

Translated from Spanish

Permanent Mission of Mexico

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The Permanent Mission of Mexico to the United Nations presents its compliments to the Codification Division of the United Nations Office of Legal Affairs and has the honour to refer to its communication LA/COD/2 of 9 April 2010 concerning the report the Secretary-General will submit to the General Assembly at its sixty-fifth session on resolution 63/12, entitled “Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts”.

The Permanent Mission conveys herein the comments of the Government of Mexico for inclusion in the Secretary-General’s report.

The Permanent Mission of Mexico to the United Nations takes this opportunity to convey to the Codification Division of the United Nations Office of Legal Affairs the renewed assurances of its highest consideration.

New York, 2 June 2010

Codification Division
United Nations Office of Legal Affairs
New York

Report of Mexico on the Status of the Protocols Additional to the Geneva Conventions of 1949, pursuant to United Nations General Assembly resolution 63/125

1. Participation in treaties

The four Geneva Conventions of 12 August 1949 and their Additional Protocols of 1977 and 2005 are the most important treaties relating to international humanitarian law. Pursuant to those treaties, States parties are required to respect international humanitarian law and to make sure that others do so too, and to disseminate the content of such law as widely as possible, under all circumstances; in other words, in time of peace and also in time of armed conflict, so that not only the armed forces but also the general population are aware of their contents.

Mexico has ratified most international treaties pertaining to international humanitarian law. Mexico is a State party to the Geneva Conventions of 1949¹ and Additional Protocol I of 1977² Relating to the Protection of Victims of International Armed Conflicts, the Rome Statute of the International Criminal Court of 1998³ and other core international humanitarian law treaties.

Since the Government has committed itself to respecting and enforcing international humanitarian law, on 7 July 2008 Mexico ratified the Protocol Additional to the Geneva Conventions Relating to the Adoption of an Additional Distinctive Emblem (Protocol III) of 8 December 2005, which came into force in Mexico on 7 January 2009.

Mexico deposited its instrument of ratification of the Convention on Cluster Munitions with the Secretary-General of the United Nations on 6 May 2009; it will come into force on 1 August 2010.

2. Definition of offences under the Geneva Conventions of 1949 and Additional Protocol I of 1977

One of the main objectives in the 2010 programme of work of the recently created Inter-Ministerial Commission on International Humanitarian Law (CIDIH),⁴ is to review the definition of offences contained in the Federal Criminal Code, in light of the Rome Statute of the International Criminal Court, the four Geneva Conventions of 1949 and their Additional Protocol I, with a view to bringing them into line with international standards.

CIDIH has met this commitment through a promise the Mexican Government will make at the Review Conference of the Rome Statute, to be held in Kampala from 31 May to 11 June 2010.

The Commission's work will lead to the submission to Congress of draft amendments to the Federal Criminal Code in the first half of 2011.

¹ Mexico ratified the four Geneva Conventions of 1949 on 29 October 1952.

² Mexico deposited its instrument of ratification on 10 March 1983.

³ Mexico ratified the Rome Statute on 28 October 2005.

⁴ http://www.sre.gob.mx/acerca/marco_normativo/acuerdos/derinthum.pdf.

3. Arms limitation (article 36 of Additional Protocol I of 1977)

Mexican positive law and, in particular, the Federal Firearms and Explosives Act and its regulation, regulate the offences of possession, bearing, manufacture, trade, import, and export of conventional weapons and related activities. The Federal Criminal Code also limits such activities.⁵

In accordance with their mandate under domestic legislation and in compliance with the obligations under article 36 of Additional Protocol I of 1977, the Mexican armed forces carry out inspections of weapons purchases that include physical and firing tests, following established institutional procedures.

4. Protection of the use of the designation and emblem of the Red Cross and Red Crescent

In order to guarantee full respect for the obligations contained in the four Geneva Conventions of 1949 and Additional Protocol I of 1977, namely that States parties must adopt legislation to prevent and punish at any time any misuse of the emblem, the Act Governing the Use and Protection of the Red Cross Designation and Emblem came into force in Mexico on 24 March 2007.

The purpose of the Act is to regulate the use and protection of the emblem of the Red Cross, and the name “Red Cross” and other distinctive signs that identify it, in accordance with the provisions of the Geneva Conventions and, when applicable, their Additional Protocols, and other legislation in effect in Mexico, so as to ensure they are properly used and are not misused.

One of the main features of the Emblem Act is that it instructs the Ministry of Defence to authorize use of the emblem and designates the Ministry of the Interior as the entity responsible for monitoring compliance and punishing violators.

5. Protection of cultural property in the event of armed conflict

Mexico is a party to the Convention for the Protection of Cultural Property in the Event of Armed Conflict, which was adopted in The Hague on 14 May 1954,⁶ and its two Protocols, which were adopted in The Hague on 14 May 1954⁷ and 26 March 1999,⁸ respectively.

