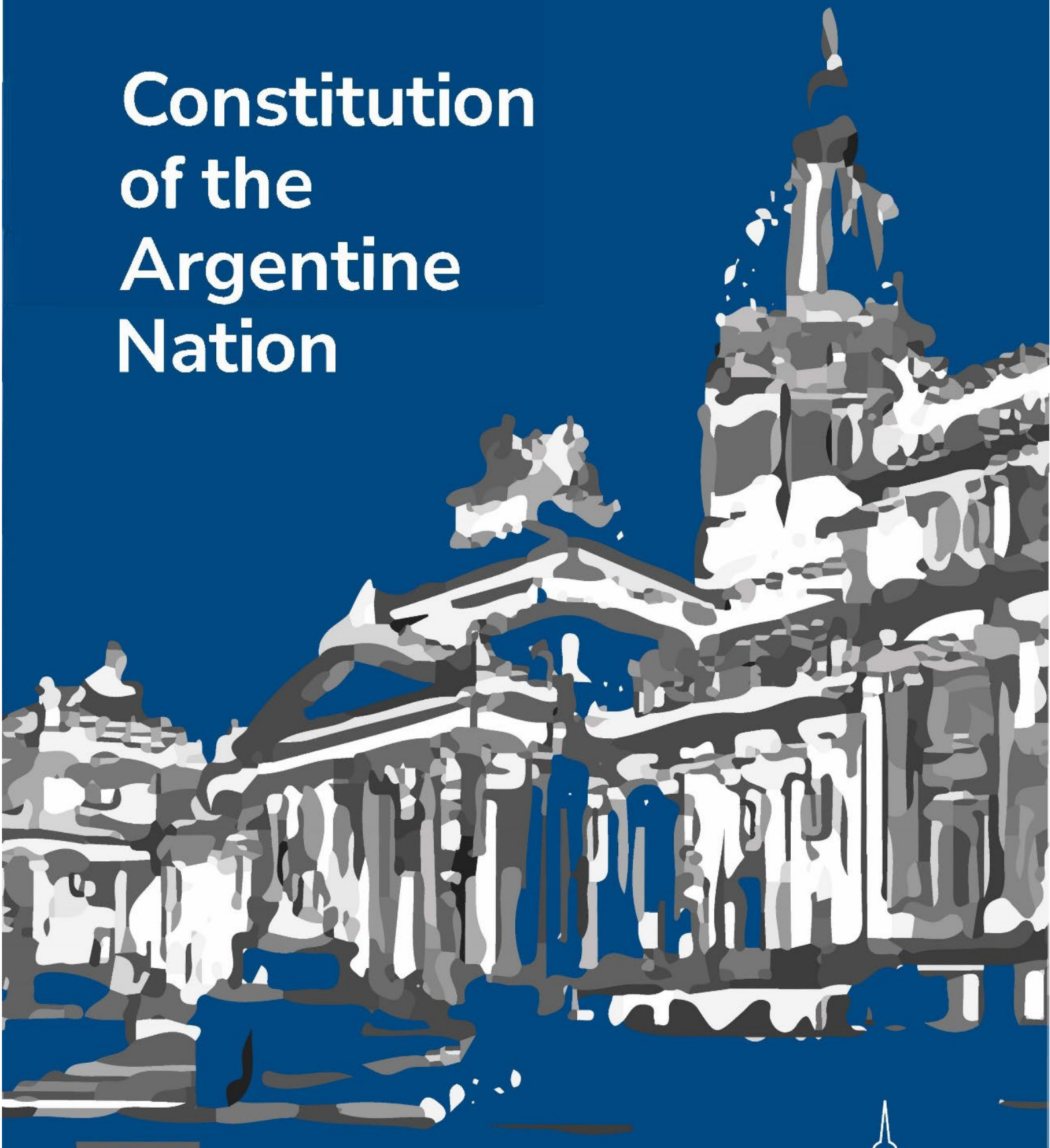


Constitution of the Argentine Nation



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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, ensure justice, preserve 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.

PART I

CHAPTER I

DECLARATIONS, RIGHTS AND GUARANTEES

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

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, after the cession by one or more provincial legislatures of the territory to be federalized.

Section 4.- The Federal Government shall provide for the expenditure 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 from the Postal Service, other taxes equitably and proportionally levied on the population by the National Congress, and whatever loans and credit transactions Congress may order in case of national emergencies or for enterprises of national utility.

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 the administration of justice, municipal regimes, and elementary education. Under these conditions, the Federal Government shall guarantee each Province the use and 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, in order to support or reinstate them, should they have been deposed by sedition or invasion by another Province.

Section 7.- The public acts and judicial proceedings of one Province shall be given full faith in the others and Congress may, by general laws, provide for 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 the 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 shall be free from duties throughout the Republic, as well as the circulation of articles and merchandise of all kinds cleared through the national customs.

Section 11.- Goods of national or foreign production or manufacture, and livestock of all kinds, that may pass through the territory of one Province to another, shall be free from the so-called transit duties, as well 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 obliged 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 trade laws or regulations.

Section 13.- New Provinces may be admitted into the Nation; but no new Province shall be established within the territory of another Province or Provinces, nor a new single Province be formed from several Provinces, without the consent of the legislatures of the Provinces concerned and 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 freely profess their religion; to teach and to learn.

Section 14 bis.- 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 compensation; minimum vital and adjustable wages; equal pay for equal work; participation in the profits of enterprises with control over production and collaboration in management; protection against arbitrary dismissal; stability of civil servants; free and democratic labor union organizations recognized by the simple registration in a special record.

