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Anticipating Friction

The role of human rights in urban debates on migration and diversity: The case of Amsterdam, Hong Kong and Buenos Aires

Roodenburg, L.

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Chapter Four - Buenos Aires

4.1 Introduction

‘They [the local government] do all this marketing. ‘We are multicultural and we welcome everybody’ and then you have the decree and you are deporting and criminalising migrants. They do both at the same time. Two faces.’,

- an interviewee of the Argentinean Commission for Refugees and Migrants.

This quote, on the one hand, refers to the work of the local secretariat for Human Rights and Cultural Pluralism of the city of Buenos Aires. This local secretariat is responsible for Buenos Aires’ human rights policies. More specifically, these human rights policies centre around the celebration of the city’s multicultural inhabitants and their cultural heritage. The quote, on the other hand, refers to national executive Decree 70/2017 of urgency and necessity. This decree was introduced by the national government and confines Argentina’s progressive Migration Law, which explicitly incorporates human rights norms such as the right to migrate. For the interviewee, the national and local government were interchangeable. The chapter on Buenos Aires does not present a case of a progressive local government that acted ‘in the name of human rights’ independent of its national government, on the contrary, the local government operated as an obedient sub-level of government.

In Argentina, human rights are rather institutionalised and the local government, too, incorporates human rights in its local policies. At the same time, some politicians tried to ‘break-down’ some of these established human rights standards with the decree, and the local government did not seem to mind. Buenos Aires celebrated cultural pluralism as a fundamental quality of the city, while the local government also supported the decree. This chapter assesses these tensions through two moments in which the response to migration and diversity changed in the city of Buenos Aires. By exploring the network circumstances surrounding these moments, I investigate how different, and conflicting, functions of human rights were produced.

The first moment is the start of the Program ‘BA Celebra’ of the sub-Secretariat for Human Rights and Cultural Pluralism of the city of Buenos Aires. Cultural pluralism had not always been a theme of the human rights secretariat, it is a rather recent application of human rights. I assess why and how the local government opted for this approach, which cannot be seen separately from national and urban politics, perceptions of the ideal migrant, as well as city marketing. The second moment revolves around an urban social movement that was established in response to the 2017 executive decree to the Migration Law. The decree was not met with silence on Buenos Aires’ streets. Several migrant movements and NGOs collaborated in a countermovement that declared the decree a human rights violation. More specifically, the decree was considered to violate the rights of the groups that were celebrated by the sub-

Secretariat for Human Rights and Cultural Pluralism. The local government of Buenos Aires, however, has not responded to the countermovement in any way.

To describe the network circumstances at play, this chapter follows the same structure as the previous case study chapters on Amsterdam and Hong Kong. First, I begin with a brief introduction of each moment, the instance in which urban actors invoked human rights. Thereafter, I provide a description of the main actors that were involved, such as ‘the local government’ and ‘multicultural communities’, to provide insight in the organisation of these actors. The subsequent section delves into the translation activities, to explore how the actors ‘acted’. I describe how the different actors made sense of their surroundings through the process of problematisation. For example, which supposed problems in Buenos Aires was the new social movement a reaction to? Or, why did the city’s multicultural groups need to be celebrated by the local government? The process of enrolment, thereafter, depicts how the roles in the network were defined. This shows which actors pulled the strings, and which did not. Thereafter, I assemble these network circumstances to explore how they interacted with the functioning of human rights in the two moments. The conclusion of this chapter draws comparisons between the two moments, to explore what different functions human rights have in Buenos Aires’ debates on the diverse city and regional migration.

This case study chapter is based on an intensive 7-week fieldwork period in January - February 2018. Hence, this chapter portrays the situation before the elections that took place in late 2019. The elections resulted in a major political shift at the national level, which has likely changed the dynamic between the national and local government. I conducted interviews with civil servants of Buenos Aires’ secretariat for human rights, national governmental human rights organisations, the office of the Ombudsman of Buenos Aires, academic institutions in the realm of human rights and migration, several NGOs that concern themselves with migrants and/or human rights, and a migrant movement. The full list of organisations that have been interviewed can be found in Appendix A. The interviewees were not hesitant to contribute to this research, they were usually willing to be interviewed. Moreover, I noticed that the NGOs and social movements, in particular, were glad to share their story, this research was simply an additional channel through which they were able to voice their ideas and complaints. I combine these interviews with written sources, such as existing literature, governmental and NGO websites and policy documents.

4.2 Buenos Aires’ Secretariat for Human Rights celebrates multiculturalism

4.2.1 The moment

In 2009, the local government of Buenos Aires commenced the Program ‘*BA Celebra*’ [Buenos Aires Celebrates].¹ BA Celebra is about celebrating and promoting the city’s multiculturalism

¹ Buenos Aires Ciudad (no date) Webpage, ‘BA Celebra’, online at: <https://www.buenosaires.gob.ar/derechoshumanos/ba-celebra> (Last visited 20 August 2020).

and providing an exchange of ‘culture, history and identity’. About 28 communities² are offered space in the centre of Buenos Aires to celebrate their national day on a yearly basis³. At each celebration, the public can enjoy ‘dances, choirs, parades, typical cuisine, art and much more’. For example, on the Day of Spain there was a paella contest, more than 50 stands offered typical Spanish dishes such as gazpacho and tortillas, and traditional Spanish dances were performed on stage.⁴ On the Day of Bolivia, there was a parade with more than 3500 artists ‘who brought their colour and joy’. During both celebrations, there was also a stand of the local government’s Migrant Information and Orientation Centre, which was there to ‘advise migrants on their rights in the city of Buenos Aires’.

This combination of celebrating cultures and providing information on migrant rights was the work of a particular local government department. The Program BA Celebra is part of the local government’s human rights policies as it falls under the responsibility of the sub-Secretariat for Human Rights and Cultural Pluralism. More specifically, the promotion of multiculturalism/cultural-pluralism/diversity/coexistence (to name a few terms the local government uses⁵) had become one of the main activities of the sub-Secretariat for Human Rights and Cultural Pluralism, and BA Celebra was by far the most prominent program they were reporting on.⁶

Through BA Celebra, the local government approached human rights in three ways: as legal norms, moral values and principles of good governance. The legal approach to human rights was invoked as the incentive behind the work of the sub-Secretariat for Human Rights and Cultural Pluralism. Argentina’s legal commitments to human rights form the foundation of their work.⁷ Human rights, the local government argued, do not come out of nowhere. Rather, Argentina has become a state party to a significant number of international and regional human rights instruments. Moreover, Argentina’s national and local laws also incorporate references to human rights. The Local Action Plan on Human Rights, which has been written by the sub-Secretariat for Human Rights and Cultural Pluralism, lists 25 international human rights regulations, as well as Agenda 2030, the UN Habitat New Urban Agenda and the Sendai Framework. It also refers to 17 national laws, 22 local laws and the Constitution of Buenos Aires, which states in its preamble that the local government must ‘promote human development in a democracy based on human rights’.⁸ Evidently, there is an extensive legal

² The following ‘communities’ are represented: the Greek, Jewish, Russian, Bolivian, Chilean, Chinese, Korean, Bulgarian, Spanish, Lithuanian, Italian, Slovenian, Scottish, Ukrainian, Japanese, Armenian, Irish, Croatian, Uruguayan, Dominican, Paraguayan, Portuguese, Brazilian, Polish, Lebanese, Colombian, Peruvian and Basque.

³ Buenos Aires Ciudad (no date) webpage, ‘BA Celebra’, online at:

<https://www.buenosaires.gob.ar/derechoshumanos/ba-celebra> (Last visited 20 August 2020).

⁴ Buenos Aires Ciudad (2019) News Article, ‘Buenos Aires celebró España y Francia en Av. de Mayo’, online at: <https://www.buenosaires.gob.ar/derechoshumanos/noticias/este-fin-de-semana-buenos-aires-celebra-espana-y-francia-en-av-de-mayo> (Last visited 20 August 2020).

⁵ For the remainder of the chapter I will refer to ‘multiculturalism’, but this could be used interchangeably (like the sub-secretariat does) with terms such as cultural-pluralism/cultural-diversity/plural-identities/coexistence.

⁶ See the Facebook and twitter of the sub-Secretariat for Human Rights and Cultural Pluralism: <https://www.facebook.com/DHumanosBA/>; <https://twitter.com/DHumanosBA>

⁷ Buenos Aires Ciudad, Secretaría de Derechos Humanos y Pluralismo Cultural (2018) Plan Local de Acción en Derechos Humanos 2019-2020, online at:

https://www.buenosaires.gob.ar/sites/gcaba/files/plan_local_ddhh_web_2.pdf (Last visited 20 August 2020).

⁸ Buenos Aires Ciudad, Secretaría de Derechos Humanos y Pluralismo Cultural (2018) Plan Local de Acción en Derechos Humanos 2019-2020, 8.

basis, and the local government called on it to explain the relevance of its work. But it is hard to trace *how* this legal basis was put to work. The Local Action Plan on Human Rights does not make explicit whether a particular law influenced a particular initiative. I am not able to tell whether there is a law that laid at the basis of BA Celebra. This was not something interviewees could say, or a document could tell me. Interviewees of the sub-Secretariat for Human Rights and Cultural Pluralism referred to the legal human rights framework as a package, a package of laws that are ‘very relevant’ and ‘a very wide concept that influences everything we do here’.⁹

The latter also points to a moral approach to human rights, which arrives at human rights as a system of values surrounding core ideas about human dignity and justice. BA Celebra promoted human rights by promoting multiculturalism and coexistence. In this sense, human rights were presented as the guiding moral values for inclusive, non-discriminatory and equal living together, in a diverse city like Buenos Aires. The good governance approach to human rights also played a crucial role in BA Celebra. It was embedded in the participatory aspect of the celebrations. Multicultural communities were invited to join in, collaborate with the local government, and take ownership of the celebration of multiculturalism and the promotion of human rights.

With the establishment of BA Celebra, the local government created a connection between human rights and multiculturalism. The fact that the sub-Secretariat for Human Rights and Cultural Pluralism concerns itself with celebrating multiculturalism implicitly assumes that multiculturalism and human rights are related. It indicates that celebrating multiculturalism is a spin on local ‘human rights work’. This association did not come to be coincidentally. It is the result of a bundle of interactions that include e.g. political tactics, controlled interaction with civil society actors, administrative trajectories and historical events.

I try to grasp how human rights functioned in the interactions surrounding BA Celebra. Or, more specifically, I assess how the link between human rights and the promotion of multiculturalism was constructed and maintained. To do this systematically, this section starts with a description of the actors. The sub-Secretariat for Human Rights and Cultural Pluralism undertook the BA Celebra project, hence I will explain what kind of role this secretariat fulfilled within the local government. Also, it is clarified who the ‘multicultural communities’ are, and why Buenos Aires is considered a multicultural city. Thereafter, the processes of translation provide further insight into the actions these actors undertook. The sub-Secretariat for Human Rights was reconsidering its line of work and has problematised why it needed to refocus to multiculturalism. Multiculturalism was not a notion that was always part of the work of the sub-Secretariat for Human Rights and Cultural Pluralism: their activities initially focused on processes of memory and justice after Argentina’s last military dictatorship. Hence, the actors provided accounts as to why this change was a necessary one. Second is the process of enrolment, which depicts how the roles in the actor network were defined. The sub-Secretariat for Human Rights and Cultural Pluralism was including other organisations in the celebration of multiculturalism. I describe how particular organisations were selected for this task. At the same time, other urban actors deliberately refrained from cooperation with this secretariat.

⁹ Interview sub-Secretariat for Human Rights and Cultural Pluralism.

Finally, I assemble the network circumstances at play and connect them to the functioning of human rights amidst this moment.

4.2.2 The actors

This section dissects the two most prominent groups that form part of the interactions. First, I discuss the most obvious group, the initiator: the sub-Secretariat for Human Rights and Cultural Pluralism. I describe the people that work there, its position in the local government and its relation to the national government. Thereafter, I discuss the groups that BA Celebra is targeting with their program: the urban ‘multicultural communities’.

The local government

First, I must clarify that Buenos Aires’ Secretariat for Human Rights and Cultural Pluralism is a branch of its national counterpart. At the national level, the Secretariat for Human Rights is part of the Ministry of Justice and Human Rights. Argentina is a highly decentralised country, and provincial governments are responsible for a number of services including housing and healthcare.¹⁰ Argentina is divided into 23 provinces, of which the province of Buenos Aires. The city of Buenos Aires has a special status. Argentina’s Constitution of 1994 gives Buenos Aires the status of an autonomous city [*Ciudad Autónoma de Buenos Aires*, or CABA], with its own constitution.¹¹ This means that ‘Buenos Aires City’ has a similar position and organisation as the provinces.¹² The local government of Buenos Aires does not fall under the direction of the Buenos Aires province, on the contrary, it is positioned under the direct control of the national government. As a result, all national ministries and secretariats that have sub-secretariats at lower levels of government are also represented in the local government of Buenos Aires. Therefore, Buenos Aires is the only city in Argentina with a sub-Secretariat for Human Rights. The sub-Secretariats for Human Rights of the province of BA and the city of BA operate independently and have separate budgets.¹³ ‘We have our own agenda. We work together, but there are differences. We prioritise differently because the city has different problems than the country does’, explained the interviewees from the sub-Secretariat for Human Rights and Cultural Pluralism.¹⁴

When I refer to Buenos Aires, I speak of the city of Buenos Aires. I will refer to Buenos Aires city’s sub-Secretariat for Human Rights and Cultural Pluralism as ‘the sub-secretariat’ from now on. The secretary of the sub-secretariat is selected by the mayor of Buenos Aires. The secretaries therefore reflect the political party in office. The national elections and the elections

¹⁰ S. Noy and K. Voorend, ‘Social Rights and Migrant Realities: Migration Policy Reform and Migrants’ Access to Health Care in Costa Rica, Argentina and Chile’ (2016) *International Migration & Integration*, 17, 605-629.

¹¹ Art. 129 Constitution Argentina: ‘La ciudad de Buenos Aires tendrá un régimen de gobierno autónomo, con facultades propias de legislación y jurisdicción, y su jefe de gobierno será elegido directamente por el pueblo de la ciudad’. See: <https://www.caserosada.gob.ar/nuestro-pais/constitucion-nacional>; For the Constitution of the City of Buenos Aires see:

https://www.buenosaires.gob.ar/areas/leg_tecnica/sin/normapop09.php?id=26766&qu=c

¹² N. Clare, ‘Composing the social factory: An autonomist urban geography of Buenos Aires’ (2019) 37 *Environment & Planning D: Society and Space*, 2, 255-275.

¹³ Interview Secretariat for Human Rights, Province of Buenos Aires; sub-secretariat.

¹⁴ *Ibid.*

for the provinces and Buenos Aires are held at the same time. The president, governors of the provinces and the head of Buenos Aires (also goes by the name mayor) are elected for four-year terms.¹⁵ During the time frame of my research, Mauricio Macri was the president of Argentina. Macri is affiliated with the centre-right political party Republican Proposal (PRO) [*Propuesta Republicana*], he was the second non-Peronist to lead the national level since the end of Argentina's dictatorship in 1983. Macri assumed office in 2015 and his term ended in December 2019. He was not re-elected in the 2019 elections. Before his term as president, Macri served as the mayor of Buenos Aires for 8 years (2007-2015). His then chief of staff, Horacio Rodríguez Larreta, succeeded Macri as the mayor of Buenos Aires in 2015. Rodríguez Larreta was re-elected as mayor of Buenos Aires in the 2019 elections. Buenos Aires therefore has been headed by mayors of the same political party for more than 10 years (four terms in a row). At the national level, Macri is succeeded by Alberto Fernández. Fernández represents the other end of the political spectrum and is affiliated with Peronist political party Justicialist Party [*Partido Justicialista*].

