



**The ILA study group on the Role of  
Cities in International Law  
City Report: Buenos Aires**

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# City Report on International Law: Buenos Aires

## 1. Introduction

Buenos Aires, the capital of Argentina, is also its economic and political centre. With three millions inhabitants, it is the most populous city of the country. Officially called *City of Buenos Aires* (*Ciudad de Buenos Aires*) or *Autonomous City of Buenos Aires* (*Ciudad Autónoma de Buenos Aires*), it is one of the 24 sub-national entities that form the federal Argentinian State (the others are the 23 provinces). The provinces and the city of Buenos Aires are globally known as *local governments*. The city is sometimes also named *Federal Capital* (*Capital Federal*) because for many years it was a territory directly subject to the authority of the federal government. This situation changed in 1994, when a reform to the federal Constitution granted it its current autonomy status.

The territory of the city is on the riverside of the Río de la Plata, a very wide river (between 68 and 120 kilometres) shared between Argentina and Uruguay. On its land side, the city is completely surrounded by other cities placed on the territory of the province of Buenos Aires. These surrounding cities form the *Greater Buenos Aires* area (*Gran Buenos Aires*). The city of Buenos Aires itself and the Greater Buenos Aires area constitute the *Metropolitan Area of Buenos Aires* (*Área Metropolitana de Buenos Aires* or *AMBA*). The AMBA concentrates approximately one third of the whole Argentinian population (15 million inhabitants) and is its most developed industrial and economic pole.

Buenos Aires is undoubtedly a *global city*. The expression was coined by the sociologist Saskia Sassen to refer to points relevant for the organisation of the world economy which agglomerates financial services, sites of production and market operations. Buenos Aires' political and economic dynamics have local, national and international effects. As many other global cities, Buenos Aires has become an important international actor (though not yet an international subject in the terms of traditional international law standards) of the first magnitude.

Because of its global character, Buenos Aires is an interesting case to study from the international law perspective of this City Reports series. As we will see, the city has entered into cooperation agreements with foreign cities and regions. It has accessed international markets to seek financing. It hosts international organisations and fora, and has deployed an international network of *spokepersons* around the world. Also, its policies are influenced by international norms and standards.

This report analyses the role of Buenos Aires as an international actor and its framing in international law structures. It starts by briefly considering the history of the city and its political status (sections 2 and 3). Sections 4 and 5 deal with its treaty-making powers in international law and its relations with international organisations and international NGOs. Then, the report examines international cooperation (section 6) and city diplomacy (section 7). The reports ends with a short study of the impact of international law on human rights issues (section 8) and on other local policies (section 9).



The report is built mainly on national and international legal sources. Case-law (in particular, decisions of the Argentinian Supreme Court) is considered when necessary. Information on government activities and sociological data have been obtained from public sources, such as the webpage of the government of the city of Buenos Aires and the Office for National Statistics. Because of the nature of the text, and for reasons of space, bibliographical references have been reduced to a minimum.

## 2. Short history of the City of Buenos Aires

The city of Buenos Aires was first founded in 1536 by Pedro de Mendoza, a Spanish *adelantado* (conqueror designated by the Spanish king to promote the settlement of the New World). It was abandoned for some years and founded for the second time in 1580 by Juan de Garay, another Spanish *adelantado*. Initially, it was a part of the territory of the vice-royalty of Peru. In 1776 the vice-royalty of the Río de la Plata was created and Buenos Aires was designated its capital.

Because of the strategic position of its port, Buenos Aires became the political and economic centre of the vice-royalty and, after Argentinian independence in 1816, of the new State. The years that followed the declaration of independence were marked by civil wars opposing centralists and federalists. Provincial governments were organised before the formal creation of the national State and the city of Buenos Aires was designated capital of the province of the same name. It was also the *de facto* seat of national institutions created by the successive (and failed) attempts of national organisation (Constitution of 1819, Constitution of 1826, Federal Pact of 1831).

In 1852, a faction of the federalist party prevailed over another sector of the same party in the *Caseros* battle. The following year, the Constitution of the Argentinian Confederation was adopted. This Constitution officially declared Buenos Aires capital of the State and thus a *federalised* city (that is, a city directly subordinated to federal authorities). This declaration entailed, for the province of Buenos Aires, the loss of its own capital, which was not only its political centre but also the main source of its income originated from the port and customs.

Provincial authorities rejected the new situation and constituted an independent State: the State of Buenos Aires (*de facto* independent since 1852 and formally organised through its 1854 Constitution). The city of Buenos Aires became the capital city of the State of Buenos Aires, while the Argentinian Confederation declared the city of Paraná as its capital. The two States coexisted for many years. In 1859, after the *Cepeda* battle, the State of Buenos Aires was obligated to rejoin the Argentinian Confederation as a province, on equal terms with other provinces. However, the State/province of Buenos Aires managed to obtain in 1860 a constitutional reform which reinforced the federal system and eliminated the provision which had declared the city of Buenos Aires as the capital of the State (now renamed as Argentinian Republic).

After the 1860 constitutional reform and the official reincorporation of the province of Buenos Aires to the Argentinian Republic in 1862, federal authorities established in the city of Buenos Aires. It became the *de facto* capital of the Republic, although it was still the capital of the province of Buenos Aires and federal authorities had no direct powers on it. This situation

changed in 1882, when the federal Congress passed the law on the federalisation of the city (Act 1029). The law received the assent of the legislative branch of the government of the province of Buenos Aires, which was mandatory according to the 1853-1860 Constitution, that same year.

The federalisation of the city signified that all powers normally exercised by provincial and municipal authorities were handed over to the federal government. The federal government created a city council to manage issues of strictly local concern (traffic, lighting, etc.) and retained all other powers (for instance, national courts were created to deal with those subjects that normally fell under the jurisdiction of provincial courts). The city council had a legislative branch (the *Concejo Deliberante*) elected by the people of the city; but its executive branch (the *Intendente*) was nominated by the President of the Republic with the assent of the federal Senate.

