

# República de Argentina / Argentine Republic Constitución de 1994 1994 Constitution

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## NATIONAL CONSTITUTION OF THE ARGENTINE REPUBLIC

General Constituent Assembly, city of Santa Fe, August 22, 1994.

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## CONSTITUTION OF THE ARGENTINE NATION PREAMBLE

We, the representatives of the people of the Argentine Nation, gathered in General Constituent Assembly by the will and election of the Provinces which compose it, in fulfillment of pre-existing pacts, in order to form a national union, guarantee justice, secure domestic peace, provide for the common defense, promote the general welfare and secure the blessings of liberty to ourselves, to our posterity, and to all men of the world who wish to dwell on argentine soil: invoking the protection of God, source of all reason and justice: do ordain, decree, and establish this Constitution for the Argentine Nation.

### FIRST PART

#### CHAPTER I DECLARATIONS, RIGHTS AND GUARANTEES

Section 1.- The Argentine Nation adopts the federal republican representative form of government, as this Constitution establishes.

Section 2.- The Federal Government supports the Roman Catholic Apostolic religion.

Section 3.- The authorities in charge of the Federal Government shall reside in the city to be declared Capital of the Republic by a special law of Congress, once settled the cession of the territory to be federalized by one or more provincial legislatures.

Section 4.- The Federal Government provides for the expenditures of the Nation with the funds of the National Treasury, composed of the proceeds of export and import duties, the sale or lease of lands owned by the Nation, the revenues of the Posts, other taxes equitably and proportionally levied on the population by the National Congress, and of whatever loans and credit transactions Congress may order in case of national emergencies or for enterprises of national interest.

Section 5.- Each province shall enact its own constitution under the republican, representative system, in accordance with the principles, declarations, and guarantees of the National Constitution, ensuring its administration of justice, municipal regime, and elementary education. Under these conditions, the Federal Government shall guarantee each province the full exercise of its institutions.

Section 6.- The Federal Government may intervene in the territory of the provinces in order to guarantee the republican form of government or to repel foreign invasions; and at the request of their constituted authorities, it may intervene to support or reestablish them, should they have been deposed by sedition or invasion from another province.

Section 7.- The public acts and judicial proceedings of one province are worthy of full faith in the others; and Congress may, by general laws, prescribe the manner in which such acts and proceedings shall be proved and the legal effects thereof.

Section 8.- The citizens of each province shall be entitled to all rights, privileges, and immunities inherent in the condition of citizen in the other provinces. The extradition of criminals is a reciprocal obligation among all the provinces.

Section 9.- Throughout the territory of the Nation there shall be no other Customs than the national ones, in which the tariffs enacted by Congress shall be in force.

Section 10.- The circulation of goods of national production or manufacture is free from duties throughout the Republic, as well as the circulation of articles and merchandise of all kinds cleared in the national Customs.

Section 11.- Goods of national or foreign production or manufacture, as well as livestock of all kinds, that may pass through the territory of one province to another, shall be free from the so called transit duties, the same as the carriages, vessels or beasts in or on which they are transported; and no other duty, whatever its name may be, shall be imposed on them by reason of their passing through the territory.

Section 12.- Vessels sailing from one province to another shall not be bound to enter, anchor, or pay transit duties; and no preference shall be granted in any case to any port in respect of another, by means of trading laws or regulations.

Section 13.- New provinces may be admitted into the Nation; but a new province shall neither be established within the territory of another province or provinces, nor be formed from several, without the consent of the legislatures of the provinces concerned as well as that of Congress.

Section 14.- All the inhabitants of the Nation are entitled to the following rights, in accordance with the laws that regulate their exercise, namely: to work and perform any lawful industry; to navigate and trade; to petition the authorities; to enter, remain in, ...travel through, and leave the Argentine territory; to publish their ideas through the press without previous censorship; to make use and dispose of their property; to associate for useful purposes; to profess freely their religion; to teach and to learn.

Section 14bis.- Labor in its several forms shall be protected by law, which shall ensure to workers: dignified and equitable working conditions; limited working hours; paid rest and vacations; fair remuneration; minimum vital and adjustable wage; equal pay for equal work; participation in the profits of enterprises, with control of production and collaboration in the management; protection against arbitrary dismissal; stability of the civil servant; free and democratic labor union organizations recognized by the mere registration in a special record. Trade unions are hereby guaranteed: the right to enter into collective labor bargains; to resort to conciliation and arbitration; the right to strike. Union representatives shall have the guarantees necessary for carrying out their union tasks and those related to the stability of their employment. The State shall grant the benefits of social security, which shall be of an integral nature and may not be waived. In particular, the laws shall establish: compulsory social ...insurance, which shall be in charge of national or provincial entities with financial and economic autonomy, administered by the interested parties with State participation, with no overlapping of contributions; adjustable retirements and pensions; full family protection; protection of homestead; family allowances and access to a worthy housing.

Section 15.- In the Argentine Nation there are no slaves: the few who still exist shall become free as from the swearing of his Constitution; and a special law shall regulate whatever compensation this declaration may give rise to. Any contract for the purchase and sale of persons is a crime for which the parties shall be liable, as well as the notary or officer authorizing it. And slaves who by any means enter the nation shall be free by the mere fact of entering the territory of the Republic.

Section 16.- The Argentine Nation admits neither blood nor birth prerogatives: there are neither personal privileges nor titles of nobility. All its inhabitants are equal before the law, and admissible to employment without any other requirement than their ability. Equality is the basis of taxation and public burdens.

Section 17. - Property may not be violated, and no inhabitant of the Nation can be deprived of it except by virtue of a sentence based on law. Expropriation for reasons of public interest must be authorized by law and previously compensated. Only Congress levies the taxes mentioned in Section 4. No personal service can be requested except by virtue of a law or sentence based on law. Every author or inventor is the exclusive owner of his work, invention, or discovery for the term granted by law. The confiscation of property is hereby abolished forever from the Argentine Criminal Code. No armed body may make requisitions nor demand assistance of any kind.

Section 18.- No inhabitant of the Nation may be punished without previous trial based on a law enacted before the act that gives rise to the process, nor tried by special committees, nor removed from the judges appointed by law before the act for which he is tried. Nobody may be compelled to testify against himself, nor be arrested except by virtue of a written warrant issued by a competent authority. The defense by trial of persons and rights may not be violated. The domicile may not be violated, as well as the written correspondence and private papers; and a law shall determine in which cases and for what reasons their search and occupation shall be allowed. Death penalty for political causes, any kind of tortures and whipping, are forever abolished. The prisons of the Nation shall be healthy and clean, for the security and not for the punishment of the prisoners confined therein; and any measure taken with the pretext of precaution which may lead to mortify them beyond the demands of security, shall render liable the judge who authorizes it.

Section 19. - The private actions of men which in no way offend public order or morality, nor injure a third party, are only reserved to God and are exempted from the authority of judges. No inhabitant of the Nation shall be obliged to perform what the law does not demand nor deprived of what it does not prohibit.

Section 20. - Foreigners enjoy within the territory of the Nation all the civil rights of citizens; they may exercise their industry, trade and profession; own real property, buy and sell it; navigate the rivers and coasts; practice freely their religion; make wills and marry under the laws. They are not obliged to accept citizenship nor to pay extraordinary compulsory taxes. They may obtain naturalization papers residing two uninterrupted years in the Nation; but the authorities may shorten this term in favor of those so requesting it, alleging and proving services rendered to the Republic.