In a simplified depiction, the political spectrum is dominated by Peronists and centre-right parties. The biggest Peronist party is the Justicialist Party. This party developed on the basis of former president Juan Perón's efforts for the working class, including migrant workers. The Peronist side is divided into many sub-parties. Today's most influential politicians associated with Peronism are the Kirchner family (their approach is sometimes referred to as *Kirchnerismo*).¹⁶ Cristina Fernández de Kirchner succeeded her husband Néstor Kirchner as president from 2007 until 2015. During their terms, migration and international cooperation have been facilitated.¹⁷ The Radical Civic Union (UCR) [*Unión Cívica Radical*] is the biggest party on the other side of the political spectrum. This party has more urban middle-class support. Macri's party PRO is closer to this side and is rather right-wing for Argentinean standards. PRO advocates the neoliberal policies of subsidy cuts and free trade. Compared to the Kirchners, PRO is less facilitating regarding migration. I will extensively describe this in the second moment, but it is useful to mention here that Macri has introduced restrictive measures regarding migration as president and, as mayor of Buenos Aires, he has voiced fears for uncontrolled migration.

Hence, during Macri's terms as mayor of Buenos Aires, there was a difference in political representation at the national and city-level. This was followed by one term (2016-2019), during the time frame of my fieldwork, wherein the national level and city-level were led by the same political party, namely PRO. This relation changed again in December 2019, when Peronists assumed the national leadership while the city continued to be led by PRO politician Rodríguez Larreta.

With a new political party in office, a percentage of the civil servant base changes too. Roughly 30% rotates after elections and a base of 70% stays put. The higher positions, such as directors and secretaries, are usually filled by the 30%, so the rotation in managing positions is relatively

¹⁵ Art. 90 Constitution Argentina; Art.98 Constitution Buenos Aires. They are elected by direct popular vote and there must be at least a 10% difference between the winner and runner-up, Art 96 Constitution Buenos Aires.

¹⁶ N. Clare, 'Territory, intersectionality, and class composition: 'Neighbouring migrants' in Buenos Aires' (2015) PhD Thesis, University of Sheffield.

¹⁷ Ibid.

fast.¹⁸ After Macri was elected as president in 2016, many of the directors and civil servants of the sub-secretariat moved (along with Macri) to the national Secretariat for Human Rights. As a result, many of the people who work at the sub- and national secretariats are former colleagues.¹⁹

The majority of the people working at the sub-secretariat do not have a law degree, many have studied courses such as public administration. The secretary, Pamela Malewicz, has a degree in Organisational and Institutional Management.²⁰ She has been working at the sub-secretariat since 2011, first as chief of staff. The sub-secretariat is divided into two directorates and an advisory board.²¹ The advisory board for public policies of memory generally concerns itself with the construction of a collective memory of the last dictatorship. Specifically, this concerns the management of the memory park and the monument for victims of state terrorism.²² One of the directorates, the directorate for Coexistence, is led by David Cohen. David Cohen is a former lawyer and scholar specialised in legal philosophy on the theme of violence. The directorate Coexistence's main responsibility is to 'reduce acts of discrimination and violence towards people of the various groups that coexist in Buenos Aires'.²³ The directorate targets different forms of diversity, namely sexual, gender and cultural diversity. Among their activities are the organisation of diversity walks, the Buenos Aires Day of Sexual Diversity and a coexistence training. The weight of this program is not on cultural/ethnic diversity, this is taken up by the second directorate. The directorate for Collectivities seeks 'to encourage the recognition and appreciation of the cultural diversity of the communities in Buenos Aires'.²⁴ This directorate is led by Adrián Varela, a former journalist and previous employee of the legislature. The most prominent activity of this Directorate, and the focus of this chapter, is the organisation of BA Celebra. Both directors started their work for the sub-secretariat in 2016, after the national and local elections and are affiliated with the political party in office.

Multicultural communities

Who are the subjects of the festivities? Who are the multicultural groups that BA Celebra is celebrating? 'We are all migrants' [*Todos somos migrantes*], states the website of BA Celebra, which has to do with Argentina's present and past as a migration destination. The sub-secretariat presents multiculturalism as something particular for Buenos Aires: 'In Argentina and, especially, in the City of Buenos Aires, many different cultures coexist [...] We must not forget that the past migrant children became Argentineans. Nowadays, new migrations force us

¹⁸ Interview Secretariat for Human Rights, Province of Buenos Aires.

¹⁹ Interview sub-secretariat.

²⁰ For the profile of Secretary Malewicz, see: <https://www.buenosaires.gob.ar/vicejefatura/subsecretaria-de-derechos-humanos-y-pluralismo-cultural>

²¹ Buenos Aires Ciudad (2015) Separata del Boletín Oficial de la Ciudad de Buenos Aires. Subsecretaría de Derechos Humanos y Pluralism Cultural. N° 4783 16/12/2015.

²² The memory park is an area in Buenos Aires that is dedicated as a space for memory of the last dictatorship. See: <https://www.espaciomemoria.ar/>

²³ See: <https://www.buenosaires.gob.ar/vicejefatura/colectividades/convivencia-en-la-diversidad>

²⁴ Buenos Aires Ciudad (no date) webpage, 'BA Celebra', online at: <https://www.buenosaires.gob.ar/derechoshumanos/ba-celebra> (Last visited 20 August 2020).

to ask ourselves what it means to be a Buenos Aires resident [*Porteño*].²⁵ BA Celebra divides the migrants into groups based on their country of origin and describes the ‘history of migration’ for each group.²⁶ Below I provide a concise background of these groups on the basis of literature.

After about two and a half centuries of colonial rule by Spain, migration became a constant factor for Argentina from the end of the 19th century onwards.²⁷ Clare breaks down Argentina’s post-colonial migration flows in three phases: (1) immigration from Europe between the late 19th century and early 20th century; (2) internal rural to urban migration during the mid-20th century, and (3) regional migration from other Latin American countries during the mid-20th and the 21st century.²⁸ The transatlantic migration originated mainly from Spain and Italy. This was no coincidence: a few decades after its independence from Spain, the Argentinian government actively started stimulating migration from the said countries.²⁹ The European migration was seen as a vital part of Argentina’s nation-building, particularly as a white-nation without indigenous groups argue Vior and Clare.³⁰ Between 1870 and 1930, a total of 7 million migrants arrived in Argentina, predominantly in Buenos Aires. By 1894, 49,3% of the population of Buenos Aires was from Europe. The migrants from Europe quickly fulfilled a crucial position in Argentina’s economy. For example, 80% of all manufacturing shops were migrant owned in 1910.

In the second phase of internal migration, the migration flow led to the metropolitan area of Buenos Aires. Many migrants from the rural parts of Argentina moved to Buenos Aires, driven by employment opportunities. A lot of them lived in informal settlements and worked in the informal sector.³¹ Clare describes how rural migrants were often perceived as second-class citizens due to them being indigenous and poor. In 1960, during the third phase, the number of migrants from Latin America for the first time exceeded the number of European migrants.³² Initially, regional migrants were drawn because of labour opportunities in Argentina’s rural areas, although this changed in the 1960s. The demand for services and manufacturing quickly grew in Argentina’s cities, and the majority of migrants reoriented to Buenos Aires.³³ The influx of regional migrants has been fluctuating with economic cycles as well as political instability in the region. The arrival of migrants, for instance, declined during Argentina’s military coups,

²⁵ ‘*En la actualidad las nuevas migraciones nos impulsan a preguntarnos nuevamente qué es ser porteño*’. Buenos Aires Ciudad (no date), Platform of the Collectivities of BA Celebra, online at: <https://baxcolectividades.buenosaires.gob.ar/> (Last visited 20 August 2020).

²⁶ Buenos Aires Ciudad (no date), Platform of the Collectivities of BA Celebra.

²⁷ L. Vaccotti, ‘La construcción de un sujeto político. Migrantes y lucha por la vivienda en Buenos Aires’ (2016) 26 *REMHU Revista Interdisciplinar da Mobilidade Humana*, 52, 37-54.

²⁸ Clare, ‘Territory, intersectionality, and class composition’.

²⁹ The government has a very active role. For instance, they created overseas agencies to recruit migrants and offered subsidies for the passage from Europe. Clare, ‘Territory, intersectionality, and class composition’.

³⁰ Clare, ‘Territory, intersectionality, and class composition’; E.J. Vior, ‘Migración, derechos humanos y orden político desde una perspectiva intercultural’, in C. Lértora (ed.), *Las ideas del siglo XXI – XIIª Jornadas de Pensamiento Filosófico* (Buenos Aires: FEPAI, 2006).

³¹ Clare, ‘Territory, intersectionality, and class composition’.

³² R. Cortes, ‘Human Rights of Migrants and Their Families in Argentina as Evidence for Development of Human Rights Indicators. A Case Study’ (2017) 22 *KNOMAD Working Paper*.

³³ M. Cerrutti and E. Parrado, ‘Intraregional Migration in South America: Trends and a Research Agenda’ (2015) *Annual Review of Sociology*, 14, 399-421.

but grew during the dictatorship of Pinochet in Chile and the current instability in Venezuela.³⁴ From 1955 onwards, a series of military dictatorships changed the situation. At the time, the European migration was declining while rural and regional migration increased. The military governments, generally, sought to attract European migrants and actively tried to discourage regional migration. For instance, during Argentina's last dictatorship, the Videla law was introduced.³⁵ The Videla law aimed at creating an implicit distinction between the 'desirable' European migrants and the not so desirable regional migrants and introduced sanctions against undocumented migrants.³⁶

Since 2000, the demand for household, manufacturing and construction work further expanded and so did the arrival of regional migrants in Buenos Aires.³⁷ A considerable number of regional migrants work in the informal sector and a relatively small number works in the skilled sector.³⁸ Argentina is Latin America's epicentre for migration and attracts up to 68% of the regional flows.³⁹ Of those regional migrants in Argentina, a fifth lives in Buenos Aires.⁴⁰ Furthermore, of those regional migrants almost 80% are from low-income countries Peru, Paraguay and Bolivia. An estimate of 400.000 regional migrants live in Buenos Aires, on a total population of 2,8 million (14,3%). In Argentina this ratio is considerably less, the migrant population makes up about 5% of the total population.⁴¹

4.2.3 Translation activities

This section explores two processes of translation surrounding BA Celebra. First is problematisation: the process whereby the sub-secretariat tried to define why BA Celebra had to be a crucial part of their work. I trace how the sub-secretariat was communicating about their activities and aims on their website, in their Local Action Plan on Human Rights and via three interviews I have conducted with civil servants. The second translation process, enrolment, portrays how the sub-secretariat was allocating roles to certain actors to include them in the BA Celebra project. At the same time, other actors deliberately tried not to get involved. These two processes – problematisation and enrolment – allow me insight into the network circumstances that produced the specificities of BA Celebra.

³⁴ Cerrutti and Parrado, 'Intraregional Migration in South America'; T. Bastia and J. Montero Bressán, 'Between a guest and an okupa: Migration and the making of insurgent citizenship in Buenos Aires' informal settlements' (2018) 50 *Environment and Planning A: Economy and Space*, 1, 31-50.

³⁵ The 1981 General Law of Migration and the Promotion of Immigration. [*Ley General de Migraciones y de Fomento de la Inmigración*], see: <http://servicios.infoleg.gob.ar/infolegInternet/anexos/15000-19999/16176/texact.htm#1>.

³⁶ Clare, 'Territory, intersectionality, and class composition'.

³⁷ Cerrutti and Parrado, 'Intraregional Migration in South America'; Cortes, 'Human Rights of Migrants and Their Families'.

³⁸ Clare, 'Territory, intersectionality, and class composition'.

³⁹ A. Margheritis, 'Mercosur's post-neoliberal approach to migration: from worker's mobility to regional citizenship. Immigration and Asylum Law and Policy in Latin America' (2015) Paper School of Advanced Study, University of London.

⁴⁰ Bastia and Montero Bressán, 'Between a guest and an okupa'.

⁴¹ Ibid.

Problematization

The local government started BA Celebra because they considered it a necessary endeavour. Though, it was not just the sub-secretariat. It involved a change of thought that was also put forward by the national government, as well as by civil society actors. These actors provided a similar account of the problems: human rights needed to be used for causes beyond the processes of memory, truth and justice, in the aftermath of Argentina's dictatorship. But the actors proposed different ways of achieving this.

The connection with multiculturalism was not integrated in the sub-secretariat's activities from its start. During its first years, the sub-secretariat mainly concerned itself with projects of 'memory, justice and truth' in relation to the military dictatorship of 1976-1983. To understand how the sub-secretariat functions today, I need to give an introduction to this period. While it is impossible to provide a complete overview of the events surrounding the dictatorship here, I provide a concise impression on the basis of the scholarship by Robben, Van Drunen and Vermeersch.⁴²

Confrontations between left- and right-wing Peronists and guerrilla groups were creating instability in the years before the military dictatorship.⁴³ After President Juan Perón's death in 1974, his widow Isabel Martínez Perón succeeded him. Robben writes that this led to 'chaos', and in response, the military junta headed by Jorge Videla took charge of Argentina in 1976. The period of this military dictatorship lasted seven years and an estimate of 15,000-30,000 people, predominantly of the political left, disappeared in secret detention centres across the country.⁴⁴ During this period, a movement of resistance grew and some of the resistance groups started to identify themselves as human rights organisations.⁴⁵ The Mothers of the Plaza de Mayo are the most known example. These mothers campaigned for their missing children in a time when mass assembly was forbidden. They gathered on Buenos Aires' main square, which is surrounded by governmental offices, wearing white scarves as a sign of silent protest. These human rights-oriented organisations continued to have a prominent role after the dictatorship.⁴⁶ Up until today, the mothers of Plaza de Mayo, for example, remain to protest to keep the memory of the dictatorship on the political agenda. From 1984 onwards, the human rights organisations, in cooperation with the democratic government, had a leading role in the process of 'coming to terms with the past'.⁴⁷ This process predominantly meant investigating the facts of the repression (such as the numbers and names of those disappeared), taking the perpetrators

⁴² A.C.G.M. Robben, 'How Traumatized Societies Remember: The Aftermath of Argentina's Dirty War' (2005) 59 *Cultural Critique*, 120-164; S.P.C. Van Drunen, 'Struggling with the past: the human rights movement and the politics of memory in post-dictatorship Argentina (1983-2006)' (2010) PhD Thesis, University of Amsterdam; G. Vermeersch, 'Transitional Justice in Argentinie: "La lucha para Memoria, Verdad y Justicia"' (2004) PhD Thesis, Universiteit Gent.

⁴³ Robben, 'How Traumatized Societies Remember'.

⁴⁴ See International Commission on Missing Persons: <https://www.icmp.int/the-missing/where-are-the-missing/argentina/>

⁴⁵ Robben, 'How Traumatized Societies Remember'; Interview International Center for the Promotion of Human Rights.

⁴⁶ Interview International Center for the Promotion of Human Rights.

⁴⁷ Van Drunen, 'Struggling with the past'; Vermeersch, 'Transitional Justice in Argentinie'.

to trial and constructing a collective memory of the military dictatorship. The terms truth, justice, and memory became the central concepts in this process.⁴⁸

The first democratically elected president after the dictatorship, Raúl Alfonsín, created the national Secretariat for Human Rights in 1984⁴⁹, after the presentation of the report *Never Again [Nunca Más]*⁵⁰ of the National Commission on the Disappearance of Persons (CONADEP).⁵¹ The Secretariat for Human Rights was first led by Eduardo Rabossi, a philosopher and human rights activist. During this period, the Secretariat for Human Rights predominantly functioned as an intermediary between CONADEP and human rights organisations that were active in the aftermath of the dictatorship.⁵² Furthermore, in 1992 the National Commission for the Right to Identity (CONADI) was created under the Secretariat for Human Rights. CONADI was tasked with the promotion of the search for disappeared persons. So far, the national Secretariat for Human Rights had mainly involved itself with human rights in the context of the dictatorship.⁵³ I must underscore that Buenos Aires' sub-secretariat did not exist during these events, its establishment followed shortly after.

