The work of Mexico’s Interministerial Committee on International Humanitarian Law

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Abstract

In the six years since it was created, the Comisión Intersecretarial de Derecho Internacional Humanitario de México, Mexico’s Interministerial Committee on International Humanitarian Law, has become one of the region’s most active national bodies for the implementation of international humanitarian law (IHL). Its achievements are the result of the efforts of the federal executive branch agencies that form and participate in the Committee, as well as of the support that the International Committee of the Red Cross and the Mexican Red Cross have provided to facilitate its work. In this article, the author describes the structure and operation of the Committee, as well as the activities it has carried out in fulfilling its mandate to disseminate and promote respect for IHL rules, principles and institutions and further the national implementation of IHL.

Keywords: CIDIH-Mexico, national IHL committees, international humanitarian law, Mexico.
29 October 1952, their Additional Protocol I of 1977 on 10 March 1983, and their Additional Protocol III of 2005 on 7 July 2008. Mexico is also a State party to the main international treaties on human rights, cultural property, the environment, disarmament, arms control and international criminal law that are related to IHL, and has been a key player in promoting the negotiation and adoption of many of these, such as the Anti-Personnel Landmine Convention, the Convention on Cluster Munitions and, more recently, the Arms Trade Treaty. Consequent to these international obligations, Mexico is firmly committed to respecting and ensuring respect for IHL in all circumstances.

At the multilateral level, Mexico participates actively in the sessions of the International Conference of the Red Cross and the Red Crescent, as well as in the negotiations on follow-up of the resolutions adopted therein. It also promotes IHL in United Nations (UN) resolutions and debates – including the open debates of the Security Council on the protection of civilians in armed conflict, women, peace and security and children and armed conflict – and it chaired the Security Council’s Working Group on Children and Armed Conflict during 2009 and 2010. Mexico is also a regional promoter of the United Kingdom’s Preventing Sexual Violence Initiative.

Additionally, since 1995 Mexico has presented a resolution entitled “Promotion and Respect for IHL”, which is adopted biennially by the General Assembly of the Organization of American States (OAS). The resolution calls upon the States of the region to respect and disseminate IHL, ratify IHL-related

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7 The resolution was adopted yearly from 1995 to 2011. In 2011, following a policy of rationalization of resolutions within the OAS, it was decided that its adoption would be on a two-yearly basis. The resolution, adopted in 2013, can be consulted at: www.oas.org/en/sla/dil/docs/AG-RES_2795_XLIII-O-13_eng.pdf.
treaties and adopt legislative and other measures for their implementation. It also mandates that the OAS organize a course and a special session on IHL every two years to update State representatives and OAS officers on the latest developments in this branch of law.

Mexico collaborates closely with the International Committee of the Red Cross (ICRC), which has had a regional office in Mexico since 2001. Mexico is an important contributor to the ICRC’s annual budget and maintains a regular dialogue with it on international and national issues. The activities carried out by the ICRC at the national level include training the armed forces on IHL and humanitarian principles regarding the use of force, as well as assistance to national authorities on forensic identification protocols.

Convinced of the advantages of establishing a national body to coordinate efforts in the area of IHL, in 2007 Mexico submitted a pledge for the 30th International Conference of the Red Cross and Red Crescent, in which it affirmed its commitment to strengthening, promoting and ensuring respect for IHL, calling on the Mexican Red Cross to contribute to this effort in the areas within its remit. One of the evaluation criteria proposed by Mexico for the implementation of the pledge was precisely the establishment and operation of an interministerial committee on IHL.8

As a result of more than a decade of hard work and coordination among the Federal Executive Branch agencies that deal with IHL, an executive order creating a permanent Interministerial Committee on International Humanitarian Law (Comisión Intersecretarial de Derecho Internacional Humanitario de México, CIDIH-Mexico) was issued by the president of the republic and published in Mexico’s Federal Official Gazette on 19 August 2009.9 Mexico thus became the nineteenth country in the Americas region to have a national IHL committee, and added its name to the list of 107 States in the world that currently have a body of this nature.10

The structure and operation of CIDIH-Mexico

As established by the executive order, CIDIH-Mexico is a permanent, advisory and technical body of the Federal Executive Branch. Its mandate is to “disseminate and promote respect for international humanitarian law rules, principles and institutions and further the national implementation of Mexico’s commitments in this respect under the international treaties to which it is a party”.11

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8 Pledges and follow-up to the 30th International Conference of the Red Cross and Red Crescent, Government of Mexico, Pledge P020, available at: www.icrc.org/applic/P130e.nsf/va_PBGO/838436C15C1D6349C125739C03B9AD2?openDocument&section=PBGO.
11 Executive Order, above note 9, Art. 1. Author’s translation.
The permanent members of CIDIH-Mexico are the Ministries of Foreign Affairs, National Defence, the Navy and the Interior, which form part of the Federal Executive Branch. These ministries appoint a deputy who must hold a senior position – at least director general or equivalent – so that decisions can be adopted at committee meetings.