Section 21. - Every Argentine citizen is obliged to bear arms in defense of the fatherland and of this Constitution, in accordance with the laws issued by Congress and the Decrees of the National Executive Power to this effect. Citizens by naturalization are free to render or not this service for a period of ten years as from the date they obtain naturalization papers.

Section 22. - The people neither deliberate nor govern except through their representatives and authorities established by this Constitution. Any armed force or meeting of persons assuming the rights of the people and petitioning in their name, commits the crime of sedition.

Section 23. - In the event of domestic disorder or foreign attack endangering the full enforcement of this Constitution and of the authorities hereby established, the province or territory which is in a turmoil shall be declared in state of siege and the constitutional guarantees shall be suspended therein. But during such a suspension the President of the Republic shall not pronounce judgment or apply penalties on his own. In such case, his power shall be limited, with respect to persons, to their arrest or transfer from one place of the Nation to another, should they not prefer to leave the Argentine territory.

Section 24.- Congress shall promote the reform of the present legislation in all its branches, and the establishment of trial by jury.

Section 25.- The Federal Government shall foster European immigration; and may not restrict, limit or burden with any tax whatsoever, the entry into the Argentine territory of foreigners who arrive for the purpose of tilling the soil, improving industries, and introducing and teaching arts and sciences.

Section 26.- Navigation of the inland rivers of the Nation is free for all flags, only subject to the regulations issued by the national authority.

Section 27.- The Federal Government is under the obligation to strengthen its relationships of peace and trade with foreign powers, by means of treaties in accordance with the principles of public law laid down by this Constitution.

Section 28.- The principles, guarantees and rights recognized in the preceding sections shall not be modified by the laws that regulate their enforcement.

Section 29.- Congress may not vest on the National Executive Power - nor may the provincial legislatures vest on the provincial governors - extraordinary powers or the total public authority; it may not grant acts of submission or supremacy whereby the life, honor, or wealth of the Argentine people will be at the mercy of governments or any person whatsoever. Acts of this nature shall be utterly void, and shall render those who formulate them, consent to them or sign them, liable to be condemned as infamous traitors to their fatherland.

Section 30.- The Constitution may be totally or partially amended. The necessity of reform must be declared by Congress with the vote of at least two-thirds of the members; but it shall not be carried out except by an Assembly summoned to that effect.

Section 31.- This Constitution, the laws of the Nation enacted by Congress in pursuance thereof, and treaties with foreign powers, are the supreme law of the Nation; and the authorities of each province are bound thereby, notwithstanding any provision to the contrary included in the provincial laws or constitutions, except for the province of Buenos Aires, the treaties ratified after the Pact of November 11, 1859.

Section 32.- The Federal Congress shall not enact laws restricting the freedom of the press or establishing federal jurisdiction over it.

Section 33.- The declarations, rights and guarantees which the Constitution enumerates shall not be construed as a denial of other rights and guarantees not enumerated, but rising from the principle of sovereignty of the people and from the republican form of government.

Section 34.- The judges of the federal courts cannot at the same time hold an office in the provincial courts. The federal service, whether civil or military, shall not grant a right of residence in the province in which it is performed unless it is where the employee habitually resides, this provision being understood as pertaining to the right to choose employments in the province in which he accidentally happens to be.

Section 35.- The denominations successively adopted from 1810 up to the present, namely: "United Provinces of the River Plate"; "Argentine Republic"; "Argentine Confederation", shall henceforth be official names to be indistinctly used for the designation of the government and territory of the provinces, the words "Argentine Nation" being used in the making and enactment of laws.

## CHAPTER II NEW RIGHTS AND GUARANTEES

Section 36.- This Constitution shall rule even when its observance is interrupted by acts of force against the institutional order and the democratic system. These acts shall be irreparably null. Their authors shall be punished with the penalty foreseen in Section 29, disqualified in perpetuity from holding public offices and excluded from the benefits of pardon and commutation of sentences. Those who, as a consequence of these acts, were to assume the powers foreseen for the authorities of this Constitution or for those of the provinces, shall be punished with the same penalties and shall be civil and criminally liable for their acts. The respective actions shall not be subject to prescription. All citizens shall have the right to oppose resistance to those committing the acts of force stated in this section. He who, procuring personal enrichment, incurs in serious fraudulent offense against the Nation shall also attempt against the democratic system, and shall be disqualified to hold public office for the term specified by law. Congress shall enact a law on public ethics which shall rule the exercise of public office.

Section 37.- This Constitution guarantees the full exercise of political rights, in accordance with the principle of popular sovereignty and with the laws derived therefrom. Suffrage shall be universal, equal, secret and compulsory. Actual equality of opportunities for men and women to elective and political party positions shall be guaranteed by means of positive actions in the regulation of political parties and in the electoral system.

Section 38.- Political parties are basic institutions of the democratic system. This Constitution guarantees the free establishment and exercise of their activities, as well as their democratic organization and performance, representation of minority groups, competition for those standing as candidates for elective public positions, access to public information and communication of their ideas. The State contributes to the economic support of their activities and the training of their leaders. Political parties shall make public the source and destiny of their funds and assets.

Section 39.- Citizens shall have the right to introduce bills before the House of Deputies. Congress shall consider them within the term of twelve months. Congress shall enact, with the vote of the absolute majority of all the members of each House, a regulatory law that cannot demand more than three per cent of the national voters register, which shall be consistent with an adequate territorial distribution in order to support the initiative. Bills referring to constitutional reform, international treaties, taxation, budget, and criminal legislation shall not originate in popular initiatives.

Section 40.- At the initiative of the House of Deputies, Congress may submit a bill to popular consultation. The law calling said consultation shall not be vetoed. With the affirmative vote of the people of the Nation, the bill shall become a law and its promulgation shall be automatic. Congress or the President of the Nation, according to their respective powers, shall call a non-binding popular consultation. In this case voting shall not be compulsory. With the vote of the absolute majority of all the members of each House, Congress shall regulate the subjects, procedures and time of the popular consultation.

Section 41.- All inhabitants are entitled to the right to a healthy and balanced environment fit for human development in order that productive activities shall meet present needs without endangering those of future generations; and shall have the duty to preserve it. As a first priority, environmental damage shall bring about the obligation to repair it according to law. The authorities shall provide for the protection of this right, the rational use of natural resources, the preservation of the natural and cultural heritage and of the biological diversity, and shall also provide for environmental information and education. The Nation shall regulate the minimum protection standards, and the provinces those necessary to reinforce them, without altering their local jurisdictions. The entry into the national territory of present or potential dangerous wastes, and of radioactive ones, is forbidden.

Section 42.- As regards consumption, consumers and users of goods and services have the right to the protection of their health, safety, and economic interests; to adequate and truthful information; to freedom of choice and equitable and reliable treatment. The authorities shall provide for the protection of said rights, the education for consumption, the defense of competition against any kind of market distortions, the control of natural and legal monopolies, the control of quality and efficiency of public utilities, and the creation of consumer and user associations. Legislation shall establish efficient procedures for conflict prevention and settlement, as well as regulations for national public utilities. Such legislation shall take into account the necessary participation of consumer and user associations and of the interested provinces in the control entities.

