Mexican Law and Legal Research

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Mexican Law and Legal Research

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Carrying out effective and efficient legal research is a challenge in any jurisdiction. Researching the law of Mexico makes special demands. These demands are structural in the sense that they condition the entire research process. Four salient structural features of legal research in Mexico are considered here.

1. Language

It is too obvious to require stating that the primary language of 90% of the population of Mexico is Spanish. While under the Constitution, Spanish does not have official status, it is the language of government and the law. The Mexican government and legal institutions do not consider it their obligation to make Mexican primary legal sources available in English translation, as much as some in the U.S., especially practicing attorneys, might wish.

The issue then, for non-Spanish-speaking researchers, is the availability of Mexican legal materials in translation. While commercially available translations of primary Mexican law are not plentiful, this guide makes an effort to point out translations where they are available.

2. Structure of Government

The Mexican federal government is as large, complex, and highly ramified as the federal government of the U.S. This complexity has obvious implications for legal research. Components of the federal government that are authorized to issue normative enactments and other texts of interest to legal researchers extend well beyond the eighteen cabinet-level secretarías (departments). These include the “decentralized organs” (organismos descentralizados), such as the Federal Electricity Commission, the Mexican Institute of Social Security, or Telecommunications of Mexico. In addition, there are “autonomous organs” (organismos autónomos), such as the Bank of Mexico and the National Electoral Institute. Fortunately, the existence of a central official periodical for the publication of all kinds of legal enactments, the Diario Oficial de la Federación, relieves some of the difficulty of research associated with a large and complex government structure.

3. Federalism

Mexico is a federal republic. There are 31 states and a federal district. In addition, there is a third level of government, the municipio, which is roughly equivalent to a county in the U.S. The impact on legal research is obvious. One of the first questions the researcher must ask is: Does federal or state law (or even the law of a municipio) govern this issue?

Under the hegemonic party system that was in place in Mexico during most of the 20th century, there were strong centralizing forces that impaired the operation of the
federal system. With the introduction of political pluralism at the beginning of the 21st century, the centralizing trend weakened and a more vibrant federalism has asserted itself. This has important implications for legal research because it increases legal variation from state to state.¹

4. Malleability of the Constitution

The Federal Constitution of 1917 is currently in force. It is lengthy, with 136 articles. It covers subjects that go well beyond the structure and powers of government. The Constitution is malleable in the sense that it is amended frequently. The implications for research are clear. It is critical to make use of only the most current constitutional text when conducting forward-looking constitutional research in Mexico.

This guide, which is a compilation of articles by several members of the American Association of Law Libraries’ Latin American Law Interest Group, covers all aspects of Mexican legal research. Its purpose is to provide a contextualized overview of how to conduct research on Mexican law—referencing applicable Spanish-language resources and highlighting any available sources in English. Organized into three main sections by general resource type, the Guide covers “Primary Sources,” “Secondary Sources,” and “Online Resources,” and then the more specific sources that fall within those categories. Thus, the section on “Primary Sources,” includes constitutions, official gazettes, compilations of legislation, administrative regulations, international agreements, and judicial decisions. “Secondary Sources” covers dictionaries and encyclopedias, treatises, textbooks, and monographs, and online law reviews. The final category of “Online Resources” includes both commercial and free collections of Mexican legal resources available on the Web.

A. National Constitution
Lyonette Louis-Jacques, University of Chicago

Mexico adopted its first constitution in 1824, but never implemented it. On February 5, 1857, Mexico adopted a new constitution, which “consolidated judicial review around the amparo (habeas corpus) suit.” Sixty years later, on February 5, 1917, Mexico adopted its Constitución Política de los Estados Unidos Mexicanos, or Political Constitution of the United Mexican States. That constitution, with many amendments, remains in effect today.

Texas has special ties to Mexican constitutional history. Texan Stephen A. Austin drafted a Mexican constitution and presented it to Mexican statesman, Miguel Ramos Arizpe. Arizpe then drafted an Acta Constitutiva, which became the framework for the 1824 Constitution. Lorenzo de Zavala, President of the Mexican Constitutional Congress in 1824, approved Arizpe’s draft, and later became the first Vice-President of the Republic of Texas. The 1824 Mexican Constitution formally applied to Texas for the time that Texas formed a part of Mexico, from 1821 until 1836.

The 1917 Constitution as amended includes 136 articles and various transitory articles and reforms. Mexico has regularly amended its Constitution since 1917. According to authors Héctor Fix-Zamudio and Héctor Fix-Fierro, there have been over 350 amendments to the Mexican Federal Constitution! In contrast, the U.S. Constitution has seven articles and 27 amendments. It has only been amended once in the last 40 years. The Mexican Constitution is 156 pages long in PDF. The U.S. Constitution can fit in your pocket.

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3 Id.
7 http://info4.juridicas.unam.mx/ijure/fed/10/.
According to Rubens Medina, scholars call the Mexican Constitution an *operative* constitution because “it includes a number of detailed working provisions that govern distinct topics such as family relations, labor and social security, and the economy, in addition to the more traditional provisions, which focus on the Bill of Rights and the organization and assignment of powers of the State.”

Recent reforms to the Mexican Constitution include a December 20, 2013 amendment that allows Mexico to enter into oil exploration agreements with private entities. According to the Americas Society-Council of the Americas, this “landmark energy reform [brings] an end to a 75-year state monopoly on petroleum by opening the oil and gas industries to private investment.” Mexico also passed legislation on March 21, 2013 that made access to information and communication technologies a constitutional right.

Paolo G. Carozza writes that “the articulation of social and economic rights in the Mexican Constitution of 1917” forms a “key intellectual moment” in the development of the “Latin American region’s strong commitment to the idea of universal human rights.” Researchers may ask about the *amparo* method of constitutional review set forth in Article 33 of the Mexican Constitution, as that provision has influenced constitutional review in other Latin American countries. [R]ules of the Mexican *amparo* require jurisprudence to be reiterated five times before it has binding precedential effects. The Mexican Supreme Court recently grappled with the issue of whether civil code provisions

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18 Ley de Amparo, Reglamentaria de los Artículos 103 y 107 de la Constitución Política de los Estados Unidos Mexicanos [LA], art. 222, Diario Oficial de la Federación [DO], 2 de Abril de 2013 (Mex.).
stating that marriage is for procreation violate the constitutional right to equality (Art. 1, Art.4).19

1. Current text

You can locate the current text of the Mexican Federal Constitution in a number of sources, but you must pay careful attention to the date of the text because of the frequency of amendment. The Chamber of Deputies (Cámara de Diputados) website makes available in PDF the current text of the Mexican Federal Constitution in Spanish, as amended with the latest reforms (as published in the Diario Oficial of June 17, 2014).20 The Secretaría de Gobernación (SEGOB) Orden Jurídico Nacional website has the text of the Constitution, current as of June 17, 2014, and also allows browsing the text by article.21 22 World Constitutions Illustrated has the consolidated text as published in the Diario Oficial of June 17, 2014. The Instituto de Investigaciones Jurídicas (IIJ) of the Universidad Nacional Autónomo de México (UNAM) (hereafter IIJ-UNAM) has the text of the Constitution in force as of June 17, 2014.23 The Tribunales Agrarios have the text of the Constitution as of July 11, 2013.24 The Constitution as published in the Diario Oficial of February 9, 2012 is available in full text via WIPOlex.25 Justia México also has the Spanish text in HTML and PDF formats as amended through August 24, 2009, but it’s unclear where the text is from.26 The Constitución Política is also in vLex under “Legislación Federal Actualizada.”