According to the 1853-1860 Constitution, the people of the capital elected its own representatives to the federal Chamber of Representatives and to the federal Senate, and participated in the indirect election of the President of the Republic. Buenos Aires kept the constitutional status of federalised city until the reform of the federal Constitution in 1994. Since then, it has an autonomy regime, with which we will deal in the next section.<sup>1</sup>

### 3. Status and authorities

#### 3.1 Constitutional status of the city

As it has been indicated before, the 1994 constitutional reform conferred a special status to the city of Buenos Aires. Since then, the city is an autonomous entity within the federal State. Its position is quite similar, though not identical, to that of the provinces. This status is independent of its designation as capital of the country. Hypothetically, the federal government could decide to move the capital to another city and federalise that city (with the prior approval of the province on whose territory the city is placed). In this case, the city of Buenos Aires would retain its status as an autonomous entity within the federal State. What is more, its autonomy would be increased, as some limitations on its constitutional powers would cease to be applicable (we will explain this in more detail below).

The new article 129 of the federal Constitution, introduced by the 1994 reform, provided that the city of Buenos Aires should have a regime of autonomous government. Accordingly, the article established that the federal Congress should call elections to constitute an assembly of representatives to adopt the *Organisational Statute* of local institutions. Elections were held and the assembly adopted in 1996 the *Constitution of the Autonomous City of Buenos Aires*.

The federal Constitution outlined very generically the features of the political organisation of the city. It established in article 129 two conditions: first, the local government should have “its own legislative and jurisdictional competences”; second, the chief of government (that is, the chief of the executive branch) should be “directly elected by the people of the city”. Article 1

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<sup>1</sup> For the history of the city see Bernand, Carmen: *Historia de Buenos Aires*, Buenos Aires, Fondo de Cultura Económica, 2005. Kessler, Gabriel: *Historia de la provincia de Buenos Aires: el gran Buenos Aires*, Buenos Aires, Edhasa-Unipé, 2015.

of the local Constitution specified that the city of Buenos Aires would be a participatory democracy under a republican and representative form of government. The federal Constitution also required that “as long as the city of Buenos Aires is the capital of the Republic”, a federal law must protect the interests of the federal government (article 129). The law was adopted in 1995 (Act 24588 on the Protection of the Interests of the Federal Government in the City of Buenos Aires). The local Constitution added that while Buenos Aires is the capital of the country, “its government cooperates with the federal authorities that reside in its territory for the full exercise of their powers and functions” (article 3).

The federal Constitution did not clarify the distribution of competences between the federal government and the city government. According to article 121, “the provinces keep all powers not delegated to the federal government by the federal Constitution”. This provision is understandable considering the origins of the Argentinian State as a Confederation: the State was constituted as an association of provinces, which decided to retain all the powers they had not delegated to the federal government. For this same reason, it is highly uncertain whether the provision can be applied to the city of Buenos Aires, which was not a part to that original constitutional pact. Note that article 121, before and after the 1994 constitutional reform, states that *provinces* (not *local governments*, an expression which would have included the provinces and the city of Buenos Aires) keep non-delegated powers.

Nevertheless, the local Constitution adopted the principle that the city “exercises all powers not conferred by the federal Constitution to the federal government” (article 1). In consonance with what was said in the previous paragraph, this rule is probably not in conformity with the text and the spirit of the federal Constitution. In fact, the act on the protection of federal interests in Buenos Aires, adopted one year before the local Constitution, established the opposite principle: “the federal government keeps all powers not attributed to the autonomous government of the city of Buenos Aires by the [federal] Constitution” (article 2).

In the leading case *Gauna*, the federal Supreme Court affirmed that the city had “a special constitutional status” and that its competences were not completely determined by the federal Constitution. For the Court, the federal Constitution delegated this distribution to the federal powers and the Constitutional Assembly of the city. The act on the protection of federal interests specified article 129 of the federal Constitution and, to this extent, constituted a limit to be respected by the Constitutional Assembly of the city. Furthermore, the article of that act which declared that the federal government retained all residual powers was a reasonable specification of constitutional standards.<sup>2</sup>

The special status of the city of Buenos Aires entailed a reduction of the powers of the federal government. According to article 75.30 of the federal Constitution, the federal Congress has “exclusive legislative competences on the territory of the capital of the Republic”. This provision dates back to 1853 and is coherent with the situation of a capital city entirely subordinated to the federal government. As it has been explained, this was the status of the city before 1994. The 1994 reform conferred to Buenos Aires its own legislative competences (article 129). The federal Congress continued to exercise the exclusive legislative competences mentioned in article 75.30 until the conformation of local powers (transitory provision 15).

<sup>2</sup> Corte Suprema de Justicia de la Nación (CSJN), *Gauna*, Fallos 320:875, 1997.

From that moment on, the city exerts legislative competences on those matters that fall normally under the legislative competence of provincial and municipal governments (although, as we have seen, the exact distribution of competences is subject to controversy). The federal Congress has in the territory of the city legislative competences only on federal matters (as in the rest of the territory) and those necessary to guarantee the interests of the federal government as long as Buenos Aires is the capital of the Republic (transitory provision 7).

If Buenos Aires ceased to be the capital of the country, the federal government would be entitled again to exercise the “exclusive legislative competences” of article 75.30 in the new capital city. The legislative powers of the city of Buenos Aires itself would remain unchanged (because they emerge directly from the federal Constitution, and not from its designation as capital of the country), but they would get rid of the limitations established in the interest of the federal government.<sup>3</sup>

### 3.2 Buenos Aires and the Río de la Plata

The territorial limits of the city of Buenos Aires are those that historically correspond to it in accordance with the national legislation operative at the date of entry into force of the local Constitution (article 8 of the local Constitution). This internal delimitation is directly affected by international law provisions, because the Río de la Plata (on whose coast the city is officially placed according to the same article 8) is shared with Uruguay. International limits between Argentina and Uruguay are defined by the Treaty on the Río de la Plata and its Maritime Front.<sup>4</sup>

The Treaty establishes the external boundaries of the river (article 1) and determines a zone of exclusive jurisdiction for each State of seven or two miles from the coast (article 2). Beyond these exclusive zones, the waters of the river are of common use and a particular system for the distribution of sovereign powers applies (articles 3-6). The States recognise freedom of navigation on the river for ships of their flags (article 7). Regarding the bed of the river, the Treaty permits the exploration and exploitation of natural resources by each State in an area adjacent to the coast delimited by the Treaty (article 41). The islands formed in the river belong to Argentina or to Uruguay according to this same delimitation (article 44), except the *Martín García* island, which is under Argentinian jurisdiction for historical reasons (article 45).<sup>5</sup> The Treaty instituted the Commission for the Administration of the Río de la Plata (*Comisión Administradora del Río de la Plata*) to manage administrative issues (article 59).