In addition to these permanent members, CIDIH-Mexico can also invite any other Federal Public Administration body or institution to participate in its work on a permanent or temporary basis, when issues falling within its remit or mandate are being addressed. In such cases, these bodies have the right to speak and vote at Committee meetings. This has been the case, for example, for the Attorney-General’s Office, the Ministry of Health, the National Institute for Anthropology and History and the National Institute for Statistics and Geography, which have each participated in some of CIDIH-Mexico’s projects.

CIDIH-Mexico can furthermore invite representatives of the legislative and judicial branches, IHL experts and advisers, as well as representatives of the components of the International Red Cross and Red Crescent Movement, to participate in committee meetings in an informative capacity, with the right to speak. The ICRC and the Mexican Red Cross are therefore often invited to attend CIDIH-Mexico meetings and take part in its working groups, providing valuable input to assist the Committee in its work.

CIDIH-Mexico is chaired on a rotating basis by the four permanent member institutions, with each serving a one-year term. The Ministry of Foreign Affairs acts as Technical Secretariat of CIDIH-Mexico on a permanent basis, and this has proved effective in ensuring the continuity of the Committee’s work.

The Committee’s priorities are agreed each year by its four permanent member institutions and set forth in an annual work programme unanimously adopted by these four members. The Committee prepares an annual report on its activities, which is submitted by the chair to the Office of the President of the Republic.

CIDIH-Mexico meets in ordinary session once every four months, and in extraordinary session as required, at the request of one of the permanent members. Since it was created, CIDIH-Mexico has held a total of fourteen ordinary sessions and seven extraordinary sessions.

As a large part of CIDIH-Mexico’s work is carried out through working groups, the frequency of plenary meetings has proven sufficient to enable it to adopt the decisions required to fulfil its mandate. Indeed, pursuant to Article 4 of the executive order that created it, CIDIH-Mexico can set up as many sub-committees and/or working groups as deemed necessary to fulfil its mission. The advantage is that such groups can meet more easily as participation in them is at the technical level. Since it was set up, CIDIH-Mexico has created working groups to implement seven individual projects. These working groups have a temporary mandate which ends when they submit their report and recommendations on the project to CIDIH-Mexico. The Committee then adopts final decisions in a plenary session.
The Rules of Procedure of CIDIH-Mexico, which were drawn up and agreed by its member institutions, were published in Mexico’s Federal Official Gazette on 4 August 2011.\(^{12}\) They contain provisions detailing the composition, responsibilities and functioning of CIDIH-Mexico and its sub-committees and working groups.

**The activities of CIDIH-Mexico**

In spite of being one of the most recently created national bodies for the implementation of IHL in the region, CIDIH-Mexico has since its inception carried out vitally important activities to disseminate and promote respect for IHL, both at the national and international levels.

**Participation in international conferences**

A few months after it was created, CIDIH-Mexico and the ICRC co-hosted the International Conference of National Committees on IHL of Latin America and the Caribbean, which took place from 30 June to 2 July 2010 in the premises of the Ministry of Foreign Affairs in Mexico City.\(^{13}\) The conference, which brought together representatives of seventeen national committees on IHL and five National Red Cross Societies from the region, along with ICRC experts and academics, provided an opportunity for a fruitful exchange of best practices and lessons learned by the region’s national IHL committees, which proved very useful to the recently created CIDIH-Mexico. The conference’s recommendations on the role of national IHL committees in preparing international reports and drafting national laws were incorporated into CIDIH-Mexico’s emerging activities and projects. Additionally, the recommendation to strengthen cooperation between national IHL committees and the OAS was included in the resolution presented by Mexico to the OAS. With the support of the ICRC, CIDIH-Mexico also took part in the Third Universal Meeting of National Committees for the Implementation of International Humanitarian Law held in Geneva on 27–29 October 2010, under the auspices of the ICRC.\(^{14}\) Although Mexico had participated in previous meetings of this kind as an observer, this was the first time that the country had been represented by its Interministerial

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Committee. CIDIH-Mexico also assimilated the meeting’s recommendations into its activities.