Trade unions are hereby granted the following rights: to enter into collective bargaining agreements; to resort to conciliation and arbitration; to strike. Union representatives shall have the necessary guarantees 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 a comprehensive nature and may not be waived. In particular, the laws shall establish: compulsory social security which shall be provided by 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 decent housing conditions.

Section 15.- In the Argentine Nation there are no slaves: the few who still exist shall become free after the promulgation of this Constitution and a special law shall regulate whatever compensation arising from this declaration. 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. Slaves who by any means are brought within the Nation shall be free by the mere fact of entering the territory of the Republic.

Section 16.- The Argentine Nation does not allow blood or birth prerogatives: there are neither personal privileges nor titles of nobility. All its inhabitants are equal before the

law, and admissible for employment with no other requirement than suitability. Equality is the basis of taxation and public burden.

Section 17.- Property may not be violated, and no inhabitant of the Nation shall be deprived thereof except by virtue of a judgment 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 shall be required except by virtue of a law or judgement based on law. Every author or inventor is the exclusive owner of their work, invention or discovery for the term granted by law. The confiscation of property is hereby abolished forever from the Argentine Penal Code. No armed body may make requisitions or 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 giving rise to the process, or tried by special committees; or removed from the judges appointed by a law in force prior to the act giving rise to the case. Nobody may be compelled to testify against himself or be arrested, except by virtue of a written warrant issued by a competent authority. The defense at trial of persons and rights may not be violated. The domicile is inviolable as are written correspondence and private papers; and a law shall determine in which cases and for what reasons their search and occupation shall be allowed. The death penalty for political causes, all forms of torture and whipping are forever abolished. The prisons of the Nation shall be healthful and clean, for the security and not for the punishment of the prisoners detained therein; and any measure taken under the pretext of precaution, which may lead to mortify them beyond the demands of security, shall render liable the judge authorizing it.

Section 19.- The private actions of men which in no way offend public order or morality, or 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 require, or be deprived of what it does not forbid.

Section 20.- Foreigners enjoy, within the territory of the Nation, all the civil rights of citizens; they may engage in their industry, trade and profession; own, buy and sell real property; navigate rivers and coasts; freely practice their religion; make wills and marry under the laws. They are not obligated to accept citizenship or to pay extraordinary compulsory contributions. They may obtain naturalization papers by residing for two uninterrupted years in the Nation; but the authorities may shorten this term in favor of those who may request it upon their alleging and proving services rendered to the Republic.

Section 21.- Every Argentine citizen is obliged to bear arms in defense of the Nation and of this Constitution in accordance with the relevant laws enacted by Congress and the decrees issued by the Executive Branch. Citizens by naturalization are free to render or not this service for a period of ten years as from the date they obtain citizenship papers.

Section 22.- The people neither deliberate nor rule 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 shall commit the crime

of sedition.

Section 23.- In the event of domestic disorder or foreign attack that may endanger the full enforcement of this Constitution and of the authorities hereby established, the Province or territory where the disturbance of order exists shall be declared in a state of siege, and the constitutional guarantees shall be suspended therein. However, during such a suspension, the President of the Republic shall not be allowed to convict persons or apply punishment upon his own authority. In such case, his power shall be limited, with respect to persons, to arrest or transfer them from one point of the Nation to another, should they not prefer to leave the Argentine territory.

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

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

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

Section 27.- The Federal Government is obliged 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 may not be modified by the laws that regulate their exercise.

Section 29.- Congress may not grant the National Executive Branch, and Provincial Legislatures may not grant Provincial Governors, extraordinary powers, full public authority, or acts of submission or supremacy whereby the life, honor or wealth of Argentine people are left at the mercy of any government or person whatsoever. Acts of this nature shall be irrevocably void, and shall render those who formulate, consent to or sign them, liable to be punished as infamous traitors to the Nation.

Section 30.- The Constitution may be totally or partially amended. The need for reform must be declared by Congress with the vote of at least two-thirds of the members; but it shall only be carried out by an Assembly summoned to that effect.

Section 31.- This Constitution, the laws of the Nation enacted by Congress as a consequence 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 contained in provincial laws or constitutions, except, in the case of the Province of Buenos Aires, for the treaties ratified after the Pact of November 11, 1859.

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

Section 33.- The declarations, rights and guarantees enumerated by the Constitution shall not be construed as a denial of other rights and guarantees that are not enumerated therein but that arise from the principle of sovereignty of the people and from the republican form of government.

Section 34.- The judges of federal courts may not serve in provincial courts at the same time. 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 the place where the employee habitually resides; this provision is applicable when choosing a job in the Province in which the employee 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 used interchangeably to designate the Government and territory of the Provinces, and the words "Argentine Nation" shall be used in the making and enactment of laws.

CHAPTER II

NEW RIGHTS AND GUARANTEES

Section 36.- This Constitution shall remain in force even when its observance is interrupted by acts of force against the institutional order and the democratic system. These acts shall be irrevocably null and void.

The perpetrators shall be punished as provided for in section 29, disqualified in perpetuity from holding public office and excluded from the benefits of pardon and commutation of sentences.

Those who, as a consequence of these acts, assume the powers granted to the authorities of this Constitution or of the Provinces, shall be punished in the same way and shall be civilly and criminally liable for their acts. The aforementioned actions shall not be subject to the statute of limitations.

All citizens shall have the right to oppose resistance to those committing the acts of force stated in this section.

The person who commits a serious intentional crime against the State involving enrichment, shall also commit a crime against the democratic system, and shall be thereafter disqualified from holding 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 mandatory.

Actual equality of opportunities for men and women to elective and political party positions shall be guaranteed through affirmative actions taken in the regulation of political parties and in the electoral system.