Section 43.- Any person shall file a prompt and summary proceeding regarding constitutional guarantees, provided there is no other legal remedy, against any act or omission of the public authorities or individuals which currently or imminently may damage, limit, modify or threaten rights and guarantees recognized by this Constitution, treaties or laws, with open arbitrariness or illegality. In such case, the judge may declare that the act or omission is based on an unconstitutional rule. This summary proceeding against any form of discrimination and about rights protecting the environment, competition, users and consumers, as well as about rights of general public interest, shall be filed by the damaged party, the ombudsman and the associations which foster such ends registered according to a law determining their requirements and organization forms. Any person shall file this action to obtain information on the data about himself and their purpose, registered in public records or data bases, or in private ones intended to supply information; and in case of false data or discrimination, this action may be filed to request the suppression, rectification, confidentiality or updating of said data. The secret nature of the sources of journalistic information shall not be impaired. When the right

damaged, limited, modified, or threatened affects physical liberty, or in case of an illegitimate worsening of procedures or conditions of detention, or of forced missing of persons, the action of habeas corpus shall be filed by the party concerned or by any other person on his behalf, and the judge shall immediately make a decision even under state of siege.

## SECOND PART AUTHORITIES OF THE NATION

### TITLE I FEDERAL GOVERNMENT

#### FIRST DIVISION LEGISLATIVE POWER

Section 44.- The Legislative Power of the Nation shall be vested in a Congress composed of two Houses, one of Deputies of the Nation and the other of Senators for the provinces and for the City of Buenos Aires.

#### CHAPTER I The House of Deputies

Section 45.- The House of Deputies shall be composed of representatives directly elected by the people of the provinces, of the City of Buenos Aires, and of the Capital City in case of its moving, which for this purpose are considered as constituencies of a single state, and by simple plurality of votes. The number of representatives shall be one for every thirty-three thousand inhabitants or fraction not under sixteen thousand five hundred inhabitants. After each census, Congress shall establish the representation in accordance with the same, being empowered to increase but not to decrease the basis indicated for each deputy.

Section 46.- The deputies for the first legislative session shall be appointed in the following proportion: for the province of Buenos Aires, twelve; for that of Córdoba, six; for that of Catamarca, three; for that of Corrientes, four; for that of Entre Ríos, two; for that of Jujuy, two; for that of Mendoza, three; for that of La Rioja, two; for that of Salta, three; for that of Santiago, four; for that of San Juan, two; for that of Santa Fe, two; for that of San Luis, two; and for that of Tucumán, three.

Section 47.- For the second legislative session a general census shall be carried out and the number of deputies shall be arranged according thereto; but this census shall only be renewed every ten years.

Section 48.- In order to be a deputy it is necessary to have attained to the age of 25 years; to have been four years a fully qualified citizen; and to be a native of the province electing him or to have two years of immediate residence therein.

Section 49.- On this occasion, the Legislatures of the provinces shall regulate the means to hold the direct election of the deputies of the Nation; in the future, Congress shall enact a general law.

Section 50.- Deputies shall hold office for a term of four years and may be re-elected; but the House shall be renewed by halves every two years; for this purpose those elected for the first legislative session, after meeting, shall draw lots to decide which seats shall be vacated after the first period.

Section 51.- In case of vacancy, the Government of the province or of the Capital City shall proceed to call a legal election for a new member.

Section 52.- All bills for raising revenue and for the recruitment of troops shall exclusively originate in the House of Deputies.

Section 53.- Only the House of Deputies has the power to impeach before the Senate the President, the Vice-President, the Chief of the Ministerial Cabinet, the Ministers, and the Justices of the Supreme Court, in such cases of responsibility as are brought against them for misconduct or crimes committed in the fulfillment of their duties; or for ordinary crimes, after having known about them and after the decision to bring an action had been voted by a majority of two-thirds of its members present.

#### CHAPTER II The Senate

Section 54.- The Senate shall be composed of three senators from each province, and three from the City of Buenos Aires, who shall be jointly and directly elected, corresponding two seats to the most voted political party, and the other seat to the political party following in number of votes. Each senator shall have one vote.

Section 55.- In order to be elected senator the following conditions are required: to have attained to the age of 30, to have been six years a citizen of the Nation, to have an annual income of two thousand strong pesos or similar revenues, and to be a native of the province electing him or to have two years of immediate residence therein.

Section 56.- Senators shall hold office for a term of six years and may be indefinitely re-elected; but the Senate shall be renewed by one-third of the constituencies every two years.

Section 57.- The Vice-President of the Nation shall be the President of the Senate; but he shall have no vote unless in case of equality of votes.

Section 58.- The Senate shall appoint a President pro tempore to preside it in case of absence of the Vice-President, or when he holds the office of President of the Nation.

Section 59.- The Senate shall have the sole power to judge in public trial those impeached by the House of Deputies, and its members must be on oath when sitting for this purpose. When the President of the Nation is impeached, the Senate shall be presided by the Chief Justice of the Supreme Court. No person shall be declared guilty without the concurrence of two-thirds of the members present.

Section 60.- The judgment shall not extend further than to remove the accused person from office, and to disqualify him to hold any office of honor, trust, or profit in the Nation. But the party declared guilty shall, nevertheless, be subject to accusation, trial, and punishment according to law before the ordinary courts.

Section 61.- In case of foreign attack, the Senate is also empowered to authorize the President of the Nation to declare in state of siege one or several places of the Republic.

Section 62.- When any vacancy occurs in the Senate because of death, resignation or other cause, the government to which the vacancy belongs shall immediately call an election for a new member.

#### CHAPTER III Provisions applicable to both Houses

Section 63.- Both Houses shall assemble, on their own account, every year in ordinary legislative session from March 1 until November 30. The President of the Nation may convoke to extraordinary legislative session or extend the ordinary one.

Section 64.- Each House shall be the judge of the elections, rights and qualifications of its members, as regards their validity. Neither of them shall meet without the absolute majority of its members; but a smaller number may compel the absent members to attend the meetings, in the terms and under the penalties as each House may provide.

Section 65.- Both Houses begin and conclude their legislative session simultaneously. Neither of them, while they sit, shall adjourn its meetings for more than three days without the consent of the other.

Section 66.- Each House shall make its rules of proceedings, and with the concurrence of two-thirds may correct any one of its members for disorderly behavior in the exercise of his duties, or can remove him on account of physical or moral disability occurring after his admission, and may even expel him from the body; but a majority of one more than the half of those present shall be enough to decide on voluntary resignations from office.

Section 67.- Senators and deputies, on assuming office, shall take an oath to duly perform their duties and to act in all matters in accordance with the provisions herein established.

Section 68.- No member of Congress shall be accused, judicially examined, or disturbed for opinions expressed or speeches delivered by him while holding office as legislator.

Section 69.- No senator or deputy shall be arrested as from the day of his election until the expiration of his term, except when flagrantly surprised committing a crime deserving capital punishment or other infamous or serious punishment, in which case a summary report of the facts shall be submitted to the corresponding House.

Section 70.- When a written complaint is filed before the ordinary courts against any senator or deputy, once examined if there is enough evidence in a public trial, each House may, with the concurrence of two-thirds of the votes, suspend the accused party from his office and place him under the jurisdiction of the competent court to be judged.

Section 71.- Either House shall summon the Ministers of the Executive Power to receive such explanations or reports as it may deem necessary.

Section 72.- No member of Congress shall be appointed to any civil office or commission under the Executive Power, without the previous consent of the respective House, except for employments subject to promotions.