If you are interested in comparing Mexico’s Constitution to others in the Americas and around the world, start with the Center for Latin American Studies (CLAS) at Georgetown University’s Political Database of the Americas (PDBA). The PDBA also contains a Comparative Constitutional Study = Estudio Constitucional Comparativo (2006).27 The Study “provides a set of constitutional articles in a comparative framework organized by over 200 substantive themes such as human rights, decentralization, separation of powers and electoral systems. Reflecting the most recent constitutional reforms, this study also offers insight into new trends such as the development of constitutional law addressing issues of non-discrimination, environmental protection, security and corruption.”28

The PDBA Study arranges norms of 20 countries of the Americas, and allows you to compare the Mexican Constitution with other constitutions, article-by-article. The Study

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28 http://pdba.georgetown.edu/Constitutions/constudies.html.
is in Spanish, except for an “Introductory Note” in English.\(^{29}\) The *Constitute* online resource, described in more detail below, similarly enables comparison of Mexican constitutional provisions with those of up to 187 other countries by topic, but in English.\(^{30}\) One area of comparison might be the status of treaties as the “supreme law of the land” under Article 133 of the Mexican Constitution and Article 6 of the U.S. Constitution.

2. Amendments

The Mexican government publishes its many constitutional amendments, usually as *Decretos*, in the *Diario Oficial*. IIJ-UNAM’s page, “Evolución de la Constitución Política de los Estados Unidos Mexicanos,” includes links to Mexican constitutional law reforms (*decretos de reforma*) in chronological order, from July 8, 1921 to June 17, 2014.\(^{31}\) The website also includes a page of amendments by article of the Constitution.\(^{32}\) The page, *Leyes Federales de México*, from the Chamber of Deputies site has a link called “Reformas a la Constitución” that collects amendments in chronological order, by article of the Constitution, and by presidential period.\(^{33}\) The Orden Jurídico Nacional links to a SEGOB compilation of “decretos, declaratorios, aclaraciones y fe de erratas de reformas” of the Federal Constitution from 1917 to 2014.\(^{34}\) *World Constitutions Illustrated* has consolidated texts of the 1917 Constitution as amended back to 1923. It also has individual decrees and other amending laws.

3. Historical Versions

Mexico’s Orden Jurídico Nacional has a page of historical antecedent constitutional documents from 1810 to 1916.\(^{35}\) The Biblioteca Virtual Miguel de Cervantes’ “Constituciones Hispanoamericanas”\(^{36}\) portal includes historical constitutions from 1814 through the 2002 reforms to the 1917 Constitution.\(^{37}\) El Colegio de México contributed digitized copies of the 1824\(^{38}\) and 1857\(^{39}\) Constitutions to the Cervantes digital library. HeinOnline’s *World Constitutions Illustrated* also includes historical versions of the Constitution. Library catalog searches will locate separately published historical constitutions of Mexico in Spanish and English.\(^{40}\) Because of the special connection between Texas and Mexico, Tarlton Law Library’s Texas Constitutions digitization project includes the 1824 Federal Constitution of the United Mexican States (in English and Spanish).\(^{41}\)

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29 http://pdba.georgetown.edu/Comp/note.html.
30 https://www.constituteproject.org/#/search.
31 http://www.juridicas.unam.mx/infjur/leg/constmex/.
40 http://www.worldcat.org/search?q=ti%3Aconstitution+political+mexicanos&qt=advanced&dblist=638 (WorldCat).
41 http://tarlton.law.utexas.edu/constitutions/mexican1824.
The original, unamended text of the *Constitución Política de los Estados Unidos Mexicanos* was published in the February 5, 1917 issue of Mexico’s official gazette of laws (*Diario Oficial de la Federación* del 5 de Febrero de 1917). HathiTrust and Google Books have also published separately and digitized the original texts of the 1917 Constitution. It is available as well in *World Constitutions Illustrated* and at the Orden Jurídico Nacional’s website.

K.G. Saur published an *Index of North and South American Constitutions: 1850 to 2007*, which lists citations to original sources in Spanish (and some English translations) of Mexico’s national constitutions beginning at page 252: Republic of United Mexican States (1823-1864); Mexican Empire (1864-1867); and Republic of United Mexican States since 1867. It includes citations to texts of Mexico’s sub-national constitutions at pages 260-361. Besides the Saur *Index*, there is also a full-text set by De Gruyter titled *Documentos Constitucionales de México 1814-1849* (Sebastian Dorsch ed., 2010-2013) (Constitutions of the World from the late 18th Century to the Middle of the 19th Century. America; v. 9 = Verfassungen der Welt vom späten 18. Jahrhundert bis Mitte des 19. Jahrhunderts. Amerika; Bd. 9).

4. **English Translations**


You can find the original text of the Mexican Constitution of 1917 in English translation in *Constitutions That Made History* (Albert P. Blaustein & Jay A. Sigler, 1988). *World Constitutions Illustrated* includes translations from the *British and Foreign State Papers* (1921), *Andrew* (1931), *Branch* (1917), *Dail Eireann* (1922), and *Martin* (1923). The Branch text, as published in the *Annals of the Academy of Political and Social

\[\text{http://hdl.handle.net/2027/mdp.35112105484721.}\]
\[\text{http://www.ordenjuridico.gob.mx/Constitucion/1917.pdf.}\]
\[\text{http://www.juridicas.unam.mx/infjur/leg/constmex/pdf/consting.pdf (156 pp.).}\]
\[\text{https://www.constituteproject.org/#/.}\]
\[\text{http://oxcon.ouplaw.com/.}\]
\[\text{http://heinonline.org/HOL/Page?handle=hein.cow/zzmx0139&collection=cow#1.}\]
Science (H.N. Branch trans., v.71-72 May-July 1917, Suppl.1), compares the Mexican Constitution of 1917 with the Constitution of 1857.49

University of Richmond’s “Constitution Finder” links to the text of the Mexican Constitution as amended through October 11, 1966 in English translation. It’s from the Organization of American States (OAS) website and originates from a 1967 book, Constitución Política de los Estados Unidos Mexicanos, Trigésima Quinta Edición.50 This translation was also published in the 1968 Pan American Union publication, Constitution of Mexico, 1917, As Amended.

B. Constitutional History
Lyonette Louis-Jacques, University of Chicago

For quick background information on Mexican constitutional history, read Francisco Macías’ posts on the Law Library of Congress’ In Custodia Legis blog, with the titles “The History of the Mexican Constitution” (February 24, 2011)51 and “Mexico’s Constitution and Its Square, the Zócalo” (February 3, 2014).52 Mexico: A Country Study (Tim L. Merrill and Ramón Miró eds.,1996) also provides a brief history of Mexico’s constitutions.53 For a detailed history of Mexico’s constitutions, check the Chamber of Deputies’ Derechos del Pueblo Mexicano: México a través de sus Constituciones (8th ed. 2012) (7 vol., including a digital edition).54

IIJ-UNAM has a “Documentos Constitucionales Históricos” page that compiles resources, such as the 1824 and 1857 Constitutions and other constitutional laws and texts.55 SEGOB’s “Conmemoración del Centenario de la Constitución Política de los Estados Unidos Mexicanos, 2013-2017” page includes historical texts, such as a PDF image of the 1917 Federal Constitution as originally published in the Diario Oficial, and 1916-1917 documents of the Congreso Constituyente.56

C. State Constitutions
Lyonette Louis-Jacques, University of Chicago

The Orden Jurídico Nacional has the constitutions of the Mexican states in alphabetical order from Aguascalientes to Zacatecas.57 IIJ-UNAM’s “Constituciones de las Entidades Federativas”58 and Justia México provide links to the full texts of the

52 http://blogs.loc.gov/law/2014/02/zocalo/.
53 http://countrystudies.us/mexico/.
58 http://www.juridicas.unam.mx/infjur/leg/ConstEstados/.
“constituciones estatales” in Spanish for each Mexican state. The PDBA includes links to full texts of Mexico’s federal and state constitutions in Spanish.