Section 38.- Political parties are fundamental institutions of the democratic system.

Their creation and activities are free as long as they abide by this Constitution, which guarantees their democratic organization and performance, the representation of minority groups, the power of political parties to nominate candidates for elective public office, the access to public information, and the communication of their ideas.

The State shall contribute to the economic support of their activities and the training of their leaders.

Political parties shall disclose the source and use of their funds and assets.

Section 39.- Citizens shall have the right to introduce bills before the House of Deputies. Congress shall give them expedited procedure within the term of twelve months.

With the vote of an absolute majority of all the members of each House, Congress shall enact a regulatory law that may not require more than three per cent of the national voters' register to sign the initiative, and that shall provide for an adequate territorial distribution of said voters.

Bills referring to constitutional reform, international treaties, taxation, budget, and criminal legislation shall not be subject to 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 may 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, within their respective powers, may call a non-binding public consultation. In this case voting shall not be mandatory.

With the vote of the absolute majority of all the members of each House, Congress shall regulate the matters, procedures and timing for public consultation.

Section 41.- All inhabitants are entitled to a healthful and balanced environment suitable for human development that allows productive activities to meet present needs without endangering those of future generations; and also have the duty to preserve said environment. Environmental damage shall primarily give rise to the obligation to repair it according to law.

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 biological diversity, and shall also provide for environmental information and education.

The Nation shall issue rules containing the minimum protection standards, and the

Provinces shall issue such rules as may be necessary to complement national rules, which shall not alter local jurisdictions.

The entry into the national territory of presently or potentially hazardous and radioactive waste is forbidden.

Section 42.- Consumers and users of goods and services have the right, in consumption relationships, to the protection of their health, safety, and economic interests; to adequate and truthful information; to freedom of choice, and to equitable and dignified treatment.

Authorities shall provide for the protection of said rights, consumer education, the defense of competition against all forms of market distortion, the control of natural and legal monopolies, the control of the quality and efficiency of public utilities, and the creation of consumer and user associations.

Legislation shall establish efficient procedures for the prevention and settlement of disputes as well as regulations for national public utilities. Said legislation shall also take into account the necessary participation in control entities of consumer and user associations, and of the concerned Provinces.

Section 43.- Any person may file a prompt and summary action of *amparo* provided there is not a more suitable legal remedy, against any act or omission of the public authorities or individuals which may presently or imminently damage, limit, alter or threaten rights and guarantees recognized by this Constitution, treaties or laws, with evident arbitrariness or illegality. In such case, the judge may declare the unconstitutionality of the rule on which the harmful act or omission is based.

This action may be filed against any form of discrimination and in connection with rights protecting the environment, competition, users and consumers, and against general collective rights, by the damaged party, the ombudsperson, and associations that advocate such rights and are registered according to law, which shall determine the requirements and forms of their organization

Any person may file this action to learn about their personal data and the purpose of said data that are registered in public records or databases, or in private ones intended to supply reports; and in case of false data or discrimination, to request the removal, rectification, confidentiality or updating of said data. The secret nature of its journalistic sources may not be affected.

If physical freedom is the damaged, limited, altered or threatened right, or in case of an illegitimate worsening of the procedures or conditions of detention, or of forced disappearance of persons, a writ of habeas corpus may be filed by the party concerned or by any other person on their behalf, and the judge shall immediately decide thereon, even under a state of siege.

PART II
AUTHORITIES OF THE NATION
TITLE I
FEDERAL GOVERNMENT
FIRST DIVISION
THE LEGISLATIVE BRANCH

Section 44.- The Legislative Branch of the Nation shall be vested in a Congress composed of two Houses, a House of Deputies of the Nation and a Senate, composed 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 members directly elected, by simple plurality of votes by the people of the Provinces, of the city of Buenos Aires, and of the Capital City, if it is relocated, which for this purpose are considered constituencies of a single State. The number of members 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 said census. Congress shall be empowered to increase but not to decrease the basis established for each deputy.

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

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

Section 48.- In order to be a deputy it is necessary to have attained the age of twenty-five years; to have been a fully qualified citizen for four years; and to be a native of the Province electing them, or to have two years of immediate residence therein.

Section 49.- For the first election, the Legislatures of the Provinces shall regulate the means to hold the direct election of the deputies of the Nation: in future elections, Congress shall enact a general law.

Section 50.- Deputies shall hold office for 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 session of Congress, after meeting, shall draw lots to decide who must leave office after the first period.

Section 51.- In case of vacancy, the government of the Province or of the capital city shall proceed to call for an election of a new member.

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

Section 53.- Only the House of Deputies has the power to impeach the President, the Vice President, the Chief of the Cabinet of Ministers, the Ministers, and the Justices of the Supreme Court before the Senate, in cases of liability filed against them for misconduct or crimes committed in the fulfillment of their duties; or for ordinary crimes, after examining them and deciding there are grounds to bring charges with the vote of a two-third majority of the members present.

CHAPTER II

The Senate

Section 54.- The Senate shall be composed of three senators for each Province, and three for the city of Buenos Aires, who shall be jointly and directly elected. The most voted political party shall be allocated two seats, and the political party following in number of votes shall be allocated the remaining seat. Each senator shall have one vote.

Section 55.- In order to be eligible, a Senator shall meet the following qualifications: to have attained the age of thirty years, to have been a citizen of the Nation for six years, to have an annual income of two thousand pesos *fuertes*¹ or its equivalent, and to be a native of the Province that he seeks to represent or to have two years of immediate residence therein.

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

Section 57.- The Vice President of the Nation shall be the President of the Senate, but shall have no vote except to break a tie.