On the strength of the experience acquired and consistent with international recommendations, CIDIH-Mexico was commissioned to prepare Mexico’s position for the 31st International Conference of the Red Cross and Red Crescent held in November 2011, including the drafting of the pledges submitted by Mexico. One of the evaluation criteria for the pledges submitted was to ensure the continuation of the active work of the Interministerial Committee. CIDIH-Mexico also assumed responsibility for monitoring the implementation of the pledges and writing the compliance report that Mexico is required to submit to the next International Red Cross and Red Crescent Conference in 2015.

Additionally, with the support of the ICRC, CIDIH-Mexico participated in the Regional Seminar of National Committees on IHL Concerning the Protection of Cultural Property in Armed Conflict held in San Salvador, El Salvador, on 1–2 December 2011, under the auspices of the ICRC and El Salvador’s Inter-institutional Committee on IHL. As with previous conferences, CIDIH-Mexico incorporated the recommendations adopted in this seminar into its programme of work regarding protection of cultural property.

Thanks to the progress it had made, CIDIH-Mexico was also able to take an active part in the Conference of National Committees on IHL of the Americas held in San José, Costa Rica, on 10–12 September 2013, under the auspices of the ICRC and the government of Costa Rica. The conference, which brought together representatives of seventeen national committees on IHL from the region and of six countries attending as observers, along with a number of experts, resulted in a valuable exchange of best practices and lessons learned by the region’s national committees, including the already successfully consolidated CIDIH-Mexico. Additionally, due to Mexico’s role as initiator and sponsor of the resolution on IHL adopted by the OAS, the technical secretary of CIDIH-Mexico was requested to report on the outcomes of the Americas Conference in the course of a “Dialogue Between the Committee on Juridical and Political Affairs of the OAS and the National Committees on IHL”, which took place on 13 September 2013, following the Americas Conference.

Following the recommendations adopted by that conference, CIDIH-Mexico collaborates continuously with other national IHL committees of the region. Recently, CIDIH-Mexico participated, by invitation of the Colombian Committee on IHL, in the Third Augusto Ramírez Ocampo Course on IHL, which was held in Bogotá, Colombia, on 8–10 October 2014. On that occasion, CIDIH-Mexico and the corresponding national IHL committees of Colombia, Ecuador and Peru exchanged best practices and lessons learned. The structure of

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15 The full text of the pledge can be consulted at: www.icrc.org/pledges/pledge.xsp?&documentId=0D0FD71ADD5002DCC12579580037A49C&action=openDocument.

16 The conclusions and recommendations of the Regional Seminar can be consulted in ICRC, above note 13, Annex B, p. 40.

17 The conclusions and recommendations of the Americas Conference can be consulted in ICRC, above note 1, Annex A, p. 39.
CIDIH-Mexico has also served as a useful platform for other activities on topics related to IHL. That is the case for the Latin American Network for Genocide and Mass Atrocity Prevention, organized by the Auschwitz Institute for Peace and Reconciliation together with the governments of Argentina and Brazil.\footnote{A list of activities of the Latin American Network for Genocide and Mass Atrocity Prevention can be consulted at: http://redlatinoamerciana.org/} Due to the relation of this topic with IHL, CIDIH-Mexico was commissioned to carry out the follow-up of Mexico’s participation in the Network. Representatives of the four permanent members of CIDIH-Mexico, including the armed forces, have participated since 2012 in the training activities provided under the Network.

Activities related to the dissemination and implementation of IHL at the national level

Promotion and dissemination of IHL

One of the first achievements of CIDIH-Mexico at the national level was to establish the Annual National Specialized Course on International Humanitarian Law in 2010, in fulfilment of one of the pledges submitted by Mexico in 2007\footnote{The full text of the pledge made in 2007 can be consulted at: www.icrc.org/applic/P130e.nsf/va_PBGO/838436C15C1D6349C125739C003B9AD2?openDocument&section=PBGO.} and reaffirmed in 2011 at the International Conference of the Red Cross and Red Crescent.\footnote{The full text of the pledge made in 2011 can be consulted at: www.icrc.org/pledges/pledge.xsp?documentId=0D0FD71ADD5002DCC12579580037A49C&action=openDocument.} The annual course is available free of charge and directed at participants from both governmental and non-governmental sectors, including officials of the executive, legislative and judicial branches, as well as representatives of academic institutions and civil society organizations at both the federal and state levels. Through this course, CIDIH-Mexico disseminates IHL among the country’s population irrespective of their official, military or civilian character. This activity complements the various programmes that are organized on a regular basis by the federal government, in collaboration with the ICRC, to provide the armed forces with training in IHL.