1. Constitutional Commentary

Other books on Mexican constitutional law may be located by using the Library of Congress Subject Headings:

Constitutional conventions – Mexico
Constitutional history – Mexico
Constitutional law – Mexico
Mexico – Constitutional law
Mexico – Constitutional law – Amendments
Mexico – Politics and government


It is worthwhile to also perform searches by region. Mexico is in North America, but it is sometimes included in works on constitutions of the Americas/Latin/South/Ibero-America. For example, there is a section on “Mexico 1917: Constitution & Presence” in Roberto Gargarella’s *Latin American Constitutionalism, 1810-2010: The Engine Room of the Constitution* (2013). Also consider searching by article number or subject to find books on specific provisions of the Mexican Constitution.

To locate books containing the text of the Mexican Constitution(s), search by “Mexico” as author and Uniform Title “Constitución.” A date can be specified (1824 or 1857 or 1917), along with the language (English). Thus, for books containing English translations of the Mexican Federal Constitution of 1824, the search would be: *Mexico. Constitución (1824). English.* For books about Mexican Constitutions, a subject search may be conducted for: *Constitutions – Mexico* or *Mexico – Constitution*. For books on specific constitutions, include the name of the constitution in the subject heading. For example: *Mexico – Constitución política (1917)* or *Mexico – Constitución federal (1824).*

For other books, check WorldCat and other library catalogs, as well as Google Books. Consider searching Mexican library catalogs, and the catalogs of U.S. libraries with strong Mexican law collections, such as the University of Texas at Austin’s Tarlton

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The "Biblioteca Jurídica Virtual" (BJV) of IIJ-UNAM includes links to over 600 constitutional law-related books, including those containing primary law materials. The BJV also has full texts of Cuestiones Constitucionales (1999-2013), Anuario de Derecho Constitucional Latinoamericano (2001-2012), and Teoría y Realidad Constitucional (1998-2008). See also IIJ-UNAM’s “Red de Revistas en Derecho Constitucional” (Constitutional Law Journals Network). For other constitutional law-related journal articles in Spanish and English, check the Index to Foreign Legal Periodicals and other journal indexes, as well as Google Scholar. To keep up-to-date with constitutional developments in Mexico, check sources such as the Law Library of Congress’ Global Legal Monitor, I-CONnect Blog (International Journal of Constitutional Law and ConstitutionMaking.org), and the ABA Section of International Law Mexico Committee’s Mexico Update.

APPENDIX: Bibliography

BOOKS


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61 http://salalm.org/collection-development-resources/special-collections-resources/#libraries.
63 http://biblio.juridicas.unam.mx/estlib/resulib.htm?m=E.
64 http://biblio.juridicas.unam.mx/revista/CuestionesConstitucionales/.
67 http://www.revistasconstitucionales.unam.mx/.


**ARTICLES**


D. Legislative Process

Bianca Anderson, University of Miami

The legislative branch of the federal government is the Congress (Congreso General or Congreso de la Unión). The Congress is comprised of the Chamber of Deputies (Cámara de Diputados) and the Senate (Senado). The Chamber of Deputies has 500 members, 300 of whom are elected by relative majority, with the remaining 200 elected by proportional representation. Representatives serve a three-year term. The Senate is composed of 128 senators. Two senators from each of the 31 states and the Federal District are elected by relative majority. An additional 64 are elected through proportional representation. Senators are elected by direct popular vote, and serve a six-year term. An amendment to the Constitution in 2014 permits consecutive re-election to both houses of Congress.

Congress meets in a first regular session that usually begins September 1 and usually lasts until December 15. A second regular session runs from February 1 to April 30. When Congress is in recess, a Permanent Commission (Comisión Permanente) sits. It has the authority to call special sessions of Congress.

For most of the 20th century, politics and government in Mexico were dominated by a powerful President, a system known as presidencialismo. The democratization of Mexican government, which reached fruition with the election in 2000 of a President from an opposition party, has elevated both Congress and the Supreme Court while diminishing somewhat the power of the President. Successful lawmaking in Mexico today is the product of a complex process of coalition building.

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71 Constitución Política de los Estados Unidos Mexicanos [C.P.], as amended, art. 50, Diario Oficial de la Federación [DO], 5 de Febrero de 1917 (Mex.).
72 C.P. art. 52.
73 Id.
74 Id.
75 C.P. art. 51.
76 C.P. art. 56.
77 Id.
78 Id.
79 Id.
80 C.P. art. 59.
81 C.P. arts. 65 and 66.
82 C.P. art. 78.
83 C.P. art. 78(IV).
84 See generally, Serna de la Garza, supra note 1, at 62-64.
The power to introduce legislation (*iniciativa legislativa*) is distributed among the President, Deputies, Senators, state legislatures, and even citizens when a numerical threshold is met.\(^\text{85}\) Bills dealing with government loans, taxes, and troop recruitment must originate in the Chamber of Deputies.\(^\text{86}\) Introduced bills (*proyectos*) are referred to congressional committees for study. Committees produce reports (*dictámenes*) on proposed legislation. Committee reports are published in the Parliamentary Gazette (*Gaceta Parlamentaria*) for the Chamber of Deputies and in the Gazette of the Senate (*Gaceta del Senado*). The gazettes are available on the websites of the Chamber of Deputies\(^\text{87}\) and the Senate.\(^\text{88}\)

Bills must pass both chambers by a majority vote. Once a bill is passed, it is sent to the President for promulgation and publication.\(^\text{89}\) Although the President has the power of veto, it is seldom exercised. In the rare event of a presidential veto, the Congress can override the veto by a two-thirds vote in both chambers.\(^\text{90}\) If 30 days elapse without any action on a bill by the President, it will be considered approved.\(^\text{91}\) The new law is then published in the official government gazette, the *Diario Oficial de la Federación*. For framework legislation (*ley marco* or *ley cuadro*), the President subsequently issues and publishes regulations (*reglamentos*) that serve to amplify or supplement the law.

The official websites of the two chambers provide a wealth of free information and resources on Mexican law. The sites are up-to-date, well maintained and offer basic search functions. Both are in Spanish. The official website of the Senate contains profiles on Senators, committee information and reports, voting records, records of proceedings, transcripts of debates and a database of laws and decrees approved in the Senate.\(^\text{92}\) The official website of the Chamber of Deputies provides profiles on individual representatives, committee information and reports, voting records, records of proceedings and transcripts of debates. The site also links to current and repealed federal laws, the current Constitution, regulations, an index to the *Diario Oficial*, and state laws.\(^\text{93}\)

E. *Diario Oficial de la Federación*

Marisol Floren-Romero, Florida International University

At the time of the declaration of independence, September 28, 1821, and promulgation of the first constitution as a Federal Republic, on October 4, 1824, the

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\(^{85}\) C.P. art. 71  
\(^{86}\) C.P. art. 72(H).  
\(^{87}\) [http://gaceta.diputados.gob.mx](http://gaceta.diputados.gob.mx).  
\(^{89}\) C.P. art. 72(A).  
\(^{90}\) C.P. art. 72(C).  
\(^{91}\) C.P. art. 72(B).  
\(^{92}\) [http://www.senado.gob.mx](http://www.senado.gob.mx).  
\(^{93}\) [http://www.diputados.gob.mx](http://www.diputados.gob.mx).
official publication bore the name of *Gaceta del Supremo Gobierno de la Federación Mexicana*. The 1824 Constitution granted the Executive the legal capacity to sanction and publish the laws.