According to IPPDH, a transposition started with Peronist politician Duhalde as secretary of the national Secretariat for Human Rights under the Kirchner government from 2003-2012.⁵⁴ Under his direction, Argentina's human rights discourse was for the first time problematised. The institutionalisation of human rights developed in reaction to the dictatorship, but this confined the ways in which human rights could function. There was a period of about 20 years in which all 'human rights work' was done in relation to the dictatorship. It was (and still is) considered delicate to open up this space, but nonetheless, this did provoke a discussion on other purposes for human rights.⁵⁵ Under Duhalde's guidance, three adjustments were initiated. Firstly, Argentina ratified 10 UN human rights instruments and optional protocols⁵⁶ and introduced several national laws that incorporated human rights norms⁵⁷. Secondly, the national secretariat slowly expanded its thematic scope by incorporating new topics, other than those concerning memory. And, lastly, Duhalde stimulated the creation of sub-secretariats throughout the provinces of Argentina.⁵⁸ This is where the sub-secretariat of Buenos Aires comes in.

⁴⁸ Ibid.

⁴⁹ Decree 3090, see: <https://www.argentina.gob.ar/normativa/nacional/decreto-3090-1984-91665>

⁵⁰ National Commission on the Disappearance of Persons (1984) Report *Nunca Más (Never Again)*, online at: http://www.desaparecidos.org/nuncamas/web/english/library/neveragain/neveragain_001.htm (Last visited 20 August 2020).

⁵¹ Vermeersch, 'Transitional Justice in Argentina'.

⁵² Interview Instituto de Políticas Públicas en Derechos Humanos del MERCOSUR (IPPDH). IPPDH is a research and knowledge institute called the Institute of 'public policies and human rights' of MERCOSUR. See: <http://www.ippdh.mercosur.int/>

⁵³ Although it did broaden the scope of its activities to promoting compliance with international human rights instruments and receiving complaints on discriminatory practices.

⁵⁴ Interview Instituto de Políticas Públicas en Derechos Humanos del MERCOSUR.

⁵⁵ Interview International Center for the Promotion of Human Rights; Instituto de Políticas Públicas en Derechos Humanos del MERCOSUR; NGO Argentine Commission for Refugees and Migrants.

⁵⁶ Argentina has signed and ratified all UN human rights instruments and optional protocols. See: <https://indicators.ohchr.org/>

⁵⁷ The most relevant one for this study is the 2004 Migration Law 25,871. The law is often seen as one of the most progressive national migration laws, and explicitly incorporates human rights norms. The specifics of this law will be dealt with in the narrative of the second moment.

⁵⁸ For the national Secretariat for Human Rights, see: <https://www.argentina.gob.ar/derechoshumanos>

Initially, Buenos Aires had a small program on human rights, with memory as its focus. There was no local government organ for ‘all themes of human rights’, different local government secretariats and directorates worked on small ‘human rights topics’.⁵⁹ The sub-secretariat still has an Advisory Commission on Memory and they run the Program BA Memory⁶⁰, but there has been a slow shift in the centre of gravity of their activities.

The sub-secretariat put forward several problems that the program BA Celebra would address, hence, the sub-secretariat problematised. The first perceived problem is very much in line with the account of the national Secretariat for Human Rights. It was perceived that the processes of restoring justice were closer to complete, which opened up a space for issues that had been overlooked.⁶¹ The interviewee of the sub-secretariat explained: ‘Well, our idea is to broaden the interpretation of human rights. Argentina has been focusing on memory and justice, for the right reasons, but that is not the only human rights work we should do. This sub-secretariat makes it possible to work with human rights in the perspective of cultural and sexual diversity’.⁶² Because human rights were predominantly spoken of in relation to the last dictatorship, there was little room to discuss them in relation to contemporary concerns. ‘But now it is time to bring our idea of human rights in line with the 21st century, with this generation’, reasoned the interviewee of the sub-secretariat.⁶³

With this ‘opened space’, the sub-secretariat could have chosen to focus on many other themes. Multiculturalism was not their only option. The sub-secretariat was fully aware of this abundance of possibilities. Human rights, the interviewee from the sub-secretariat stressed, ‘relate to many areas, social development, education, safety, health [...] everything is human rights’.⁶⁴ The interviewees told me multiple times that their main task was to materialise or concretise human rights. Yet, they found this task nearly impossible: ‘When you think about human rights, you think about everything. That is a problem. It is difficult to concretise them for everyone. The work is never finished’.⁶⁵ This points to a second problem put forward by the sub-secretariat: they needed to ‘bring human rights to the 21st century’ as well as concretise them. BA Celebra was their concrete and 21st century-proof answer.

Because multiculturalism was the new centre of gravity of the sub-secretariat, I expected to find traces that explain why they perceived this as a problem, as a ‘concrete human rights issue’. I did not find an answer in interviews, webpages or documents of the sub-secretariat. The sub-secretariat regularly described how multicultural Buenos Aires is, and how everyone needs to be treated equally: ‘We need to promote a broad policy agenda that promotes dialogue, understanding and, above all, that responds to many of the challenges we have today. A society with greater equity, free from prejudices and stereotypes, minimises the discrimination and

⁵⁹ Interview sub-secretariat.

⁶⁰ This program focuses on mapping ‘memorial points’ in the city of Buenos Aires to ‘commemorate the victims and generate awareness and reflection’. Inhabitants of the city can contribute by suggesting their own memory points for the interactive map that is presented on their website. See: <https://www.buenosaires.gob.ar/noticias/memoriaba>

⁶¹ Interview sub-secretariat; NGO Argentine Commission for Refugees and Migrants; International Center for the Promotion of Human Rights.

⁶² Interview sub-secretariat.

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ Ibid.

generates equal treatment and opportunities for the development of people’, wrote Secretary Malewicz in the Local Action Plan on Human Rights.⁶⁶

For the interviewees of the sub-secretariat, the connection between human rights and multiculturalism made sense: ‘We wanted to give more attention to the multiculturalism in our society. And that is what we do here: to work with human rights in the context of cultural diversity’.⁶⁷ When asked why they thought this connection made sense, the interviewee responded that it is ‘very complicated’ to explain why multiculturalism needed attention: ‘It would be very extensive to explain why we focus on these areas rather than on others. There are many, many reasons. If I would have to list some of these reasons, I would say that it is about listening to what is needed in our city’.⁶⁸ Their answer remained particularly vague and it is unknown how the sub-secretariat assessed what the city needed. Though the interviewee further specified that the sub-secretariat specifically focuses on the most vulnerable groups in Buenos Aires: indigenous groups, women, LGBTQ, migrants and refugees.

While the sub-secretariat referred to several vulnerable groups, such as migrants, it remained inexplicit what problems these groups were facing, and how BA Celebra would address those problems. The sub-secretariat was not vocal about which groups experienced challenges and what kind of challenges the sub-secretariat referred to. It was not mentioned that a relatively large percentage of regional migrants live in informal settlements and/or in relative poverty.⁶⁹ It was not mentioned that particular ‘cultural communities’ experience discrimination because of the colour of their skin.⁷⁰ It is not that the data did not exist. On the contrary, in a report published by INADI (Argentina’s National Institute against Discrimination and Xenophobia) some of these inequalities are presented.⁷¹ INADI’s 2014 report on discrimination is based on quantitative data gathered in a sample of 14,800 people, including 800 from the city of Buenos Aires.⁷² The report states that 48% of the sample thinks that there is a lot of discrimination in Argentina and 40% thinks there is quite some. 71% of the sample thinks that especially migrants are discriminated against a lot. Moreover, the report presents that being a migrant (27%) and the colour of skin (15%) are perceived as the most prevalent reasons for discrimination in the Buenos Aires region. The perception is that Bolivians are the most discriminated group, followed by Peruvians and Paraguayans. In Buenos Aires, nationality and being a migrant are perceived as the most important factors for discrimination in the domains of labour, education,

⁶⁶ Introduction of secretary Pamela Malewicz to the first local action plan on human rights. Buenos Aires Ciudad, Secretaría de Derechos Humanos y Pluralismo Cultural (2018) Plan Local de Acción en Derechos Humanos 2019-2020, 7.

⁶⁷ Interview sub-secretariat.

⁶⁸ Ibid.

⁶⁹ Bastia and Montero Bressán, ‘Between a guest and an okupa’. In some of the informal settlements the Regional migrants make up to 75% of the inhabitants. See also Noy and Voorend, ‘Social Rights and Migrant Realities’; P. Pérez, ‘Buenos Aires: fragmentation and privatization of the metropolitan city’ (2002) 14 *Environment and Urbanization*, 1, 145-158.

⁷⁰ See, for instance, Á. Del Águila, ‘The hummingbird and the bricks: re-creation of ethnicity among Paraguayan workers in the construction industry of Buenos Aires’ (2016) 11 *Latin American and Caribbean Ethnic Studies*, 2, 119-141; Á. Del Águila, ‘Living on the Construction Site. Paraguayan Construction Workers in Buenos Aires’ (2018) 45 *Latin American Perspectives*, 1, 77-90.

⁷¹ Instituto Nacional contra la Discriminación, la Xenofobia y el Racismo (2014) Mapa Nacional de la Discriminación. Segunda Edición, online at: <http://www.inadi.gob.ar/mapa-discriminacion/documentos/mapa-de-la-discriminacion-segunda-edicion.pdf> (Last visited 20 August 2020).

⁷² A new discrimination report has not been published under the presidency of Macri.

public life, neighbourhood and transport (rather than socio-economic status, gender or physical appearance). In other regions in Argentina, socio-economic status is generally a more important factor for discrimination.

The sub-secretariat, through BA Celebra, did not problematise the city's multiculturalism. The tone of BA Celebra is rather cheerful and there are little to no hints of disparities between 'cultural groups'. The only remark I was able to find is: 'It is also important to attend to the different realities of the groups in situation of vulnerability, to guarantee their access to rights'.⁷³ The cheerful tone shines through the remainder of the Local Plan on Human Rights, as well as through the descriptions of the sub-secretariat's programs that work on multiculturalism. For example, BA Coexist is a training 'designed to encourage good living together to build a more plural and inclusive city'. BA Celebra is 'a project that shows the culture, history and identity of the communities that live in our city'.⁷⁴ Based on my interviews and the written material of the sub-secretariat I would not know why multiculturalism was a challenge, but I would know that Buenos Aires must celebrate it.

The celebration was put centre stage. This is illustrative for the sub-secretariat's problematisation. One of the objectives of BA Celebra, as outlined in the 2015 Official Gazette of the city of Buenos Aires, is to 'encourage recognition and appreciation of cultural diversity [...] provided by collectivities for the construction of the Buenos Aires identity'.⁷⁵ The objective of this identity-construction is underlined by a statement on the sub-secretariat's website: 'BA Celebra has been held since 2009 with the aim of *positioning* the City of Buenos Aires as a benchmark for the promotion and protection of human rights. Over the years, BA Celebra has established itself as a Buenos Aires *brand* and an icon of multiculturalism'.⁷⁶ The sub-secretariat mobilised Buenos Aires' multiculturalism as a fundamental quality of the city: 'Migration is an extremely important and essential issue in the agendas of the cities of the world. At the sub-secretariat we believe that Buenos Aires is cosmopolitan, a model of coexistence, interculturality and inclusion'.⁷⁷ BA Celebra was not only initiated for the 'vulnerable cultural groups' in the city, it was also initiated to position and brand Buenos Aires vis-à-vis the world and its inhabitants. This is, consequently, one of the problems BA Celebra supposedly addressed: the need for an urban identity associated with human rights and multiculturalism. BA Celebra is a positive, cheerful program that is well suited to social media and other marketing purposes. It is a format of optimism and celebration rather than a way to address difficulties. Argentina's 'history of migration' was employed as an attractive story that could engage everybody. In this sense, the 'BA Celebra brand' provided a 'sellable' moral affiliation with the norms of human rights.

Parallel to the problematisation of the national Secretariat for Human Rights and the sub-secretariat, a growing group of NGOs underwent a similar change in objectives. They also

⁷³ Buenos Aires Ciudad, Secretaría de Derechos Humanos y Pluralismo Cultural (2018) Plan Local de Acción en Derechos Humanos 2019-2020, 15.

⁷⁴ Buenos Aires Ciudad (no date) Webpage, 'BA Celebra', online at: <https://www.buenosaires.gob.ar/derechoshumanos/ba-celebra> (Last visited 20 August 2020).

⁷⁵ Separata del Boletín Oficial de la Ciudad de Buenos Aires. Subsecretaría de Derechos Humanos y Pluralismo Cultural. N° 4783 16/12/2015.

⁷⁶ Buenos Aires Ciudad (no date) Webpage, 'BA Celebra'.

⁷⁷ See website BA Migrante: <https://www.buenosaires.gob.ar/noticias/ba-migrante>

started to advocate for a ‘broader application of human rights’ and have widened the scope of their activities. For example, Caref (the Argentinean Commission for refugees and immigrants) was created in 1973 to respond to the political refugees fleeing from dictatorships in Latin America and has an archive on the dictatorship period in Argentina. Since four or five years, they work with (regional) migrants as well.⁷⁸ Cels (*Centro de Estudios Legales y Sociales*), one of the most prominent human rights organisations in Argentina, also created a working group on migration in the last 5 years, although it is still their smallest working group.⁷⁹ The interviewees of CIPDH (International Center for the Promotion of Human Rights in Argentina) and IPPDH (Institute of Public Policies and Human Rights) also observed a wider application of human rights since, more or less, the past 10 years.⁸⁰

Many of these NGOs, however, provided a different account of the problems related to the city’s multiculturalism. BA Celebra pays attention to the different ‘cultural customs’ of the communities that reside in Buenos Aires, but it pays little attention to the concerns of each cultural community, while the latter is the central concern of the aforementioned NGOs.⁸¹ BA Celebra frames multiculturalism with the slogan ‘we are all migrants’ [*Todos somos migrantes*]: from the inhabitants who decent from 19th century European migrants and the regional migrants, to the smaller groups from countries such as Senegal, Japan and Korea.⁸² However, despite differences in stories about migration histories and cooking recipes, BA Celebra has no explicit attention for the different struggles these multicultural communities have.

The NGOs identified these struggles as the main problem. They based their account of the problems on individual accounts of migrants and discrimination statistics, such as the data that was produced by INADI. The average person of the Peruvian collectivity is likely to have a different life in Buenos Aires, and face more discrimination than the average person of Italian descent, stressed several interviewees.⁸³ Scholars also write about these differences and remark that the three phases of migration determine the ‘urban fabric’ today.⁸⁴ European migration defines the heritage of the majority of today’s population.⁸⁵ And, the descendants of the migrants from Europe are perceived as ‘the Argentinean people’. To this day, European migration is encouraged in Argentina’s Constitution.⁸⁶ The second flow of indigenous rural migrants remains largely invisible and underrepresented in media and politics. Moreover, regional migrants are explicitly labelled as migrants and treated as such. There is a sense of temporality attached to their lives in Argentina. This is based on the idea that they are in

⁷⁸ Interview NGO Argentine Commission for Refugees and Migrants.

⁷⁹ For the working group, see: <https://www.cels.org.ar/web/en/category/economicocialculturalrights/>

⁸⁰ Interview International Center for the Promotion of Human Rights; Instituto de Políticas Públicas en Derechos Humanos del MERCOSUR.

⁸¹ Separata del Boletín Oficial de la Ciudad de Buenos Aires. Subsecretaría de Derechos Humanos y Pluralism Cultural. N° 4783 16/12/2015.

⁸² Buenos Aires Ciudad (no date) Platform of the Collectivities of BA Celebra, online at: <https://baxcolectividades.buenosaires.gob.ar/> (Last visited 20 August 2020).

⁸³ Interview network Bloque de Inmigrantes; NGO Argentine Commission for Refugees and Migrants, NGO la Agencia Adventista de Desarrollo y Recursos Asistenciales; Instituto de Políticas Públicas en Derechos Humanos del MERCOSUR.