Some 200 participants attend the specialized course each year. The fifth course, which was held on 29–30 September 2014 in the Ministry of Foreign Affairs, was attended by 260 participants, bringing the total number of people trained under this programme up to more than 1,000. CIDIH-Mexico prepares the course each year, which includes designing the training programme and making the logistical arrangements. This is done through a working group formed by the committee’s four permanent member agencies, with advice and guidance from an academic expert in the field and the ICRC. The subjects featured in the course include the concept, definition and scope of IHL, persons and objects protected under this body of law, restrictions on methods and means of warfare, and tools for the prevention of and response to war crimes, including the responsibility of the State as well as individual criminal responsibility. The
programme is updated and adjusted each year in light of the most recent developments in IHL. The lecturers are renowned national and international experts from academia, civil society, the ICRC and government. Year after year, the course has been positively evaluated by participants, and it is now recognized as a best practice and replicated in other countries.21

Protecting the Red Cross name and emblem

Mexico passed the Law Concerning the Use and Protection of the Red Cross Name and Emblem22 in 2007, incorporating into the national legal framework specifications relating to the use of the Red Cross name and emblem, eligibility requirements for its protective use in armed conflict, specifications for its indicative use by components of the International Red Cross and Red Crescent Movement and sanctions to be applied in the event of misuse or use of the emblem or name by persons or entities not authorized to do so. However, the law needed to be supplemented with regulations specifying the details of the process to authorize the protective use of the emblem, a control and enforcement mechanism and the procedure for imposing administrative sanctions on individuals or entities that misuse the emblem or Red Cross/Red Crescent name.

In the period 2011–2012, CIDIH-Mexico therefore undertook the task of drafting the relevant regulations to ensure the effective implementation of the above-mentioned law in Mexico. The work was carried out by a CIDIH-Mexico working group formed by the four permanent member institutions and the Ministry of Health, the ICRC and the Mexican Red Cross. The preliminary draft regulations were approved at a plenary session of CIDIH-Mexico in September 2012 and, after fulfilling the necessary legal requirements, the final regulations pursuant to the law were published in Mexico’s Federal Official Gazette on 25 March 2014.23 As per these regulations, the administrative sanctions for misuse of the Red Cross name and emblem are implemented by the Ministry of Interior, through its National Coordination for Civil Protection.

Through the relevant working group, CIDIH-Mexico monitors the dissemination and effective implementation of the control and enforcement mechanism established in the regulations. The Mexican Red Cross participates actively in this working group and plays a key role in providing information on specific incidents of misuse of the Red Cross name and emblem, for their


23 The regulations of the Law Concerning the Use and Protection of the Red Cross Name and Emblem can be consulted at: www.dof.gob.mx/nota_detalle.php?codigo=5338043&fecha=25/03/2014.
follow-up. Three public events were organized in 2014 for the dissemination of the mechanism contained in the regulations.  

Protection of cultural property in armed conflict

Following its participation in the Regional Seminar of National Committees on IHL Concerning the Protection of Cultural Property in Armed Conflict held in San Salvador on 1–2 December 2011, CIDIH-Mexico began the task of identifying archaeological sites and centres containing monuments in Mexico to be entered in the International Register of Cultural Property under Special Protection of the United Nations Educational, Scientific and Cultural Organization (UNESCO), pursuant to the provisions of Article 8 of the Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954 and Article 13 of the Regulations for the Execution of the Convention.

CIDIH-Mexico carried out this work in the period 2012–2013 through a working group formed by the four permanent member institutions along with the National Institute for Anthropology and History and the ICRC, with guidance provided by the National Institute for Statistics and Geography. As a result, in August 2013 CIDIH-Mexico approved the inclusion of nine archaeological sites in the relevant UNESCO register. Mexico submitted an application to UNESCO for the inclusion of these cultural heritage sites on 25 September 2013, and in February 2015, after a lengthy process, UNESCO confirmed that it had received all the required information to proceed with the registration. Through the above-mentioned working group, CIDIH-Mexico will provide follow-up to implement the national actions required as a result of the registration, including steps to disseminate relevant information and mark the archaeological sites.

Prosecution of war crimes

As the issue of prosecution of war crimes is connected with its work, CIDIH-Mexico was commissioned to draft the pledges submitted by Mexico at the Review Conference of the Rome Statute of the International Criminal Court, held in 2010 in Kampala, Uganda. They included a pledge to prepare draft amendments to bring domestic criminal legislation into line with the provisions of the Rome

24 Representatives of CIDIH-Mexico presented the content of the regulations in events carried out in the following frameworks: (i) the Commemoration of the World Red Cross and Red Crescent Day organized by the Mexican Red Cross, held on 8 May 2014 in Mexico City and directed to the volunteers of the Red Cross; (ii) the National Convention on Civil Protection, held from 12 to 16 May 2014 in Acapulco, Guerrero, directed to the civil protection officers of each of the thirty-two local entities of Mexico; and (iii) the 47th Mexican Red Cross National Convention, held from 1 to 4 October 2014 in San Luis Potosí, directed to national and local Red Cross counsellors.