From 1824 and all through the 19th century to 1917, as a reflection of the political instability that the country was experiencing, each political group that came into power proceeded to rename the official journal. Among the several names that were adopted were: *Gaceta del Supremo Gobierno de la Federación Mexicana, Diario Liberal de México, Gaceta Diaria de México, Gaceta del Gobierno Supremo de la Federación Mexicana, Correo de la Federación Mexicana y Repertorio Mexicano, and Registro Oficial del Gobierno de los Estados Unidos Mexicanos*. Moreover, during the formative period of the Mexican state, the official periodical was an itinerant journal in the sense that it was published in several places. The best example of itinerancy is *El Constitucionalista* (1913-1916), which was published during the early phase of the Mexican Revolution in Hermosillo (1913), Ciudad Juárez (April 1914), Monterrey (July 1914), Veracruz (November 1914), and Mexico City (August 1914, October 1915-June 16, 1916).¹⁴

The 1917 Mexican Constitution has rules on the promulgation of the laws, granting in Article 89 to the Executive the authority to promulgate the laws enacted by Congress. Article 27 of the *Ley Orgánica de la Administración Pública Federal* instructs the Secretaría de Gobernación to publish the laws and decrees issued by the Congress of the Union, any of the two Houses, and the President of the Republic, and to administer and publish the *Diario Oficial de la Federación*. Article 3, first sentence of the Federal Civil Code says: “Laws, regulations, circulars or any other dispositions of general observance are obligatory and take effect three days after their publication in the official periodical.” With the promulgation of the *Ley del Diario Oficial de la Federación y Gacetas Gubernamentales*, of March 24, 1987, the official gazette adopted its current name: *Diario Oficial de la Federación. Órgano del Gobierno Constitucional de los Estados Unidos Mexicanos*.¹⁵

The *Diario Oficial de la Federación (DOF)* is a daily publication. It’s published simultaneously in print and electronic formats. The electronic edition, which is available at [http://dof.gob.mx/](http://dof.gob.mx/), has the same characteristics and content as the printed copy and has the same official status. Since July 5, 2012, the electronic edition of the official gazette is authenticated through advanced electronic signature in PDF format.

Indexes of the *Diario Oficial* are available from 1917 to date in JPG format and can be downloaded as PDFs. The digital images of the full content of the *Diario Oficial* are available in different simultaneous formats, as JPGs since 1990; in PDF since 1926; and currently in HTML and Word formats. Advanced searches can be performed allowing searching by keywords in the indexes, by range of dates not larger than ten years, and by government offices. IIJ-UNAM, under “Legislación y Jurisprudencia—Legislación Federal,” makes the indexes of the *Diario Oficial* available since January 2000 to date, in chronological order by date of publication.

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¹⁴ See Roberto Vargas S. *Breve Historia y Cronología del Diario Oficial de la Federación*, BOLETÍN DEL INSTITUTO DE INVESTIGACIONES BIBLIOGRÁFICAS, No. 12, enero-diciembre, 1975, 243-275.

F. **State Gazettes**
Marisol Floren-Romero, Florida International University

Orden Jurídico Nacional, the government portal published by the Secretaría de la Gobernación, allows access through a single page to the webpages of the digital official gazettes of the different Mexican states.96 The official gazettes of the Mexican states are listed below in alphabetical order by state.

**Aguascalientes**
Periódico Oficial del Estado de Aguascalientes, 1915 -
http://eservicios.aguascalientes.gob.mx/servicios/periodicooficial2009/

The Periódico Oficial is published ordinarily every Monday, by the Secretaría de Gobierno del Estado de Aguascalientes. It contains laws, regulations, decrees and agreements issued by congress; decrees, regulations and resolutions of the executive and its agencies; circulars and administrative orders of the executive and its agencies; agreements and conventions concluded by the state; and regulations and agreements issued by the state judicial branch affecting individuals or of general interest.97

The digital edition of the official gazette is accessible from January 2000 to date. No advanced search function is available. The files are in chronological order by date of publication in PDF format. The digital version has no legal effect; it is only for purposes of consultation.98

**Baja California**
Periódico Oficial del Estado de Baja California, 1888 -
http://www.bajacalifornia.gob.mx/portal/gobierno/periodico_indice.jsp

The Periódico Oficial contains the laws, decrees, initiatives to Congress and agreements issued by the state congress; decrees, regulations and resolutions of the executive; agreements of general interest issued by the plenary of the supreme court of the state; decrees, regulations, budgets and other agreements of the municipalities; agreements and circulars of the state government agencies; and the agreements concluded by the government of the state of Baja California.

The official gazette is made electronically available from 1915 to date, in chronological order by date of publication. Files are in PDF format. The publication’s website allows searching by keywords in the summary of the indexes and by date.99 The digital version of the Periódico Oficial has no legal effect.

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Three issues of the *Boletín Oficial* are published each month. The *Boletín* contains laws and decrees issued by the state congress; decrees, regulations, circulars, agreements and orders of general interest of the branches of government and their agencies; and decrees, regulations, circulars, agreements and orders of general interest of the municipalities.

The digital edition of the official gazette is available from 1975 to date, in chronological order; the files are in PDF format. The electronic version has no legal effect; it is only for purposes of consultation.\(^{100}\)

**Campeche**

*Periódico Oficial del Estado, Órgano del Gobierno Constitucional del Estado de Campeche, 1926 -*

Laws, decrees, regulations, agreements, circulars, orders and other acts issued by the governor of the state and state government agencies; regulations, agreements and resolutions issued by the supreme court of the state; and regulations and other agreements of general interest, including expenditure and budgets issued by the municipalities published in the *Periódico Oficial*, take legal effect and should be applied and duly observed.\(^{101}\) The official gazette of the state of Campeche has no digital edition.

**Coahuila**

*Periódico Oficial del Estado de Coahuila de Zaragoza, 1860 -*

http://periodico.sfpcoahuila.gob.mx/default.php

The *Periódico Oficial* is published by the Secretaría de Gobierno of the state of Coahuila. The ordinary edition is published biweekly. It contains laws and decrees issued by the legislature of the state, and decrees and resolutions issued by the state executive. All laws enacted by the governor, and regulations, decrees and circulars issued, shall be countersigned by the secretary of state and the heads of the different government agencies to which the matter pertains to have legal effect.\(^{102}\)

Summaries of the *Periódico Oficial* are accessible in electronic format from 1981 to date, and the full text from December 2005 to date. Documents can be retrieved searching by

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\(^{100}\) Ley del Boletín Oficial del Gobierno del Estado de Baja California Sur [LBOGECB], Boletín Oficial del Gobierno del Estado de Baja California Sur [BOGECBS], 30 de Septiembre de 2009, http://www.cbcs.gob.mx/index.php?option=com_content&id=2097&


type of document, exact date, volume and number of issue, as well as keywords contained in the summaries.

**Colima**

Estado de Colima, Periódico Oficial del Gobierno Constitucional, 1867 -
http://www.colima-estado.gob.mx/periodico/indexperi.php

The *Periódico Oficial* is published weekly by the Secretaría General del Gobierno del Estado. It contains laws and decrees issued by the state congress; decrees, regulations, agreements, circulars and administrative orders of the executive and its agencies; agreements and conventions established by the state of Colima, and acts and resolutions of the municipalities.