The international delimitation between Argentina and Uruguay is of utmost importance in relation to natural resources. The 1994 reform to the federal Constitution established that the provinces have an original right to property on all natural resources present on their territory (article 124). The federal Constitution concedes this right to the *provinces* (and not to all local

<sup>3</sup> On the constitutional status of the city see Hernández, Antonio: “La autonomía plena de la Ciudad de Buenos Aires”, *Revista Rap*, 443, 2015, 79-92.

<sup>4</sup> *Tratado del Río de la Plata y su Frente Marítimo*, Montevideo, 19/11/1973. See *Protocol Ramírez-Sáenz Peña*, Montevideo, 05/01/1910. *Declaración conjunta sobre el límite exterior del Río de la Plata*, Montevideo, 30/01/1961. *Protocolo del Río de la Plata*, Buenos Aires, 14/01/1964. See also Rey Caro, Ernesto J.: “Aspectos de Derecho Internacional Marítimo en el Tratado sobre Río de la Plata”, *Anuario Español de Derecho Internacional*, 1, 1974, 317-334.

<sup>5</sup> This island, however, does not belong to the city of Buenos Aires, but to the province of Buenos Aires.



governments). But the Constitution of the city has interpreted that it has the same original right: “the city has the inalienable and imprescriptible property of its natural resources and agrees with other jurisdictions the rational use of all those that were shared” (article 8).

According to article 8 of the local Constitution, the Río de la Plata constitutes for the city “in the area of its jurisdiction an asset of its public domain”. The city has a right “to the equitable and reasonable use of its waters and the other natural resources of the river, its bed and subsoil, subject to the obligation not to cause significant damage to the other coastal jurisdictions”. However, this right is “without prejudice to the rules of international law applicable to the Río de la Plata and within the scope of article 129 of the federal Constitution”. Moreover, “the city has full jurisdiction over all the island formations bordering” the coast of the Río de la Plata “with the scope permitted by the Treaty of Río de la Plata” (article 8). These islands are to “be considered as natural reserves to preserve the flora and fauna of their ecosystems” (article 8). The spaces that are part of the city’s riverside are public and of free access and circulation (article 8).

### 3.3 Local institutions

According to the local Constitution, the city government has a legislative branch, an executive branch and a jurisdictional branch. The legislative House is formed of sixty representatives, but this number can be augmented if the population of the city grows (article 68). Representatives are directly elected by the people according to a proportionality system (article 69). The executive branch is exercised by the *chief of government* or *governor* (article 95) directly elected by the people of the city (article 96). The jurisdictional branch is composed of a Supreme Court of five members and other courts established by law, as well as the Attorney General and the Council of the Judiciary (article 109).

The federal Constitution allows the participation of the city in the federal institutions. The people of the city elect representatives to the federal House of Representatives (article 44) and to the federal Senate (article 54), and participates in the direct election of the President of the Republic (article 94). The city takes part in the Inter-jurisdictional Covenant for the Distribution of Federal Funds (*Convenio de Coparticipación Federal*, article 75.2).

Three aspects of the functioning of local institutions are of particular interest for international law. First, among possible financial sources of the city there are those originated in credit operations and in agreements with foreign States and international organisations (article 9 of the local Constitution). An important part of the bonds issued by the city are placed under foreign law and foreign jurisdiction. Moreover, the city usually gets financing for infrastructure and other projects from international organisations. This financing comes mainly from the Inter-American Development Bank, the Bank for the Development of Latin-America (CAF - *Banco de Desarrollo de América Latina*), the International Bank for Reconstruction and Development and the Export-Import Bank of the United States (EXIMBANK).<sup>6</sup>

Second, the local Constitution establishes a preference for national suppliers of good and services in the purchases of the local government (article 49). This preference, however, is

<sup>6</sup> Frugoli, Ernesto; Lorenti, Nicolás: *Endeudamiento de las Provincias y CABA*, Buenos Aires, Fundación CECE, 2020.



without prejudice to international agreements (article 49). Indeed, international trade agreements ratified by Argentina may impose equality of treatment for suppliers of different nationalities. In such a case, the preference established by the local Constitution would become inapplicable. In particular, rules adopted by the MERCOSUR (the Common Market of the South, to which Argentina is a party) could impose equality of treatment.

Finally, it must be noted that the local Constitution introduced two mechanisms of direct democracy: the popular initiative (which permits a group of citizens to introduce a project to the legislative branch) and the referendum (which allows citizens to be consulted on a legislative project). Matters subject to an international treaty, however, cannot be the object of these mechanisms (articles 64 and 65).

#### 4. International treaty-making powers

According to the federal Constitution of 1853-1860, the adoption of international treaties was a competence of the federal government. This principle remained unchanged after the 1994 constitutional reform (articles 27, 31, 75.22, 75.24 and 99.11). However, the Constitution of 1853-1860 authorised provincial governments to “enter into partial treaties to further the administration of justice, economic interests and works of common utility, with the knowledge of the federal Congress”. A classical discussion among Argentinian scholars was if these treaties could be *international* treaties or, on the contrary, only *internal* treaties (i.e., treaties between two or more provinces or between the provinces and the federal government) were valid. In any case, the provinces could not enter into “partial treaties of a political nature”.

The 1994 constitutional reform clarified this point. The rules on partial treaties on the administration of justice, economic interests and works of common utility, as well as the rule on political treaties, remained in force (articles 124 and 125). But the reform introduced a new provision, according to which the provinces can “enter into international agreements as long as they are not incompatible with the foreign policy of the federal government and do not affect the competences delegated to the federal government or its public credit” (article 124). In any case, international treaties must be concluded “with the knowledge of the federal Congress” (article 124).

Immediately after the reform, two aspects of the new regime were debated. The first one was if the federal Congress should regulate the conditions and procedures for international treaties concluded by the provinces in order to protect the federal foreign policy, the competences of the federal government and its public credit, as demanded by article 124 of the Constitution. Those who believed that the federal Congress should not regulate the issue suggested that an inter-provincial agreement (with or without the intervention of the federal government) could establish some common grounds for international treaties or, more simply, that each province should autonomously decide on those conditions and procedures. The second point was the meaning of the expression “with the knowledge of the federal Congress”. While some thought that a simple notification to the federal Congress would suffice to fill the constitutional requirement, others believed that the federal Congress could exercise some kind of substantive control of international treaties concluded by provinces.