Section 73.- Neither the regular members of the clergy nor governors in representation of their own provinces, may be members of Congress.

Section 74.- The senators and deputies shall receive a remuneration for their services, to be ascertained by law, and paid out of the Treasury of the Nation.

#### **CHAPTER IV Powers of Congress**

Section 75.- Congress is empowered:

1. To legislate about national Customs. To lay import and export duties that shall be uniform throughout the Nation as well as the valuations on which they are assessed.
2. To levy indirect taxes as a power concurrent with the provinces. To levy direct taxes for a specified term and proportionally equal throughout the national territory, provided that the defense, common security and general welfare of the State so require it. The taxes under this subsection are subject to joint participation, except for those which, in part or in all, have specific allocation. An agreement-law based on understandings between the Nation and the provinces shall establish systems of joint participation for these taxes, guaranteeing the automatic remittance of funds. The distribution among the Nation, the provinces and the City of Buenos Aires, and among themselves, shall be carried out in direct relation to the jurisdictions, services and functions of each one of them taking into account objective sharing criteria; it shall be based on principles of equity and solidarity giving priority to the achievement of a similar degree of development, of living standards and equal opportunities throughout the national territory. The agreement-law shall originate in the Senate and shall be enacted with the absolute majority of all the members of each House; it shall be neither unilaterally amended nor regulated, and shall be approved by the provinces. There shall be no transfer of jurisdictions, services or functions without the corresponding reallocation of funds approved by a law of Congress, when appropriate, and by the interested province or the City of Buenos Aires, as the case may be. A federal fiscal body shall be in charge of the control and monitoring of what is laid down in this subsection, according to the law which shall guarantee the representation of all the provinces and of the City of Buenos Aires as regards its composition.
3. To set and modify specific allocations that may be subject to joint participation, for a specified term, by a special law enacted with the absolute majority of all the members of each House.
4. To borrow money on the credit of the Nation.
5. To decide about the use and sale of national lands.
6. To establish and regulate a Federal bank with power to issue money, as well as other national banks.
7. To settle the payment of the domestic and foreign debt of the Nation.
8. To fix annually, according to the standards laid down in the third paragraph of subsection 2 of this Section, the general budget of expenses and the estimate of resources of the National Administration, based on the general program of the government and on the public investment plan, and to approve or reject the investment account.
9. To grant subsidies from the National Treasury to those provinces the incomes of which, according to their budgets, do not cover their ordinary expenses.
10. To regulate the free navigation of inland rivers, to authorize the operation of such ports as it shall consider necessary, and to set up or suppress Customs.
11. To coin money, to regulate the value thereof and that of foreign currency; and to adopt a uniform standard of weights and measures for the whole Nation.
12. To enact the Civil, Commercial, Criminal, Mining, Labor and Social Security Codes, in unified or separate bodies, provided that such codes do not alter local jurisdictions, and their enforcement shall correspond to the federal or provincial courts depending on the respective jurisdictions for persons or things; and particularly to enact general laws of naturalization and nationality for the whole nation, based on the principle of nationality by birth or by option for the benefit of Argentina; as well as laws on bankruptcy, counterfeiting of currency and public documents of the State, and those laws that may be required to establish trial by jury.
13. To regulate trade with foreign nations, and of the provinces among themselves.
14. To regulate and establish the general post offices of the Nation.
15. To settle definitely the boundaries of the national territory, to fix those of the provinces, to create new ones, and to determine, by special legislation, the organization, administration and government that the national territories outside the boundaries assigned to the provinces are to have.
16. To provide for the security of the frontiers.
17. To recognize the ethnic and cultural pre-existence of indigenous peoples of Argentina. To guarantee respect for the identity and the right to bilingual and intercultural education; to recognize the legal capacity of their communities, and the community possession and ownership of the lands they traditionally occupy; and to regulate the granting of other lands adequate and sufficient for human development; none of them shall be sold, transmitted or subject to liens

or attachments. To guarantee their participation in issues related to their natural resources and in other interests affecting them. The provinces may jointly exercise these powers.

18. To provide for the prosperity of the country, for the advance and welfare of all the provinces, and for the progress of education, drawing up general and university educational plans, and promoting industry, immigration, the construction of railways and navigable canals, the colonization of government-owned lands, the introduction and establishment of new industries, the imports of foreign capital, and the exploration of inland rivers, through laws protecting these aims and through temporary grants of privileges and stimulating rewards.
19. To provide everything relevant to human development, economic progress with social justice, the growth of the national economy, the creation of jobs, the professional training of workers, the defense of the currency value, the scientific and technological research and development, their overall diffusion and beneficial use. To provide for the harmonious growth of the Nation and the settlement of its territory; to promote differential policies in order to balance the relative unequal development of provinces and regions. These initiatives shall originate in the Senate. To enact laws referring to the organization and basis of education consolidating national unity and respecting provincial and local characteristics; which ensure the state responsibility that cannot be delegated, family and society participation, the fostering of democratic values and equal opportunities and possibilities with no discrimination whatsoever; and which guarantee the principles of free and equitable State public education as well as the autonomy and autarky of national universities. To enact laws protecting the cultural identity and plurality, the free creation and circulation of artistic works of authors, the artistic heritage and places devoted to cultural and audiovisual activities.
20. To establish courts inferior to the Supreme Court; to create and suppress employments, to fix the duties thereof, to grant pensions, to decree honors and to grant general amnesties.
21. To accept or reject the reasons for the resignation of the President or Vice-President of the Republic, and declare the need to call a new election when required.
22. To approve or reject treaties concluded with other nations and international organizations, and concordats with the Holy See. Treaties and concordats have a higher hierarchy than laws. The American Declaration of the Rights and Duties of Man; the Universal Declaration of Human Rights; the American Convention on Human Rights; the International Pact on Economic, Social and Cultural Rights; the International Pact on Civil and Political Rights and its empowering Protocol; the Convention on the Prevention and Punishment of Genocide; the International Convention on the Elimination of all Forms of Racial Discrimination; the Convention on the Elimination of all Forms of Discrimination against Woman; the Convention against Torture and other Cruel, Inhuman or Degrading Treatments or Punishments; the Convention on the Rights of the Child; in the full force of their provisions, they have constitutional hierarchy, do not repeal any section of the First Part of this Constitution and are to be understood as complementing the rights and guarantees recognized herein. They shall only be denounced, in such event, by the National Executive Power after the approval of two-thirds of all the members of each House. In order to attain constitutional hierarchy, the other treaties and conventions on human rights shall require the vote of two-thirds of all the members of each House, after their approval by Congress.
23. To legislate and promote positive measures guaranteeing true equal opportunities and treatment, the full benefit and exercise of the rights recognized by this Constitution and by the international treaties on human rights in force, particularly referring to children, women, the aged, and disabled persons. To issue a special and integral social security system to protect children from abandonment, since pregnancy up to the end of elementary education, and to protect the mother during pregnancy and the period of lactation.
24. To approve treaties of integration which delegate powers and jurisdiction to supranational organizations under reciprocal and equal conditions, and which respect the democratic order and human rights. The rules derived therefrom have a higher hierarchy than laws. The approval of these treaties with Latin American States shall require the absolute majority of all the members of each House. In the case of treaties with other States, the National Congress, with the absolute majority of the members present of each House, shall declare the advisability of the approval of the treaty which shall only be approved with the vote of the absolute majority of all the members of each House, one hundred and twenty days after said declaration of advisability. The denouncement of the treaties referred to in this subsection shall require the prior approval of the absolute majority of all the members of each House.
25. To authorize the Executive Power to declare war or make peace.
26. To empower the Executive Power to order reprisals and to make rules concerning the booty.
27. To establish the Armed Forces in times of peace and war; and to make rules for their organization and government.
28. To authorize the entry of foreign troops into the territory of the Nation and to allow national troops to leave the country.
29. To declare in state of siege one or several parts of the Nation in case of domestic commotion, and to approve or suspend the state of siege declared by the Executive Power during a recess of Congress.
30. To exercise exclusive legislation over the territory of the Capital City of the Nation and to enact the legislation necessary for the achievement of the specific ends of premises of national interest in the territory of the Republic. Provincial and municipal authorities shall hold power to levy taxes and power of police over these premises, insofar as they do not interfere with the achievement of those ends.
31. To order the federal intervention of a province or of the City of Buenos Aires. To approve or revoke the intervention decreed by the Executive Power during its recess.
32. To make all appropriate laws and rules to put into effect the aforementioned powers, and all other powers granted by this Constitution to the Government of the Argentine Nation.