The *Periódico Oficial* is accessible in digital format from November 1997 to date in chronological order. Advanced searches can be performed by keywords in the title or the summaries of the laws, by government agency, volume, number and date of the issue. From the summaries, there is a link to the full text of the laws in PDF format. The digital edition of the *Periódico Oficial* has no legal effect. 103

**Chiapas**

Periódico Oficial del Estado de Chiapas, 1884 -
http://www.sgg.chiapas.gob.mx/periodicooficial
http://www.haciendachiapas.gob.mx/marco-juridico/Estatal/Periodico.asp

The *Periódico Oficial* is available in electronic format on the webpage of the Secretaría General of the government of Chiapas from 2006 to date, and on the webpage of the Secretaría de Hacienda from 2004 to present in PDF format. The digital edition has no legal effect. It is understood that the law is promulgated when published in the official gazette. 104

**Chihuahua**

Periódico Oficial del Estado de Chihuahua, 1880 -
http://www.chihuahua.gob.mx/principal/canal.asp?cve_canal=48

The state of Chihuahua's official gazette is published biweekly by the state printing press, under the Secretaría de Finanzas y Administración. The gazette contains laws and decrees issued by the state congress; regulations, agreements, circulars and administrative orders of the state executive; agreements of general interest issued by the plenum of the supreme court of the state; regulations and agreements of general interest issued by the municipalities; and agreements entered into by the state executive with the other branches of government, other federal entities, with the municipalities or the social and private sectors.


The *Periódico Oficial* can be accessed electronically from 2005 to date, in PDF format. The files are organized chronologically by date of publication. The site does not provide for advanced searching. The digital edition has no legal effect.\textsuperscript{105}

**Distrito Federal**  
Gaceta Oficial del Distrito Federal, 1945 -  

Established in 1945, the *Gaceta Oficial* contains laws, decrees, regulations, agreements, and circulars arising from the Federal District government bodies.\textsuperscript{106} It is published by the Consejería Jurídica y Servicios Legales del Distrito Federal. Summaries and the full text of the laws are searchable by date, issue number, and keywords, from 1998 to date in HTML and PDF formats.

**Durango**  
Periódico Oficial del Gobierno Constitucional del Estado de Durango, 1877 -  

The *Periódico Oficial* is published by the Secretaría General del Gobierno. The official gazette contains laws and decrees issued by the state congress; administrative decrees, regulations, agreements, circulars and administrative orders of the state executive; resolutions issued by the supreme court of the state; regulations and agreements issued by the municipalities, which are of general interest; and agreements entered into by the state executive with the other branches of government, other federal entities, with the municipalities or the social and private sectors.

The electronic version of the official gazette is accessible from 2004 to date, in chronological order by date of publication in PDF format. No advanced search function is provided to retrieve the full text of the laws. The digital edition has no legal effect.\textsuperscript{107}

**Guanajuato**  
Periódico Oficial del Gobierno del Estado de Guanajuato, 1877-1913; 1915 -  

The *Periódico Oficial* is published by the Secretaría de Gobierno. The electronic version begins in January 2002, in PDF format. The *Periódico Oficial* can be searched in

\textsuperscript{105} Ley del Periódico Oficial del Estado de Chihuahua [LPOEC], Decreto No. 313-08 III P.E., Periódico Oficial del Estado [POE], 22 de Agosto de 2009,  

\textsuperscript{106} Gaceta Oficial del Distrito Federal: Marco Jurídico,  

\textsuperscript{107} Ley del Periódico Oficial del Gobierno del Estado de Durango [LPOGED], as amended, Periódico Oficial del Gobierno del Estado de Durango [POGED], 2 de Marzo de 2012,  
chronological order, by issue number, government agency, type of document, date range and by subject.

**Guerrero**
Periódico Oficial del Gobierno del Estado de Guerrero, 1870 -
http://periodicooficial.guerrero.gob.mx/

The Periódico Oficial contains laws, decrees, regulations, agreements, circulars, and orders and other acts issued by the state authorities in their respective areas of competence. Guerrero’s official gazette is accessible in electronic format full text from 2006 to date. Summaries of the laws can be searched from 1987 to date. The electronic version has no legal effect.

**Hidalgo**
Periódico Oficial del Gobierno del Estado de Hidalgo, 1868 -
http://s-gobierno.hidalgo.gob.mx/index.php?option=content&task=view&id=68

The Periódico Oficial is published weekly. It contains laws, decrees, regulations, agreements, circulars, notifications, notices and other documents issued by the state authorities in their respective areas of competence, as well as the laws and decrees of federal and municipal character. Only summaries of the laws are accessible in electronic format from 2005 to date.

**Jalisco**
Periódico Oficial del Estado de Jalisco, 1872 -
http://periodicooficial.jalisco.gob.mx/index.html

The Periódico Oficial is published by the Secretaría General de Gobierno del Estado de Jalisco, three times per week. It contains laws and decrees passed by the state legislature; decrees, regulations, agreements and orders issued by the state executive; agreements of the supreme court of the state, and judicial notices. It’s accessible in electronic format from 2001 to date, in chronological order and by keywords in the summaries. Search results are provided as summaries in HTML format, with a link to the full text of the documents in PDF format. The electronic version of the Periódico Oficial is solely for purposes of consultation and has no legal effect.

**México**
Periódico Oficial “Gaceta del Gobierno” del Estado de México, 1889 -
http://www.edomex.gob.mx/portal/page/portal/legistel/gaceta-de-gobierno

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The Periódico Oficial “Gaceta del Gobierno” includes laws, decrees, regulations, agreements, notices and other general provisions of the branches of government, autonomous bodies and municipalities. The state of México’s official gazette is accessible in electronic format full text from 2001 to date on the website of the Secretaría General de Gobierno. The General Secretariat of the State has developed a database “Legistel” for laws, regulations, decrees and agreements of the state of México, although the website does not offer an advanced search function.

Michoacán
Periódico Oficial del Estado de Michoacán de Ocampo, 1893 -
http://www.michoacan.gob.mx/index.php/temas/leyes-y-justicia/periodico-oficial-del-estado

The official gazette of the state of Michoacán is issued five times a week by the Secretaría de Gobernación. Laws, decrees, regulations, agreements, circulars, orders and other provisions issued by the authorities of the state or the municipalities are subject to mandatory publication in the official gazette to ensure that they are observed and properly applied.110

The Periódico Oficial is accessible in electronic format from March 2002 to date, in chronological order by date of publication, in PDF format. An advanced search mechanism is provided on the website, allowing for searches by keywords.

Morelos
Periódico Oficial “Tierra y Libertad” del Estado de Morelos, 1927 -
http://periodico.morelos.gob.mx/indices.php

The official gazette of the state of Morelos “Tierra y Libertad” is published by the Secretaría de Gobierno, once a week. It contains laws, regulations and decrees issued by the state congress; regulations, decrees, circulars or any other provisions issued by the executive branch of the state or by government agencies; agreements, circulars and other provisions issued by the federal government; treaties and conventions signed by the state with the federation, other states or municipalities; resolutions, agreements, circulars and other provisions of public interest issued by the judiciary; and regulations, circulars and other provisions issued by the municipalities of the state.111

The summaries in “Tierra y Libertad” can be accessed in electronic format from 1976 to 2012. The full text can be searched by keywords from 2000 to date, in PDF format.

Nayarit
Periódico Oficial del Estado de Nayarit, 1877 -
http://www.sggnay.gob.mx/periodico_oficial/

The official gazette of the state of Nayarit is published twice a week by the Secretaría General de Gobierno. The Periódico Oficial contains laws, decrees, regulations, agreements, orders and other acts issued by the state powers.\(^{112}\)

The official gazette in digital format can be accessed full text by date, from December 2003 to date, in PDF format; also advanced searching is provided by keywords in the title, type of document, by government units, as well as the date and volume of the issue. The electronic edition has no legal effect.