¹ Translators' note: legal currency in force at the time of enactment of the Constitution (1853).

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

Section 59.- The Senate shall have the sole power to bring to public trial those impeached by the House of Deputies, and Senate members shall take an oath when sitting for this purpose. When the person impeached is the President of the Nation, the Senate shall be presided over by the chief justice of the Supreme Court. No person shall be declared guilty without the concurrence of a two-thirds majority of the members present. Section 60.- The judgment shall not extend further than to remove the accused person from office, and to disqualify them to hold any office of honor, trust, or profit in the Nation. But the convicted party shall nevertheless be subject to accusation, trial, and punishment according to law before the ordinary courts.

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

Section 62.- Whenever there is a vacancy in the Senate because of death, resignation or other reason, the Government of the relevant Province 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 regular session from March 1 until November 30. The President of the Nation may convene a special session or the regular session may be extended.

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 such manner and under such penalties as each House may provide.

Section 65.- Both Houses shall begin and conclude their sessions simultaneously. Neither of them, during the session of Congress, shall adjourn for more than three days without the consent of the other.

Section 66.- Each House shall make its rules of procedure and, with the vote of two-thirds, may punish any one of its members for disorderly behavior in the exercise of their duties, or may remove them due to physical disability or moral inability occurring after they take office, and may even expel them from office. A majority of one more than 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 while holding office as legislator.

Section 69.- No senator or deputy may be arrested from the day of their election until the expiration of their term, except when caught in the act of committing a crime that deserves the capital punishment or other infamous or afflictive punishment, in which case a summary report of the facts shall be submitted to the relevant House. Section 70.- When a written complaint is filed with the ordinary courts against any senator or deputy and the merits of the case are examined in public trial, each House may, with the concurrence of two-thirds of the votes, suspend the accused from office and bring them under the judge with jurisdiction to hear the case

Section 71.- Each House may summon the Ministers of the Executive Branch to provide such explanations and reports as that House deems convenient.

Section 72.- No member of Congress shall be appointed to any civil office or commission under the authority of the Executive Branch, without previous consent of the relevant House, except for permanent ranked positions obtained through promotions, or contest and qualifications assessment.

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

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

CHAPTER IV

Powers of Congress

Section 75.- The Congress has the power:

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 based.
2. To levy indirect taxes as a power concurrent with the Provinces. To levy direct taxes for a specified term and in equal proportions throughout the national territory, if required in furtherance of the defense, common security and general welfare of the Nation. The taxes under this subsection shall be subject to co-participation, except for those which, in part or in full are specifically allocated.

An agreement-law based on understandings between the Nation and the Provinces shall establish a tax-sharing system to ensure the automatic remittance of funds.

The distribution among the Nation, the Provinces and the city of Buenos Aires, and among them, shall be carried out in direct relation to the powers, services and functions of each of them while taking into account an objective distribution criterion. Said distribution shall be based on principles of equality and solidarity and it shall give priority to the achievement of equivalent degrees of development, standard of living and equality of opportunities throughout the national territory.

The agreement law shall originate in the Senate and shall be enacted with the absolute majority of all members of each House; it shall be neither unilaterally amended nor regulated. and it shall be approved by the Provinces.

There shall be no transfer of powers, services or functions without the corresponding reallocation of funds approved by a law of Congress, when appropriate, and by the interested Provinces or the city of Buenos Aires, as the case may be.

A federal tax agency shall be in charge of controlling and monitoring the implementation of this subsection, as determined by law which shall guarantee the representation of all the Provinces and the city of Buenos Aires in the composition of said body.

3. To set and modify specific allocations of resources from the tax-sharing system, 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 provide for the use and sale of lands owned by the Nation.
6. To establish and regulate a Federal bank with power to coin money, as well as other national banks.
7. To settle the payment of the domestic and foreign debt of the Nation.
8. To fix on an annual basis and in compliance with 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 Provinces with revenues that, 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 the Congress deem necessary, and to create or eliminate customs offices.
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 volumes, which shall not alter local jurisdictions. They shall be enforced by Federal or Provincial courts with jurisdiction over the persons and property involved. The Congress shall also enact general laws on 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 such laws that may be required to establish trial by jury.

13. To regulate trade with foreign nations and among the Provinces.

14. To regulate and establish the general Postal Service of the Nation.

15. To settle the definite boundaries of the national territory; to fix those of the Provinces and to create new ones; and to determine by special legislation the organization, administration and government of national territories located outside the boundaries assigned to the Provinces.

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 their identity and the right to bilingual and intercultural education; to recognize the legal status of their communities, and the communal possession and ownership of the lands they have traditionally occupied; and to regulate the granting of other lands suitable and sufficient for human development; none of these lands may be sold, conveyed or subject to liens or attachments. To guarantee their participation in the management of their natural resources and other issues affecting them. The Provinces may jointly exercise these powers.

18. To provide for the prosperity of the country, for the advancement 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 railroads and navigable canals, the colonization of government-owned lands, the introduction and establishment of new industries, the import of foreign capital, and the exploration of inland rivers, through laws protecting these goals and through temporary grants of privileges and incentive rewards.

19. To provide for everything relevant to human development, economic progress with social justice, the growth of the national economy, the creation of employment, the professional training of workers, the protection of the value of currency, and the dissemination and use of scientific and technological research and development.

To provide for the harmonious growth of the Nation and the settlement of its territory; to promote differentiated policies that lead to balance the relative unequal development of Provinces and regions. These initiatives shall originate in the Senate.

To enact laws about the organization and basis of education consolidating national unity and respecting provincial and local characteristics that ensure the State responsibility that cannot be delegated, the participation of family and society, the promotion of democratic values and equality of opportunities and possibilities with no discrimination whatsoever; and guaranteeing the principles of free and equitable State public education as well as the autonomy and autarky of national universities.