⁸⁴ Clare, ‘Composing the social factory’.

⁸⁵ Cortes, ‘Human Rights of Migrants and Their Families’; Vaccotti, ‘La construcción de un sujeto político’.

⁸⁶ In Art. 25 it is said: the federal government will promote European immigration. [*El Gobierno federal fomentará la inmigración europea*].

Argentina as temporary labourers, as opposed to permanent residents. While in practice, the majority of the regional migrants do not return to their country of origin.⁸⁷

In sum, the process of problematisation portrays an evolving ‘human rights discourse’, not only for the sub-secretariat, but for Argentina at large. The sub-secretariat tried to assess its own position in a period in which new ‘applications’ of human rights were becoming possible. They opted to problematise the city’s multiculturalism, though without actually elaborating on the problems these groups may face. The identity-construction and branding of Buenos Aires had a vital role in the problematisation by the sub-secretariat. BA Celebra helped construct the city’s identity, which in turn defined the narrative BA Celebra presents: a positive, rather than a difficult one. Finally, some NGOs that concern themselves with migrant groups presented a more troubling picture about the problems related to multiculturalism: not all groups are treated evenly, while BA Celebra seems to conceal this issue.

Enrolment

This section discusses the distribution of the roles surrounding BA Celebra. The sub-secretariat had the role of initiator and coordinator, but this role was also subject to the national Secretariat for Human Rights. Subsequently, the sub-secretariat assigned an essential role to the multicultural communities of the city. The sub-secretariat included a particular type of organisation in the Program BA Celebra: organisations comfortable with the format of human rights and multiculturalism that the sub-secretariat employed. I discuss how the different actors executed these roles. For example, the inhabitants of Buenos Aires were in a position of less influence than the local government was. This was defining for the network circumstances surrounding the celebration of multiculturalism.

I observed that the sub-secretariat’s approach to human rights and multiculturalism was subject to the ways the national Secretariat for Human Rights approached the topic under the PRO leadership. During Macri’s term as president, the national Secretariat for Human Rights was using similar language and incited similar initiatives as the sub-secretariat did. The national Secretariat for Human Rights, for example, launched a campaign called #MosaicOfIdentities [*MosaicoDeIdenticidades*]. The campaign was an initiative to celebrate the national day of Coexistence of Cultural Diversity: ‘Throughout its history, Argentina has been an open country for immigration and a worldwide example of peaceful coexistence of different cultures and religions. Each group of immigrants brings a mosaic of identities that defines and enriches us’.⁸⁸ Moreover, the Local Action Plan on Human rights was written to correspond with the first national action plan that was published one year earlier.⁸⁹ And, most evidently, after the 2015 elections, whereby Macri’s party PRO won the national elections after several terms of Peronist governments, the newly elected politicians decided to change the name of the national

⁸⁷ Clare, ‘Composing the social factory’.

⁸⁸ Gobierno de Argentina (2019) News Article, ‘Campana: “Argentina #MosaicoDeIdenticidades”’, online at: <https://www.argentina.gob.ar/noticias/campana-argentina-mosaicodeidentidades> (Last visited 20 August 2020).

⁸⁹ Secretaría de Derechos Humanos y Pluralismo Cultural (2017) Plan Nacional de Acción en Derechos Humanos, online at: https://www.argentina.gob.ar/sites/default/files/plan_nacional_de_accion_en_ddhh_de_argentina_2017.pdf (Last visited 20 August 2020).

secretariat from the Secretariat for Human Rights into Human Rights *and Cultural Pluralism* [*derechos humanos y pluralismo cultural*]. Consequently, the local PRO politicians (who also won the local elections) changed the name of Buenos Aires' sub-secretariat accordingly. The 2019 elections further underwrite the connection between PRO and the multiculturalism project. After the 2019 national elections and the win of the Peronist party, the national secretariat for Human Rights quickly removed 'Cultural Pluralism' from its name, thereby decoupling the connection between multiculturalism and human rights. There has been no change in the sub-secretariat's name, but neither has there been a change in local leadership.

That the national and sub-secretariats had a similar approach is not a given. They are partners, but the line of work of the sub-secretariat is defined by the mayor.⁹⁰ The sub-secretariat even underlined its independence during our interview: 'Buenos Aires is an autonomous city. We have our own agenda'.⁹¹ Though in practice, the agenda of the sub-secretariat seemed to adapt to the national agenda of party PRO. Hence, the sub-secretariat's role was, at least to some degree, subject to a (national) political project.

The sub-secretariat aimed to 'contribute to the fulfilment of the human rights of all the people who live in Buenos Aires'.⁹² More specifically, the contribution of the sub-secretariat was 'human rights and multiculturalism promotion'. This role, which the sub-secretariat assigned to itself, was not uncontested among all of the sub-secretariat's civil servants. During an interview with the sub-secretariat, an interviewee suddenly became more critical of the work of the sub-secretariat (and the government in general), after her boss left the conversation. The interviewee reasoned that she preferred an approach of 'solidarity and openness', while the government often thought that 'human rights are only there for a small group of people'. She acknowledged that there is discrimination towards some migrant groups and that the sub-secretariat, and the national government, did not always acknowledge that.

If not all civil servants supported the work of the sub-secretariat, then, how was this promotional take on human rights kept in place? One answer would be that the political party in office wanted to keep it as such. It was probably impossible for civil servants to modify the activities of the sub-secretariat. At the same time, two out of the three people I spoke at the sub-secretariat, did not seem to want to employ another strategy. They seemed quite pleased with their programs as is. Both the secretary Malewicz and the director of the Collectivities directorate are affiliated with the PRO, the political party in office. I found no indication that they would want BA Celebra to be something else.

One of the aims of BA Celebra is to strengthen the connection 'between communities that reside in the city and between society as a whole'.⁹³ BA Celebra targets all inhabitants of Buenos Aires, via their cultural heritage, instead of only refugees or regional migrants, and thus enrolled all inhabitants of the city. The sub-secretariat organised the BA Celebra events together with 'collectivities'. These so-called collectivities represent ethnic groups that reside in Argentina.

⁹⁰ Interview sub-secretariat.

⁹¹ Ibid.

⁹² Buenos Aires Ciudad, Secretaría de Derechos Humanos y Pluralismo Cultural (2018) Plan Local de Acción en Derechos Humanos 2019-2020, 1.

⁹³ Separata del Boletín Oficial de la Ciudad de Buenos Aires. Subsecretaría de Derechos Humanos y Pluralismo Cultural. N° 4783 16/12/2015, 175.

The collectivities have their own webpage on the website of the sub-secretariat and are offered the space and funds to celebrate their cultural heritage.⁹⁴ Each collectivity-page presents a description of their history of immigration to Argentina, some ‘fun facts’ about the collectivity and cooking recipes. To become a collectivity one has to enrol its group with the sub-secretariat. Thus, to be able to take part in the organisation of BA Celebra one needs to organise as a collectivity. Generally, the sub-secretariat worked with existing organisations that represent a cultural community.⁹⁵ The organisations BA Celebra cooperated with were a particular type of organisation. This type of organisation is documented by several scholars.⁹⁶ These scholars make a distinction between ‘migrant organisations’ and ‘grass-roots organisations’. The migrant organisations were enrolled in the program BA Celebra, while the grassroots organisations were not.⁹⁷

The migrant organisations generally organise around regional migrants and are usually ordered by country of origin, for example: a Peruvian migrant organisation and a Chilean migrant organisation.⁹⁸ These organisations typically do not operate at the neighbourhood level and are less involved in voicing demands and claims.⁹⁹ They are more involved in the formulation of their perceived cultural identity, for it to be known, recognised and celebrated in Argentina. These migrant organisations operate at city-level, rather than at neighbourhood level and they have better relations with the city authorities.¹⁰⁰ The people working for grassroots organisations are not the same people that are involved in the migrant organisations.¹⁰¹ Bastia and Montero Bressán even state that most people engaged in the migrant organisations have little knowledge of life in the informal settlements and poorer neighbourhoods, and thus of the struggles these inhabitants may face.¹⁰²

For the grassroots organisations, contrastingly, the daily struggles of life in these neighbourhoods are the central feature of their claims. Grassroots organisations mainly operate at neighbourhood level, particularly in informal settlements. Regional migrants, rural migrants and other inhabitants of these neighbourhoods organise around matters such as access to work, health and housing. Many of these organisations start as soup kitchens or as other small-scale initiatives.¹⁰³ The grassroots organisations put less emphasis on their position as (regional) migrants, many do not have a migrant ‘identity’ as organisation.¹⁰⁴ The grassroots organisations’ connections with the local government are less strong. Interviewees remarked that the interaction between civil society organisations and the local government changes

⁹⁴ Buenos Aires Ciudad (no date) Platform of the Collectivities of BA Celebra, online at: <https://baxcolectividades.buenosaires.gob.ar/> (Last visited 20 August 2020).

⁹⁵ Buenos Aires Ciudad, Secretaría de Derechos Humanos y Pluralismo Cultural (2018) Plan Local de Acción en Derechos Humanos 2019-2020.

⁹⁶ T. Bastia, ‘Transnational migration and the gendered right to the city in Buenos Aires’ (2018) 76 *Cities*, 18-22.

⁹⁷ Bastia, ‘Transnational migration’; Interview sub-secretariat; Interview network Bloque de Immigrantes.

⁹⁸ Interview NGO Centro de Estudios Legales y Sociales.

⁹⁹ Bastia, ‘Transnational migration’.

¹⁰⁰ Interview NGO Argentine Commission for Refugees and Migrants; Bastia and Montero Bressán, ‘Between a guest and an okupa’; Bastia, ‘Transnational migration’.

¹⁰¹ Interview network Bloque de Immigrantes; NGO Argentine Commission for Refugees and Migrants.

¹⁰² Bastia and Montero Bressán, ‘Between a guest and an okupa’.

¹⁰³ Ibid.

¹⁰⁴ Interview NGO Argentine Commission for Refugees and Migrants.

depending on the political party in office.¹⁰⁵ After Macri became the president of Argentina, and after he became the mayor of Buenos Aires, many organisations lost their (financial) support, established during the Peronist terms, from the government. This was particularly true for the grassroots organisations. Organisations that did not have connections with the (local) government lost their subsidies: ‘This local government is far less connected at the neighbourhood level. They are not really present there. So many initiatives stopped’.¹⁰⁶

The migrant organisations kept this actor network running. They happily celebrated their culture and were content with the format the sub-secretariat offered them. If all collectivities were to stop celebrating, then BA Celebra would change. However, the number of collectivities did not drop. The sub-secretariat refrained from cooperation with more critical organisations, such as the grassroots organisations. When asked, the sub-secretariat explained that there were indeed organisations ‘that cannot put their political differences aside. It is not that we do not listen to them, but it causes tensions [...] eventually you will choose for the organisations that you can cooperate with’.¹⁰⁷

It was not just the sub-secretariat that did not want to cooperate with *some* organisations. The feeling was mutual. I spoke to organisations that almost laughed when I asked them whether they cooperated with the sub-secretariat. For them, it was unthinkable that any collaboration with the sub-secretariat could suit their interests. These NGOs were evidently not involved in BA Celebra and were not convinced that the work of the sub-secretariat was valuable for the city. While these NGOs by and large shared the understanding that human rights needed to be mobilised beyond memory, they were not convinced of the sincerity of the sub-secretariat’s objectives, and of the approach to human rights they used. The translation of human rights into promoting multiculturalism, ‘the BA Celebra Brand’, was not seen as valid ‘human rights work’.¹⁰⁸ Moreover, they perceived that the sub-secretariat obscured the (legal) claims of the multicultural groups they were enrolling in BA Celebra. This difference of perception over what a local secretariat for human rights should be doing was the source of the disparity between some NGOs and the sub-secretariat: ‘Our sub-secretariat is doing other things, celebrating cultures, not much with human rights’, reasoned NGO Centro Ana Frank.¹⁰⁹ Caref stated: ‘Then there is a direction of multicultural something [...] We do not do much work with them. They do parties, like street fairs, very superficial. They do nothing with human rights’.¹¹⁰ When I asked why Caref thought that BA Celebra is superficial, they reasoned that the sub-secretariat’s activities come across as city marketing: ‘This [local] government has a tradition of marketing:

¹⁰⁵ Interview NGO Argentine Commission for Refugees and Migrants; NGO Centro de Estudios Legales y Sociales; NGO la Agencia Adventista de Desarrollo y Recursos Asistenciales.

¹⁰⁶ Interview NGO Argentine Commission for Refugees and Migrants.

¹⁰⁷ Interview sub-secretariat.

¹⁰⁸ During one of the first interviews I undertook in Buenos Aires, the interviewees of the Instituto de Políticas Públicas en Derechos Humanos del MERCOSUR assured me that the work of the sub-secretariat would not be interesting for my research. The interviewees perceived that the sub-secretariat was not ‘doing’ anything with human rights because of their focus on organising events such as the Day of Peru.

¹⁰⁹ Interview NGO Ana Frank Centro.

¹¹⁰ Interview NGO Argentine Commission for Refugees and Migrants.

everything is nice, we are all happy, love each other. They do not talk about the real issues. The city marketing is very visible everywhere. They invest a lot but there is nothing behind it'.¹¹¹

Also, for some organisations it was important to uphold a certain distance to the (local) government: 'It would be a bit immoral to work with the local government. We do not work with any government to be able to criticise them'.¹¹² To be enrolled in a local government program, would mean giving up this distance, and therewith the ability to be critical. Others did cooperate with the local government but were very selective about the type of governmental departments they interacted with and would only cooperate with actors with likeminded objectives. Caref, for instance, cooperated with only one local government program: *Programa Todas*. This program works on the promotion of the rights of migrant women and is part of the Directorate Women. Caref believed that *Programa Todas* is doing 'good' human rights work by helping women at the neighbourhood level in accessing certain rights. Furthermore, the interviewee of Caref trusted the civil servants that work for *Programa Todas*, also because they are not affiliated with political parties.¹¹³ While these NGOs were very critical of the work of the sub-secretariat, they were not able to change it. They stayed out and/or were kept out of the actor network, and there was simply little to no interaction.

To wrap up, the division of roles shows that the sub-secretariat's work cannot be seen separately from the former national government: the Macri administration. The promotion of multiculturalism was entangled with PRO's political project. Moreover, these politics also defined which NGOs received support (e.g. funding) and which did not. The process of enrolment depicts a fragmented network. Civil society was split up into organisations that collaborated with the local government, and those that did not. The organisations that enrolled voiced little criticism of the work of the sub-secretariat. The organisations that did not enrol had little contact with the local government and therefore hardly influenced the local government's actions, hence, BA Celebra could be maintained with relatively little friction and confrontation. The approach to human rights was one of the sources for disparity: the disagreement revolved around what kind of work a local secretariat for human rights should be doing.

4.2.4 Network circumstances and function

The two sections above illustrate that the network circumstances surrounding BA Celebra were versatile. BA Celebra was the result of a combination of factors: a history of dictatorship, a changing human rights discourse, national and local levels of government that aligned, party PRO with a particular migration agenda, city branding desires, fragmented civil society and a complex (urban) history of migration. If one of these elements would have been different, BA

¹¹¹ Interview NGO Argentine Commission for Refugees and Migrants; Dinardi also writes about the city branding that has commenced under the local leadership of Macri. He asserts that Buenos Aires' branding focused on stereotypical consumption in relation to the city, such as tango, French architecture and the tourist friendly neighbourhoods (ignoring another realities of the city). Dinardi argues that Macri governed the city as an enterprise, in which Buenos Aires was branded as the cultural capital of Latin America. D. Dinardi, 'Cities for sale: Contesting city branding and cultural policies in Buenos Aires' (2017) 54 *Urban Studies*, 1, 85-101.

¹¹² Interview NGO Centro de Estudios Legales y Sociales.