Nuevo León
Periódico Oficial del Estado de Nuevo León, 1826 -
http://www.nl.gob.mx/?P=periodico_oficial

The state of Nuevo León’s official gazette is published by the Secretaría General de Gobierno, three times a week. It contains laws and decrees issued by the congress of the state; agreements, decrees and regulations of the executive; agreements and circulars of state government agencies; agreements of public interest issued by the state judicial branch; and regulations and agreements issued by state municipalities.\(^{113}\)

The summaries and full text of the Periódico Oficial in electronic format are accessible from 2002 to date, in PDF format. The digital version has no legal effect.

Oaxaca
Periódico Oficial Gobierno del Estado de Oaxaca, 1918 -

The official gazette of the state of Oaxaca is published by the Consejería Jurídica of Oaxaca. The Periódico Oficial contains laws, decrees, regulations, agreements, and other provisions issued by the authorities of the state. Laws, regulations, circulars, or any other general provisions, produce legal effect from the date of their publication in the official gazette of the state.\(^{114}\) The digital edition can be accessed in PDF format from December 2010 to date, by date of publication, keywords in summaries, type of document, and government unit that issued the norm.

\(^{112}\) Ley del Periódico Oficial del Estado de Nayarit [LPOEN], Decreto N. 8498, as amended, Periódico Oficial [POEN], 10 de Diciembre de 2003.

\(^{113}\) Ley del Periódico Oficial del Estado de Nuevo León [LPOENL], Decreto No. 244, as amended, Periódico Oficial [POENL], 10 de Julio de 1996, http://www.hcnl.gob.mx/trabajo_legislativo/leyes/pdf/90.pdf; for the history and evolution of the official gazette of Nuevo León see ERASMO TORRES LÓPEZ, EL PERIÓDICO OFICIAL DE NUEVO LEÓN. UN PERIÓDICO CON 175 AÑOS DE VIDA (Archivo General del Estado, 2001); and Historia y Evolución Gráfica del Periódico Oficial, http://www.nl.gob.mx/?P=poe_historia.

\(^{114}\) Código Civil del Estado de Oaxaca [CCEO] [Civil Code of the State of Oaxaca], as amended, 25 de Noviembre de 1944.
**Puebla**  
Periódico Oficial del Estado de Puebla, 1847 -

The official gazette of the state of Puebla is published by the Secretaría General. The *Periódico Oficial* contains laws and decrees issued by the congress of the state and enacted by the executive; regulations, decrees and resolutions issued by the governor of the state; and other laws emanating from the various state agencies. There is no electronic edition of the *Periódico Oficial*; it is only available in print.115

**Querétaro**  
“La Sombra de Arteaga” Periódico Oficial del Estado de Querétaro, 1867 -  
http://www2.queretaro.gob.mx/disco2/servicios/LaSombradeArteaga/

The official gazette of the state of Querétaro is under the auspices of the Secretaría de Gobierno of the state and is published once a week. It contains laws, decrees and resolutions issued by the state legislature; decrees, regulations, circulars, agreements and orders of general interest issued by the executive of the state of Querétaro and its dependencies; decrees, regulations, circulars, agreements and orders of the councils of the municipalities of the state of Querétaro and by the autonomous government agencies in their respective areas of competence; agreements, circulars and orders of general interest issued by the federal government or its agencies; administrative procurement procedures; and concessions.116

Summaries and the full text of the *Periódico Oficial* are available in electronic format from January 1999 to date in PDF format. The full text can be searched by multiple fields: by volume number, date, type of publication and government agency or section, as well as by keywords within the text. Indexes and summaries of the laws are arranged in chronological order by date of publication. The electronic version of the gazette has no legal effect.

**Quintana Roo**  
Periódico Oficial del Estado de Quintana Roo, 1900s -  
http://po.qroo.gob.mx/portal/index.php

The official gazette of the state of Quintana Roo publishes laws, decrees, regulations, agreements, circulars, manuals and other legal provisions issued by the state authorities, municipalities and individuals in their respective fields of competence.117 Only the indexes to the *Periódico Oficial* are available in electronic format on the publication’s webpage, and these can be searched by date or keywords in the title.

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116 Ley de Publicaciones Oficiales del Estado de Querétaro [LPOEQ], La Sombra de Arteaga [SA], 16 de Octubre de 2009, http://www2.queretaro.gob.mx/disco2/servicios/LaSombradeArteaga/.

San Luis Potosí
Periódico Oficial del Estado de San Luis Potosí, 1876 -
http://apps.slp.gob.mx/po/

The official gazette of the state of San Luis Potosí publishes laws, decrees, regulations and administrative agreements issued by the state congress; regulations, decrees, administrative agreements, circulars, orders and provisions of general interest, as well as agreements concluded or issued by the chief executive of the state, or any of its agencies or constitutional state bodies; resolutions issued by the judiciary of general interest; and other regulations or administrative provisions issued by the municipalities of the state. The Secretaría General de Gobierno is responsible for the publication of San Luis Potosí’s official gazette.

The full text of the Periódico Oficial is accessible in electronic format from October 1995 to date, in chronological order by date of publication. No advanced search is possible. The digital version has no legal effect.

Sinaloa
Periódico Oficial del “El Estado de Sinaloa” Órgano Oficial del Gobierno del Estado, 1952 -
http://www.laipsinaloa.gob.mx/index.php?option=com_jevents&view=month&task=month.calendar&Itemid=1051

The official gazette of Sinaloa includes the laws, decrees or agreements issued by the state congress; decrees, regulations and administrative agreements issued by the state governor; agreements and conventions of the state executive, which are of general interest; resolutions and circulars of state government agencies; regulations, agreements and other general and administrative rules issued by the state judicial branch; regulations, circulars and administrative rulings of general compliance issued by the municipalities; and acts and rulings of the federal powers that the Constitution of the United Mexican States, the federal laws and regulations order to be published and thus indicate. Laws come into force three days after publication in the official gazette of the state. Only the indexes of the Periódico Oficial are accessible in chronological order, in Word or PDF format.

Sonora
Boletín Oficial del Estado de Sonora, 1915 -
http://www.boletinoficial.sonora.gob.mx/

Sonora’s official gazette is an organ of the state government, and it includes the laws, decrees, regulations, agreements, circulars, notices, orders and other acts issued by the state executive, legislative and judicial branches, as well as agreements, edicts,


119 Código Civil para el Estado de Sinaloa [CCES], [Civil Code for the State of Sinaloa], as amended, Periódico Oficial [POES], 25 de Julio de 1940.
regulations and other acts issued by municipalities so that they are properly applied and observed.\textsuperscript{120} The Boletín Oficial is published twice a week.\textsuperscript{121}

**Tabasco**

Periódico Oficial, Órgano del Gobierno Constitucional del Estado de Tabasco, 1926 -

http://cgaj.tabasco.gob.mx/periodicos

The Periódico Oficial is the official gazette of the Constitutional Government of the State of Tabasco, and it includes laws, decrees, regulations, agreements, circulars, notifications, notices and other general acts issued by the state authorities and councils in their respective areas of competence. The official gazette is published twice a month.\textsuperscript{122} The full text is accessible in electronic format from 1959 to date, in PDF format. The webpage allows for searching keywords in the text.