Section 76.- The legislative powers shall not be delegated to the Executive Power save for issues concerning administration and public emergency, with a specified term for their exercise and according to the delegating conditions established by Congress. The expiration of the term foreseen in the previous paragraph shall not imply the revision of the legal relationships emerging from the rules issued as a result of the powers delegated by Congress.

## CHAPTER V

### Making and enactment of laws

Section 77.- Laws shall originate in either House of Congress, through bills introduced by their members or by the Executive Power, save for the exceptions established in this Constitution. Bills modifying the electoral system and that of political parties shall be approved by the absolute majority of all the members of the Houses.

Section 78.- When a bill is passed by the House in which it originated, it is sent to the other House for its debate. Once approved by both, it is sent to the Executive Power of the Nation for its examination; and if it is also approved, it shall become a law.

Section 79.- After the general approval of a bill, each House is empowered to delegate to its committees the detailed approval of said bill with the absolute majority vote of its members. With equal number of votes, the House may revoke the powers delegated and return to the ordinary procedure. The committee approval shall require the vote of the absolute majority of all its members. Once the bill is approved by the committee, the ordinary procedures shall be followed.

Section 80.- Any bill not returned within ten working days is to be considered approved by the Executive Power. When a bill is partially rejected, the remaining part shall not be approved. However, non-vetoed parts may only be promulgated if they have normative autonomy and if their partial approval does not alter the spirit or the unity of the bill approved by Congress. In this case, the procedure foreseen for decrees of necessity and urgency shall be applicable.

Section 81.- No bill wholly rejected by either House shall be reintroduced in the legislative session of the same year. No House shall totally reject a bill originated in it and later added or amended by the revising House. If the bill were subject to additions and amendments by the revising House, the result of the voting shall be made known in order to state if such additions or amendments were made by the absolute majority or by two-thirds of the members present. With the absolute majority of its members present, the originating House shall approve the bill with the additions or amendments made or insist on the original text, unless the additions or amendments were made by the revising House with two-thirds of those members present. In such a case, the bill shall be sent to the Executive Power with the additions or amendments of the revising House, unless the originating House were to insist on the original text with the vote of two-thirds of the members present. The originating House shall not include new additions or amendments to those already made by the revising House.

Section 82.- The will of each House shall be expressly stated; the tacit or fictitious approval is excluded in all cases.

Section 83.- If a bill is totally or partially rejected by the Executive Power, it shall return with the objections to the originating House; the latter shall reconsider it and if it is confirmed by a majority of two-thirds of the votes, it shall be sent again to the revising House. If both Houses approve it by such majority, the bill becomes a law and is sent to the Executive Power for promulgation. In all such cases the voting in both Houses shall be by roll call, by yeas and nays; and both the names and grounds of the voters, as well as the objections of the Executive Power shall be immediately published by the press. If the Houses differ as to the objections, the bill cannot be reintroduced in the legislative session of that year.

Section 84.- In the enactment of laws the following formula shall be used: The Senate and House of Deputies of the Argentine Nation, in Congress assembled, decree or enact as law.

## **CHAPTER VI**

### **General Auditing Office of the Nation**

Section 85.- The Legislative Power is exclusively empowered to exercise the external control of the national civil service as regards its estates and its economic, financial and operative aspects. The revision and opinion of the Legislative Power about the performance and the general situation of the national civil service are to be based on the reports of the General Auditing Office of the Nation. This technical advisory body of Congress with functional autonomy, shall be made up as established by the law regulating its creation and operation, which shall be approved by the absolute majority of the members of each House. The chairman of the body shall be appointed under the proposal of the Opposition with the largest number of legislators in Congress. It shall be in charge of the control of the legal aspects, management and auditing of all the activities of the centralized and decentralized civil service, whatever its forms of organization may be, as well as of other powers granted by law. It must take part in the approval or rejection of the revenue and investment accounts of public funds.

## **CHAPTER VII**

### **The Ombudsman**

Section 86.- The Ombudsman is an independent authority created within the sphere of the National Congress operating with full autonomy and without receiving instructions from any other authority. The mission of the Ombudsman is the defense and protection of human rights and other rights, guarantees and interests sheltered under this Constitution and the laws, in the face of deeds, acts or omissions of the Administration; as well as the control of public administrative functions. The Ombudsman has capacity to be a party in a lawsuit. He is appointed and removed by Congress with the vote of two-thirds of the members present of each House. He has the immunities and privileges of legislators. He shall hold office for the term of five years and may only be re-appointed on one occasion. The organization and operation of this body shall be ruled by a special law.

## **SECOND DIVISION**

### **EXECUTIVE POWER**

## **CHAPTER I**

### **Its nature and duration**

Section 87.- The Executive Power of the Nation shall be vested in a citizen with the title of "President of the Argentine Nation".

Section 88.- In case of illness, absence from the Capital City, death, resignation, or removal of the President from office, the Executive Power shall devolve upon the Vice-President of the Nation. In case of removal, death, resignation, or inability of the President and the Vice-President of the Nation, Congress shall determine the public officer who shall exercise the Presidency until the ceasing of the grounds of inability or the election of a new President.

Section 89.- To be elected President or Vice-President of the Nation it is necessary to have been born in the Argentine territory, or to be the son of a native born citizen if born in a foreign country; and to have the other qualifications required to be elected senator.

Section 90.- The President and Vice-President shall hold their offices for the term of four years; and they may be re-elected or may succeed each other for only one consecutive term. If they have been re-elected or they have succeeded each other, they cannot be elected for either of these two positions but with the interval of one term.

Section 91.- The President of the Nation shall cease to exercise power on the same day his four-years term expires; no event that may have interrupted it shall constitute grounds for completing the term later.

Section 92.- The President and Vice-President receive a remuneration paid out of the Treasury of the Nation, which shall not be altered during their term of office. During this same period they shall neither hold any other office nor receive any other emolument from the Nation or from any province whatsoever.

Section 93.- On assuming office, the President and Vice-President shall take oath before the President of the Senate and before Congress assembled, respecting their religious beliefs, to: "perform with loyalty and patriotism the office of President (or Vice-President) of the Nation, and to faithfully observe the Constitution of the Argentine Nation, and to cause it to be observed.