To enact laws protecting cultural identity and plurality, the free creation and circulation of the 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 eliminate positions, to establish the duties of the said courts, to award 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 to 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 status 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 Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights and its Optional 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 Women; the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; and the Convention on the Rights of the Child, under their applicable terms and conditions, have constitutional status, do not repeal any section of the First Part of this Constitution and are to be understood as complementing the rights and guarantees recognized therein. They may only be denounced by the National Executive Branch with the approval of two-thirds of all the members of each House.

The other treaties and conventions on human rights, once approved by Congress, shall require the vote of two-thirds of all the members of each House in order to attain constitutional status.

23. To legislate and promote affirmative action measures guaranteeing true equality of opportunity and treatment, the full enjoyment and exercise of the rights recognized by this Constitution and by international treaties on human rights in force, particularly those referring to children, women, the elderly, and disabled persons.

To establish a special and comprehensive social security system to protect needy children, from pregnancy up to completion of the period of elementary education, and to protect the mother during pregnancy and lactation.

24. To approve treaties of integration that delegate powers and jurisdiction to

supranational organizations under conditions of reciprocity and equality, and that respect democracy and human rights. The rules derived therefrom have a higher status 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 denunciation 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 Branch to declare war or make peace.

26. To empower the Executive Branch to order reprisals and to make rules concerning 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 a state of siege in one or several parts of the Nation in case of domestic unrest and to approve or suspend the state of siege declared by the Executive Branch during the recess of Congress.

30. To exercise exclusive legislation over the territory of the capital city of the Nation, as well as to enact such legislation as may be necessary for the achievement of the specific goals of the national premises throughout the territory of the Republic. Provincial and local authorities shall retain police and enforcement powers over these premises, insofar as they do not interfere with the achievement of said goals.

31. To order the federal intervention of a Province or of the city of Buenos Aires. To approve or revoke the intervention by decree of the Executive Branch during a recess of Congress.

32. To make all laws and rules necessary to enforce the aforementioned powers, and all other powers vested by this Constitution in the Government of the Argentine Nation.

Section 76.- Legislative powers may not be delegated to the Executive Branch save for issues concerning administration or public emergency, for a specified term and according to the delegation of powers established by Congress.

The expiration of the term established 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 Branch, 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 both Houses.

Section 78.- Once a bill is passed by the House in which it originated, it shall be sent to the other House for consideration. If it is approved by both Houses, it shall be sent to the Executive Branch to for further consideration; if the bill is also approved, it shall become a law.

Section 79.- After the general approval of a bill, each House may delegate to its committees the detailed approval of said bill, with the vote of the absolute majority of all its members. With the same number of votes, each House may revoke the delegation of powers to approve this bill and resume the ordinary procedure. A committee approval shall require the vote of the absolute majority of all the 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 shall be considered approved by the Executive Branch. If a bill is partially rejected, the remaining part shall not be approved. However, non-objected 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 established for decrees of necessity and urgency shall be applicable.

Section 81.- No bill wholly rejected by one of the Houses shall be reintroduced in the legislative session of the same year. No House shall wholly reject a bill originated in it and later added or amended by the revising House. If the revising House makes additions or amendments to the bill, the result of the vote shall be informed in order to establish whether such additions or amendments were made by the absolute majority of the members present or by two-thirds of the members present. With the absolute majority of its members present, the originating House may approve the bill with the additions or amendments made or insist on the original text, unless the additions or amendments shall have been made by the revising House by two-thirds of its members present. In such a case, the bill shall be sent to the Executive Branch with the additions or amendments of the revising House, unless the originating House insists on the

original text with the vote of two-thirds of the members present. The originating House may not introduce new additions or amendments to those made by the revising House.

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

Section 83.- If a bill is wholly or partially rejected by the Executive Branch, it shall return to the originating House with the objections. The originating House 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 the bill by said majority, the bill shall become a law and shall be sent to the Executive Branch for promulgation. In all such cases the vote in both Houses shall be by roll-call, determined by yeas and nays; and both the names and grounds of the voters, as well as the objections of the Executive Branch shall be immediately published by the press. If the Houses differ as to the objections, the bill may not be reintroduced in the legislative session of that year.

Section 84.- In the enactment of laws the following formula shall be used: Be it enacted by the Senate and the House of Deputies of the Argentine Nation in Congress assembled that..."

CHAPTER VI

General Auditing Office of the Nation

Section 85.- The Legislative Branch shall be exclusively empowered to exercise the external control of the asset-related, economic, financial and operational aspects of the national public sector.

The review and opinion of the Legislative Branch about the performance and the general situation of the national public administration shall be based on the reports of the General Auditing Office of the Nation.

This technical advisory body of Congress with operational 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 this body shall be appointed at the proposal of the opposing political party with the largest number of legislators in Congress.

It shall be in charge of the control of the legality, management and auditing of all the activities of the centralized and decentralized public administration whatever its type of organization may be, and it shall have such other functions as granted by law. It shall take part in the approval or rejection procedure of the accounts related to raising and investment of public funds.

CHAPTER VII

Ombudsperson

Section 86.- The Ombudsperson is an independent authority created within the sphere of the National Congress that shall act with full autonomy and without receiving instructions from any authority. The mission of the Ombudsperson is the defense and protection of human rights and other rights, guarantees and interests enshrined in this Constitution and the laws, in the face of deeds, acts or omissions of the Administration; as well as the control of the exercise of public administrative functions.