**Tamaulipas**

Periódico Oficial del Estado de Tamaulipas, 1910 -

http://po.tamaulipas.gob.mx/

The Periódico Oficial is published by the Secretaría General de Gobierno, ordinarily on Tuesdays, Wednesdays and Thursdays of each week. Tamaulipas’ official gazette contains laws, decrees, regulations, agreements, circulars, notices, announcements and other acts and resolutions issued by the state authorities, the municipalities and autonomous constitutional bodies in their respective areas of competence.\textsuperscript{123}

The summaries of laws from 1910 to date and the full text of the Periódico Oficial from 1999 to date can be accessed in electronic format. Advanced searches can be performed by keywords in the text, by date and issue number, and by type of document.

**Tlaxcala**

Periódico Oficial del Estado de Tlaxcala, 1921 -

http://periodico.tlaxcala.gob.mx/periodico/

Article 5 of the Civil Code for the State of Tlaxcala states that all laws, decrees, regulations, or any other general provisions, issued by competent authority shall enter into force upon their publication in the official gazette and in other places.\textsuperscript{124} Only a selection of laws from 1945 to date is accessible in digital format on the webpage of the Periódico Oficial.


\textsuperscript{121} Although there is a URL for the Boletín Oficial, the server is not working.

\textsuperscript{122} Reglamento para la Impresión, Publicación, Distribución y Resguardo del Periódico Oficial del Estado de Tabasco [RPOET], Periódico Oficial [POET], 30 de Diciembre de 2000, http://201.159.134.38/fichaOrdenamiento2.php?idArchivo=18252&ambito=ESTATAL.


\textsuperscript{124} Código Civil para el Estado Libre y Soberano de Tlaxcala [CCT], [Civil Code of Tlaxcala], \textit{as amended}, Periódico Oficial [POT], 20 de Noviembre de 1976.
The *Gaceta Oficial* is published three times a week. It contains laws and decrees issued by the state congress and promulgated by the executive; decrees, regulations and agreements issued by the state executive; agreements, circulars and other provisions issued by the centralized units of the public administration of the state; agreements and other rules for compliance and general interest issued by the state judicial branch; and concessions. Laws shall enter into force three days after publication in the official gazette.\(^\text{125}\)

The *Diario Oficial* contains laws, decrees or agreements issued by the state congress; decrees, regulations and administrative agreements issued by the state executive; resolutions and circulars of state government agencies; regulations, agreements and other general and administrative acts issued by the state judicial branch; rules, regulations, circulars and administrative rulings of general compliance issued by the municipalities; and acts and rulings of the federal powers that the Constitution of the United Mexican States, the federal laws and regulations order to be published and thus indicate.\(^\text{126}\)

Indexes of decrees, agreements and other legal provisions published in the *Diario Oficial* can be accessed in electronic format from 2001 to date, and the full text of the official gazette since July 2003 to date, in PDF and ZIP formats, by the date of publication. The electronic edition has no legal effect.

Subject to publication in the official gazette of the state are laws and decrees issued by the state legislature; decrees, regulations, agreements and orders of general interest issued by the state executive and its branches; agreements, circulars and orders of the plenary of the superior court of the state; agreements signed by the state government and its municipalities; agreements issued by the municipal councils; acts or resolutions

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\(^{125}\) Ley No. 249, de la Gaceta Oficial del Gobierno del Estado de Veracruz de Ignacio de la Llave [LGOV], Gaceta Oficial [GO], 6 de Julio de 2005, [http://www.ordenjuridico.gob.mx/Estandal/VERACRUZ/Leyes/VERLey111.pdf](http://www.ordenjuridico.gob.mx/Estandal/VERACRUZ/Leyes/VERLey111.pdf).

determined by the governor of the state or the state constitution. The *Periódico Oficial* is published twice a week. It is accessible full text in electronic format by the date of publication from 2002 to date, in PDF format. It can also be searched by type of document and by keywords.

**G. Codes & Compilations**
Jonathan Pratter, University of Texas at Austin

Mexico is in the civil law tradition. Codification is part of Mexico’s legal heritage. The first major achievement was the *Código Civil del Distrito Federal y Territorio de la Baja California* (1870). Today there are eight codes at the federal level, and each state and the Federal District has its own set of codes. The most recent development is the *Código Nacional de Procedimientos Penales* (2014). This code modernizes and unifies criminal procedure at both the federal and state levels because it replaces the individual state and federal codes of criminal procedure that were in place until this year.

The federal codes are conveniently collected together in the listing, Federal Laws in Force (*Leyes Federales Vigentes*) at the webpage, Federal Laws of Mexico (*Leyes Federales de México*) of the Chamber of Deputies. This page also has links to the governments of all the states and the Federal District, which in turn have pages for their respective state codes.

There are a few recent translations into English of Mexican codes, all federal. As far as is known, there are no English translations of state codes. The Federal Civil Code has been translated twice, by Romañach and Vargas. Earlier translations exist, but are not recommended, as they predate the existence of the Federal Civil Code. Romañach has also translated portions of the Commercial Code.

There is not a comprehensive compilation of legislation in force at either the federal or state level, either in hardcopy or online. The website called Orden Jurídico Nacional represents an effort by the federal government to make available legislation and other enactments in force at all three levels of government (federal, state and municipal). Other online collections of federal and state legislation and similar enactments include *Leyes Federales de México* (Chamber of Deputies), the website of IIJ-UNAM, vLex, and Justia México, all of which are described in the “Online Resources” section of this guide.

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130 MEXICAN CIVIL CODE OF MEXICO (Julio Romañach, Jr. trans., 2003 with 2012 supp.).
131 MEXICAN CIVIL CODE ANNOTATED (Jorge A. Vargas trans., 2012).
133 [http://www.ordenjuridico.gob.mx](http://www.ordenjuridico.gob.mx).
H. **Administrative Regulations**  
Jonathan Pratter, University of Texas at Austin

The authority to make administrative regulations is called *la facultad reglamentaria*.\(^{134}\) Government entities of all kinds exercise this authority,\(^ {135}\) but the Constitution expressly places it in the President. Article 89(I) gives him the power to “promulgate and execute the laws enacted by Congress, providing for their exact observance in the administrative sphere.” The power to make regulations (*reglamentos*) implementing framework legislation (*ley marco* or *ley cuadro*) is held by the President exclusively. The website called *Leyes Federales Vigentes* of the Chamber of Deputies has 116 of these implementing regulations issued by the President.\(^ {136}\)

Administrative enactments come with several names. Article 2 of the Law on the Official Gazette (*Ley del Diario Oficial de la Federación*) speaks of “decrees, regulations, accords, circulars, orders and other acts” (*decretos, reglamentos, acuerdos, circulares, órdenes y demás actos*). To this list can be added (based on a review of recent issues of the *Diario Oficial*) advisories (*avisos*), resolutions (*resoluciones*), agreements (*convenios*), declarations (*declaratorias*), and communications (*oficios*). Articles 2, 3, and 4 of the Law on the Official Gazette make publication of administrative enactments obligatory.

The *Diario Oficial* functions much like the *Federal Register* in the United States. However, in Mexico there is no equivalent to the *Code of Federal Regulations*. This makes it difficult to conduct research on the current state of regulation. A partial solution is found in the website Orden Jurídico Nacional.\(^ {137}\) This site organizes administrative regulations by department (*secretaría*) of the federal government. For each enactment, there is a metadata indication as to status. If the regulation is currently in force, this field reads “vigente.”