The same article which enables provinces to enter into international treaties says that the city of Buenos Aires would have on this issue “the regime that would be established to this effect” (article 124). The federal Constitution did not clarify which authority (the federal government? the constitutional power of the city of Buenos Aires?) had to establish that particular regime. The Act on the protection of the interests of the federal government repeated almost literally the principle established in article 124 in relation to provinces. According to this Act, “the city of Buenos Aires may enter into agreements and contract international credits with public or private entities as long as they are not incompatible with the federal government’s foreign policy and its public credit is not affected, with the intervention that corresponds to the authorities of the federal government” (article 14). The article does not mention the respect of the competences of the federal government as a limit to the city treaty-making powers, but this limit should be understood as implicit.<sup>7</sup>

The chief of government represents the city in its relations with third parties (article 104 of the local Constitution). This representation is exercised internally (in the relations of the city “with the federal government, with the provinces [and] with public entities”) and internationally (“in the international relations”) (article 104). This function can be delegated (article 104). In particular, the governor “concludes and signs international and inter-jurisdictional treaties, conventions and agreements” (article 104). Both international and inter-jurisdictional agreements need the approval of the legislative branch (articles 80.8 and 104).

The distinction between “treaties, conventions and agreements” seems to have no real legal consequences; it is only a generic way to refer to agreements with other entities. The important distinction is that between international and inter-jurisdictional agreements. Inter-jurisdictional agreements are those signed with the federal government, with the provinces or with other public entities created under Argentinian law. Their content must correspond to the competences recognised to the city of Buenos Aires by federal law and by its own Constitution, but they are not subject to the specific limitations established on articles 124 and 125 of the federal Constitution and article 14 of Act 24588.

International agreements, on the other hand, are concluded with “foreign public entities” and with “international organisations” (article 104). The practice of the government, as we will see below, has interpreted that counterparties can be subjects of international law (e.g., an international organisation) or public entities created under foreign law (e.g., a city, an administrative region or department, a cultural or technical institute). Foreign States could fall within the concept of “foreign public entities”; however, this is a delicate issue because an agreement with a foreign State could be deemed as an interference with the foreign policy of the federal government. The city has concluded agreements with *foreign embassies* whose nature is not totally clear (see below).

The local Constitution does not determine the hierarchy of international agreements concluded by the city in its internal legal system. Of course, these agreements are acts of a local

<sup>7</sup> See Dalla Via, Ricardo: “El marco jurídico e institucional para la gestión internacional de los actores subnacionales gubernamentales en Argentina”, *Integración & Comercio*, 21, 2004, 11-26. Salviolo, Marcelo Aldo: *Provincias y convenios internacionales: una propuesta desde el federalismo de concertación*, Buenos Aires, Grupo Editor Latinoamericano, 2005. Gómez Zavaglia, Tristán: “Las provincias y las relaciones internacionales: pasado, presente y futuro”, *Revista de Actualidad Jurídica*, 16, 2015.

government and, to this extent, they are subordinated to federal law (the federal Constitution, treaties concluded by the federal government and federal laws; article 31 of the federal Constitution). As to their position in the legal order of the city itself, the answer is not easy. Doctrinal studies have focused on the impact of international treaties concluded by the federal government on local law and policies.<sup>8</sup> But the position of international treaties concluded by local governments themselves has attracted much less attention.

The most plausible hypothesis is that international agreements concluded by the city of Buenos Aires are placed under the local Constitution and at the same level as local laws. This solution is derived from the fact that in both cases, there is intervention of the legislative and executive local branches. If this is true, the situation would be different from the one which exists at the federal level. Indeed, international agreements concluded by the federal government are placed under the federal Constitution, but above legislative acts adopted by the federal Congress. However, the federal regime is the result of an explicit constitutional clause (article 75.22) which does not exist in the Constitution of the city of Buenos Aires.

From an international point of view, of course, international treaties prevail over domestic law, either federal or local. As usual, neither position is completely satisfactory. The internal point of view supposes that an international agreement concluded by the city of Buenos Aires (after all, an organ of the Argentinian State) is placed not only below all federal law, but also below the local Constitution and at the same level that local laws. On the contrary, the only possibility that is fully satisfactory under international law (the superiority of any international agreement over all domestic law) is unacceptable from an internal (constitutional) point of view, as it requires the superiority of international agreements concluded by local entities over federal law.

In any case, as the city of Buenos Aires is not a subject of international law, but a sub-national entity of a State, acts of the local government are attributed to the State. This is the position adopted by article 4 of the Draft Articles on Responsibility of States for Internationally Wrongful Acts, which is generally considered to reflect a norm of international customary law. According to this article, “the conduct of any State organ shall be considered an act of that State under international law [...] whatever position it holds in the organisation of the State, and whatever its character as an organ of the central government or of a territorial unit of the State”.

Examples of the use of the local treaty-making powers by the city of Buenos Aires are given in the following sections.

## 5. International organisations, international NGOs and international conferences

As the capital of Argentina and a prominent city in South America, Buenos Aires hosts different international organisations. Article 104 of the local Constitution compels the governor to encourage “the installation of offices and delegations of MERCOSUR and international

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<sup>8</sup> See Dulitzky, Ariel: “Al gran pueblo argentino, salud: derechos, federalismo y tratados internacionales”, in Laura Clérico, Liliana Ronconi and Martín Aldao, *Tratado de Derecho a la Salud*, Buenos Aires, Abeledo Perrot, 2013, vol. II, 1653-1698.

organisations in the city”. The following are some examples of international organisations based in Buenos Aires.

The Secretariat of the Antarctic Treaty was created in 2003 to assist the Antarctic Treaty Consultative Meeting and its Committee for Environmental Protection. In 2004 it opened its headquarters in Buenos Aires.<sup>9</sup> Buenos Aires also hosts the regional office for South America of the International Organisation for Migration, as well as national delegations of many other international organisations (United Nations, Organisation of American States, MERCOSUR, etc.).