¹¹³ Interview NGO Argentine Commission for Refugees and Migrants; Programa Todas.

Celebra would have been different. If the critical NGOs would have been involved, BA Celebra would not only celebrate the positive. While I am not able to say which circumstances were most crucial, I can consider how these circumstances interacted with the functioning of human rights.

This moment shows that human rights were employed as a promotional tool by the sub-secretariat. Human rights were translated in celebrating multiculturalism in urban space, in order to brand Buenos Aires as a diverse and flourishing city. This was not an evident choice. On the contrary, after the human rights discourse slowly opened up after decades of concentrating on processes of memory, justice and truth, there were many possibilities. The civil servants acknowledged: ‘human rights are everything, so we had to choose something’. It was chosen to make human rights something positive and festive, something which underlined Buenos Aires’ distinctiveness as a multicultural city. This choice was implemented when Macri was the mayor of Buenos Aires, and the national Secretariat for Human rights and the sub-secretariat became even more aligned after Macri became the president of Argentina. BA Celebra was the result of a political project, and thus, so became human rights. Human rights were made to fit the political ideals: a focus on the celebration of cultural pluralism, while silencing the challenges of disadvantaged ‘cultural groups’. This take on human rights stays in place as long as these elements stay the same. Thus, if another party than PRO would have won the local 2019 elections, things might have changed.

This function was also kept in place, because the sub-secretariat collaborated with those NGOs that were in favour of the BA Celebra format. Critical NGOs, and there were many of them, were kept out of the actor network, and wanted to stay out. As a result, they did not influence how human rights functioned within the activities of the sub-secretariat. Hence the functioning of human rights, in this case, was not a negotiation between civil society and the local government, on the contrary, it was a top-down choice that left little room for friction.

The ‘critical’ NGOs and the sub-secretariat mainly differed over the approach to human rights. For the NGOs, human rights did not function as they should in a sub-secretariat for Human Rights. They advocated for a more rigour legal approach whereby the local government would try to realise the human rights standards as laid out in Argentina’s international and regional human rights commitments and the Constitution of Buenos Aires. For example, these NGOs would like to see the sub-secretariat increase the access to specific rights of migrants (such as housing or healthcare), which is similar to the work these NGOs do themselves. While the sub-secretariat reasoned that these legal human rights instruments must develop into local action ‘to fulfil the human rights of the people of Buenos Aires’, the legal approach to human rights was not employed in the activities of BA Celebra. Thus, I would flag a distinction between approaches that might be ‘out there’ in the minds of politicians, civil servants and secretariats, and the approach that becomes employed in their actual work. In their actual work, the sub-secretariat emphasised the good governance and moral approach to human rights: as a moral frame of reference that unites the different cultural groups in Buenos Aires and promotes the city.

4.3 A new urban movement in response to the decree to the Migration Law

4.3.1 The moment

In early 2017, the Macri administration issued executive Decree 70/2017 of urgency and necessity, thereby deviating from the ‘regular’ route whereby new laws pass the parliament.¹¹⁴ The decree introduced several modifications to the Argentinean Migration Law 25.871 that has been in force since 2004.¹¹⁵ The executive branch of government is able to introduce a decree, ‘only when exceptional circumstances make it impossible to follow the ordinary procedures foreseen by the Constitution’.¹¹⁶ Exceptional circumstances, the Supreme Court of Argentina argues, are those that ‘pose grave societal risks’.¹¹⁷

The decree substantially changes the national Migration Law. It widens the grounds for deportation and termination of legal residency¹¹⁸, and (indirectly) complicates access to justice during the deportation process. Article 25 of the Migration Law already made the denial of residency possible for persons who have been convicted or are serving a sentence in Argentina or abroad, have a history in trafficking of arms, persons, narcotics, money laundering, investments in illegal activity, or a crime punishable (on the basis of Argentinean law) by a prison sentence of three years or more.¹¹⁹ Although, family ties, length of residency and personal conditions were taken into account in this decision.¹²⁰ The decree harshens these factors since it removes the three-year minimum prison sentence. As a result, migrants can be deported on the basis of minor criminal offences. Furthermore, the decree complicates the conditions for granting entry waivers for family or humanitarian reasons. Family ties must be proved, the same tightened conditions for criminal offences apply and families must provide proof of financial means.¹²¹ Lastly, the decree introduces new deportation procedures. The deadline for submitting a claim against the decision of the Immigration Board has been reduced from thirty to three days.¹²²

The decree has affected the number of deportations. During the four-year term of Macri, that ended in December 2019, an estimate of 2535 people has been deported. This doubles the number of deportations under his predecessor Kirchner. The decree may be revoked soon, as

¹¹⁴ For Decree 70/2017 see: <https://www.refworld.org/docid/58aef8334.html>

¹¹⁵ National Migration Law No. 25.871. See: [https://www.unodc.org/res/cld/document/ley-de-migraciones-25871-english.html/Ley de Migraciones 25871 English.pdf](https://www.unodc.org/res/cld/document/ley-de-migraciones-25871-english.html/Ley%20de%20Migraciones%2025871%20English.pdf)

¹¹⁶ Art. 99 Constitution Argentina 1994. See: <http://servicios.infoleg.gob.ar/infolegInternet/anexos/0-4999/804/norma.htm>

¹¹⁷ T. Basok, ‘Regional Migration and Argentina’s “hospitality” in crisis’ in DC. Menjívar, M. Ruiz and I. Ness (eds.), *The Oxford Handbook of Migration Crises* (Oxford: Oxford University Press, 2019).

¹¹⁸ DNI (*Documento Nacional de Identidad*) is the identity card that is provided for Argentinean citizens, as well as for temporary and permanent foreign residents (*DNI extranjero*). The DNI of the latter two categories can be revoked.

¹¹⁹ Basok, ‘Regional Migration and Argentina’s “hospitality” in crisis’.

¹²⁰ L. García, ‘Argentina’s Migration Law: Changes Challenging the Human Right to Migrate’ (2017) Blog, University of Oxford, Faculty of Law.

¹²¹ Ibid.

¹²² Most concerning argues García in her analysis of the decree: ‘it establishes that ‘due notice’ of the decision shall not be provided by written advice but by a note in the file. The period given to the person to read her file is also three days and the judge has the same time period to decide on the claim’. García, ‘Argentina’s Migration Law’.

Argentina's new President, a Peronist, did already state that the decree is dangerous and that he considered repealing it.¹²³

Because the majority of migrants in Argentina reside in Buenos Aires, the decree had a large impact on the city's inhabitants. As a consequence, the introduction of the decree was not met with silence, as civil society actors have responded with outrage. This moment focuses on the counterreaction to the decree. The Buenos Aires-based 'countermovement' asked for repealing the decree: they initiated a court case, protested on the streets of Buenos Aires, organised a strike among migrant labourers, reached out to UN committees and were involved in many forms of outreach such as online publications (see photo 2 and 3).

Photo 2 and 3: The countermovement to the decree in Buenos Aires, from the [Facebook Migrar no es delito](#).



During these activities, the countermovement frequently invoked human rights, in a moral and legal approach. They introduced the campaign '*Migrar no es delito, es un derecho humano*' [Migration is not a crime, it is a human right].¹²⁴ Through this slogan, the movement affiliated themselves with human rights, and referred to human rights as a moral frame of reference. By framing the movement as a 'human rights movement', the movement used the moral appeal of human rights to draw others to their cause.

The countermovement, however, did not only approach human rights as moral values. They considered the decree as a major setback because it deteriorates the human rights-based approach of the Migration Law. More specifically, the countermovement referred to one of the central features of Migration Law: the recognition of the right to migrate, regardless of legal status.¹²⁵ They considered human rights as legal norms and tried to hold the government accountable to these human rights standards. In doing so, the countermovement invoked a variety of legal sources. They referred to the human rights standards that are incorporated in

¹²³ Clarín Política (2020) News Article, 'Alberto Fernández dijo que el DNU de Mauricio Macri para expulsar extranjeros "es muy peligroso" y confirmó que evalúa derogarlo', online at: https://www.clarin.com/politica/alberto-fernandez-dijo-dnu-mauricio-macri-expulsar-extranjeros-peligroso-confirmo-evalua-derogarlo_0_v-Cbs5ZK.html (Last visited 20 August 2020).

¹²⁴ Migrar no es delito campaign (no date) Facebook page with events, photos and articles, online at: <https://www.facebook.com/migrarnoesdelito/> (Last visited 20 August 2020).

¹²⁵ National Migration Law No. 25,871. Article 4.

the Migration Law, in specific the right to migrate but also the right to access to justice and the right to family reunification.¹²⁶ The countermovement referred to the Constitution of Argentina and the Constitution of Buenos Aires, which both include references to the rights of migrants. The National Constitution establishes equal rights between nationals and migrants, especially in relation to economic, social and cultural rights.¹²⁷ Article 62 of the Constitution of Buenos Aires provides for equal rights and obligations for both Argentineans and foreign residents, for the exercise of their political rights.¹²⁸ The countermovement also referred to the international and the Interamerican human rights system. They particularly drew on the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW), which Argentina has ratified, as the ICRMW requires an individual consideration of all expulsions.¹²⁹ Simultaneously, the countermovement based its argumentation on the Interamerican human rights system, which by and large subscribes migrants the same rights as citizens (with the exception of certain political rights).¹³⁰

To better grasp how human rights functioned amidst this moment, I describe the network circumstances surrounding the countermovement. I first discuss the main actors involved. I describe who the ‘pro-decree group’ consists of and how this relates to the establishment of the Migration Law. Thereafter, I describe the actor the decree was targeting: the migrants that face the risk of being deported. The last crucial actor is the countermovement, which challenged the pro-decree group. In the section that follows I discuss how these actors were acting through the processes of problematisation and enrolment. The process of problematisation sheds light on how the actors made sense of their surroundings. The pro-decree group provided a starkly different account of the problems that Buenos Aires, and Argentina as a whole, was facing than the countermovement did. For the pro-decree group, the problem was the relation between drug trafficking and migration, while the countermovement problematised the criminalisation of migration. Thereafter, the process of enrolment depicts how the roles in this actor network were defined. This sheds light as to why the local government remained silent, while the countermovement was protesting on the city’s streets. Even though the local government was engaging with migrants through some of their projects and programs (such as BA Celebra), they have not undertaken any steps to inform their inhabitants of the decree and its implications. The local government has not provided a public response or statement, and has not engaged in any dialogue on the topic. Finally, I bring these network circumstances together to discuss the functioning of human rights amidst this moment.

¹²⁶ National Migration Law No. 25,871, Article 10.

¹²⁷ Constitution Argentina 1994, Article 20.

¹²⁸ Constitution Buenos Aires, Article 62.

¹²⁹ D.C. Baluarte, ‘The Right to Migrate: A Human Rights Response to Immigration Restrictionism in Argentina’ (2019) 18 *Washington University Global Studies Law Review*, 2, 293-349.

¹³⁰ Interview Ombudsman of the City of Buenos Aires; Interamerican Commission on Human Rights (2015) Human Rights of Migrants, Refugees, Stateless Persons, Victims of Human Trafficking and Internally Displaced Persons: Norms and Standards of the Inter-American Human Rights System, online at: <http://www.oas.org/en/iachr/reports/pdfs/HumanMobility.pdf> (Last visited 20 August 2020).

4.3.2 The actors

The pro-decree group

To describe who make up ‘the pro-decree group’, the people in favour of the decree, I must first explain the legal immigration system the decree tries to modify. In Argentina, immigration is a policy domain that is dealt with by the national government. Argentina’s current migration regulations have been developed after the military dictatorship. As was briefly mentioned earlier, during the military dictatorship the Videla law was in place. This law reversed the openness to migration that was established by the preceding Peronist government.¹³¹ Under the Videla law, migrants could be expelled at any time, undocumented migrants had no access to social services and Argentinean nationals who cooperated with ‘illegals’ could be sanctioned too. Until the 2000s, the migration laws did not undergo modification. The 2002 MERCOSUR Residence Agreement marked a turning point and in 2004 Argentina’s new Migration Law was put in place.¹³²

MERCOSUR is the South American trade bloc that was established in 1991. It focuses on the development of a common market and therewith facilitates labour migration. A common market has never been established, because some of the MERCOSUR countries moved away from open-market policies.¹³³ During the 2000s, when the political climate had more attention for migrant rights and the free movement of people across the region, the MERCOSUR Residence Agreement was signed, and thereafter adopted in 2010 (by most members, including Argentina).¹³⁴ There were many undocumented migrants in the region, and the MERCOSUR countries opted for a human rights-based perspective towards migration, argues Margheritis.¹³⁵ At the same time, it was also an attempt to exert more control over the migration flows and to generate overview of the people entering the different countries.

The MERCOSUR Residence Agreement does not provide the right of entry (contrary to similar EU regulations).¹³⁶ Migrants need to request a residence permit. Any national from a MERCOSUR country (or associate member state) is eligible to receive a two-year residency permit by providing proof of nationality and a clean criminal record. Those ‘permit holders’ have the right to work, access to education for children and the same civil, social, and economic rights that nationals enjoy.¹³⁷ The MERCOSUR Residence Agreement only allows for temporary freedom of movement. After the two-year residency permit expires, migrants have to apply for a permanent stay in their country of choice and must prove that they are financially capable to do so.

¹³¹ Noy and Voorend, ‘Social Rights and Migrant Realities’.

¹³² Margheritis, ‘Mercosur’s post-neoliberal approach to migration’.

¹³³ L. Brumat and D. Acosta, ‘Three generations of free movement of regional migrants in MERCOSUR: any influence from the EU?’, in A. Geddes, M.V. Espinoza, L.H. Abdou and L. Brumat (eds.), *The dynamics of regional migration governance* (Edwar Elgar Publishing, 2019).

¹³⁴ Margheritis, ‘Mercosur’s post-neoliberal approach to migration’.

¹³⁵ Ibid.

¹³⁶ In 2010 an action plan for MERCOSUR citizenship was written, which was to be adopted by 2021. It is likely that this will not happen, partly because of the regime changes in Brazil and Argentina argues Margheritis. Margheritis, ‘Mercosur’s post-neoliberal approach to migration’.

¹³⁷ MERCOSUR Residence Agreement, Article 9.

Argentina's national Migration Law 25.871 was established in 2004 (as a substitute for the Videla law). The Migration Law is the product of an intensive dialogue wherein many stakeholders (including academia, NGOs and legislators) were involved. This process is still cherished by many civil society organisations because of its inclusive nature.¹³⁸ The Migration Law functions as an extension of the MERCOSUR Residence Agreement.¹³⁹ The most important change is that the new Migration Law recognises the right to migrate, regardless of legal status. The law incorporates international human rights treaties and confers equal treatment (for nationals and non-nationals) and equal access to social services such as education, healthcare, labour and the justice system – also for migrants without a residency permit, or undocumented migrants.¹⁴⁰ The Migration Law also calls for the implementation of measures that promote the regularisation of undocumented foreigners¹⁴¹ and guarantees family reunification¹⁴².

Migrant rights are typically a topic on the agenda of Peronists. For instance, the signing of the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (in 2007), the MERCOSUR Residence Agreement and the Migration Law 25.871 were all incited under a Peronist national government.¹⁴³ Furthermore, between 2006-2010 the major migrant regularisation program *Patria Grande* was established to help migrants out of their undocumented situation. This program was initiated under the wing of improving migrant rights and regulated almost half a million migrants from MERCOSUR countries.¹⁴⁴ Moreover, almost 50% of the undocumented migrants in Buenos Aires were regularised.¹⁴⁵

At the local level, there is no migration sub-secretary/office responsible for the reception or integration of (regional) migrants. Migrants are supposed to navigate the local government via the 'normal' route. The sub-secretariat for Human Rights and Cultural Pluralism, as discussed in moment one, is most involved with 'migrant topics'. They provide information on migrant rights, but not on asylum procedures. Also, there is no local legislative committee on migration, although migrants are occasionally the topic of legislative proposals.¹⁴⁶

Decree 70/2017 was an initiative of the national government. It is an executive decree, which means that it is an action of the executive branch, without the involvement of the legislature. The decree was initiated two years after the Macri administration commenced its term and fits the political program of PRO, which has been flagging security issues related to migration for several years already. When Macri became Argentina's president in 2015, more emphasis was

¹³⁸ Interview NGO Argentine Commission for Refugees and Migrants; NGO la Agencia Adventista de Desarrollo y Recursos Asistenciales; NGO Centro de Estudios Legales y Sociales.