The ombudsperson has legal standing and is appointed and removed by Congress with the vote of two-thirds of the members present in each House. He enjoys the immunities and privileges of legislators. He shall hold office for the term of five years and may be reappointed only once.

The organization and operation of this body shall be regulated by a special law.

SECOND DIVISION THE EXECUTIVE BRANCH

CHAPTER I

Nature and Duration

Section 87.- The National Executive 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 Branch 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 grounds of inability cease to exist or a new president is elected.

Section 89.- In order to be eligible to the office of President or Vice President of the Nation, a person must have been born in the Argentine territory, or be the son of a native born citizen if born in a foreign country; and must 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 if they have succeeded each other, they cannot be elected to 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 of the expiration of his term of four years; and no event that may have interrupted his term shall constitute grounds for completing it later.

Section 92.- The President and Vice President shall receive a compensation 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 the following 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 cause it to be observed."*

CHAPTER II

Procedure and time of 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.- If a second ballot is required, it shall be held between the two most voted party tickets, within thirty days of the previous election.

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

Section 98.- If in the first ballot the most voted party ticket obtains at least forty per cent of the affirmative votes that have been validly cast, and there is a difference of more than ten per cent over all the affirmative votes that have been validly cast obtained by the runner-up party, the members of the most voted party ticket shall be proclaimed President and Vice President of the Nation.

CHAPTER III

Powers of the Executive Branch

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

1. To be the supreme head of the Nation, head of the government and politically responsible for the general administration of the country.
2. To issue such instructions and rules as may be necessary for the enforcement of the laws of the Nation, without altering their spirit with regulatory exceptions.
3. To take part in the making of laws according to the Constitution, to promulgate them and to have them published.

The Executive Branch shall in no event issue provisions of legislative nature, under penalty of absolute and irrevocable nullity.

Only when exceptional circumstances render it impossible to follow the ordinary procedures laid down by this Constitution for the enactment of laws, and provided the rules are not referred to criminal issues, taxation, electoral matters, or the system of

political parties, the Executive Branch may issue decrees on grounds of necessity and urgency, which shall be decided by general agreement of ministers, who shall countersign the decrees together with the Chief of the Cabinet of Ministers.

Within the term of ten days, the Chief of the Cabinet of Ministers shall personally submit the decree to the consideration of the Joint Standing Committee of Congress, the membership of which shall respect 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 it to be immediately considered by the Houses. A special law enacted with the absolute majority of all the members of each House shall regulate the procedure and scope of the participation of Congress.

4. To appoint the Justices of the Supreme Court with the consent of the Senate by two-thirds of its members present, in a public meeting convened to this end.

The Executive Branch shall appoint the judges of the lower federal courts on the basis of a binding proposal of three candidates submitted by the Judicial Council, with the consent of the Senate in a public meeting, in which the qualifications of the candidates shall be taken into account.

A new appointment, preceded by the same consent, shall be necessary for judges to remain in office once they have attained to the age of seventy-five years. Judges of that age or older shall be appointed for five years, and may be indefinitely re-appointed by this same procedure.

5. To grant pardons or commute sentences for federal crimes, based on the report of the corresponding court, except in cases of impeachment by the House of Deputies.

6. To grant retirements, pensions, leaves of absence according to the laws of the Nation.

7. To appoint and remove ambassadors, ministers plenipotentiary and commercial attachés with the consent of the Senate; to appoint and remove, on his own account, the Chief of the Cabinet of Ministers and the other ministers, the officers of his secretariat, consular agents, and other employees whose appointments are not otherwise provided for in this Constitution.

8. To annually open the legislative session of Congress, with both Houses assembled for this purpose; to report, in this occasion, on the state of the Nation and on the reforms promised by the Constitution; and to make recommendations to both Houses on such measures as the Executive Branch may deem necessary and appropriate.

9. To extend the regular session of Congress, or convene a special one when required by some serious order or progress-related interest.

10. To oversee the power of the Chief of the Cabinet of Ministers to collect and invest the national revenue, according to the law or budget of national expenditure.

11. To conclude and sign treaties, concordats and other agreements required for the

maintenance of good relations with international organizations and foreign nations; to receive their ministers; and to admit their consuls.

12. To be the commander-in-chief of all the armed forces of the Nation.

13. To provide for the military positions of the Nation: with the consent of the Senate, to grant positions or ranks for the higher officers of the armed forces; and, on his own account while in the battlefield.

14. To exercise control of the Armed Forces and to organize and deploy them according to the needs of the Nation.

15. To declare war and order reprisals with the consent and approval of Congress.

16. To declare in a state of siege one or more places of the Nation, in the event of foreign attack and for a limited period of time, with the consent of the Senate. In the event of domestic disorder, to exert this power only when Congress is in recess, since this is a power pertaining to this body. The President shall exercise this power with the limitations prescribed in Section 23.

17. To request such reports, he may consider appropriate from the Chief of the Cabinet of Ministers and from the heads of all branches and departments of the Administration, and through them, from other employees, and they shall all be compelled to submit such reports.

18. To leave the territory of the Nation with the consent of Congress. During the recess of Congress, he may only do so without permission on justified grounds of public service.

19. To fill vacancies requiring the consent of the Senate and occurring during its recess, by means of temporary appointments expiring at the end of the next legislative session.

20. To decree the federal intervention of a province or of the city of Buenos Aires in the event of the recess of Congress, and simultaneously, to convene the latter to consider such intervention.

CHAPTER IV

The Chief of the Cabinet of Ministers and other Ministers of the Executive Branch

Section 100.- The Chief of the Cabinet of Ministers and the other secretary ministers, whose number and powers shall be determined by a special law, shall attend to the business of the Nation and shall countersign and legalize the acts of the president with

their signatures, without which said acts shall have no effect whatsoever.