The city can participate in international organisations that allow the participation of sub-national entities. In this case, the chief of government designates the city representatives (article 104 of the local Constitution). The local government has also signed cooperation agreements with international organisations to which the city is not a part: for example, the Food and Agriculture Organisation,<sup>10</sup> the Economic Commission for Latin America and the Caribbean (ECLAC / CEPAL),<sup>11</sup> the Organisation of Ibero-American States,<sup>12</sup> etc. It has also signed cooperation agreements with agencies of international organisations (for example, the United Nations Development Programme).<sup>13</sup> Most of these agreements are of a technical nature. They aim at developing technical assistance, research, and educational programmes. Sometimes a framework agreement lays at the basis for future cooperation and the specific modalities are later established in more detailed texts.

Throughout its history, Buenos Aires has hosted countless international conferences and summits. Maybe the most important one in recent years was the 2018 G20 Summit, during the Argentinian presidency of that organisation. Although the main political aspects of the Summit were in charge of the federal government, the city government collaborated in important logistic issues.<sup>14</sup> Other recent meetings have been the 2015 Conference on the Social Inclusion of Women organised by the United Nations Development Programme, the 2017 Ministerial Conference of the World Trade Organisation, the 2019 UN Conference for South-South Cooperation, etc.

Finally, many international NGOs are present in Buenos Aires: Amnesty International, Save the Children, Transparency International, World Organisation against Torture, etc. The government of the city maintains a regular dialogue with them.

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<sup>9</sup> See *Headquarters Agreement for the Secretariat of the Antarctic Treaty*, Punta del Este (Uruguay), 10/05/2010.

<sup>10</sup> *Memorandum de Entendimiento entre la Ciudad de Buenos Aires y la Organización de las Naciones Unidas para la Agricultura y la Alimentación*, Buenos Aires, 29/09/1998.

<sup>11</sup> *Convenio de Cooperación entre el Gobierno de la Ciudad Autónoma de Buenos Aires y la Comisión Económica para América Latina y el Caribe (CEPAL)*, Buenos Aires, 19/11/1998. *Convenio de Cooperación entre el Gobierno de la Ciudad Autónoma de Buenos Aires y la Comisión Económica para América Latina y el Caribe (CEPAL)*, Buenos Aires, 06/05/2003.

<sup>12</sup> *Convenio Marco de Cooperación Técnica entre el Gobierno de la Ciudad Autónoma de Buenos Aires y la Organización de Estados Iberoamericanos*, Buenos Aires, 10/10/2006.

<sup>13</sup> *Convenio de Asistencia Técnica a la Ciudad de Buenos Aires*, Nueva York, 09/08/1999.

<sup>14</sup> Information on the Summit can be found on the official webpage of the G20 Argentinian presidency, <https://g20.argentina.gob.ar/en>.

## 6. International cooperation

Buenos Aires cooperates in various forms with other cities, focusing on cooperation and exchange of experiences on common and global challenges.<sup>15</sup> One of the oldest forms of collaboration is town twinning. This has been a practice of the city of Buenos Aires since at least 1974 when the local Legislature declared the Spanish city of Sevilla its twin city. Other twinning followed, either with cities (Montevideo, Madrid, Miami, Rotterdam, Moscow, etc.) or with regions (Calabria, Galicia, etc.). In its most simple form, town twinning is just a mutual declaration of friendship between two cities and it has only symbolic consequences.

In the seventies, eighties and nineties of the last century, the practice was to issue a declaration of twinning by the legislative branch of the city of Buenos Aires (and a similar declaration by the equivalent organ of the other city). More recent twinings are made through an international agreement (for example, with the Federal District of Brazil in 2013). However, these agreements, although they use the word *twinning*, include in fact more specific forms of collaboration which go beyond the simple symbolic declaration of friendship.

Also, since the eighties, Buenos Aires has concluded international agreements of cooperation with other cities or regions. These agreements (or covenants, both words are used indistinctly) typically foresee information sharing, educational and cultural activities, and technical cooperation. They are usually worded in very loose terms: there are no strict objectives or specific mechanisms, just a generic declaration of intentions and good will (see for example, the agreements with Madrid in 1986, with Porto Alegre in 1995, with Miami in 1999, with Ohio in 2001, with Saint-Petersburg in 2010, etc.).

However, other cooperation agreements have been signed for more particular objectives, establishing concrete mechanisms for the realisation of these objectives. For example, in 1992 Buenos Aires and Asunción signed an agreement of technical cooperation on different issues of urban management. Asunción was interested in the privatisation of some public services (transport, waste collection, etc.) and Buenos Aires agreed to provide technical advice for this process<sup>16</sup>.

Other international instruments have been adopted under the names of *letter of intent* (for example, with Shanghai in 2011, with Tel Aviv in 2016, etc.), *declaration of intent* (for example, with San Francisco in 2001, with the Region of Brussels in 2001, etc.) or *memorandum of understanding* (for example, with the State of Lagos in 2008, with Mexico City in 2017, etc.). The content of these documents is not different from that of those named *agreements* or *covenants*. The use of different names may be related to some limitations in the competences of the government of the partner cities or regions to sign *true* international agreements / covenants. This is to be verified on a case-by-case basis, but it seems a plausible hypothesis. Indeed, although it is not very frequent, some of the documents which do not use the words *agreement* or *covenant* contain specific provisions which exclude their strictly binding nature.

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<sup>15</sup> The legal instruments that are the basis of these processes can be found on the webpage of the city government, <https://www.buenosaires.gob.ar/internacionalesycooperacion/relacionesbilaterales>.

<sup>16</sup> For an insight on city partnership see Rodas, Mauricio: "City diplomacy: experience from the ground", in Helmut Aust and Janne E. Nijman, *Research Handbook on International Law and Cities*, Cheltenham, Edward Elgar, 2021, 305-319.

For example, the 2017 memorandum with Mexico City states that “it is based on confidence and is not legally binding for the parties” (point 10).

Some agreements signed between Buenos Aires and public entities of foreign States merit particular mention. In 2008 and 2009 Buenos Aires and the Spanish Agency for International Cooperation and Development signed two agreements in order to transfer to that Agency some real estate located in Buenos Aires to install there the Spanish Cultural Centre.<sup>17</sup> Similarly, in 2013 the city and the Camoes Institute (an entity of the Portuguese government for the promotion of the Portuguese language) signed a cooperation agreement.<sup>18</sup>

These agreements are peculiar in the sense they have not been concluded with a *territorial* entity of a foreign State (a city, a region), but with a public entity with no geographical localisation. Moreover, in both cases the foreign entities were represented by the ambassadors of the respective countries. However, the ambassadors were not acting in their capacity of representatives of a foreign State as a subject of international law, but as representatives of a particular foreign entity (in the case of the Portuguese ambassador, a specific clause was included in the agreement to state that he had been authorised by the Camoes Institute to sign the agreement on its behalf).

