



November 2005

www.coe.int/cahdi

MEXICO

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

The title is Legal Advisor of the Ministry of Foreign Affairs of Mexico; currently, the post is held by Mr. Arturo A. Dager-Gómez, who has the rank of Ambassador within the Mexican Foreign Service.

2. What are the principal functions of the OLA?

According to article 11 of the Internal Regulations of the Ministry of Foreign Affairs and to the institutional practice followed within the Ministry since 1967, the principal functions of the OLA are: (1) participation in the international fora on public and private international law; (2) negotiation and conclusion of treaties; (3) submission of treaties before the Senate for approval; (4) national implementation of international law; (5) implementation and interpretation, at the national level, of the law of international organisations of which Mexico is a member; (6) representation of Mexico before international tribunals; (7) the OLA may also be involved in domestic trials concerning international law; (8) rendering legal advice in cases brought against Mexican Missions before foreign tribunals; (9) rendering legal advice for the defence of Mexican nationals abroad; (10) rendering legal opinion on issues involving international law, such as the application of treaties, diplomatic and consular privileges and immunities, *inter alia*.

3. Please give a brief description of staff employed by the OLA, including overseas staff.

The Office is currently comprised of about 15 lawyers, in addition to the LA and the Deputy LA. Most of the senior lawyers of the Office belong to the Mexican Foreign Service, the rest are career civil servants.

Regarding the overseas staff, the OLA coordinates with about 10 lawyers posted in Mexican Embassies and Missions where intense legal work is required, like the Permanent Mission to the United Nations in New York, the Permanent Mission to the Organisation of American States in Washington, the Permanent Missions to International Organisations in Geneva and Vienna and the Embassies of Mexico to the European Union (Belgium and Luxemburg), the United States, the Netherlands, Italy and Costa Rica. However, it is important to underline that all of these officials depend on the Head of the Mission and not on the LA.

4. Briefly describe the organisation and structure of the OLA.

Head of Office is the LA, Mr. Arturo A. Dager-Gómez, followed by the Deputy LA, Mr. Ulises Canchola. The OLA is divided into three thematic areas: (a) the international law area, which counts three Divisions, *i.e.* the Public International Law Division, the Division of the Law of the Sea and Environmental International Law and the Division of Human Rights and International Humanitarian Law; (b) the treaties section, composed of two Divisions; and (c) the international litigation area, comprised of two Divisions. Each Division includes a Director, an Under-Director, Chiefs of Department and analysts.

Concerning private international law, the OLA is advised by a Committee of Legal Experts that meets every month in the OLA's headquarters. This Committee is composed of attorneys at law and law professors from the principle universities of Mexico.

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

The OLA was created in 1967 as part of the Office of the Minister of Foreign Affairs. After the last reform to the Internal Regulations of the Ministry (August 2004), OLA is now under the coordination of a superior Legal Unity, which harmonizes the work of the different legal entities within the Ministry, such as the OLA and the Directorate General of Legal Affairs.

Article 11, paragraph 1 of the Internal Regulations of the Ministry provides that one of the functions of the OLA is "to advise the Minister on issues involving international public and private law, as well as foreign law".

The 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.

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

The OLA cooperates with all ministries and agencies of the federal administration if so required. The main contacts are the international and legal divisions of the different ministries and agencies.

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

Occasionally, academic institutions are hired in order to research in specific subject areas. 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. Close relation is maintained with the Federal Judicial Council.

8. Please provide a brief bibliography on the OLA.

A paper, prepared by OLA, on its role and nature is attached (Spanish version only).