¹³⁹ MERCOSUR Residence Agreement, Article 4; Noy and Voorend, 'Social Rights and Migrant Realities'.

¹⁴⁰ Migration Law 25.871 Art. 8. specifies that providers of public health services cannot refuse or restrict migrants' access to health, social assistance or sanitary attention – regardless of immigration status. Cerrutti and Parrado, 'Intraregional Migration in South America'.

¹⁴¹ Migration Law 25.871, Section 17.

¹⁴² Migration Law 25.871, Section 10.

¹⁴³ Argentina is the only receiving country that has ratified the International Convention on the Protection of Rights of All Migrant Workers and Members of Their Families in 2007.

¹⁴⁴ Noy and Voorend, 'Social Rights and Migrant Realities'; L. Ronconi, 'Massive Regularization and Assimilation in the Southern Cone: Estimating the Effects of *Patria Grande*' (2019).

¹⁴⁵ Ronconi, 'Massive Regularization and Assimilation'.

¹⁴⁶ For the online database of the legislative council, see:

https://parlamentaria.legislatura.gov.ar/pages/diputados_nuevo.aspx

put on the control of migration flows. For instance, in 2016 the Migration Office announced on its website that it was planning to open a migrant detention centre, to ‘combat irregularity’ and for situations not dealt with by the Migration Law.¹⁴⁷ After PRO won the national elections, they appointed PRO members at the executive positions related to migration. The National Directorate of Migration is responsible for handling all residency procedures and falls under the Ministry of Interior. Rogelio Frigerio was chosen as Minister, Horacio José Garcia as the Director of Migration and Patricia Bullrich as Minister of Security.

I must underscore that working for a governmental agency does not go hand in hand with being pro-decree. I did come across a number of people who, on a personal level, did not support the decree. For example, at INADI I interviewed people who expressed their criticism (although carefully).¹⁴⁸ The interviewee of the secretariat for Human Rights of the province of Buenos Aires expressed that many people in her office, including directors, do not support the decree because they perceive it violates migrant rights.¹⁴⁹ Though this should not be considered as too remarkable, since Peronists won the provincial elections in the province of Buenos Aires. Regarding the local government, as mentioned, one interviewee at the sub-secretariat for Human Rights and Cultural Pluralism did mention that she has concerns about the decree. The same accounts for the civil servants working at *Programa Todas*, a local government program that concerns itself with the promotion of the rights of migrant women.

Though, despite cases of deviation, the pro-decree group should not be seen as a small group of politicians pushing for an unsupported measure. This group of politicians, the PRO party, has won the national elections and acted from a basis of democratic legitimacy. Correspondingly, the decree was not questioned or criticised by a considerable group of Argentinean voters. Particularly in Buenos Aires, PRO has received the majority of vote for more than 10 years.

The migrants at risk of being deported

While BA Celebra assigns the label ‘migrant’ to all Argentines, Decree 70/2017 makes a distinction between nationals and non-nationals. Consequently, the people targeted by the accelerated deportation processes can be second generation Peruvians who have never initiated their nationalisation process, construction workers from Paraguay working in the (informal) sector, as well as students from Chile with a temporary residency card.

More specifically, the decree targets non-nationals who have committed a criminal offence. While deportation on the grounds of criminal offences is not new, the crux is that the decree allows for deportation on the basis of *any* criminal offence. In practice, this means that blocking a road during a protest could be a reason for expulsion (this has been a reason to arrest people before).¹⁵⁰ It also means that informal street vendors are at risk. Migrants who have recently

¹⁴⁷ Centro de Estudios Legales y Sociales (2016) News Article, ‘La irregularidad migratoria no es motivo de detención’, online at: <https://www.cels.org.ar/web/en/2016/08/la-irregularidad-migratoria-no-es-motivo-de-detencion/> (Last visited 20 August 2020).

¹⁴⁸ Interview Instituto Nacional contra la Discriminación, la Xenofobia y el Racismo.

¹⁴⁹ Interview Secretariat for Human Rights, Province of Buenos Aires.

¹⁵⁰ Interview NGO Argentine Commission for Refugees and Migrants.

arrived in Argentina may be particularly vulnerable, according to an interviewee, because of the quicker (three days) deportation procedures: ‘We worry about that because they cannot find a lawyer in three days. These people do not have networks [in Argentina]’.¹⁵¹

The decree affects some migrant groups more severely than others, argued a Chilean activist: ‘Before this [decree] Chileans were never seen as migrants. The migration from Chile was mainly from the middle class so they were able to adapt to Buenos Aires. Adapting is easier for Chileans than for Peruvians or Bolivians. They are criminalised more’.¹⁵² Hence, while I spoke about different perceptions towards European versus regional migrants before, there are also distinctions between regional migrant groups. Clare describes how these perceptions are linked to an ethnic element.¹⁵³ Argentina, and Buenos Aires in particular, have a relatively large population with European heritage, compared to neighbouring countries such as Bolivia and Paraguay. ‘These differences result in stereotypes, assumptions and discrimination such as the Peruvians are drug traffickers or the Paraguayans are thieves’, concluded an interviewee.¹⁵⁴

Many regional migrants have a different life in Buenos Aires than nationals do, and numerous have an informal existence in Buenos Aires. Del Águila, for instance, describes the lives of Paraguayans in the city’s construction sector.¹⁵⁵ They become drawn to Buenos Aires because of the higher wages, in comparison to other Argentinean provinces and Paraguay. Four out of six of the Paraguayans in Buenos Aires work in the construction sector, although rarely in management or engineer positions. It is not incidentally that the workers execute these jobs informally. In some cases, they even sleep on the construction site. Furthermore, by 2010, almost half of the population of Buenos Aires’ informal settlements, or ‘*Villas Miserias*’, were migrants.¹⁵⁶ Residency documents and income are exclusionary factors for accessing the city’s formal housing market. Renting requirements are, for instance, a payment advance of four months and/or a collateral property located in Buenos Aires (or owned by a close relative). Since these conditions cannot be met by most migrants, residency in one of the many *villas* of Buenos Aires offers a solution.¹⁵⁷ The *villas* emerged from the 1930s onwards because of large-scale migration from rural parts in Argentina.¹⁵⁸ The *villas* were tolerated by the Peronist governments, but many were demolished during the dictatorship. While an estimate of 2,500 people was living in *villas* during the end of the dictatorship, by 1999 this had already risen to 86,666.¹⁵⁹

The countermovement

The introduction of the decree was not met with silence by civil society. Rather, a countermovement arose in Buenos Aires. The countermovement has been advocating for the

¹⁵¹ Interview NGO Comisión Episcopal de Migraciones.

¹⁵² Interview network Bloque de Immigrantes.

¹⁵³ Clare, ‘Territory, intersectionality, and class composition’.

¹⁵⁴ Interview Programa Todas.

¹⁵⁵ Del Águila, ‘The hummingbird and the bricks’; Del Águila, ‘Living on the Construction Site’.

¹⁵⁶ Vaccotti, ‘La construcción de un sujeto político’.

¹⁵⁷ Ibid.

¹⁵⁸ Clare, ‘Territory, intersectionality, and class composition’.

¹⁵⁹ T. Bastia, ‘Transnational migration and urban informality: Ethnicity in Buenos Aires’ informal settlements’ (2015) 52 *Urban Studies*, 10, 1810-1825.

withdrawment of the decree. For the countermovement, human rights are intrinsically connected to their work. All activities they undertake relate to making sure the standards of human rights are not violated.¹⁶⁰

The countermovement consists of several groups and NGOs that reject the decree. In 2017, after the first signs of a changing perception towards migration appeared, a new migrant network was created: *El Bloque de Immigrantes*. The ‘Bloque’ is a network that brings together migrants from different ethnicities (to overcome the traditional organisation of migrants in groups based on ethnicity).¹⁶¹ During the time of my interview, the Bloque had just started and had about 100 active members and a group of about 50 associates (who are more active in other organisations).¹⁶² The Bloque functions as a network that connects different organisations to one cause. In 2018, the Bloque launched a campaign in reaction to the decree: *Migrar no es delito, es un derecho humano* [migration is not a crime, it is a human right].¹⁶³

Many of the organisations associated with the countermovement are active and prominent organisations in Buenos Aires’ public debates. For instance, CELS is one of the most prominent human rights organisations, specialised in strategic litigation¹⁶⁴, Caref is one of Buenos Aires most active migrant rights organisations¹⁶⁵ and the Network of Migrants and Refugees [*Red de Migrantes y Refugiados*] is a very active lobby-organisation. Many of these organisations have connections with smaller, more neighbourhood-based organisations.

Some organisations are slightly separate from the countermovement while sympathetic to the cause. The Ombudsman of Buenos Aires is also involved in the countermovement, although a bit more from the side-line. Yet, this alliance was considered as particularly important: ‘It is strategic for us because the local government listens to them. They are a bit in between, between the government and Cels’.¹⁶⁶ Also, I spoke to two Christian aid organisations that provide emergency assistance and language classes to migrants. These organisations are less involved or visible in the countermovement, and do still cooperate with the (local) government. They prefer to maintain this middle position. For example, one interviewee mentioned that he was

¹⁶⁰ Interview network Bloque de Immigrantes; NGO Centro de Estudios Legales y Sociales; NGO Argentine Commission for Refugees and Migrants.

¹⁶¹ Interview network Bloque de Immigrantes.

¹⁶² Ibid.

¹⁶³ Assembly of Chilenxs / Assembly of Mexicanxs in Argentina / Civil Association Yanapacuna / Block of Migrant Workers - BTM / Collective Passarinho / Collective Cultural Symbiosis / Congress of the Peoples Chapter Argentina / Patriotic March Chapter Argentina / Mecopa LaPaz - Migrants and Exiles / as Colombianxs by La Paz / Central American Movement 2-March / Paraguayan Communist Party - Buenos Aires / Migrant Students University of Buenos Aires / Individuals of Argentina and migrant communities / AMUMRA - Civil Association of Human Rights Women Migrants and Refugees in Argentina / CAREF Argentine Commission for Refugees and Migrants / Civil Association - Breaking Walls / Nucleus of Migratory Studies, of the Institute of High Social Studies of the National University of San Martín (NEMI, IDAES, UNSAM) / ANDHES (NOA lawyers and lawyers in human rights and social studies) / Socialist Commune / Fob Bsas - Federation of Grassroots Organizations / FOL Front of Organizations in Struggle / Popular Front Darío Santillán / La Cultura Del Barrio / Patria Grande / Polo Obrero / Partido Obrero / Popular Movement La Dignidad / Barrios de Pie / UTT-Union of Land Workers.

¹⁶⁴ Interview NGO Centro de Estudios Legales y Sociales.

¹⁶⁵ Interview NGO Argentine Commission for Refugees and Migrants.

¹⁶⁶ Interview NGO Centro de Estudios Legales y Sociales.

invited by the director of the national Directorate of Migration last week to provide advice on a particular topic.¹⁶⁷

Hence, the countermovement is not a static and formal organisation, it is a large collaboration of organisations and groups that are against the decree. In some cases, groups of NGOs collaborate on a collective project. For example, a court case was prepared by a number of NGOs and subsequently endorsed by many others, including the Ombudsman of the City of Buenos Aires.¹⁶⁸

4.3.3 Translation activities

This section describes the translation activities that took place in relation to the establishment of the countermovement. The process of problematisation shows that the actors provided an entirely different account of the problems, while human rights were employed to underscore both narratives. The process of enrolment describes the distribution of the roles in the actor network. The local government was not outspoken about the decree although it affected many people who reside in the city. The countermovement communicated about their account of the problems on Buenos Aires' streets and strategised to have the decree repelled by seeking for allies, but there was no interaction between the countermovement and the local government. The local government did not enrol in the countermovement in any way.

Problematisation

The pro-decree group and the countermovement provided different accounts of the problems surrounding migrants. While the pro-decree group presented itself as the saviour of 'the Argentinean', the countermovement tried to make itself indispensable as the saviour of migrant rights. Simultaneously, the local government did not openly provide an account of the problems at all, but their silence is illustrative for their position.

Through the decree, and the public statements made in the margins of its introduction, the pro-decree group conveyed that there is a migration problem the Migration Law could not solve. The pro-decree group argued that the decree was necessary in order to limit the uncontrolled flow of migrants, and criminality, entering Argentina. Furthermore, deportation procedures took too long, which posed a societal risk when migrants with criminal records remained in Argentina for a prolonged time.

Since the publication of the decree, the pro-decree group has been asked to explain why the decree was urgent and necessary – and so they did. The pro-decree group claimed that because of 'uncontrolled and unlimited' migration, Argentina had become a key destination for drug trafficking and other illegal activities. They underscored this with data. The then Minister of

¹⁶⁷ Interview NGO la Agencia Adventista de Desarrollo y Recursos Asistenciales; NGO Comisión Episcopal de Migraciones.

¹⁶⁸ Centro de Estudios Legales y Sociales (2018) News Article, 'El dnu de migrantes fue declarado inconstitucional por el poder judicial', online at: <https://www.cels.org.ar/web/2018/03/el-dnu-de-migrantes-fue-declarado-inconstitucional-por-el-poder-judicial/> (Last visited 20 August 2020).

Security stated that while only 6% of the prison population are detained foreigners, in the case of drug-related crimes this percentage goes up to 33%.¹⁶⁹

The account of the problems of the pro-decree group focused on a particular group of migrants: migrants involved in serious or organised crime. The then president Macri stated during a press conference: ‘We cannot continue to allow criminals to keep choosing Argentina as a place to commit offences as a result of our inaction [...] the first concern [should be] caring for Argentineans, caring for ourselves’.¹⁷⁰ The problem, it was reasoned, were criminals, rather than migrants in general. ‘The problem is not immigration, but drug trafficking and contraband’, stated the then Director of Migration Bullrich. Though, she did have some specific groups in mind: ‘Peruvian citizens come here and end up murdering others in their fight for drug control’.¹⁷¹ The problem these politicians described is a clear causal relation: the migration policies of Argentina (the MERCOSUR Residence Agreement and the Migration Law) were too lenient and this played into criminals entering the territory.

The decree was framed as a security matter, not as a tool to curb migrant rights. More specifically, it was framed as a security issue that was facilitated by Argentina’s progressive Migration Law. The pro-decree side stated that the decree did not mark a break with human rights and Argentina’s open attitude towards migration.¹⁷² During the 2019 hearings of the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW), the director of Migration Garcia reaffirmed that ‘Argentina is a firm defender of human rights and one of the most generous and open countries of the world’.¹⁷³ In another situation the Minister of Security Bullrich stressed: ‘This immigration policy is still open as ever, but it is evident that we need to address public safety’.¹⁷⁴

This depiction of the problems by the pro-decree group was not new, on the contrary, similar accounts were presented in 2010, when Macri was mayor of Buenos Aires and Rodríguez Larreta his Chief of Staff.¹⁷⁵ Therefore, the account of the problems concerning the decree cannot be seen separately from today’s local government headed by Rodríguez Larreta. The following events were regularly brought up by interviewees to explain why they neither trusted mayor Rodríguez Larreta nor the Macri administration. In 2010, a group of 13,500 people occupied an abandoned piece of land (*Parque Indoamericano*) in the southern part of Buenos

¹⁶⁹ Centro de Estudios Legales y Sociales (2017) News Article, ‘Mientras el gobierno nacional profundiza la estigmatización de los extranjeros, las organizaciones pedimos diálogo’, online at: <https://www.cels.org.ar/web/en/2017/01/mientras-el-gobierno-nacional-profundiza-la-estigmatizacion-de-los-extranjeros-las-organizaciones-pedimos-dialogo/> (Last visited 20 August 2020).