Even more peculiar are the agreements concluded between the city of Buenos Aires and the embassies of foreign States (for instance, the one signed with the Embassy of France in 2013<sup>19</sup> and the one signed jointly with the Embassies of Denmark and the Netherlands that same year<sup>20</sup>). According to their own wording, the agreements are not concluded between the city and foreign States, but between the city and foreign *embassies*. However, embassies are not legal persons in domestic law and, of course, they are not subjects of international law. It seems that these are in fact international treaties between a sub-national entity (the city of Buenos Aires) and a foreign State, even if their real nature is concealed behind their more cautious wording.

Buenos Aires participates in international city networks.<sup>21</sup> It takes part in generic networks, such as the Union of Ibero-American Capital Cities (*Unión de Ciudades Capitales Iberoamericanas*), the MERCOSUR cities network (*Mercociudades*), the Latin-American Federation of Cities, Municipalities and Local Government Associations (*Federación Latinoamericana de Ciudades, Municipios y Asociaciones de Gobierno Locales*), Metropolis, etc.

Buenos Aires also takes part in thematic networks, like C40 (a network of cities against climate change), Mayors for Peace, the Latin-American and Caribbean Coalition of Cities against Racism, Discrimination and Xenophobia (*Coalición Latinoamericana de Ciudades contra el*

<sup>17</sup> *Memorandum de Entendimiento entre la Ciudad de Buenos Aires y la Agencia Española de Cooperación Internacional para el Desarrollo*, Buenos Aires, 20/06/2008. *Acuerdo sobre cesión de uso entre el Gobierno de la Ciudad Autónoma de Buenos Aires y la Agencia Española de Cooperación Internacional para el Desarrollo*, Buenos Aires, 08/09/2009.

<sup>18</sup> *Convenio de Cooperación entre el Gobierno de la Ciudad Autónoma de Buenos Aires y el Camoes - Instituto da Cooperaçao et da Língua IP*, Buenos Aires, 13/06/2013.

<sup>19</sup> *Convenio de Cooperación Educativa, Científica y Académica entre el Gobierno de la Ciudad Autónoma de Buenos Aires y la Embajada de la República de Francia*, Buenos Aires, 27/06/2013.

<sup>20</sup> *Memorandum de Entendimiento entre el Gobierno de la Ciudad Autónoma de Buenos Aires, la Embajada del Reino de los Países Bajos en Argentina y la Embajada de Dinamarca en Argentina*, Buenos Aires, 30/10/2013.

<sup>21</sup> See the full list on the webpage of the city government, <https://www.buenosaires.gov.ar/internacionalesycooperacion/relacionesmultilaterales>.



*Racismo, la Discriminación y la Xenofobia*), the World Cities Culture Forum, etc. In 2019, the city organised the III International Summit of Cultural Cities.<sup>22</sup>

## 7. City diplomacy

In 2016 the city created the programme *Voceros de Buenos Aires en el mundo* (*Buenos Aires spokespersons in the world* or *Honorary representatives of Buenos Aires*).<sup>23</sup> The aim of the programme is to promote the international positioning of the city. It consists of a global network of *porteños* (people from the city of Buenos Aires) residing abroad who stand out for their entrepreneurial or professional initiatives and are committed to the development of the city. The programme is managed by the Secretariat for General Affairs and International Relations of the local government.

The spokespersons are honorary representatives of the city of Buenos Aires. They publicise the city in their places of residence and promote cooperation and investment opportunities. They help to establish strategic ties with public and private entities abroad and coordinate official visits by government officials of the city of Buenos Aires to their places of residence. They are also a link between the city of Buenos Aires and other Argentines living abroad.

Spokespersons are chosen on the basis of their curriculum, their capacity to promote public relations and their affinity ties with the city of Buenos Aires. The position is unpaid and the specific functions attached to it in each particular case are defined in an Annex of terms and conditions signed by the spokesperson and a representative of the government of the city of Buenos Aires.

According to a recent report, there were spokespersons in five American countries (United States, Mexico, Peru, Chile and Brazil), eight European countries (Spain, Italy, France, United Kingdom, Germany, Belgium, the Netherlands and Sweden), two Asian countries (Israel and United Emirates), and Australia.<sup>24</sup> Among their recent activities are meetings with public authorities and enterprises to promote investments, visits to universities, the publication of articles in the local media, the edition and broadcasting of videos to promote the city, the organisation of informative seminars and webinars, etc.

According to press information, the original idea was to name the programme *Ambassadors of Buenos Aires in the world*. However, this original idea was abandoned to avoid confrontation with the federal Ministry of Foreign Affairs.<sup>25</sup> As it is clear from what was explained above, only the federal government can exercise the *ius legationis* to foreign States or international organisations. In any case, the spokespersons usually work in collaboration with the diplomatic

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<sup>22</sup> "Arranca en Buenos Aires la III Cumbre Internacional de Ciudades Culturales", *Infobae*, 03/04/2019, <https://www.infobae.com/america/cultura-america/2019/04/03/arranca-en-buenos-aires-la-iii-cumbre-internacional-de-ciudades-culturales/>.

<sup>23</sup> See more information on the webpage of the city government,

<https://www.buenosaires.gob.ar/internacionalesycooperacion/voceros-de-buenos-aires-por-el-mundo>.

<sup>24</sup> "Voceros de Buenos Aires por el mundo", report of the government of the City of Buenos Aires, 2021, [https://www.buenosaires.gob.ar/sites/gcaba/files/brief\\_voceros\\_de\\_buenos\\_aires\\_1.pdf](https://www.buenosaires.gob.ar/sites/gcaba/files/brief_voceros_de_buenos_aires_1.pdf)

<sup>25</sup> "Los embajadores de Larreta: así funciona la red de voceros porteños en las principales ciudades del mundo", *La Nación*, 20/02/2018, <https://www.lanacion.com.ar/politica/los-embajadores-de-larreta-asi-funciona-la-red-de-voceros-portenos-en-las-principales-ciudades-del-mundo-nid2105688/>.





and consular personnel assigned by the federal government to the countries where they reside. It does not seem that any conflict of competences has arisen so far.

