

**Options for Constitutional & Legislative Reform in Argentina  
NDI Consultation - October 1986**

During President Alfonsin's visit to the United States in the spring of 1985, representatives of one of his party foundations, the Arturo Illia Foundation, contacted NDI to propose a joint conference on congressional reform. A three-day seminar co-sponsored by West Germany's Naumann Foundation was held in Buenos Aires later that year to explore possible avenues for reform.

Since last year's joint seminar, the debate in Argentina has widened to include the broader issues of constitutional reform. In a major address earlier this year, Alfonsin announced the formation of the Council for the Consolidation of Democracy to consider constitutional reform.

Consequently, NDI sponsored a consultation October 15-17 with a delegation of Argentine congressmen and American academics. In preparation a conference scheduled for December 3-5 in Buenos Aires, the Washington consultation participants reviewed the current status of the reform effort in Argentina.

During that consultation, the Argentine participants -- representing the ruling Radical Party, the opposition Justicialista Party and President Alfonsin's constitutional reform commission -- provided their individual assessments of current developments in Argentina's constitutional reform program.

Among the key points they made were:

-- The decision to reform the Argentine constitution arises out of a bipartisan desire to reassert and redefine the country's national identity. Argentina's political parties historically have attempted to impose constitutional reforms, rather than develop a consensus on national issues, government organization, and the roles of non-governmental organizations and individuals within the state. The recent return to democracy -- given Argentina's historical failure to maintain democracy in times of crisis -- has given a new momentum for both major parties to cooperate in developing social and political consensus within the framework of a constitutional revision which will work to strengthen political stability.

-- Federalism is an important theme in the constitutional reform debate. Both parties agree that Argentina's political, social and economic resources have been too heavily concentrated in the capital of Buenos Aires. One avenue of reform will thus focus on how these resources can be more evenly distributed throughout the rest of the nation and strengthen municipal and provincial institutions to accommodate a federalist system of organization.

-- Separation and re-apportionment of powers is another primary consideration. Argentina has experienced the collapse of democratically elected governments largely because powers concentrated in the executive branch have gone unchecked by a weak legislative branch. Another avenue of reform will therefore focus on the structure, organization, and functions of a bicameral legislature.

--Argentine politicians on both sides of the aisle are concerned that the population is not sufficiently engaged in the political process and must assume the responsibilities of citizenship to sustain the democratic system. Accordingly, some of the constitutional debate has focused on the mechanics of electoral codes and the role of political parties and other non-governmental organizations in mobilizing the population to participate in public debate and decision-making.

-- The legacy of human rights abuses during military regimes and the uneven distribution of resources throughout the country have given rise to constitutional provisions for the guarantees of social and individual rights. While the parties may differ over the substance of such provisions, they agree on the importance of these guarantees to demonstrate that social consensus is embodied in the constitution. Additionally, the constitution must embrace Argentina's traditional values while providing a basis for continued modernization and stability.

These points were incorporated into the agenda developed for the December conference (see attached), and shortly after the consultation NDI secured the participation of a number of political leaders and constitutional experts from Europe and Latin America. Unfortunately, Argentina's Council for the Consolidation of Democracy, NDI's principle co-sponsor for the conference, recently requested a postponement of the meeting until April.

At that time, the Argentine legislature will begin to discuss constitutional reform options. The Council believes the conference will have a much greater impact on public opinion if it takes place during the legislature's discussions of the issue.

DRAFT AGENDA FOR BUENOS AIRES CONFERENCE

NOTE: With the exception the first and last sessions, each session will consist of (a) panel expositions and (b) discussions, which include intra-panel comments as well as discussion/debate among non-panel participants.

Wednesday, December 3

am           **SESSION I - Ceremonial Opening and Statement of Conference Theme(s)**

Lunch       Discussion topic to be arranged

pm           **SESSION II - Constitutional Reform: Developing an Accord for National Unity**

Dinner      Discussion topic to be arranged

Thursday, December 4

am           **SESSION III - Apportioning the Powers, Functions, and Responsibilities of the State**

**SESSION IV - Legislative Organization and Functions**

Lunch       Discussion topic to be arranged

pm           **SESSION V - Constitutional Considerations of Economic Issues**

**SESSION VI - Individual Rights, Social Rights and Constitutional Guarantees**

Dinner      Discussion topic to be arranged

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Friday, December 5

am           **SESSION VII - Federalism**

**SESSION VIII - Strengthening Political Representation and Participation: Constitutional Recognition of the Roles of Political Parties, Non-governmental Organizations and Civic Associations; the Electoral System; Indirect Democracy**

Lunch       Discussion topic to be arranged

pm           **SESSION IX - General Conclusions and Observations; Next Steps in the Consolidation and Amplification of Argentine Democracy and Constitutional Reform**

**SESSION X - Farewell Statements**

Final Reception and Dinner