignment that Javier Milei proposed as Argentina's main foreign policy. Thus, at first, he followed Trump's line of criticizing and undermining different multilateral spaces, questioning the Sustainable Development Goals (SDGs), leaving the World Health Organization (WHO), or heeding the call to withdraw from the Paris Agreement. Although Milei accompanied this call with the withdrawal of the Argentine delegation from COP 29, after a better evaluation of its possible negative effects in terms of access to financing, he did not finalize the country's withdrawal from the Paris Agreement. He also changed position in different international forums, abandoning Argentina's traditional commitment to dialogue and greater peace, turning instead toward a hasty alignment with the attacks proposed in alliance by the United States and Israel against Iran, without his adherence being required.

His initial ideological identification with Trump overlooked substantial differences. The president of the northern country is highly protectionist and his foreign policy is guided by national interests; meanwhile, Milei strictly respects the idea of an economy that is as free-market as possible and, following the Austrian School, aligns himself with market fundamentalist theorists. In that sense, it is evident that Milei does not seem to care about national interests, unless, of course, they serve to justify spying on and attacking those who oppose his measures.

After two years of government, strengthened, he began a policy of deepening his reform proposals, which included the already completed labor reform, with measures long requested by the business sector; he strengthened the opening of the economy and, no less importantly, managed to modify the Ley de Glaciares and proposes to continue with the Ley de Bosques.

The reform of the Ley de Glaciares as an emblem of environmental unprotection

After more than four months of legislative proceedings, the National Congress passed the reform of Law 26.639 on minimum standards for the protection of glaciers and the periglacial environment. This modification responds to a long-standing demand from mining companies and to the strong push from the governors of provinces such as Mendoza, San Juan, Catamarca and Salta, who managed to gather a parliamentary majority with the support of the ruling party, sectors of PRO, the UCR, part of Peronism and provincial parties linked to mining interests.

The reform takes up an objective that companies in the sector have been promoting since the law was passed in 2010. An attempt had already been made to modify it through the so-called “Ley Ómnibus” at the beginning of the current government, and it was finally carried out in April 2026 in a context marked by the results of the 2025 legislative elections, international agreements and intense mining lobbying.

The main changes introduced by the new law are as follows:

1. **Redefinition of the object of protection.** The scope of protection is significantly reduced, becoming limited only to those glaciers and periglacial geofoms that fulfill a specific function as water reserves or basin recharge.
2. **Elimination of the minimum protection floor.** The uniform minimum protection standard for the entire country is eliminated, and the power to decide which glaciers to protect and which not to protect is transferred to the provinces, according to their criterion regarding hydrological relevance. This opens the door for certain areas to be freed up for mining activity.
3. **Alteration of the constitutional regime of competencies.** Article 41 of the National Constitution establishes that Congress must enact minimum environmental protection standards, defined by Law 25.675 as rules that ensure uniform protection throughout the country. The reform breaks with this principle by allowing each province to determine what to protect, generating an unequal and fragmented scheme.
4. **Substitution of scientific criteria with discretionary decisions.** The original law allowed for the creation of the National Glacier Inventory (ING), prepared by IANIGLA, which identifies and monitors all of the country’s glaciers as a scientific basis for their protection. According to that system, all inventoried glaciers are strategic water reserves. The reform changes this criterion: now it will be the provinces that define which glaciers fulfill that function. This displaces scientific knowledge and replaces it with administrative decisions, weakening the role of the inventory. In practice, the precautionary principle is inverted: instead of protecting in the face of doubt, exploitation is favored. Thus, a worrying logic is established: the closer a glacier is to a mining project, the less likely it will be protected.

It is worth recalling that, during its 15 years in force, the Ley de Glaciares made it possible to build a protection system based on scientific evidence, in a context of growing climate crisis. The reform, by contrast, responds mainly to economic interests and weakens both the effectiveness of the law and its uniform character.

The proposed reform is highly regressive and unconstitutional, and will end up generating more conflicts and eroding the very foundations of legal certainty that it claims to promote. The approval of the reform opens the way to a scenario of greater litigation both in the courts and in the territories, and will promote conflicts where today they do not even exist.

A legislative process riddled with irregularities and a gag on participation

The legislative process for the reform of the Ley de Glaciares was marked by the lack of an informed debate, with a scientific basis and real participation, something essential for a law of this impact. This weakness was also reflected in the public hearings: more than 102,000 people registered to participate, but less than 1% were actually able to speak.

Far from adapting the process to this exceptional demand, the committees maintained the planned scheme, leaving the vast majority without a voice. This not only limits the right to participation, but empties the deliberative process of substance and affects the legitimacy of the law.

Provincializing the environment in order to erase it from the public agenda⁴

As has been noted, the environmental policy of the national Government shows an orientation that, based on a denialist approach to the environmental and climate crisis, leads to the progressive dismantling of environmental management at the national level.

In this context, the reform of the Ley de Glaciares – in addition to promoting a deregulatory scheme in the matter – reveals two dimensions that, although scarcely addressed in public debate, are central to understanding the government strategy.