## **CHAPTER II**

### **Procedure and time of the election of President and Vice-President of the Nation**

Section 94.- The President and Vice-President of the Nation shall be directly elected by the people, by second ballot, according to this Constitution. To this end, the national territory shall be a single constituency.

Section 95.- The election shall be held within the two months previous to the expiration of the term of the President in office.

Section 96.- The second ballot, when appropriate, shall be held between the two voting formulas of the most voted candidates, within thirty days of the previous election.

Section 97.- If in the first ballot the most voted formula obtains more than forty-five per cent of the affirmative votes validly cast, its members shall be proclaimed President and Vice-President of the Nation.

Section 98.- If in the first ballot the most voted formula obtains at least forty per cent of the affirmative votes validly cast, and there is a difference of more than ten per cent regarding all the affirmative votes validly cast for the formula following in number of votes, its members shall be proclaimed President and Vice-President of the Nation.

## **CHAPTER III**

### **Powers of the Executive Branch**

Section 99.- The President of the Nation has the following powers:

1. He is the supreme head of the Nation, head of the government and he is politically responsible for the general administration of the country.
2. He issues the instructions and rules necessary for the enforcement of the laws of the nation, without altering their spirit with regulatory exceptions.
3. He takes part in the making of laws according to the Constitution, promulgates them and has them published. The Executive Power shall in no event issue provisions of legislative nature, in which case they shall be absolutely and irreparably null and void. Only when due to exceptional circumstances the ordinary procedures foreseen by this Constitution for the enactment of laws are impossible to be followed, and when rules are not referred to criminal issues, taxation, electoral matters, or the system of political parties, he shall issue decrees on grounds of necessity and urgency, which shall be decided by a general agreement of ministers who shall countersign them together with the Chief of the Ministerial Cabinet. Within the term of ten days, the Chief of the Ministerial Cabinet shall personally submit the decision to the consideration of the Joint Standing Committee of Congress, which shall be composed according to the proportion of the political representation of the parties in each House. Within the term of ten days, this committee shall submit its report to the plenary meeting of each House for its specific consideration and it shall be immediately discussed by both Houses. A special law enacted with the absolute majority of all the members of each House shall regulate the procedure and scope of Congress participation.
4. He appoints the justices of the Supreme Court with the consent of the Senate by two-thirds of its members present, in a public meeting convoked to this effect. He appoints the other judges of the lower federal courts according to a binding proposal consisting of a list of three candidates submitted by the Council of the Magistracy, with the consent of the Senate in a public meeting, in which the qualifications of the candidates shall be taken into account. Once they have attained to the age of seventy five years, a new appointment, with the same consent, shall be necessary so that they may continue in office. Judges of that age or over shall be appointed for five years, and may be indefinitely re-appointed by this same procedure.
5. He may grant pardons or commute punishments for crimes subject to federal jurisdiction, after the report of the corresponding court, except in cases of impeachment by the House of Deputies.
6. He may grant pensions, retirements, leaves of absence, and widowed pensions according to the laws of the Nation.
7. He appoints and removes ambassadors, ministers plenipotentiary and commercial attaches with the consent of the Senate; on his own account, he appoints and removes the Chief of the Ministerial Cabinet and the Ministers, the officers of his Secretariat, consular agents, and other employees whose appointments are not otherwise regulated by this Constitution.
8. He annually performs the opening of the legislative session of Congress, both Houses being assembled for this purpose, reporting on this occasion on the state of the Nation, on amendments promised by the Constitution, and recommending for consideration the measures he deems necessary and advisable.
9. He extends the ordinary legislative session of Congress, or convokes to an extraordinary one when some serious order or progress interest so requires it.
10. He oversees the performance of the duties of the Chief of the Ministerial Cabinet as regards the collection of the revenues of the Nation, and their investment according to the law or budget of national expenditures.
11. He concludes and signs treaties, concordats and other agreements required for the maintenance of good relations with international organizations and foreign powers, he receives their ministers and admits their consuls.
12. He is commander-in-chief of all the Armed Forces of the Nation.
13. He provides for the military posts of the Nation: with the consent of the Senate, he grants posts or ranks for the higher officers of the Armed Forces; and on his own account, he has the same faculties in the battlefield.
14. He has the control of the Armed Forces and is in charge of their organization and distribution, according to the needs of the Nation.
15. He declares war and orders reprisals with the consent and approval of Congress.
16. In the event of foreign attack, he declares, with the consent of the Senate, one or more places of the Nation in state of siege for a limited period. In the event of domestic disorder, he only exerts this power when Congress is in recess, since this is a power pertaining to this body. The President exercises it under the limitations prescribed in Section 23.
17. He may request whatever information he may consider proper from the Chief of the Ministerial Cabinet and from the heads of all branches and departments of the Administration, and through them, from other employees. They are compelled to supply such information.
18. He may leave the territory of the Nation with the consent of Congress. During the recess of the latter, he may only do so without permission on justified grounds of public interest.
19. He is empowered to fill vacancies requiring the consent of the Senate and occurring during its recess, by means of appointments on commission expiring at the end of the next legislative session.
20. He decrees the federal intervention of a province or of the City of Buenos Aires in the event of the recess of Congress, and simultaneously he must convoke the latter to consider such intervention.

#### **CHAPTER IV**

##### **The Chief of the Ministerial Cabinet and other Ministers of the Executive Power**

Section 100.- The Chief of the Ministerial Cabinet and the other secretary ministers, whose number and powers shall be determined by a special law, shall be in charge of the business of the Nation and shall countersign and legalize the acts of the President with their signatures, without which said acts are void. The Chief of the Ministerial Cabinet, politically liable before the National Congress, is empowered:

1. To exercise the general administration of the country.
2. To perform the acts and issue the rules necessary to exercise the powers granted by this section as well as those delegated by the President of the Nation, being countersigned by the pertinent secretary minister to which the act or rule refers.
3. To appoint the employees of the Administration, except for those pertaining to the President.
4. To exercise the functions and powers delegated to him by the President of the Nation and, with the consent of the Cabinet, to decide about matters that the Executive Power may indicate to him or, on his own account, about those he deems it necessary due to their importance, within the scope of his jurisdiction.
5. To coordinate, prepare and convoke the meetings of the ministerial cabinet, presiding at them in the absence of the President.
6. To submit to Congress the bills on Ministries and National Budget, with the prior consent of the Cabinet and the approval of the Executive Power.
7. To have the revenues of the Nation collected and to enforce the National Budget Act.



8. To countersign regulatory decrees of the laws, decrees to extend the ordinary legislative session of Congress or to convoke to an extraordinary one, and the messages of the President supporting legislative initiatives.
9. To attend the meetings of Congress and take part in its debates, but not to vote.
10. Once the ordinary legislative session of Congress has begun, to submit together with the other ministers a detailed report on the state of the Nation regarding the business of the respective departments.
11. To give such oral and written reports and explanations that either of the Houses may request from the Executive Power.
12. To countersign decrees about powers delegated by Congress, which shall be under the control of the Joint Standing Committee.
13. To countersign, together with the other ministers, decrees of necessity and urgency and decrees on partial promulgation of laws. Within ten days of their approval, he shall personally submit these decrees to the consideration of the Joint Standing Committee. The Chief of the Ministerial Cabinet shall not be simultaneously appointed to another ministry.