## 8. Human rights

### 8.1 *The Bill of Rights*

The 1994 constitutional reform gave human rights instruments a particular position in the internal legal order. The treaties and declarations enumerated in article 75.22 of the federal Constitution have the same hierarchy as the Constitution itself.<sup>26</sup> The Congress may enlarge this list with other treaties on human rights (article 75.22). After their legislative approval (which is a part of the ordinary constitutional procedure for international treaties), the Congress can confer them constitutional hierarchy with the vote of the two-thirds of the members of each legislative House (article 75.22).<sup>27</sup> The denunciation of these instruments require, before the international act of the executive branch manifesting the intention to denounce, the approval of two-thirds of all the members of each legislative House (article 75.22).

The constitutional hierarchy of these instruments is conferred according to “the conditions of their validity” (article 75.22). This expression has been interpreted by scholars in the sense that the content of the constitutionalised international instruments is that which results from the interpretation of the international organs associated to each of them (the Inter-American Court of Human Rights for the American Convention on Human Rights, the Human Rights Committee for the International Covenant on Civil and Political Rights, etc.).

The federal Constitution also establishes that the constitutionalised international instruments “do not derogate any article of the first part of [the] Constitution and must be understood as complementary to the rights and guarantees recognised by it” (article 75.22). For the dominant opinion, this phrase means that those instruments must be understood as compatible with the first part of the Constitution, which contains the constitutional Bill of Rights.

Article 10 of the local Constitution declares applicable in the city of Buenos Aires the rights protected by the federal Constitution, federal acts and international treaties. This provision works only as a symbolic reinforcement of the validity of fundamental rights, as all those norms would apply in the city anyway due to the hierarchy of norms in the Argentinian legal system. Concerning fundamental rights, three principles are to be taken into account according to article 10 of the local Constitution. First, rights must be interpreted in good faith. Second, rights are directly operational, as they “cannot be denied or limited by the omission or insufficiency

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<sup>26</sup> 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 the Crime 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.

<sup>27</sup> Following this procedure, the Congress has granted constitutional hierarchy to the Inter-American Convention on Forced Disappearance, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, and the Convention on the Rights of Persons with Disabilities.

of their regulation". Finally, their essence must be respected by the regulation, which cannot curtail them.

The Constitution of the city also contains a Bill of Rights including civil rights (articles 11-13, 36 and 37), social rights (articles 20, 23, 31, 43-44), political rights (article 62), the right to the protection of the environment (article 26), the rights of specific groups (children, young people, older people, persons with disabilities: articles 39-42), the rights of consumers (article 46), etc. As long as the rights enshrined in the local Constitution are also included in the federal Constitution, federal acts and international treaties, the enumeration of rights by the local Constitution does not entail any specific legal consequence. Like the mention to federal law and international treaties in article 10, the enumeration of specific rights serves only as a symbolic reinforcement. As some authors have pointed out, this is a manifestation of *constitutional inflation*, quite common among the Constitutions of the provinces, which also contain their own Bills of Rights.

## 8.2 References to international law on particular issues

Besides the general inclusion of international human rights instruments in the Constitution of the city, there are other mentions to international law in relation to particular issues. Regarding security issues, the local Constitution states that "the action of the police personnel is subject to the ethical rules for law enforcement officials established by the United Nations" (article 34). This reference is to be understood mainly to the Code of Conduct for Law Enforcement Officials adopted by the General Assembly in 1979.<sup>28</sup> Other declarations promoted by the United Nations are also to be taken into account: the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials,<sup>29</sup> the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,<sup>30</sup> and the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.<sup>31</sup>

Article 43 of the local Constitution provides that "the city protects work in all its forms", "ensures the worker the rights established in the federal Constitution" and "abides by the ratified conventions and considers the recommendations of the International Labour Organisation". The *ratified conventions* are, of course, the conventions ratified by the federal government, as the city has no competence to enter into international treaties on this matter. One could ask if the reference made to *ratified conventions* is to be understood as a reference to all ratified conventions on labour law or only to the conventions of the International Labour Organisation. For instance, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families<sup>32</sup> has been ratified by the Argentinian State

<sup>28</sup> Code of Conduct for Law Enforcement Officials, adopted by General Assembly resolution 34/169, 17/12/1979.

<sup>29</sup> Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 07/09/1990.

<sup>30</sup> Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, adopted by General Assembly resolution 43/173, 09/12/1988.

<sup>31</sup> Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, recommended by Economic and Social Council resolution 1989/65, 24/05/1989.

<sup>32</sup> International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by General Assembly resolution 45/158, 18/12/1990.

and protects (a particular category of) workers, but is not a convention adopted in the context of the International Labour Organisation.

Anyway, the discussion is largely theoretical, as all international treaties ratified by the federal government are compelling for local powers in the fields of their competences. The government of the city must abide by all international agreements for the protection of workers mainly in two areas. First, in relation to its own employees. Second, in the exercise of its power to control the application of labour legislation: in the Argentinian system, labour legislation is adopted by the federal government, but executive competences to control its application are shared between the federal and local governments.

Finally, it is worth noting that the city government, through the Under-Secretary for Human Rights and Cultural Pluralism, has developed an Action Plan for Human Rights.<sup>33</sup> The Plan is explicitly inspired in the United Nations Sustainable Development Goals and its 2030 Agenda. It also considers the Sendai Framework for Disaster Risk Reduction 2015-2030, adopted at the Third UN World Conference on Disaster Risk Reduction held in Sendai in 2015, and the New Urban Agenda - Habitat III, adopted at the United Nations Conference on Housing and Sustainable Urban Development (Habitat III) held in Quito in 2016.

The Plan also recognises that the main normative source on which it is based is international human rights law. It is structured in five thematic axis: 1) inclusion, non-discrimination and equality; 2) public security and non-violence; 3) memory, truth, justice and reparation policies; 4) universal access to rights; 5) civic culture and engagement with human rights.

## **9. International law and local policies**

In this section we are going to consider two examples on how international law is embedded in local policies. The first example is that of environmental policies. Environmental policies in Buenos Aires are mainly executed by the Agency on Environmental Protection, which depends on the Secretariat for the Environment. These policies cover different areas such as the management of urban waste, climate change, sustainable development, energy, biodiversity, and sustainable buildings. In many of these areas, local policies take into account international environmental law and international environmental standards. Some examples are provided in the following paragraphs.