The Chief of the Cabinet of Ministers, who is politically liable before the National Congress, shall be empowered:

1. To exercise the general administration of the country.
2. To perform such acts and issue such rules as may be necessary to exercise the powers granted by this section, as well as those delegated by the president of the Nation, countersigned by the secretary minister of the area to which the act or rule refers.
3. To appoint the employees of the administration, except for appointments incumbent upon the president.
4. To exercise the functions and powers delegated to him by the president of the Nation, and to decide, with the consent of the Cabinet, on matters specified by the Executive Branch or, on his own account, on matters he may deem necessary, within the scope of his jurisdiction.
5. To coordinate, prepare and convene the meetings of the cabinet of ministers, and to preside 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 Branch.
7. To have the revenues of the Nation collected and to enforce the National Budget Act.
8. To countersign the regulatory decrees of the laws, decrees to extend the regular legislative session of Congress or to convene a special session, 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 regular 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 their respective departments.
11. To prepare and give such oral and written reports and explanations as may be requested by either House from the Executive Branch.
12. To countersign decrees about powers delegated by Congress, which shall be subject to the control of the Joint Standing Committee.
13. To countersign, together with the other ministers, decrees of necessity and urgency and decrees that partially promulgate 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 Cabinet of Ministers shall not be simultaneously appointed to another

ministry.

Section 101.- The chief of the ministerial cabinet Chief of the Cabinet of Ministers shall attend Congress at least once a month, alternating between each House, to report on the progress of government, notwithstanding the provisions of section 71.

The Chief of the Cabinet of Ministers may be interpellated for the purpose of considering a vote of censure, with 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 liable for acts agreed on with his colleagues.

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

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

Section 105.- Ministers may not be neither senators nor deputies, without first resigning their offices as ministers.

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

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

THIRD DIVISION THE JUDICIAL BRANCH

CHAPTER I

Its nature and duration

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

Section 109.- In no case may the President of the Nation 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 compensation to be ascertained by law and which shall not be diminished in any way while in office.

Section 111.- No person shall be a member of the Supreme Court who shall not 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 appointed shall take an oath from the President of the Nation, to perform their duties, to administer justice in a proper and lawful manner, and in accordance with the provisions of the Constitution. In the future, they shall take the oath from the Chief Justice of the Court.

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

Section 114.- The Judicial Council, governed 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 Branch.

The membership of the Council shall be periodically adjusted so as to balance the representation of the political bodies arising from popular election, the judges of all instances, and the attorneys with federal license. It shall likewise be composed of such other scholars and scientists as established by law in number and form.

It shall be empowered:

1. To select the candidates to the lower courts by public competition.
2. To issue proposals in binding three-candidate lists for the appointment of the judges

of the lower courts.

3. To manage the resources and to execute the budget assigned by law to the administration of justice.
4. To apply disciplinary measures to judges.
5. To decide the opening of proceedings to remove judges, and, when appropriate, to order their suspension and to make the relevant accusation.
6. To issue rules about judicial organization and such other rules as may be necessary to ensure the independence of judges and the efficient provision of judicial services.

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 attorneys with federal license.

The decision, which cannot be appealed, shall have no other effect than the removal of the accused. But the person thus found guilty shall nevertheless be subject to accusation, trial, and punishment according to law before the ordinary courts.

If no decision is taken within one hundred and eighty days since the opening of the removal proceedings, said proceedings shall be filed and the suspended judge shall be reinstated.

The membership and procedure of this jury shall be stated in the special law mentioned in Section 114.

CHAPTER II

Powers of the Judicial Branch

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, except as provided in section 75, subsection 12, and under the treaties made with foreign nations; all cases concerning ambassadors, public ministers and foreign consuls; cases of admiralty and maritime jurisdiction; matters in which the Nation shall be a party; and 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 shall have 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 bearing 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 said punishment shall not extend beyond the guilty person, nor shall this dishonor be transmitted to relatives of any degree.

FOURTH DIVISION

OFFICE OF THE ATTORNEY GENERAL AND OF THE PUBLIC DEFENDER

Section 120.- The Office of the Attorney General and of the Public Defender is an independent body with functional autonomy and financial autarky, which promotes the administration of justice to defend lawfulness and 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 the right to undiminished compensation.

TITLE II

Provincial Governments

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

Section 122.- They establish 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 provided for in Section 5, ensuring municipal autonomy and regulating its scope and content regarding institutional, political, administrative, economic and financial terms.

Section 124.- With the knowledge of Congress, the provinces may set up regions for economic and social development and may establish agencies with power to fulfill their purposes. They may also 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 a regime which is to be established to this effect.

The provinces have original dominion over the natural resources existing in their territory.

Section 125.- The provinces may enter into partial treaties for the purposes of administration of justice, protection of economic interests, and works of common benefit, with the knowledge of Congress; and may promote their industry, immigration,

the construction of railroads and navigable canals, the colonization of provincial lands, the introduction and establishment of new industries, the import 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 maintain social security agencies for civil servants and professionals; and may promote economic progress, human development, the creation of jobs, education, science, knowledge and culture.

Section 126.- The provinces do not exercise the power delegated to the Nation. They may not enter into partial treaties of political nature; enact laws dealing with commerce, inland or foreign navigation; establish provincial customs; coin money; establish banks empowered to issue money without the authorization of the National Congress; enact Civil, Commercial, Criminal, or Mining Codes after Congress shall have enacted them; enact special laws on citizenship and naturalization, bankruptcy, counterfeiting of money or State documents; lay any duty of tonnage; or arm ships of war or raise armies, except in the event of foreign invasion or such imminent danger that shall not admit a delay, in which case the Federal Government shall be immediately notified; or appoint or receive foreign representatives.

