

The institutional design of the Constitution of the Autonomous City of Buenos Aires¹

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Resumen: *En su investigación sobre la historia de las instituciones, el autor hace algunas reflexiones sobre el diseño institucional de la Constitución de la Ciudad Autónoma de Buenos Aires, Argentina.*

Palabras clave: *Buenos Aires, Constitución, independencia, Estado, diseño institucional, derechos ciudadanos.*

Abstract: *In his research on the history of institutions, the author makes some reflections about the institutional design of the Constitution of the Autonomous City of Buenos Aires, Argentina.*

Keywords: *Buenos Aires, Constitution, independence, State, institutional design, citizens rights.*

Buenos Aires is a city that lives in the autonomy its reality and truth, that truth which is like a precious stone, which seduces who puts it in his hand, but it hurts to whom we threw in the face, as it has Pope Francisco noted. And it is that today, we celebrate twenty years of our pardon me for appropriation-Constitution, which has been like a resurrection of the city in which “every day in the world is reborn beauty resurrects transformed through storms of the history”.

The power of its constitution, type in which for two decades has created a new territory in which a citizen is feeling cited, summoned to a good, a meaningful purpose, and keep the appointment. It is a Constitution that has opted to have everyone sitting at the table, invite them to the meeting, to make them participate in a solidarity sacrifice, a libertarian and social intelligence

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I thank Dr. Marcela Basterra, judge of the Judicial Council of the autonomous city of Buenos Aires and the judiciary of the city, for allowing me to participate in the commemoration of the twentieth anniversary of proclamation of the Constitution and write these reflections to reading scholars of constitutional law.

struggle without discrimination, since the country is a gift and the nation a task . Therefore, the representatives of the people of the city of Buenos Aires, meeting in Constitutional Convention, by rule of the Constitution, built the nation in fraternal federal union with the provinces, claiming their autonomy and, in order to promote development human in a democracy founded on freedom, equality, justice, human rights and solidarity under a pluralistic framework guaranteeing the dignity of men and women, as well as its prosperity, along with those who enjoy their hospitality, in the meeting room of the constitutional convention, on 1 October 1996, with 24 transitional clauses two books, 140 articles, the first two titles, a preliminary title, preamble, seven titles and in each several chapters, presents an institutional design that addition of rights and guarantees, has special policies that also incorporate the constitutionality block, a block of conventionality and a global administrative block, which the federal block legality adds, to maintain its empire, even if it is interrupted or is seeking to interrupt its observance by acts of force against the institutional order and the democratic system or functions or powers extend violating his text, consecrating the right of all citizens to exercise resistance against those who carry out acts of force that violate their autonomous institutions as participatory democracy they are and, as a Republican and representative government that is guided by the guide of their conscience and under the invocation and protection of God, under a set of principles, limits, both terrestrial and riparian in which exerts its eminent domain inalienable and imprescriptible.

Draws attention to the wide range of rights and guarantees, including that of being different (Art. 11), which seeks to reject obstacles to the full and normal development of the person and dignity, protected by various mechanisms, as well as the amparo, habeas corpus, habeas data, the right to petition and access to documents and public information and other expeditious and appropriate remedies that allow the legitimate to assert what enshrines this letter, along with the Constitution, international treaties, laws of the Nation treaties interjurisdictional and other mechanisms that allow them to enjoy social policies, balanced human and economic development, the overall health associated with the satisfaction of needs of food, housing, work, education , dress, culture and healthy environment, which fully benefiting from the person in a fair and democratic society with a gender perspective and as an example of state protection for present and future generations, not only personally, but territorially, technological and suitable habitat, giving priority to those sectors of critical poverty and special needs of scarce resources. Pluralist, traditional and ethnic Buenos Aires cultural democracy has deeply my attention, as well as issues of sport, security, real and formal equal

opportunities for access and enjoyment of all civil, political, economic, social and cultural rights in all areas, bodies levels and areas, as well as the inclusion of the principle of collegiality in representative bodies and the comprehensive protection of the family with equal rights and shared opportunities, work evenly paid, the desegregation of any type, access to systems of social coverage and design of all relevant public policies, including the “modification of the stereotyped cultural patterns” that while I do not share, respect regarding the creation of a separate property regime, as I have stated in various scenarios and especially in a study which the civil codes of the states of Jalisco and Campeche in Mexico, with my proposal Solemn Union Pact on economic matters between same-sex couples were modified.

The recognition of children and adolescents as active subjects of their rights, the policy of real equality of opportunity for youth and for the elderly and people with special needs, as well as the protection of labor in all its forms together with the principles and rights of social security and the defense of consumers and users of goods and services in the consumer relationship, against market distortion and control of monopolies, it seems of great interest as they also are assured consumers and users equal treatment, freedom of choice and access to transparent, adequate, accurate and timely information.

State policies on economic activity, finances, budget, civil, scientific research and technological innovation, as well as cooperation with production companies and universities and the promotion of tourism as a factor of economic, social development and culture, have convinced me to become a citizen of Buenos Aires.

However, they asked me to speak of institutional design and mechanisms of participation in my country.

Sometimes, one might think that the Constitution is a “broken promise” as he says Allan Brewer - Carias, as moral collapse of those who are at the forefront of many institutions makes these fall demolished, although they are in the book so I brandished by our rulers.

The institutional design of a state and a constitution implies that above all should be a covenant of a society made by the people as a promise to be fulfilled by the rulers. Therefore, constitutions speak of themselves as “supreme law”, meaning thereby that what is consecrating actually has the primary right to the Constitution and its supremacy, the right to the promise it holds not miss force, not violated, may not be modified or amended, do not waste your policy coherence that should be inherent, does not suffer from the disease of “acute <<reformatitis>>” which, for example, in Colombia has become a real problem, then modify the

impression that the letter is a matter of mere formality, as happened in 2001 with the article prohibiting consecutive presidential reelection. He changed amid a bribery scandal and corruption dubbed the “Yidispolítica” and the “little article” modified the system of institutional checks and balances and broke the balance of powers, a situation that lasted until he turned in 2015 prohibit re-election. Therefore, in the institutional redesign arise very often the voices of a call to another National Constituent Assembly, but, knowing that an institution like this is known where to start, but not where it ends, go to it would potentially more burdensome remedy the disease because we could not fathom the effectiveness and clear tasks of the state towards the recognition of the dignity, peace, solidarity and work as fundamental columns of the Colombian State.

Finally, I believe that the institutional design and balance with participation mechanisms, can be given only if three political pillars constitutional prevail are met and are valid and validated throughout the state element:

First, a control system power through its horizontal separation and vertical distribution, the competence and functionally organized into organs and competencies;

Second, a political system of democratic government, representative and participatory democracy, to ensure the democratic legitimacy of the election of the holders of the organs and the government;

And third, an economic system based on principles of social justice, with the participation of the private sector and the state itself as a promoter of economic and regulatory development of economic activity.

In this context it could be a constitution and enjoy full value and effect each of the mechanisms of democratic participation; that is the desire of those who defend freedom against the arbitrariness of the old policy.

I close by saying that the political crisis, not only in Colombia, but that may exist in any other country, for example in Hyrcania, to give a figurative name, he has led many states to dazzled with the apprentice magician who appeared the place, as a kind of a degraded Melquiades Hundred Years of Solitude, promising that everything would change when everyone wanted everything changed, and that this should be finished with the old policy. However, as often happens in the glare, she is still there.

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