Mexico’s cultural heritage is protected by extensive legislation that can generally be applied to any situation. However, specific legislation guaranteeing the protection provided for in the international instruments mentioned above has yet to be adopted.

One of the Commission’s functions is to recommend measures to facilitate the application of international humanitarian law standards, including those of the said Convention and its Protocols, through domestic law.

As regards conduct that constitutes a war crime related to civilian property under the Geneva Conventions and their Additional Protocol I, and under the Rome

⁵ Articles 160 and 161 of the Federal Criminal Code.

⁶ Mexico ratified the Convention on 7 May 1956.

⁷ Ratified by Mexico at the same time as the Convention.

⁸ Mexico acceded to the second Protocol on 7 October 2003.

Statute, as mentioned above, CIDIH is reviewing domestic criminal law with a view to bringing it into line with international standards.

6. Dissemination of international humanitarian law

Mexico's armed forces have incorporated instruction and training in international humanitarian law into military doctrine and manuals, and have developed ongoing training activities, in order to sensitize military personnel to the need to ensure that all their activities are conducted in accordance with international humanitarian law.

The education and training measures taken include the use of educational and military training systems for the dissemination of international humanitarian law, as well as other measures to further this objective. Efforts regarding dissemination are listed below, and where training is concerned, they are conducted in coordination with the International Committee of the Red Cross (ICRC).

1. Lecture series and courses in international humanitarian law are organized periodically for all military personnel, whether in the Ministry of Defence or in the Ministry of the Navy.
2. The armed forces of Mexico have staff specialized in international humanitarian law who are responsible for delivering lectures. They also participate in various forums to update the doctrine in this area. A training course for lecturers in international humanitarian law is offered at the Centre for Army and Air Force Studies.
3. International humanitarian law is included in the curricula of all institutions in the military training system of the Army and Air Force's units, establishments and installations. Training schools, including the Centre for Advanced Naval Studies, also provide training in international humanitarian law and human rights.
4. There are courses for military defence counsel, so that they can act as legal advisers, on the application of the international humanitarian law pursuant to article 82 of the Additional Protocol I of 1977.
5. Examinations in international humanitarian law are held as part of the special and general competitions for promotion to the next higher rank.
6. All military personnel are required to carry the international humanitarian law handbook at all times.
7. Military personnel carry out tactical exercises for the purpose of applying international humanitarian law.
8. National and international conferences and activities related to international humanitarian law are held with the support of ICRC, attended by members of the Mexican armed forces.
9. Published material includes the following:
 - (a) The four Geneva Conventions and Protocol I of 1977
 - (b) International humanitarian law handbook
 - (c) Booklet containing brief summary of battle conduct
 - (d) The Convention with Respect to the Laws and Customs of War

- (e) The Convention for the Protection of Cultural Property in the Event of Armed Conflict.
- 10. Bibliographical material related to international humanitarian law, provided by ICRC, is distributed to naval and military educational institutions to be used as teaching and reference support.

In addition, the Federal Public Administration, in collaboration with ICRC, has held a number of training courses for public servants with a view to educating them about matters relating to international humanitarian law.

7. National body for the promotion and dissemination of international humanitarian law

In order to establish an institutional framework for activities concerning promotion and dissemination of respect for the rules, principles and institutions of international humanitarian law and its effective application within Mexico, on 19 August 2009 the Official Gazette published the Executive Agreement establishing the permanent Inter-Ministerial Commission on International Humanitarian Law; it came into force on the following day.

The Commission is a permanent advisory and technical body of the Federal Executive branch; its main purpose is to coordinate the Federal Government's efforts with respect to international humanitarian law by disseminating and promoting the rules, principles and institutions pertaining to such law and facilitating harmonization of domestic law with Mexico's international commitments.

The Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of Defence and the Ministry of the Navy are permanent members of CIDIH. Other pertinent stakeholders may be invited to participate in the Commission's work.

The Commission is one of Mexico's greatest achievements in the field of international humanitarian law. Thus far 92 countries, including 19 in the region of Latin America and the Caribbean, have established such a body.

The official inaugural ceremony was held on 17 September 2009 and the Commission started work on 9 November 2009. It has an annual programme of work and rules of procedure, which will be published in the near future in the Official Gazette.

The Commission will have a rotating chair; currently, the Chair is held by the Ministry of Foreign Affairs, which is also the technical secretary.

As has been mentioned above, one of the Commission's priorities for 2010 is to harmonize domestic law with the provisions of the 1949 Geneva Conventions, the Additional Protocol of 1977 and the Rome Statute. In addition, as part of its programme of work for 2010, the Commission will consider whether Mexico should accede to those international instruments to which it is not yet a party.

In order to demonstrate that it is fully operational, the Commission will host the International Conference of National Commissions on International Humanitarian Law of Latin America and the Caribbean from 30 June to 2 July 2010 in Mexico City; this Conference will bring together representatives of the 19 national commissions on international humanitarian law of the region and renowned public servants and experts in the field.