Section 127.- No province may declare or make war against another province. Their claims must be submitted to and settled by the Supreme Court. Their de facto hostilities are acts of civil war, considered as sedition or rebellion, 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 to enforce the Constitution and the laws of the Nation.

Section 129.- The city of Buenos Aires shall have an autonomous system of government with legislative and jurisdictional powers, and the head of its government shall be directly elected by the people of the city.

A law shall guarantee the interests of the National State for as long as the city of Buenos Aires is the capital city of the Nation.

According to these provisions, the National Congress shall convene the inhabitants of the city of Buenos Aires to issue, through the representatives elected for that purpose, the Organizational Statute of the institutions of the city.

TRANSITIONAL PROVISIONS

First.- The Argentine Nation ratifies its legitimate and imprescriptible sovereignty over the *Islas Malvinas*, *Georgias del Sur y Sandwich del Sur* 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, while respecting the way of life of their inhabitants and according to the principles of International Law, are a permanent and non-renounceable goal of the Argentine people.

Second.- The affirmative actions referred to in the last paragraph of section 37 shall be no less effective than those in force at the time of approval of this Constitution, and their duration shall be determined by law.

(Cf. section 37)

Third.- The law regulating the exercise of the popular initiative shall be approved within eighteen months of this enactment.

(Cf. 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 1995, due to the expiration of the terms of all the senators elected in 1986, a third senator shall be appointed per constituency per each Legislature. The group of senators for each constituency shall be composed, as far as possible, of two senators belonging to the political party or electoral alliance with the largest number of members in the Legislature, and one senator belonging to the political party or electoral alliance following in number of members. In case of a tie, the political party or electoral alliance with the largest number of votes in the immediately preceding provincial legislative election shall prevail.

The election of senators who shall replace those whose terms expire in 1998, as well as the election of whoever shall replace any one of the incumbent senators if section 62 is applied, shall be carried out by these same rules of designation. However, the political party or electoral alliance with the largest number of members in the Legislature at the time of the election of the senator shall be entitled to have its candidate elected, with the sole limitation that the three senators may 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 1995 by the voters, and in 1998 by the legislative body of the city.

The election of all the senators referred to in this provision shall be carried out within a period that shall be neither shorter than sixty days 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 proclaimed as candidates shall be certified by the National Electoral Court and informed to the Legislature.

Whenever a national senator is elected, a substitute shall be designated, who shall take office in the cases provided for in section 62.

The senators elected under this transitional provision shall hold office until December 9, 2001.

(Cf. section 54)

Fifth.- All the members of the Senate shall be elected as established in section 54 within two months prior to December 10, 2001. After all of them meet, they shall draw lots to decide who must leave office in the first and second biennium.

(Cf. section 56)

Sixth.- The tax-sharing system provided for in section 75, subsection 2 and the regulations of the federal tax agency shall be established 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 relevant province, and the distribution of resources in force at the time of the enactment of this amendment shall not be modified to the detriment of the provinces. Both restrictions shall remain in force until the aforementioned tax-sharing system is established.

This provision shall not affect pending administrative or judicial claims arising from differences over the distribution of jurisdiction, services, functions or resources between the Nation and the provinces.

(Cf. section 75, subsection 2)

Seventh.- Congress shall exercise the legislative powers retained by it under section 129 in the city of Buenos Aires, for as long as it shall be the capital city of the Nation.

(Cf. section 75, subsection 30)

Eighth.- The pre-existing delegated legislation with no specified term for its application shall expire five years after the enactment of this provision, except for legislation expressly ratified by Congress through a new law.

(Cf. section 76)

Ninth. - The tenure of the president holding office at the time of the enactment of this reform shall be considered his first term.

(Cf. section 90).

Tenth.- The tenure of the president of the Nation who shall take office on July 8, 1995 shall expire on December 10, 1999.

(Cf. section 90)

Eleventh.- The expiration of appointments and limited durations provided for in section 99, subsection 4, shall become effective five years after the enactment of this constitutional reform.

(Cf. section 99, subsection 4)

Twelfth.- The provisions established in Section 100 and 101, Chapter IV, Second Division, Part II of this Constitution about the Chief of the Cabinet of Ministers shall become effective on July 8, 1995.

The Chief of the Cabinet of Ministers shall be appointed for the first time on July 8, 1995; until then his powers shall be exercised by the president of the Republic.

(Cf. section 99, subsection 7)

Thirteenth.- Once three hundred and sixty days have elapsed from the enactment of this reform, lower court judges shall only be appointed by following the procedure

established in this Constitution. Until then, the previous system shall be applied.
(*Cf. section 114*)

Fourteenth.- Cases pending before the House of Deputies at the time of the creation of the Judicial Council shall be referred to said Council for the purposes of section 114, subsection 5. Cases brought before the Senate shall proceed there until they are concluded.

(*Cf. section 115*)

Fifteenth.- Until the powers arising from the new system of autonomy of the city of Buenos Aires are established, Congress shall exercise exclusive legislation over its territory, under the same terms as those applied until the enactment of this Constitution.

The head of the government shall be elected during 1995.

The law provided for 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 Organizational Statute, the appointment and removal of the judges of the city of Buenos Aires shall be governed by sections 114 and 115 of this Constitution.

(*Cf. 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 the provincial and municipal authorities shall take such measures as may be necessary for their members and officers to take the oath to this Constitution.

Seventeenth.- The revised constitutional text enacted by this Constituent Assembly replaces the text hitherto in force.

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