⁴ The concept of “provincialization” was used by Saguier and Peinado (2014) to describe relations between the provinces and the Nation during the mining policy of the governments of Néstor Kirchner and Cristina Fernández de Kirchner, between 2003 and 2014. During this period, the National Executive Branch sought to direct mining policy in its economic and fiscal aspects, but delegated to the provinces the definition of the environmental aspects that complemented the minimum standards established by the National Congress. In this text, we go even further in order to problematize a context in which what is under discussion and at stake is the national Government’s own regulatory activity of setting minimum standards as uniform protection for all citizens.

First, there is a virtual disappearance of the role of the national environmental authority, a function that corresponds to the National Subsecretariat of Environment in its capacity as the highest authority in the matter. This institutional disarticulation is linked not only to the loss of competencies, but also to the weak performance that the agency has shown in recent years, reflected in the absence of relevant policies and initiatives. This situation reached a critical point during the treatment of the reform, when it became clear that the environmental authority itself had not even been consulted regarding the proposed changes.

Second, and closely related to the above, the reform consolidates a trend aimed at transferring powers to the provinces, in an apparent strategy of shifting responsibilities that, by constitutional mandate, correspond to the national State. This logic is inscribed in a conception of the “minimal State,” focused almost exclusively on functions of security, justice and protection of property, as the president has repeatedly expressed.

Although these transfers may be functional for certain provinces – particularly those with strong development of extractive activities – and for the economic actors involved, they raise serious questions from a legal point of view. On the one hand, because they affect the scheme for the distribution of competencies provided for in the National Constitution, especially in matters of minimum environmental protection standards. On the other, because they are implemented without the corresponding allocation of resources, which makes their effective execution by the provinces difficult. In this context, there is a risk that these functions may end up being delegated, in practice, to private actors (mainly the regulated sectors) with the technical and economic capacity to assume them, which further deepens the deregulation of the system, may affect recognized rights and thus generate different types of conflicts.

This process is not new in Argentine institutional history. During the 1990s, under the presidency of Carlos Menem, the national education system was transferred to the provinces without adequate financing. The consequences of that decision – particularly at the secondary level – ended practically in a catastrophe for the public secondary education system and reveal the effects of decentralization policies without sufficient economic support.

Final reflections

This set of decisions reveals an institutional practice that openly strains the constitutional order and seeks to crack the consensuses reached in the 1994 reform of the Constitution. This situation is aggravated when such initiatives are validated by the National Congress, which, under the argument of promoting investments and advancing deregulation processes, approves laws that present serious constitutional objections. In this way, instead of helping to sustain democratic consensuses and contributing to the system’s checks and balances, they strain it. This phenomenon is not limited to environmental matters, but extends to other sensitive areas such as

labor and health, and suggests a progressive deterioration of the basic consensuses that supported the current Constitution.

This in no way implies the loss of force of the constitutional norm, which has been consolidated over more than three decades of validity. The right to a healthy environment, enshrined in Article 41, includes two central aspects. On the one hand, a fundamental human right; on the other, the form of legal-institutional organization for a federal State. With regard to its connotation as a right (i.e., an enforceable faculty), it has been consolidated in combination with the different human rights instruments to which the country has subscribed, turning the legal system into a complex network of principles, norms and mechanisms that contribute to making effective the innumerable rights that stem from it, and that are at the center of claims in the streets or in the courts.

With regard to the way environmental policy was organized in a federal country, the tendency of political leadership to neglect the central agreements that formed this cooperative federalism is worrying. This process becomes particularly risky when management is almost completely delegated to the provinces, which may lead to persistent interjurisdictional conflicts, such as the one observed between La Pampa and Mendoza over the Atuel River, which has been undergoing judicial proceedings for decades. Added to this is the absence, so far, of an effective response from the Judiciary that would help restore institutional balance. Moreover, many of the environmental policies necessary to address the triple planetary crisis will require necessary coordination so that, sooner or later, the system of extraction, production, consumption and disposal is transformed. However, there is not even a strategy aimed at consolidating an environmental policy that would guide a productive transition on a democratic basis, capable of positioning the country in relation to the challenges of the 21st century. This lack reflects a worrying absence of medium- and long-term vision. Beyond the atypical moment at the multilateral level, in which the law of force appears to prevail, for Global South countries such as Argentina, with less autonomy in the international consortium, the loss of time in preparing an alternative productive model that would make it possible to take on its own challenges will be very costly.

In the face of this adverse context, it is important to highlight the series of lessons left by the process of reforming the Ley de Glaciares, which found an organized citizenry with a desire to participate in the legislative debate, even when the lower chamber, constrained by political agreements that ignore the electorate, did not rise to the challenges that parliamentary representativeness demands. Faced with more than 102,000 people registered to participate in the public hearing, the legislative chamber, which should be closer to the citizenry, could not even reorganize the planned sessions to listen to more people, showing that the decisions had already been made. Despite this, the citizenry organized again to turn to the courts through a historic collective action, with almost one million signatures at the time this article was closed.

While a growing and increasingly organized sector mobilizes in defense of water, the elected power, consolidated by its midterm victory in October 2025, decides to ignore cross-cutting demands that will not be so easily silenced.

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