Section 101.- The Chief of the Ministerial Cabinet shall attend Congress at least once a month, alternating between each House, to report on the progress of the government, notwithstanding the provisions of Section 71. He may be interpellated for the purpose of considering a vote of censure, by the vote of the absolute majority of all the members of either House, and he may be removed by the vote of the absolute majority of the members of each House.

Section 102.- Each minister shall be responsible for the acts he legalizes; and shall be jointly responsible for those he agrees on with his colleagues.

Section 103.- Ministers shall in no case adopt resolutions on their own account, except in relation to matters concerning the economic and administrative affairs of their respective departments.

Section 104.- After the opening of the legislative session, the ministers of the Cabinet shall submit to Congress a detailed report on the state of the Nation regarding the business of their respective departments.

Section 105.- The ministers shall be neither senators nor deputies without resigning their offices as ministers.

Section 106.- Ministers may attend the meetings of Congress and take part in its debates, but shall not vote.

Section 107.- They shall receive for their services a remuneration established by law, which shall neither be increased nor diminished in favor or to the detriment of the incumbents.

### **THIRD DIVISION The Judicial Power**

#### **CHAPTER I Its nature and duration**

Section 108.- The Judicial Power of the Nation shall be vested in a Supreme Court and in such lower courts as Congress may constitute in the territory of the Nation.

Section 109.- In no case the President of the Nation shall exercise judicial functions, assume jurisdiction over pending cases, or reopen those already adjudged.

Section 110.- The Justices of the Supreme Court and the judges of the lower courts of the Nation shall hold their offices during good behavior, and shall receive for their services a remuneration to be ascertained by law and which shall not be diminished in any way while holding office.

Section 111.- To be a member of the Supreme Court it is necessary to be a lawyer of the Nation, with eight years of practice, and with the same qualifications required to be a senator.

Section 112.- On occasion of the first installation of the Supreme Court, the persons designated shall take an oath before the President of the Nation, to perform their duties, to administer justice in a proper and faithful manner, and in accordance with the provisions of the Constitution. In the future, they shall take the oath before the Chief Justice of the Court.

Section 113.- The Supreme Court shall issue its own internal regulations, and appoint its subordinate employees.

Section 114.- The Council of the Magistracy, ruled by a special law enacted by the absolute majority of all the members of each House, shall be in charge of the selection of the judges and of the administration of the Judicial Power. The Council shall be periodically constituted so as to achieve the balance among the representation of the political bodies arising from popular election, of the judges of all instances, and of the lawyers with federal registration. It shall likewise be composed of such other scholars and scientists as indicated by law in number and form. It is empowered:

1. To select the candidates to the lower courts by public competition.
2. To issue proposals in binding lists of three candidates for the appointment of the judges of the lower courts.
3. To be in charge of the resources and to administer the budget assigned by law to the administration of justice.
4. To apply disciplinary measures to judges.
5. To decide the opening of the proceedings for the removal of judges, when appropriate to order their suspension, and to make the pertinent accusation.
6. To issue the rules about the judicial organization and all those necessary to ensure the independence of judges and the efficient administration of justice.

Section 115.- The judges of the lower courts of the Nation shall be removed on the grounds stated in Section 53, by a special jury composed of legislators, judges, and lawyers with federal registration. The decision, which cannot be appealed, shall have no other effect than the removal of the accused. But the condemned party shall nevertheless be subject to accusation, trial, and punishment according to law before the ordinary courts. If no decision was taken after the term of one hundred and eighty days since the opening of the proceedings for removal, said proceedings are to be filed and, in that event, the suspended judge shall be reinstated. The composition and procedure of this jury shall be stated in the special law mentioned in Section 114.

#### **CHAPTER II Powers of the Judiciary**

Section 116.- The Supreme Court and the lower courts of the Nation are empowered to hear and decide all cases arising under the Constitution and the laws of the Nation, with the exception made in Section 75, subsection 12, and under the treaties made with foreign nations; all cases concerning ambassadors, public ministers and foreign consuls; cases related to admiralty and maritime jurisdiction; matters in which the Nation shall be a party; actions arising between two or more provinces, between one province and the inhabitants of another province, between the inhabitants of different provinces, and between one province or the inhabitants thereof against a foreign state or citizen.

Section 117.- In the aforementioned cases the Supreme Court shall have appellate jurisdiction, with such regulations and exceptions as Congress may prescribe; but in all matters concerning foreign ambassadors, ministers and consuls, and in those in which a province shall be a party, the Court shall have original and exclusive jurisdiction.

Section 118.- The trial of all ordinary criminal cases not arising from the right to impeach granted to the House of Deputies, shall be decided by jury once this institution is established in the Nation. The trial shall be held in the province where the crime has been committed; but when committed outside the territory of the Nation against public international law, the trial shall be held at such place as Congress may determine by a special law.

Section 119.- Treason against the Nation shall only consist in rising in arms against it, or in joining its enemies, supplying them with aid and assistance. Congress shall by a special law determine the punishment for this crime; but the penalty shall not extend beyond the person of the convicted, nor shall this dishonor be transmitted to relatives of any degree.

#### **FOURTH DIVISION The Public Ministry**

Section 120.- The Public Ministry is an independent body with functional autonomy and financial autarky, with the function of promoting the participation of justice for the defense of the legal character of the general interests of society, in coordination with the other authorities of the Republic. It is composed of an Attorney General of the Nation and a General Defender of the Nation, and such other members as the law may establish. Its members enjoy functional immunities and intangibility of remunerations.

#### **TITLE II Provincial Governments**

Section 121.- The provinces reserve to themselves all the powers not delegated to the Federal Government by this Constitution, as well as those powers expressly reserved to themselves by special pacts at the time of their incorporation.

Section 122.- They determine their own local institutions and are governed by them. They elect their governors, legislators, and other provincial officers, without intervention of the federal government.

Section 123.- Each province enacts its own Constitution as stated in Section 5, ensuring municipal autonomy and ruling its scope and content regarding the institutional, political, administrative, economic and financial aspects.

Section 124.- The provinces are empowered to set up regions for the economic and social development and to establish entities for the fulfillment of their purposes, and they are also empowered, with the knowledge of Congress, to enter into international agreements provided they are consistent with the national foreign policy and do not affect the powers delegated to the Federal Government or the public credit of the Nation. The City of Buenos Aires shall have the regime which is to be established to that effect. The provinces have the original dominion over the natural resources existing in their territory.

Section 125.- The provinces may enter into partial treaties for purposes of the administration of justice, of economic interests, and works of common benefit, with the knowledge of the Federal Congress; and may promote their industry, immigration, the construction of railways and navigable canals, the colonization of provincial-owned lands; the introduction and establishment of new industries, the imports of foreign capitals and the exploration of their rivers, by means of laws protecting these ends and with their own resources. The provinces and the City of Buenos Aires may continue with their own social security entities for civil servants and professionals; and may promote economic progress, human development, creation of jobs, education, science, knowledge and culture.

Section 126.- The provinces do not exercise the power delegated to the Nation. Provinces shall in no case enter into any partial treaty of political nature; enact laws dealing with commerce, inland or foreign navigation; establish provincial Customs; coin money; establish banks with power to issue money without authorization from the Federal Congress; enact civil, commercial, criminal, or mining codes after Congress had enacted them; enact special laws regarding citizenship and naturalization, bankruptcy, counterfeiting of currency or State documents; lay any duty on tonnage; supply ships of war or raise armies, except in the event of foreign invasion or in such imminent danger that shall not admit a delay, notifying immediately to the Federal Government; appoint or receive foreign agents.