¹⁷⁰ Quote of President Mauricio Macri, Guardian (2017) News Article, ‘Argentina sees migration ban and border wall proposals in immigration row’, online at: <https://www.theguardian.com/world/2017/feb/03/argentina-sees-migration-ban-and-border-wall-proposals-in-immigration-row> (Last visited 20 August 2020).

¹⁷¹ Quote of Director of Immigration Patricia Bullrich, Guardian (2017) News Article, ‘Argentina sees migration ban and border wall proposals in immigration row’.

¹⁷² Basok, ‘Regional Migration and Argentina’s “hospitality” in crisis’.

¹⁷³ United Nations Human Rights Office of the High Commissioner (2019) Press Release, ‘Committee on Migrant Workers raises concerns about expedited expulsions in dialogue with Argentina’, online at: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24943&LangID=E> (Last visited 20 August 2020).

¹⁷⁴ Director of the Migration Directorate during the 2018 Bicultural Congress Committee. Quote taken from the chapter of Basok. Basok, ‘Regional Migration and Argentina’s “hospitality” in crisis’.

¹⁷⁵ Interview NGO la Agencia Adventista de Desarrollo y Recursos Asistenciales; International Center for the Promotion of Human Rights.

Aires to protest the city's housing crisis.¹⁷⁶ The 'occupiers' set up temporary tents and structures to demand decent housing. Most were regional migrants, in particular from neighbouring countries Paraguay, Bolivia and Peru.¹⁷⁷ Then mayor Macri claimed that the 'occupiers' were the direct result of the overly open migration policies of the national Kirchner administration (the Migration Law had been in force for 6 years). During a press conference, Macri blamed the occupation on 'uncontrolled immigration' and claimed that it was connected to criminal activity and drug dealing.¹⁷⁸ These ideas were echoed by public declarations of current mayor Rodríguez Larreta, who spoke of an 'invasion' of immigrants, as he blamed the national Peronist government's 'anything goes' immigration laws.¹⁷⁹ Moreover, Rodríguez Larreta stated that Argentina has 'a very permissive law regarding migration: people come and soon after being in Argentina ask for a home [...] then comes a judge that forces the State to give them a house'. He added that 'it is perverse logic. It seems that the city has to solve the MERCOSUR housing problem [...] the only thing it [the Migration Law] does is to promote more people from neighbouring countries to usurp land and ask for housing. We have to cut that'.¹⁸⁰ The local government initiated forced evictions, which led to the death of three people and several injured.¹⁸¹

The problematisation of the countermovement presents an utterly different story. For the countermovement, the decree was the problem, amongst other issues. The countermovement produced letters and statements about the need for rejecting the decree, which were published online.¹⁸² They collectively wrote a letter to the national government. And, they incited a legal case. Through these activities, the countermovement presented their account of the problems.

First of all, the countermovement reasoned that there was no democratic process that led to the decree. The decree was established without any parliamentary review and was merely an executive decision. This in itself would have been acceptable for the countermovement, if the conditions concerning an executive decree would have been met. The countermovement, however, argued that this was not the case. To them, the circumstances were not exceptional and did not pose 'grave societal risks'.¹⁸³ The countermovement asserted that there were no grave societal risks, because the connection between criminality and migration, which the pro-decree group presented, does not exist as such: 'They misuse proceedings to get this modification [...] And the government found 'the urgency' in a lot of cases of migrants who

¹⁷⁶ N. Ferme, L. Belli and M. Zapata, 'La toma del Parque Indoamericano. Un disparador para pensar a la política pública en movimiento' (2014) 3 *Revista Perspectivas de Políticas Públicas*, 9, 110-125.

¹⁷⁷ Several migrant movements did not support the occupation out of fear that it would encourage the bad image of migrants states Margheritis. They reasoned that the migrants should be grateful to be in Argentina, because of its healthcare and education system. Margheritis, 'Mercosur's post-neoliberal approach to migration'.

¹⁷⁸ Bastia and Montero Bressán, and Basia stress that the link between the villas, migrants, housing shortages and crime was already established in debates in the 90s. As the informal settlements in Buenos Aires grew steadily during this time, migrants were blamed for a number of problems. Bastia, 'Transnational migration and urban informality'; Bastia and J. Montero Bressán, 'Between a guest and an okupa'.

¹⁷⁹ Clare, 'Territory, intersectionality, and class composition'.

¹⁸⁰ 'Rodríguez Larreta alienta la xenofobia: "La ley de migración es muy permisiva"'. La Política Online (2010) News Article, 'Rodríguez Larreta alienta la xenofobia: "La ley de migración es muy permisiva"', online at: <https://www.lapoliticaonline.com/nota/nota-69885/> (Last visited 20 August 2020).

¹⁸¹ Ferme et al., 'La toma del Parque Indoamericano'.

¹⁸² See all articles from Centro de Estudios Legales y Sociales on the matter:

<https://www.cels.org.ar/web/en/tag/dnu-on-migrants/>

¹⁸³ As the Argentinean Constitution prescribes for an executive decree. See Art. 99 Constitution Argentina 1994.

have committed crimes, but have not been expelled. Which is in fact not true according to the numbers. But they use the numbers to justify what they are doing'.¹⁸⁴ The countermovement argued that the statistics were skewed, because the pro-decree group mixed datasets to portray an exaggerated relation between migration and crime. The countermovement, NGO Cels for example, presented different data: of those convicted for drugs crimes, only 17% are foreigners instead of the presented 33%.¹⁸⁵ In addition, serious drug-trafficking crimes and small-scale dealers were put in the same category (while the decree supposedly only targets serious crime).¹⁸⁶ In total, Cels stressed, there are 1426 'serious criminals', which corresponds with 0,06% of the migrant population in Argentina: 'This tiny population is presented as a major problem'.¹⁸⁷

A second problem the countermovement identified was that the decree violates the human rights of migrants, in ways that have been discussed earlier (e.g. access to justice, the right to family life, the right to migrate). The violation of migrant rights, however, was not perceived to be the result of the decree solely. The countermovement reasoned that human rights violations had already been a problem, which was further accelerated by the decree. The countermovement argued that despite Argentina's Migration Law and international and regional human rights commitments, access to rights was never guaranteed in Buenos Aires.¹⁸⁸ NGO Caref experienced this on a regular basis: 'We try to make the system accountable. Because sometimes in the hospital they say no if you do not have a document, you will not get access or you will not get an appointment [...] so they [the migrants] come here and we write down a note and contact the hospital. Same thing with education'.¹⁸⁹ Cels provided a similar account: 'The National Constitution and the National Migration Law establish equal rights between nationals and migrants, in particular in access to economic, social and cultural rights. However, when faced with an alleged overload in the public health and education systems, access to migrant rights was restricted'.¹⁹⁰ Moreover, interviewees remarked that the decree would only worsen these situations of discrimination.¹⁹¹ The establishment of a relation between migrants and criminality may have consequences for the stigmatisation of all foreigners living in

¹⁸⁴ Interview Ombudsman of the City of Buenos Aires.

¹⁸⁵ Centro de Estudios Legales y Sociales (2017) News Article, 'Mientras el gobierno nacional profundiza la estigmatización de los extranjeros, las organizaciones pedimos diálogo', online at: <https://www.cels.org.ar/web/en/2017/01/mientras-el-gobierno-nacional-profundiza-la-estigmatizacion-de-los-extranjeros-las-organizaciones-pedimos-dialogo/> (Last visited 20 August 2020).

¹⁸⁶ Ibid.

¹⁸⁷ Interview NGO Centro de Estudios Legales y Sociales.

¹⁸⁸ Noy and Voorend also provide an account of the daily reality of migrant rights in the realm of healthcare. In practice, they argue, the immigration law does not deliver universal access to health. Sometimes 'the law is ignored and access is denied, in other cases some healthcare institutions demand to see national identity'. Noy and Voorend, 'Social Rights and Migrant Realities'.

¹⁸⁹ Interview NGO Argentine Commission for Refugees and Migrants.

¹⁹⁰ Argued by Centro de Estudios Legales y Sociales in an article on their website. Centro de Estudios Legales y Sociales (2019) News Article, 'Agenda migrante para 2020', online at: <https://www.cels.org.ar/web/2019/12/organizaciones-entregan-al-gobierno-su-agenda-migrante-para-el-2020/> (Last visited 20 August 2020).

¹⁹¹ Interview NGO Argentine Commission for Refugees and Migrants; NGO la Agencia Adventista de Desarrollo y Recursos Asistenciales; Universidad de Buenos Aires; NGO Centro de Estudios Legales y Sociales; network Bloque de Immigrantes.

Argentina, the interviewees said. And, in situations of misconduct against migrants, migrants may become more afraid to go to the police out of fear of being deported.¹⁹²

On the basis of the human rights violations, the lack of democratic decision-making without ‘urgency and necessity’ due to a wrong presentation of the facts, the countermovement argued that the decree is unconstitutional. An interviewee explained: ‘We promote the unconstitutionality of the decree. It is against the rule of law’.¹⁹³

The local government of Buenos Aires has never responded to the countermovement, nor have they made a public statement about the decree. Hence, they have not openly provided an account of the problems. But I can speculate, on the basis of mayor Rodríguez Larreta’s previous statements about the ‘perverse logic’ of the MERCOSUR Residence Agreement, his PRO affiliation and his good relations with Macri, that his account of the problems would be along the lines of the account of the pro-decree group. Interviewees of the Ombudsman of Buenos Aires argued that the local government of Buenos Aires is even ‘doing more’ in terms of prosecuting migrants than the national level: ‘They are targeting them by the local courts. The national direction of immigration is prosecuting, but they act when there is an order by a local judge [...] for example, someone was trafficking guns and they tried to find those guns. But it was a cover for trying to initiate criminal records, so the person could be evicted [...] We are trying to build a case somehow. A factual case. We are trying to get access to those criminal files to see what motivates them’.¹⁹⁴

The process of problematisation displays very different perceptions of the circumstances: a state of affairs wherein Argentinean nationals were at risk, and a state of affairs in which migrants were at risk. The pro-decree group’s perception was that the regional and national migration laws were playing into a societal risk. Namely, that criminals were entering Argentina because of the ‘permissive’ laws. Data and statistics were employed and interpreted for both accounts, but the data was used to present different problems. The countermovement problematised the pro-decree group’s ‘false’ data, which stigmatised migrants. And, the countermovement problematised the human rights violations migrants are subject to, already before the decree, and because of the decree. The local government problematised nothing openly, but the PRO politicians in office would probably endorse the problematisation by the pro-decree group.

Enrolment

This section presents the process of enrolment. The countermovement tried to enrol other actors in its campaign. It tried to convince others of their account of the problems. The countermovement was able to convince UN human rights committees, a court and possibly some inhabitants. They, however, did not try to enrol the local government: this was perceived as useless. The local government, and other (semi) governmental agencies exerted the roles that

¹⁹² Interview NGO Argentine Commission for Refugees and Migrants; NGO Centro de Estudios Legales y Sociales; network Bloque de Immigrantes.

¹⁹³ Interview NGO Argentine Commission for Refugees and Migrants.

¹⁹⁴ Interview Ombudsman City of Buenos Aires.

the national government had laid out for them. Hence, they could not be convinced to speak out openly.

The countermovement sought for allies in three moves. In a first move, the countermovement was seeking for international allies and succeeded in doing so. They reached out to the consulates of the migrant groups present in Argentina¹⁹⁵, and an alliance between Cels, Caref, *Red Migrantes* and the Ombudsman addressed a group of UN human rights committees. They wrote letters to the committees in which they conveyed their concerns about the decree. With success: several UN Committees also condemned the decree. During the review of the UN Convention on the Protection of the Rights of All Migrant Workers and Their Families, the Committee asked Argentina to repeal the decree because it ‘generates contradictions with the convention and the decree limits access to public services, health, employment opportunities and justice’.¹⁹⁶ The Committee on the Elimination of Racial Discrimination stressed that Argentina should not adopt any measure that would mean a setback for the normative framework in force. The Committee also underlined ‘the lack of fluid, regular dialogue with migrant associations’.¹⁹⁷

In a second move, the countermovement turned their claim into a legal case, thereby trying to convince the Argentinean judicial system of their account of the problems. On February 2017, the countermovement submitted an appeal to the Court of First Instance, but the judge ruled that the decree was constitutional. Subsequently, the group re-submitted their appeal to the Federal Administrative Contentious Chamber. In March 2018, the majority of the chamber considered the decree to be unconstitutional because the government did not meet the conditions for a decree of urgency and necessity, because of the ‘deficiencies in the analysis of statistics’.¹⁹⁸ It was argued that modification of the law must be reached through the regular legislative process. Furthermore, the chamber reasoned that the decree proposed measures that are in contradiction with the constitution and (international) human rights norms. While the Federal Administrative Contentious Chamber supported the reasoning of the countermovement, the legal battle did not end there, and as of today, the case is still awaiting judgement by the Supreme Court.

In a third move, the countermovement tried to convince the inhabitants of Buenos Aires of the violation of migrant rights, as well as of the crucial role of migrants in urban life. The countermovement started to visit neighbourhoods in Buenos Aires to inform inhabitants of the

¹⁹⁵ Migrar no es delito campaign (no date) Facebook page with events, photos and articles, online at: <https://www.facebook.com/migrarnoesdelito/> (Last visited 20 August 2020).

¹⁹⁶ United Nations Human Rights Office of the High Commissioner (2019) Press Release, ‘Committee on Migrant Workers raises concerns about expedited expulsions in dialogue with Argentina’, online at: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24943&LangID=E> (Last visited 20 August 2020).

¹⁹⁷ See also Amnesty’s report on the decree that they have submitted to the Committee of the UN Convention on the Rights of Migrant Workers. Amnesty International (2019) Argentina Submission to the United Nations Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families 31st Session, online at: <https://www.amnesty.org/download/Documents/AMR1308792019ENGLISH.pdf> (Last visited 20 August 2020).

¹⁹⁸ Federal Administrative Contentious Chamber, Nr. 3061/2017, *Centro de Estudios Legales y Sociales y Otros v. la Dirección Nacional de Migraciones* [2017], online at: <https://www.cels.org.ar/web/wp-content/uploads/2018/03/fallo-camara-migrantes.pdf> (Last visited 20 August 2020).

implications of the decree and to mobilise inhabitants.¹⁹⁹ They held a press conference in the building of the legislative council of Buenos Aires.²⁰⁰ The countermovement organised a series of protest marches on the streets of Buenos Aires, particularly on the main roads surrounding the governmental buildings, as a way to get their message across.²⁰¹ In early 2018, the *Bloque de Immigrantes* organised a strike to address the disparity between not recognising migrant rights and migrants' indispensability for the economic development of the city.²⁰² One of the organisers explained: 'The idea behind organising a strike was to make the role of migrants in Argentina visible. To counter the idea that migrants are criminals, we want to show what would happen if migrants stop working'.²⁰³ By showing how indispensable migrants are for the textile, construction, domestic and service sectors, inhabitants were encouraged to reject the idea of reducing migrants to criminals, the interviewee reasoned. However, it remains uncertain how many inhabitants were convinced. After all, the majority of the inhabitants of Buenos Aires made PRO win the local elections once more in 2019.

