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REPLY TO THE QUESTIONNAIRE ON THE ORGANISATIONS AND FUNCTIONS OF THE OFFICE OF THE LEGAL ADVISER OF THE MINISTRY OF FOREIGN AFFAIRS

MEXICO

1. What are the title, rank and position of the Legal Adviser?

The official title is Legal Adviser but it is often referred to as Legal Adviser of the Ministry of Foreign Affairs. The Legal Adviser heads the Office of the Legal Adviser (OLA), and reports directly to the Minister of Foreign Affairs. There is no rule as to the rank of the person holding office but the Legal Adviser is usually a career diplomat.

2. What are the principal functions of the OLA?

The Office provides legal advice on matters of international law, and the relation of national and international law, to the different areas of the Ministry of Foreign Affairs. This involves advice for the negotiation and conclusion of treaties; the constitutional process for the submission of treaties before the Senate for approval; national implementation and interpretation of international law.

OLA also provides legal advice to other offices within the Mexican Government on questions of international law.

The Legal Adviser acts as agent of the Mexican Government before international tribunals, and in the settlement of international disputes or requests. OLA is also involved in the preparation of advisory opinions, and domestic trials concerning international law; renders legal advice on Diplomatic Protection, particularly in cases of Mexican nationals abroad, and legal opinions in cases relating to issues involving privileges and immunities of States and international organizations within Mexican courts, and in cases brought against Mexican Diplomatic Missions before foreign tribunals.

OLA officers frequently attend conferences and meetings as head or members of the Mexican delegations to international *fora* on public and private international law.

At the national level, OLA promotes the dissemination and wider appreciation of international law through workshops and conferences in cooperation with universities, the judiciary of the different Mexican States, and other interest groups.

OLA also supervises two Directions General: the Direction General for Legal Affairs, which deals with all matters of national Law; and the Direction General of the Diplomatic Historical Heritage, which is the depositary of all treaties to which Mexico is part, as well as all diplomatic documents with historical significance and value for our Foreign Policy.

3. Please give a brief description of staff employed by the OLA, including overseas staff. How many staff employed by the OLA are women and what position do they hold?

There are currently 68 staff members at OLA, including 34 lawyers. All lawyers are qualified practitioners, and most of them with postgraduate studies in international law or extensive practice in specialized areas of international law. Two thirds of the high management, 8 lawyers, are members of the Mexican Foreign Service. OLA staff members are comprised of 38 women and 30 men.

Broadly speaking, the staff at the Ministry of Foreign Affairs is divided into two categories of personnel: administrative and management staff. Administrative personnel includes secretarial and office management support, while management staff includes junior and senior officers. Gender distribution by categories are:

Categories	Women	Men
Administrative personnel	25	13
Management personnel	13	17
Totals	38	30

Regarding the overseas staff, the OLA coordinates with about 10 lawyers posted in Mexican Embassies and Missions where intense legal work is required. For instance: the Permanent Mission to the United Nations in New York, the Permanent Mission to the Organization of American States in Washington, the Permanent Missions to International Organizations in Geneva and Vienna and the Embassies of Mexico to the European Union, the United States, the Netherlands, Italy and Costa Rica. However, it is important to underline that all of these officials report to the Head of the Mission and not to OLA.

4. Are there any specific recruitment and promotion policies/provisions to facilitate diversity within the OLA? If yes, on which criteria: gender, ethnicity, disability, other?

No, there are not specific recruitment and promotion policies. Employees are hired on an equal merit basis.

5. Is OLA staff trained on gender equality issues and are these issues mainstreamed into the OLA's work?

Yes they are. The Office of the Legal Adviser, as well as every office at the Ministry of Foreign Affairs, has a focal point officer for gender issues who is entrusted with the representation of its office at the Gender Commission of the Ministry. Furthermore, the Ministry normally holds interdisciplinary courses on gender equality to which all officers of Ministry, including those at the OLA, must attend.

6. Briefly describe the organization and structure of the OLA.

OLA is headed by the Legal Adviser, and reports directly to the Minister of Foreign Affairs. Two Deputy Legal Advisers report to the Legal Adviser and supervise their respective area directions:

Deputy Legal Adviser "A" supervises the Direction for International Litigation I (Diplomatic Protection); Direction for International Litigation II (Privileges and Immunities); Direction for International Law and Law of the Sea, and the Direction for International Humanitarian and Criminal Laws.

Deputy Legal Adviser "B" supervises the Direction of Treaty Law I (covering geographical areas of North America and Europe); Direction of Treaty Law II (covering all other geographical areas); Direction of Treaty Law III (keeps the Mexican Treaty Data Base; process registration of treaties with the competent depositaries; publishes the annual listing of current treaties to which Mexico is part to; act as the keeper of the Library of OLA, and serves as a liaison office with the Office of the

High Comptroller of the (Mexican) Federation); Direction of Treaty Law IV (covering all international organizations); Direction of International Law I (covering International Security and Protection of Cultural Heritage and Property), and the Direction of International Law II (covering Private International Law and promotion of the dissemination and wider appreciation of international law).

Usually, each Direction supervises an Under-Director, chiefs of Department and analysts.

7. What is the OLA's place within the Ministry of Foreign Affairs?

OLA was created in 1967 as part of the Office of the Minister of Foreign Affairs. Currently OLA is an Administrative Unit above the level of a Direction General but below of the offices of the Undersecretaries of the Ministry.

OLA also maintains very close contacts with the Offices of the Under-Secretaries in order to advise them on all legal matters required within their thematic or geographical scope.

8. What are the main contacts of the OLA within the Government?

The OLA cooperates with all ministries and federal agencies, as well as with the offices of the Mexican States and municipalities on matters related to local executive agreements with local entities from other foreign States. Likewise, close relation is maintained with the Federal Judiciary Council.

9. Please describe the relations of the OLA with lawyers in private practice, academics and legal institutions.

OLA created the External Advisory Committee on matters of private international Law. Most of the members of this Committee are reputable professors of Mexican universities, many of which also are highly respectable practitioners. All the members of the Committee have participated, at one point or another, as experts within the delegations of Mexico to several international organizations or Diplomatic Conferences.

Occasionally, academic institutions and academicians are hired in order to research in specific subject areas for the Ministry. In the other hand, OLA is frequently requested to give conferences and speeches in academic institutions dealing with international law. Private lawyers occasionally request information or opinions from OLA.

10. Please provide a brief bibliography on the OLA.

OLA has not authored any publication. However, many of the Mexican Legal Advisers, and several of the officers working or who have worked at OLA had published articles, participated in collective works or publish essays and textbooks. OLA is currently updating that bibliography and will make it public as soon as possible.