Section 127.- No province shall declare or make war against another province. Their claims must be submitted to the Supreme Court and settled by it. Their de facto hostilities are acts of civil war, considered as sedition or mutiny, which the Federal Government must suppress and punish in accordance with the law.

Section 128.- The governors of the provinces are the natural agents of the Federal Government for the enforcement of the Constitution and the laws of the Nation.

Section 129.- The City of Buenos Aires shall have an autonomous system of government with power of legislation and jurisdiction, and the head of its government shall be directly elected by the people of the City. While the City of Buenos Aires is the Capital City of the Nation, a law shall guarantee the interests of the National State. According to the aforementioned provisions of this section, the National Congress shall convoke the inhabitants of the City of Buenos Aires so that the representatives that are to be elected for that purpose issue the Organizing Statute of their institutions.

#### **TEMPORARY PROVISIONS**

First.- The Argentine Nation ratifies its legitimate and non-prescribing sovereignty over the Malvinas, Georgias del Sur and Sandwich del Sur Islands and over the corresponding maritime and insular zones, as they are an integral part of the National territory. The recovery of said territories and the full exercise of sovereignty, respectful of the way of life of their inhabitants and according to the principles of international law, are a permanent and unrelinquished goal of the Argentine people.

Second.- Positive actions referred to in the last paragraph of Section 37 shall not comprise less guarantees than those in force at the time this Constitution was approved, and their duration shall be determined by law.  
(Referring to Section 37)

Third.- The law regulating the exercise of the popular initiative shall be approved within eighteen months of this enactment.  
(Referring to Section 39)

Fourth.- The present members of the Senate of the Nation shall hold office until the expiration of their respective terms. At the time of the renewal of one third of the Senate in nineteen ninety-five, due to the expiration of the terms of all the senators elected in nineteen eighty-six, a third senator shall be designated for the constituency of each Legislature. The group of senators for each constituency shall be composed, as far as possible, in such a way that two seats belong to that political party or electoral alliance with the largest number of members in the Legislature, and the third seat to that political party or electoral alliance following in number of members. In case of equality of votes, that political party or electoral alliance having obtained the largest number of votes in the immediately previous election of the provincial legislature shall prevail. The election of senators who replace those whose terms expire in nineteen ninety-eight, as well as the election of whoever replaces any one of the present senators in case of application of Section 62, shall be carried out by these same rules of election. However, the political party or electoral alliance having the largest number of members in the Legislature at the time of the election of senator shall have the right to have its candidate elected, with the sole limitation that the three senators do not belong to the same political party or electoral alliance. These rules shall also be applicable to the election of senators for the City of Buenos Aires, in nineteen ninety-five by the electoral body, and in nineteen ninety-eight by the legislative organ of the City. The election of all the senators referred to in this provision shall be carried out within a period neither shorter than sixty nor longer than ninety days as from the date the senator must take office. In all cases, the candidates for senators shall be proposed by the political parties or electoral alliances. The fulfillment of the legal and statutory requirements to be declared candidate shall be certified by the National Electoral Court and reported to the Legislature. Whenever a national senator is elected a deputy senator shall be designated, who shall take office in the cases foreseen in Section 62. The senators elected due to the application of this temporary provision shall hold office until December nine, two thousand and one.  
(Referring to Section 54)

Fifth.- All the members of the Senate shall be elected as indicated in section 54 within the term of two months previous to December ten, two thousand and one, drawing lots, after they have all met, to decide who shall leave in the first and second biennium.  
(Referring to Section 56)

Sixth.- A system of joint participation according to Section 75, subsection 2, and the regulations of the Federal Fiscal entity, shall be stated before the end of the year 1996; the distribution of jurisdiction, services and functions in force at the time of the enactment of this amendment, shall not be modified without the approval of the interested province; nor shall the distribution of resources in force at the time of the enactment of this amendment be modified to the detriment of the provinces, and in both cases until the aforementioned system of joint participation is stated. This provision shall not affect pending administrative or judicial claims originated in differences about the distribution of jurisdiction, services, functions or resources between the Nation and the provinces.  
(Referring to Section 75, subsection 2)

Seventh.- Congress shall exercise in the City of Buenos Aires, insofar as it is the Capital of the Nation, the legislative powers which it holds according to Section 129.  
(Referring to Section 75, subsection 30)

Eighth.- The preexisting delegated legislation with no specified term for its application shall expire after this provision had been in force for five years, except for that legislation expressly ratified by the National Congress through a new law.  
(Referring to Section 76)

Ninth.- The tenure of the president holding office at the time of the enactment of this reform shall be considered the first term.  
(Referring to Section 90)

Tenth.- The tenure of office of the President of the Nation who shall be inaugurated on July 8, 1995 shall expire on December 10, 1999.  
(Referring to Section 90)

Eleventh.- The expiration of the appointments and the limited duration foreseen in Section 99, subsection 4, shall become effective five years after the enactment of this constitutional reform.  
(Referring to Section 99, subsection 4)

Twelfth.- The provisions established in Section 100 and 101, Chapter IV, Second Division, Second Part of this Constitution about the Chief of the Ministerial Cabinet shall become effective on July 8, 1995.  
The Chief of the Ministerial Cabinet shall be appointed for the first time on July 8, 1995; until then his powers shall be exercised by the President of the Republic.  
(Referring to Sections 99 subsection 7; 100 and 101)

Thirteenth.- Three hundred and sixty days after this reform becomes effective the judges of the lower courts shall only be appointed according to this Constitution. Until then the previous system shall be applied.  
(Referring to Section 114)

Fourteenth.- Causes pending before the House of Deputies at the time of the creation of the Council of the Magistracy shall be referred to the latter for the purposes of Section 114, subsection 5. Those introduced before the Senate shall continue therein until their conclusion.  
(Referring to Section 115)

Fifteenth.- Until the powers arising from the new regime of autonomy of the City of Buenos Aires are to be established, Congress shall exercise exclusive legislation over its territory, in the same terms applied until the enactment of this Constitution.  
The head of the government shall be elected during the year nineteen ninety-five.  
The law foreseen in Section 129, paragraphs second and third, shall be enacted within the term of two hundred and seventy days as from the approval of this Constitution.  
Until the issue of the Organizing Statute, the appointment and removal of the judges of the City of Buenos Aires shall be ruled according to Sections 114 and 115 of this Constitution.  
(Referring to Section 129)

Sixteenth.- This reform shall become effective the day after its publication. The members of the Constituent Assembly, the President of the Argentine Nation, the Presidents of the Legislative Houses, and the Chief Justice of the Supreme Court shall take oath in a single act on August 24, 1994, at the Palacio San José, Concepción del Uruguay, province of Entre Ríos.  
Each power of the State and of the provincial and municipal authorities shall provide the necessary measures so that their members and officers swear this Constitution.

Seventeenth.- The final constitutional text, which has been enacted by this Constituent Assembly, replaces the text heretofore enforced.

Approved in the Hall of Sessions of the National Constituent Assembly, in the city of Santa Fe, on the twenty-second day of August of the year nineteen ninety-four.

Eduardo Menem  
President of the National  
Constituent Assembly

Fuente / Source: [Honorable Senado de la Nación](#)

 

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