In 2011, the Law on the Adaptation and Mitigation of Climate Change (Act 3871/11) was adopted by the local legislative branch. Buenos Aires was the first sub-national entity in Argentina to pass a specific law about this theme. Its objective is to establish appropriate actions for adaptation to and mitigation of climate change and to reduce human vulnerability and the vulnerability of natural systems. The specific actions of adaption and mitigation are to be framed within the Plan on Climate Action of the city, adopted by Secretariat for the Environment and updated every 5 years.

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<sup>33</sup> *Plan Local de Acción en Derechos Humanos*, Ciudad Autónoma de Buenos Aires, 2019, [https://www.buenosaires.gob.ar/sites/gcaba/files/plan\\_local\\_ddhh\\_web\\_2.pdf](https://www.buenosaires.gob.ar/sites/gcaba/files/plan_local_ddhh_web_2.pdf).

The first Plan was adopted in 2009. The second Plan covered the period 2016-2020. The current Plan covers the period 2021-2025, but its goals are designed to extend until 2050.<sup>34</sup> This extension was decided to permit the implementation of the objectives of the Paris Agreement on Climate Change. According to the Plan, Buenos Aires aims at being a carbon-neutral city in 2050. The main aim is to reduce 53% the emission of greenhouse effect gases in 2030 and 83% in 2050 in relation to the levels of 2015. The Plan is designed along the lines of the Paris Agreement.

The protection of biodiversity is another aspect of local environmental policies. An interesting case is that of the Matanza-Riachuelo river (which crosses part of the province of Buenos Aires and constitutes the south border between that province and the city of Buenos Aires). The high levels of pollution in this river motivated a group of neighbours to sue the federal government, the government of the province of Buenos Aires and the government of the city of Buenos Aires to demand active public policies to recover and protect biodiversity. In a historic judgment in 2004, the Supreme Court required the three authorities to coordinate their actions to clean and protect the river.<sup>35</sup>

The 2004 judgment established that the Authority of the Matanza-Riachuelo Basin (*Autoridad de la Cuenca Matanza-Riachuelo*) should design and develop a cleaning and protection plan. The Authority, in which there are representatives of the federal government, the government of the province of Buenos Aires and the government of the city of Buenos Aires, prepared a Comprehensive Environmental Sanitation Plan (*Plan Integral de Saneamiento Ambiental*). The Plan is based on international standards. For instance, the indicators chosen to monitor the levels of pollution follow a model developed by the Economic Commission for Latin America and the Caribbean. Moreover, the implementation of the Plan was partially financed by the World Bank.<sup>36</sup>

The second example of public policies influenced by international law standards is that of transparency in public affairs management. The government of the city is concerned with the implementation of *good governance* models in its institutional and financial practices. This interest is in part guided by democratic considerations, and in part by the aim of promoting its public image and reputation (which has repercussions on investments and public credit).

In this sense, the city applies the Guidelines of Good Governance for State Companies in Argentina (*Lineamientos de Buen Gobierno para Empresas de Participación Estatal Mayoritaria de Argentina*), developed by the federal government on the basis of the Organisation for Economic Cooperation and Development standards.<sup>37</sup> Similarly, the city has promoted strategies to reduce the number of days necessary for bureaucratic procedures in order to create an enterprise, so as to improve its position in the World Bank *Doing Business Ranking*.<sup>38</sup> The city

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<sup>34</sup> *Plan de Acción Climática 2050*, Buenos Aires, 2020, [https://www.buenosaires.gob.ar/sites/gcaba/files/pac\\_2050\\_buenos\\_aires.pdf](https://www.buenosaires.gob.ar/sites/gcaba/files/pac_2050_buenos_aires.pdf).

<sup>35</sup> CSJN, *Mendoza*, Fallos 331:1622, 2008.

<sup>36</sup> See detailed information on the website of the Authority, <https://www.acumar.gob.ar/>.

<sup>37</sup> See more information on the webpage of the city government, <https://www.buenosaires.gob.ar/agendadetransparencia/calidad-institucional/buen-gobierno-en-empresas-publicas>.

<sup>38</sup> See more information on the webpage of the city government, <https://www.buenosaires.gob.ar/agendadetransparencia/calidad-institucional/rankings-de-calidad-institucional>.



has also been included in the Open Contracting Partnership ranking for its good practices in public purchase policies.<sup>39</sup>

## 10. Conclusions

Buenos Aires is undoubtedly a global city. It is the economic and political centre of Argentina and, as such, it is inserted in international economic, political and cultural networks. The relation of the city with international law is twofold. On the one hand, the city receives the influence of international law; on the other hand, it is a focal point of creation of international relations and (a peculiar and new form of) international law.

The city of Buenos Aires is a subnational entity within the federal Argentinian Republic. International treaties ratified by the federal government, as long as their content concerns the competences of local governments, are binding for the city government. Buenos Aires must abide by those treaties and they permeate political decisions and public policies. In this report some examples of this influence have been studied: the impact of international human rights law on human rights policies, of international environmental law on climate change and biodiversity policies, and of international standards developed by international organisations on transparency and good governance policies.

The city also participates in international relations. As it has been explained, it entertains regular relations with international organisations and international NGOs and has a network of honorary representatives around the world. Of course, these relations are far from equalling the *ius legationis* normally exercised by States, but they represent however an active form of engagement in the international arena.

Moreover, the city has a limited treaty-making power, which has permitted the celebration of a great number of international agreements, mainly with foreign cities and regions. Cities and regions within a sovereign State are usually not enlisted as subjects of international law. For this, if the international agreements concluded by cities and regions are to be understood as *true* international treaties, they should be seen as the result of a sort of delegation made by the sovereign State which is the person recognised by international law.

This explanation can function in the context of the Argentinian constitutional system because, as we have seen, it is the federal Constitution which enables the city of Buenos Aires, as well as the provincial governments, to conclude international treaties. However, although this could be a good legal explanation of the functioning of the system, we must acknowledge that from a political point of view the real actor behind those international agreements is the city itself and not the State government. This conclusion is confirmed by the federal nature of the Argentinian political system, which recognises local governments a wide margin of autonomy.

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<sup>39</sup> See more information on the webpage of the city government, <https://www.buenosaires.gob.ar/agendadetransparencia/calidad-institucional/buen-gobierno-en-empresas-publicas>.