25 These sites are the Ancient Maya City of Calakmul, Campeche; the Pre-Hispanic City of Chichen-Itza; the Archaeological Site of Monte Albán; the Pre-Hispanic City and National Park of Palenque; the Archaeological Zone of Paquimé, Casas Grandes; the Pre-Hispanic City of El Tajín; the Pre-Hispanic City of Teotihuacan; the Pre-Hispanic Town of Uxmal (ceremonial sites of Uxmal, Kabah, Labna and Sayil); and the Archaeological Monuments Zone of Xochicalco.
Statute on crimes within the jurisdiction of the International Criminal Court, including war crimes listed in IHL. A similar pledge to encourage the adoption of legislation enabling Mexico to fulfil its outstanding commitments regarding IHL and the Rome Statute was drafted by CIDIH-Mexico and submitted by Mexico at the 31st International Conference of the Red Cross and Red Crescent in 2011.²⁶

With a view to implementing these pledges, in 2010 and 2011 CIDIH-Mexico undertook the task of preparing a preliminary draft reform of federal criminal legislation with a view to harmonizing it with provisions concerning international crimes contained in the Rome Statute. In relation to war crimes, the “integrated approach” proposed by the ICRC at the Third Universal Meeting of National Committees for the Implementation of International Humanitarian Law²⁷ was taken into account. The task of preparing the preliminary draft reform was assigned to a working group formed by the four permanent member institutions of CIDIH-Mexico, along with the Attorney-General’s Office and the former Ministry of Public Security. The resulting text was approved at a plenary session of CIDIH-Mexico in October 2011.

**Substantive review of international instruments concerning international humanitarian law issues**

Lastly, in the period 2010–2013, CIDIH-Mexico examined the contents of a number of international instruments concerning IHL which are not binding on Mexico in order to familiarize the different sectors of government with them, compare their scope with Mexico’s current international obligations and review their compatibility with domestic legislation. In some cases, CIDIH-Mexico has received assistance from ICRC international experts, who have explained the scope and contents of the provisions of some of the instruments.

**Conclusions and way forward**

In the six years since it was created, CIDIH-Mexico has become one of the region’s most active national bodies for the implementation of IHL and has achieved significant results in fulfilling its mandate to disseminate and promote respect for IHL rules, principles and institutions and further the national implementation of IHL.

The achievements of CIDIH-Mexico are the result of the constant inter-institutional coordination and hard work of the Federal Executive Branch agencies that form and participate in the committee, as well as of the committed support that the ICRC and the Mexican Red Cross have provided to facilitate its work. Such achievements evidence the positive impact that this mechanism has had in the promotion of IHL in the country.

²⁶ See Mexico pledge P020, above note 8.
²⁷ ICRC, above note 14, Chapter 4.
Undoubtedly, CIDIH-Mexico’s work has contributed to an increase in national awareness of IHL. The lessons learned by public officers related to CIDIH-Mexico in the international activities and exchanges of best practices have been successfully incorporated in the Committee’s national projects. Also, CIDIH-Mexico’s structure has proved to be a useful platform that has strengthened collaboration between civilian and military authorities, the ICRC and the Mexican Red Cross. Moreover, the increasing participation of civil society, including academia and non-governmental organizations, in the IHL courses offered by CIDIH-Mexico shows a growing interest in this branch of law and has resulted in better dissemination thereof throughout the country.

Building upon the lessons learned, CIDIH-Mexico continues its positive work in the dissemination and implementation of IHL. Among its future objectives, CIDIH-Mexico will seek to further enhance the dissemination of IHL in local entities, continue monitoring the implementation of the mechanism contained in the relevant regulations for the correct use of the Red Cross name and emblem throughout the country, and continue the process derived from the inclusion of nine archaeological sites under UNESCO’s registry, including the dissemination thereof as well as promoting the marking of such sites by the competent authorities. It will also continue to be a key platform for the preparation of the reports on IHL that Mexico submits to the relevant international fora.

The work of CIDIH-Mexico is, without a doubt, a reaffirmation of Mexico’s continued commitment to the common goal of respecting and ensuring respect for IHL in all circumstances.