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"DILIGITE JUSTITIAM QUI JUDICATIS TERRAM." "Ye who judge the earth, give diligent love to justice"

The implementation of international treaties in the judicial resolutions.

by Lorena Gay and Harumi Wakida.

In Mexico it has been discussed the hierarchy of the Mexican Constitution and the international treaties that have been executed and ratified with other countries; likewise there are several theories explaining the link between the domestic and international legal order. It is worth mentioning that one of the functions of the President of Mexico and the Senate through the Foreign Relations Committee is to analyze and approve international treaties according to the annual reports of the President.

International resolutions must be considered in order to be applied in the development and regulatory framework analysis of the human rights contained in international treaties. In this context, the settlement of disputes through the application of international treaties by the judges must be considered.

Under this standpoint, we will discuss a portion of the article 133 of the Mexican Constitution, which briefly states the following: *“all treaties in accordance with the Constitution shall be the supreme law of the Union”*¹. Interpreting this part of article 133 we conclude that the international treaties are recognized by the Mexican State as fully applicable instruments, which are free and sovereignly executed, thus, international obligations are acquired in relation to the agreements entered by and between Mexico and more States.

“Four years after the amendments, we are able to see that the application of international treaties in the judicial resolutions is still incorrect in most of the cases.”

It is worth to mention that Vienna’s Convention on Law of Treaties of January 27th 1969, was the first recorded instrument stating the States’ obligations to recognize and comply with international treaties. Therefore, when Mexico ratified the convention on September 25th 1974, it assumed the obligation to respect and accept the validity of the international legal order.

1.- Article 133. *This Constitution, the laws of the Congress of the Union which shall be enacted in pursuance thereof and all treaties in accordance therewith, celebrated or which shall be celebrated by the President of the Republic with the approval of the Senate, shall be the supreme law of the Union. The Judges of the Federal District and of the States shall be bound thereby, notwithstanding any provision to the contrary in the local constitutions or local laws.*

It is important to analyze the hierarchy of Mexican laws, which have changed according to a new paradigm set forth by the Supreme Court. Before 2011, the general principle accepted was that international treaties were below the Constitution but above the federal laws. Article 1 of the Mexican Constitution was amended in 2011 in relation to the importance of human rights and its direct concern to the international treaties. Later, the Supreme Court of Justice issued a jurisprudence², recognizing the hierarchical level of all international treaties that contain human rights (only in respect to human rights issues, not to any different matter). These change revolutionized the entire Mexican legal system. However, as international treaties that contain human rights are above the constitution if the content of an international treaty is contrary to the constitution the constitution prevails as it is considered the supreme law.

The problem of the implementation of international treaties is that the judges are in some cases not familiar with the content of all treaties signed by Mexico. Submitting a lawsuit invoking as legal ground international treaties which may or may be not of the knowledge of the judge will become a risk, therefore the lawyer when starting proceedings must provide the judge a very clear explanation of the legal scope and extension of the applicable international treaties.

Four years after the amendments, we are able to see that the application of international treaties in the judicial resolutions is still incorrect in most of the cases.

2.- Thesis isolated i / 2011 (10th). Limit liability for accidents that air causing damage to passengers. Article 62 of the civil aviation violates civil rights pursuant to articles 1o. And 4o. From the federal constitution. Direct Amparo under review 1068/2011. Gaston Ramiro Ortiz Martinez. 19; October 2011. Five votes. Speaker: Jorge Mario Pardo Rebolledo.



Mexico Gets Mixed International Opinion.

A new study made by British Organization G8 has shown that internationally Mexico gets mixed opinions about its reputation. 55 countries were evaluated in which Mexico found itself in the 37th place. The study doesn't take any specific categories when making the study, it takes the general perception of the country internationally. Mexico's rank shows that the perception of the country generally gets mixed opinion and that the opinions of the country are more or less the same that of those in other parts of Latin America. mexico.cnn.com 21/06/15.

Mexico attracted investments per US\$9 billion.

As a result of the Telecommunications reform, Mexico managed to attract investments per US\$9 billion, boosting its competitiveness and getting important tariffs reductions that enable the sector to contribute to the inflation rate reduction, said Gerardo Ruiz Esparza, Minister of Communications and Transport, who noted that to achieve the levels of connectivity in developed countries, investments of US\$356 billion over the next five years will be needed. Mexico will have two actions and key infrastructure: Mexico Connected and Shared Network. In the coming days, the general criteria for the Shared Network will be published on the Communication and Transport Ministry (SCT) Transparency website, with basic guidelines and regulations of this project. www.excelsior.com.mx 17/07/2015.

The era of the oil monopoly comes to an end.

The first bidding contest in the history of Mexico to award oil fields was held breaking with over 76 years of state monopoly in the oil industry in Mexico. Fourteen exploration blocks were made available to third parties, with a prospective volume of 525 million barrels of oil, in an area of 4,222 square kilometers of the Mexican coast. This is due to the legislative changes in the 2014 reform, which eliminated the restriction where only the State could carry out exploration and hydrocarbons production processes in the country. www.mexico-now.com 17/07/2015.

Dollar Sells at Record High in Mexico.

On the 20th of July the dollar reached a record high as banks estimated the selling price at 16.30 pesos per dollar. On July 17th it was thought that the value of the dollar would have to decrease seeing as it reached a record high as well during that day of 16.22 Mexican pesos per dollar. Different banks are selling dollars at different values with the highest reaching 16.30 and the lowest at 16.10. However people that want to sell their dollars for pesos would be receiving 15.00 pesos as it was recently estimated. www.milenio.com 20/07/15.

Volatility wont stop the Mexican Economy.

The head of the Economic Planning Unit from the Secretary of Finance and Public Credit, Luis Madrazo has stated that the macroeconomic and monetary strengths and the new fiscal policy sustain Mexico over the volatility of the International economic ambience. Mr. Madrazo stated that along with the structural reforms that Mexico recently underwent, the Mexican economy will continue to grow. According to Mr. Madrazo, Mexico continues to grow, even more than it did last year, despite of not reaching the desired level. eleconomista.com.mx 30/07/15.

Forecast for a Benchmark Interest Rate Increase.

The head of Banco de Mexico, Mexico's Central Bank, stated that the Central Bank may, at any moment may elevate the benchmark interest rate in order to elevate the Mexican peso, regardless of what American Federal Reserve may do. As inflation rate ranks just below the 3%, and with a benchmark interest rate at 3.00 the risk balance for the Mexican economy evidences a downturn before the American Dollar. While the U.S. Federal Reserve has opened the possibility for an increase on their rates, the Mexican Central Bank may take the possibility as a certainty for their own economy. eleconomista.com.mx 31/07/15.

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