An absent ally was the local government. The local government never responded to the countermovement, while the countermovement's activities were hard to avoid. The countermovement was predominantly based in Buenos Aires, they were protesting on the city's main streets and organised a strike. The countermovement, however, has not discussed the decree with local government officials, there has not been a single meeting.²⁰⁴

But nor did the countermovement really seek for an ally in the local government. Several interviewees considered the national and local levels of government to be indistinguishable: 'The local government is like the national government here. It is the same'.²⁰⁵ During the time frame of my fieldwork, the national and local leadership aligned. While local governments are often portrayed as frontrunners or more progressive than their national counterparts, the case of Buenos Aires presents a different picture. In 2015, Bastia already argued that Buenos Aires had been 'more conservative' than the national level. Between 2015-2019, the national level also became conservative.²⁰⁶ Because of this alignment in political representation, the civil servants were made to not be vocal. Unlike before, they would not be backed by another level of government if they deviated. I noticed that interviewees of the local government spoke very carefully. An interviewee of the sub-secretariat asked for the tape recorder to be turned off before she was willing to express her views regarding the decree. Even though, she still formulated her concerns very carefully. The interviewee from *Programa Todas* was explicitly against the decree, but made it clear that her views do not represent the local government.

This also applies to some other (semi) governmental organisations. Even though I have interviewed only a limited number of people, I found several traces of governmental offices

¹⁹⁹ Migrar no es delito campaign (no date) Facebook page with events, photos and articles, online at: <https://www.facebook.com/migrarnoesdelito/> (Last visited 20 August 2020).

²⁰⁰ Ibid.

²⁰¹ Interview movement network Bloque de Immigrantes; Migrar no es delito campaign (no date) Facebook page.

²⁰² Interview NGO Argentine Commission for Refugees and Migrants.

²⁰³ Interview network Bloque de Immigrantes.

²⁰⁴ Interview network Bloque de Immigrantes; Migrar no es delito campaign (no date) Facebook page.

²⁰⁵ Interview network Bloque de Immigrantes; NGO Argentine Commission for Refugees and Migrants; Universidad de Buenos Aires; Ombudsman of the City of Buenos Aires.

²⁰⁶ Bastia, 'Transnational migration and urban informality'.

that adapted to the pro-decree view by remaining silent. For example, INADI did not provide any response to the decree, although INADI (the National Institute against Discrimination, Xenophobia and Racism) is tasked with monitoring acts of discrimination, xenophobia and racism in Argentina. It is responsible for handling individual complaints and monitoring public and private organisations on their public policies.²⁰⁷ Based on their competences and objectives I expected a reaction to the decree, but INADI has not publicly done so. Whereas, the interviewees of INADI mentioned that they work from the concept: to migrate is a human right.²⁰⁸ Moreover, the interviewees explained that every group has to be treated equally for the law, because this is an essential part of Argentina's Constitution, and they stressed that if another governmental agency were to act discriminatory, INADI would act upon that. And, they did so on earlier occasions. In response to, for example, the events in *Parque Indoamericano*, INADI concluded that the statements of then mayor Macri and then Chief of Staff Rodríguez Larreta 'contained serious xenophobic expressions that incite and encourage persecution or hatred against a group of people because of their race and nationality'.²⁰⁹ The difference is, however, that at the time the national government was led by Peronists.

Consequently, I asked the interviewees whether INADI has an opinion about the decree. Their answer was careful and insecure: 'Ehh INADI did not state... we always choose.. ehh of course we pay attention, to make sure the decree does not violate human rights. If something [perhaps a complaint] reaches us, then we will act. But we have heard nothing at an institutional level'.²¹⁰ When asked whether they think there are different interpretations of human rights within governmental agencies they responded defensively: 'In general no, there are no different interpretations of human rights in the state and the different agencies. Nor are there differences with civil society'. The latter seems to be a straightforward dodging strategy. It would be very unlikely that INADI, as an anti-discrimination and human rights organisation, would not know about the countermovement or other civil society actors with diverging interpretations of human rights. The interviewees simply did not want to address this uncomfortable topic. Perhaps, INADI's financial dependence played a role too. INADI manages its own budget, but receives its budget from the Ministry of Justice.²¹¹ Hence, INADI is fully financially dependent on the national government. Officials of INADI may not agree with the decree, but they did not enrol in the countermovement and refrained from vocalising critique.

Even for the Ombudsman of Buenos Aires it was difficult to take on certain cases that were perceived as 'sensitive' for the national and local authorities.²¹² The Ombudsman of Buenos Aires' responsibility is to protect the human, individual and social rights of the inhabitants of the city, by ensuring that the institutions and officials of the local government comply with the Constitution and other laws.²¹³ The interviewees noted, however, that for some themes administrative cases are preferred over judicial ones: 'It is mainly a political decision. The election of the Ombudsman is (indirectly) in the hands of the local government. So, one could

²⁰⁷ INADI's competences are outlined in Law 24515.

²⁰⁸ Interview Instituto Nacional contra la Discriminación, la Xenofobia y el Racismo.

²⁰⁹ Ferme et al., 'La toma del Parque Indoamericano'.

²¹⁰ Interview Instituto Nacional contra la Discriminación, la Xenofobia y el Racismo.

²¹¹ Ibid.

²¹² Interview Ombudsman of the City of Buenos Aires.

²¹³ The creation of the Ombudsman is outlined in the 1996 Constitution of Buenos Aires.

see that they would never choose an Ombudsman that would go against them. It is not that the Ombudsman is with the government, but they try to avoid judicial litigation. [...] It is the discretion of the Ombudsman if he wants to take a case or not'.²¹⁴ Hence, even the Office of the Ombudsman was constrained, although only to some degree: The Ombudsman did support the court case that was prepared by the countermovement.

To conclude, the process of enrolment demonstrates that the countermovement was, to some degree, successful in finding allies for their cause. Yet, allies were more difficult to find in governmental agencies, including the local government. But the countermovement considered that the local government would be a worthless ally, because it was on the side of the national level anyway. Other governmental agencies remained inactive on the matter of the decree, sometimes surprisingly, despite their possible deviating views. They executed their roles as *governmental* agencies, possibly also driven by financial reasons, by not openly deviating from the narrative as presented by the pro-decree group.

4.3.4 Network circumstances and function

The network circumstances surrounding the countermovement were full of contradictions. The countermovement and the pro-decree group provided a completely different account of the problems. For the countermovement, the circumstances required a moral and legal approach to human rights. To frame the movement in an engaging way, the movement called on the slogan 'to migrate is not a crime, it is a human right'. To preserve the human rights standards as incorporated in the Migration Law, and to limit the discrimination of migrants in urban space, they had to invoke legal human rights standards in court, *vis-à-vis* UN Committees and through other public outreach.

This moment shows that challenges in urban space, such as migration, do not lead to one possible usage of human rights. On the one hand, the countermovement was problematising the discriminatory treatment of migrants in urban space on the basis of human rights standards. On the other hand, the pro-decree group was blaming the regional and national migration laws, which are based on standards such as the right to migrate, for the drug trafficking problems in urban space. It was perceived that these laws were facilitating criminals entering Argentina, and therewith Buenos Aires. Human rights standards, in this sense, were not considered the solution, they led to a 'security problem'.

Alongside, the local government did not seek to enlarge its authority through human rights. On the contrary, the local government fulfilled its role as a sub-level of government, it did not comment on policy beyond its competences and did not deviate from the national level openly. The local government did not deviate, quite logically, because the national and local levels of government were governed by the same political party. The mayor and president had been close colleagues in the past, and there was probably no desire to be critical at the political level.

The national government furthermore exerted control over (semi) governmental agencies (such as INADI) that were not manifestly likeminded. In this sense, agencies such as INADI were

²¹⁴ Interview Ombudsman of the City of Buenos Aires.

disciplined to not join the countermovement. As a result, the national government presented a coherent narrative and could underscore that human rights remained strong as ever.

4.4 Conclusion

In this section, I bring some of the bits and pieces together. I draw parallels between the two moments, to explore how human rights functioned in these two particular debates on diversity and migration.

Human rights became institutionalised in Argentina in the aftermath of the dictatorship: the majority of Argentina's human rights organisations were founded in response to the dictatorship, international legal commitments to human rights were established, and national laws (such as the Migration Law) were modified on the basis of human rights norms. In moment two, actors repeatedly referred to this legal basis, from the *Migrar no es delito* campaign to the Macri Administration. However, the actors referred to this legal basis for very different causes: to condemn the decree to the Migration Law and to argue that 'overly permissive' human rights-based migration laws bring about criminality. And, the pro-decree group also invoked this legal basis to claim that the decree was not problematic at all: 'Argentina is still a firm defender of human rights', reaffirmed the Director of Migration. In the latter sense, human rights were used to dodge potential criticism and friction due to the decree. For the countermovement, human rights functioned as the standards by which they held the local and national government accountable and as a way through which they found allies in UN committees. All actors used the same legal human rights system as the basis for their arguments, but ended up with very different narratives.

In moment one, the sub-secretariat for Human Rights and Cultural Pluralism also referred to the legal approach to human rights to explain the relevance of its work, but in its activities, the moral and good governance approaches were placed central. Buenos Aires' sub-secretariat for Human Rights and Cultural Pluralism tries to 'fulfil the main objective of ensuring respect for human rights, diversity in all its forms and cultural and social pluralism'. It established the Day of the Migrant, provided information sheets on migrant rights, and it hosted the multicultural 'collectivities' in BA Celebra. Buenos Aires' multicultural inhabitants were invited to celebrate their cultural heritage and the local government reported on the different cultures, cuisines and arts on their social media outlets. Human rights were used in a promotional activity, which underlined the city's multicultural character. Specifically, the sub-secretariat underlined the success of Buenos Aires as a multicultural city: a place where different groups coexist and celebrate each other's culture.

Moment one and two appeared to display a stark contrast: urban diversity was celebrated by the local government in moment one, while the local government did not openly support the urban movement that was advocating for the rights of the same multicultural groups in moment two. The two moments, however, go hand in hand. Urban politics, urban space, the organisation of the local government and the involvement of civil society actors provide more insights into what generated this contrast.

During the time of this research, political party PRO was heading both the national and local government. PRO is known for its restrictive migration, security and business-oriented agenda and this agenda transpired to both the response to the decree, as well as to BA Celebra. The PRO politicians depicted two categories of migrants: the desirable one and undesired one that takes advantage. BA Celebra presents the ideal type: migrants who bring cultural richness, who contribute to the multicultural city, and who do not ‘complain’ about their treatment in Buenos Aires. Although BA Celebra celebrates cultural diversity, and the city’s migrant population, it solely emphasises the desirable migrant. The pro-decree group depicted what they considered the ‘less desirable’ migrant: the migrant who takes advantage of the free education and healthcare system, who puts pressure on the housing system, the migrant with a criminal record, and perhaps the migrant without European heritage.²¹⁵ Human rights were employed to promote the ideal type on the one hand, and human rights were facilitating the arrival and existence of the less desirable migrant on the other.

After the national elections of 2019, it became evident that politics were a crucial network circumstance. After the new national Peronist government assumed office, it made noticeable changes. The national Secretariat for Human Rights removed the ‘and cultural pluralism’ part from its name. The *Migrar no es delito* campaign was invited at the same national Secretariat to discuss their demands, while this had not happened once during Macri’s term.²¹⁶ Although these changes were happening at the national level, one could imagine a similar shift if the local leadership would change. But then again, it might not change, Buenos Aires’ voters might continue to opt for Macri’s PRO, which they have since 2007.

The local government apparatus adapted to the political representation. Aside from small deviations such as *Programa Todas*, the local government did not engage with the countermovement, nor with the critics of BA Celebra. The local government operated as a sub-level of government - despite its status as an autonomous region – and not as the progressive, hands-on city that is frequently depicted in the literature. The majority of the local government officials did not speak out on an individual basis and appeared to be disciplined according to the political representation. BA Celebra was evidently not developed and executed by jurists as the moral and good governance approaches to human rights were placed central. But this choice should not be seen as separate from politics either. The sub-secretariat for Human Rights and Cultural Pluralism is organised around the promotion of Buenos Aires and human rights, but this was not an evident choice. The ‘and Cultural Pluralism’ part of the sub-secretariat’s name could have been replaced with another theme or topic. It was not that the BA Celebra project was simply placed in an existing ‘diversity department’. The organisation of the entire sub-secretariat progressed as cultural pluralism became added to the sub-secretariat’s name. In this sense, a political demand for a particular type of human rights project helped form the departmental organisation of the local government.

²¹⁵ At the 2018 Davos World Forum, Macri stated: in South America we are all descendants of Europeans. This sparked outrage since he was ignoring the existence of indigenous people. Perfil (2018) News Article, ‘Macri: “En Sudamérica todos somos descendientes de europeos”’, online at: <https://www.perfil.com/noticias/politica/macri-en-sudamerica-todos-somos-descendientes-de-europeos.phtml> (Last visited 20 August 2020).

²¹⁶ *Migrar no es delito* campaign (no date) Facebook page with events, photos and articles, online at: <https://www.facebook.com/migrarnoesdelito/> (Last visited 20 August 2020).

Urban space constantly interacted with the functioning of human rights, but this did not imply that urban space produced one ‘outcome’, one function of human rights. Urban space played a crucial role for both the pro-decree group, the countermovement and the sub-secretariat. Human rights were celebrated in urban space, were violated in urban space, and human rights were perceived to *facilitate* problems in urban space. Through all three activities, urban actors were making use of urban space to illustrate their dissimilar accounts of the problems.

The pro-decree group perceived that the MERCOSUR Residence Agreement and the Migration Law restrict the evictions of ‘criminal migrants’. Which, according to the reasoning of the pro-decree group, plays out in migrants engaging in criminal activity in urban space, on the streets of Buenos Aires. Additionally, the ‘overly open’ migration laws also facilitate pressures over the city’s housing, healthcare and other social services. In this case, human rights were not used to provide guidance for challenges in urban space, such as migration. It was the other way around: human rights standards were considered to *cause* challenges in urban space. The countermovement provided an entirely different picture of the problems in urban space. To them, certain migrant groups are discriminated against in accessing facilities in urban space, of which housing, education and healthcare. The decree would only further stigmatise migrants, and worsen their situation. The BA Celebra project, contrastingly, makes use of urban space to promote, profile, celebrate and display what kind of city Buenos Aires is under the wing of human rights promotion, thereby obscuring discrimination problems in urban space. In sum, urban space functioned as a means to underline one’s argument, but this in no way produced a coherent story about Buenos Aires’ urban space.

While none of the actors openly rejected human rights, they rejected each other’s approach to human rights. The pro-decree group rejected the ‘permissive’ human rights-based migration laws that were initiated by Peronists. The countermovement rejected the human rights violations of the pro-decree group. And, some civil society organisations rejected the human rights promotion of BA Celebra. A particular type of civil society organisation, ‘the migrant organisations’, happily celebrated their culture in the format of BA Celebra. Others wanted nothing to do with the local government: ‘They do all this marketing. ‘We are multicultural and we welcome everybody’ and then you have the decree and you are deporting and criminalising migrants. They do both at the same time. Two faces’.²¹⁷ The latter civil society organisations could not match the two activities. Then mayor Macri initiated a project to promote human rights by celebrating the day of Peru/Paraguay/Bolivia, while he was not known as the biggest supporter of regional migrants. As a consequence, human rights often did not lead to coalitions between some civil society actors and the (local) government. On the contrary, different approaches to human rights caused frictions between some actors.

Civil society actors were constantly addressing this friction. They were constantly making known why they thought the national and local government were violating the rights of migrants and/or not using all opportunities to improve the treatment of migrants. The local (and national) government, contrastingly, had a different attitude towards this friction. The national government used human rights to minimise friction, as they reaffirmed that human rights in Argentina remained strong as ever after the introduction of the decree to the Migration Law.

²¹⁷ Interview NGO Argentine Commission for Refugees and Migrants.

The local government could maintain its silence by hiding behind this statement. And, they simply did not respond to the arguments of the countermovement thereby avoiding any form of debate. Moreover, as for BA Celebra, the local government tried to work around the friction. They cooperated with like-minded actors, and there was little room for negotiation on the format. Hence, this particular take on a local human rights project was kept in place, also because the local government provided for little opportunity to criticise it.