

MEXICO

LEGAL BASIS

- 1. Has your State signed and/or ratified the *United Nations Convention on special missions* (1969)? If not, does your State intend to sign/ratify the Convention?**

Mexico joined the United Nations Convention on Special Missions (UNCSM) through accession on January 31, 1979.

- 2. Does your State apply other international legal instruments in this area (ex.: bilateral, multilateral agreements or headquarters agreements)?**

Mexico is a party to several bilateral and multilateral agreements related to privileges and immunities (e.g., Vienna Convention on Diplomatic Relations, Vienna Convention on Consular Relations, Convention on the Privileges and Immunities of the United Nations, United Nations Convention on Jurisdictional Immunities of States and their Property, and headquarters agreements with international organizations).

Mexico is not a party to any other international legal instrument regarding immunities of special missions besides the UNCSM.

- 3. Has your State adopted a specific national legislation in the field of immunities of special missions?**

No.

- a. If so, please provide information concerning the relevant legislative provisions (in particular title, source and content; if possible, please provide official translations in French or in English and/or references to online sources);**
- b. If not, is the issue of immunities of special missions covered by another part of your legislation? If so, please provide information concerning these relevant legislative provisions (in particular title, source and content; if possible, please provide official translations in French or in English and/or references to online sources).**

The issue of immunities of special missions is not covered by another part of Mexican legislation. However, by virtue of the Mexican Constitution and case law of the Mexican Supreme Court regarding hierarchy of norms, the UNCSM is applicable and legally binding within the Mexican legal system.

- 4. Have the authorities of your State released official statements, reports or any other document concerning the status and the immunities of special missions? If so, please provide any relevant information relating to these documents.**

No.

- 5. Does your State consider that certain obligations and/or definitions regarding immunity of special missions derive from customary international law? If so, please provide a brief description of the main requirements of customary international law in this respect.**

Mexico acknowledges the existence of certain State practice regarding immunity of special missions that might be interpreted as an emerging rule of customary international law. However, Mexico has not taken a position as to the existence of a customary rule of international law in this field. Rather, Mexico has voluntarily opted to be legally bound by the rules codified in the UNCSM.

- 6. Please provide information on the scope of the immunities of special missions, in particular:**

- a. The extent of the privileges and immunities granted to special missions and to their members;**

Mexico applies the provisions of the UNCSM to determine the extent of the privileges and immunities granted to special missions and to their members, without prejudice to provide its consent to extend such scope on a case-by-case basis.

- b. The scope *ratione personae* (categories of individuals who may enjoy an immunity of special mission);**

Mexico applies the provisions of the UNCSM to determine the scope *ratione personae*, without prejudice to provide its consent to extend the scope of applicable provisions on a case-by-case basis.

- c. The scope *ratione materiae*, in particular by specifying if there are exceptions to the granting of the immunity;**

Mexico applies the provisions of the UNCSM to determine the scope *ratione materiae*, without prejudice to provide its consent to extend the scope of the applicable provisions on a case-by-case basis.

- d. The temporal limits of the immunities accorded to special missions.**

Mexico applies the provisions of the UNCSM to determine the temporal limits of the immunities accorded to special missions, without prejudice to provide its consent to extend such scope on a case-by-case basis.

NATIONAL PRACTICE AND PROCEDURE

- 7. Is there national case law in the field of immunities of special missions? If so, please provide information on these decisions (date of the judgment, authority that issued the judgment, name of the parties, main points of law, French or English translation of the judgment or summary of the judgment in English or in French).**

There is no case law on this particular issue in Mexico.

- 8. Is there a mechanism of formal agreement of special missions, namely a process under which your State can accept in advance that an official visit constitutes or not a special mission?**

Although there is neither a special mechanism of formal agreement nor a process under which Mexico accepts in advance the visit and reception of a special mission, Mexico would expect a diplomatic note of the sending State requesting the previous consent of the former. That note should specify the functions, composition and duration of the special mission, among any other relevant information.

- a. If yes, which authority delivers these agreements? What weight do the courts attach to such agreements? Is there a formal notification or communication procedure between the governmental authorities and the courts?**
- b. In the absence of such a formal agreement, can an implied consent derive from the behaviour of the governmental authorities?**

An official reception by high-level officers of the Mexican Government would usually indicate implied consent to the special mission. However, that should be ascertained on a case-by-case basis.