A special kind of administrative measure in Mexico is the technical standard. These differ from technical standards in the U.S. in that they emanate from government agencies and have the force of law. Legally binding technical standards are called *Official Mexican Norms* (*Normas Oficiales Mexicanas*) and go by the acronym NOM. The production of NOMs is regulated in the Federal Law on Metrology and Standardization (*Ley Federal sobre Metrología y Normalización*). Article 52 of the law says that “all products, processes, methods, installations, services or activities shall comply (*deberán cumplir*) with the Official Mexican Norms.” Two databases of NOMs are available free on the Web. One is at the website of the *Diario Oficial*\(^ {138}\) and the other is available through the Secretaría de Economía’s site.\(^ {139}\)

\(^{134}\) See generally, ELISUR ARTEAGA NAVA, DERECHO CONSTITUCIONAL 847-860 (3rd ed. 2008).

\(^{135}\) Id. at 847.

\(^{136}\) [http://www.diputados.gob.mx/LeyesBiblio/regla.htm](http://www.diputados.gob.mx/LeyesBiblio/regla.htm).

\(^{137}\) [http://www.ordenjuridico.gob.mx/](http://www.ordenjuridico.gob.mx/).


A second category of technical standards is called simply Mexican Norms (Normas Mexicanas). These are voluntary in most cases. Article 51-A of the Federal Law on Metrology and Standardization says that “application of Mexican Norms is voluntary, except in those cases in which persons declare that their products, processes or services are in conformity with them ….”

I. **International Agreements**

Teresa Miguel-Stearns, Yale University

**A Brief History**

*Estados Unidos Mexicanos* is the modern nation created within the northern region of the former Spanish empire in the Americas. When Pope Alexander VI issued a papal bull on May 4, 1493, fixing the line of demarcation of conquered territories between the Kings of Spain and Portugal, the then-unexplored territory of what is now Mexico went to the Spanish crown. Hernán de Cortes conquered the Aztec empire in 1521 and Spain ruled the territory until Mexican independence in the early 19th century. The territory was called *Nueva España* (New Spain) with its capital in today’s Mexico City.

In 1810, Padre Miguel Hidalgo rang the local church bell in Dolores, Mexico in the first call (known and celebrated as *El Grito de Dolores*) for Mexican independence from Spain. In 1821, Agustín de Iturbide successfully negotiated the *Treaty of Córdoba* with the final Spanish viceroy. The *Treaty of Córdoba* contains three guarantees that are represented in the three colors of the Mexican flag: preservation of the Catholic Church (white); absolute independence of Mexico from Spain (green); and the friendly union of Spaniards and Mexicans (red). A Constitutional Congress was convened in 1823 and drafted the first constitution of the new republic, organizing its territories into 19 states.

The years that followed Mexican independence were turbulent. Presidents changed quickly and coups d’etat were commonplace. Slavery was abolished in 1829. Rebellion rose up in what is now Texas, culminating in 1835-36 with a war of separation from Mexico. Texas gained its independence after defeating a surprised and disorganized Mexican army at the Battle of San Jacinto. Some ten years later, United States support of Texas’ secession from Mexico led to armed conflict between Mexico and the United States. In December 1845, Texas was made the

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140 A more extensive and detailed chapter on Mexican sources of international law can be found in the second edition of *Sources of State Practice in International Law* (Brill 2014).
141 The exact etymology of México is disputed. One commonly held theory is that it is named for the Aztec people, also called *Mexicas* or *Tenochas*, founders of their capital city, *Mexico-Tenochtitlan*, present day Mexico City.
143 *Id.* at 18, fn. 78. See, Tratados Celebrados en la Villa de Córdova el 24 de Agosto de 1821 (Treaty of Córdoba) in *COLECCIÓN DE TRATADOS CON LAS NACIONES ESTRANJERAS, LEYES, DECRETOS Y ORDENES QUE FORMAN EL DERECHO INTERNACIONAL MEXICANO* 1 (1854).
144 JOHN T. VANCE AND HELEN L. CLAGETT, LAW AND LEGAL LITERATURE OF MEXICO 5-6 (1945).
28th state of the United States of America. Mexico refused to accept Texas’ accession. In January 1846, the United States army invaded Mexico and fought its way to Mexico City. Mexico eventually surrendered on February 2, 1848, and signed the Treaty of Guadalupe Hidalgo146 at which time Mexico gave up two-fifths of its territory: Texas, New Mexico, Arizona, California, Nevada, and part of Colorado.147 The U.S.-Mexico borders were further defined in 1853 with the Gadsden Treaty.148

Spanish colonial law was initially a transplantation of Spanish law, which at the time of conquest was a confusing mixture of Roman, Germanic, and canon law, royal decrees, and administrative practices.149 In Mexico, Aztec customary law was not completely eliminated by the Spanish crown, especially when it was compatible with Spanish law or the Catholic Church’s interests. Some indigenous customs were eventually codified in the Recopilación de Leyes de los Reynos de las Indias (1680), the authoritative compilation of laws of the Americas. As evidenced by the Recopilación, the laws of Spanish America were developing somewhat independently from the laws of Spain despite a similar political and legal organization.150

Mexican civil law was virtually indistinguishable from Spanish civil law long after independence. For many years, the decrees of the Cortes de España were collected and published as part of Mexican legislation by order of the Mexican government.151 Spanish legal texts written for Spain’s colonies in the Americas, including the cédulas of the Council of the Indies, the Recopilación de Indias, the Nueva Recopilación, various Fueros, the Siete Partidas, and the Novísima Recopilación, were still an important part of Mexican law well after independence.152

Treaty Practice

From the late 17th century to 1821, Spain made almost 300 land grants to promote development in the frontier lands, reward Spanish subjects, and create a buffer zone between Spanish settlements and Indian tribes. About half of the land grants were awarded to individuals and half to communities (for communal use in perpetuity), including 23 grants to Native American pueblos. Most land grants were made in what is today the Southwestern United States. At the time of the land grants, the territory was claimed and controlled by Spain and later by an independent Mexico, which continued to recognize the land grants, adhere to the Spanish land policies, and consider the residents Mexican citizens. In accordance with the Treaty of Guadalupe Hidalgo, the

147 ZAMORA ET AL., supra note 142, at 18-21.
151 For a collection of decrees and orders from the Cortes in force at the time of Independence, see, COLECCIÓN DE LOS DECRETOS Y ÓRDENES DE LAS CORTES DE ESPAÑA QUE SE REPUTAN VIGENTES EN LA REPÚBLICA DE LOS ESTADOS-UNIDOS MEXICANOS (1836).
152 GUSTAVUS SCHMIDT, THE CIVIL LAW OF SPAIN AND MEXICO 98-100 (1851).
United States agreed to recognize and protect the property rights of Mexican citizens living in the newly acquired areas.\textsuperscript{153}

Mexico signed in 1969 and ratified in 1974 the \textit{Vienna Convention on the Law of Treaties},\textsuperscript{154} and applies the definition of treaties set forth in Article 2 of the \textit{Vienna Convention}. Treaty formation in Mexico complies with the \textit{Vienna Convention}.\textsuperscript{155}

The Mexican Constitution recognizes treaties as the supreme law of the land.\textsuperscript{156} Nonetheless, the role of treaties in Mexican domestic law is a point of controversy. Overturning a 1992 precedent-setting decision that placed treaties on the same plane as federal law, the Mexican Supreme Court in 1999 in plenary session held that international treaties take precedence over domestic federal or state law even when the domestic law is adopted after the international treaty. The Court expressly held that only the Mexican Constitution is superior to international treaties.\textsuperscript{157}

Treaty formation and implementation in Mexico is governed principally by three cohesive provisions: the Mexican Constitution; the Organic Law of the Federal Public Administration (\textit{LOAPF});\textsuperscript{158} and the Law of Treaties.\textsuperscript{159} In its most simplistic form, the President of Mexico or his designee concludes and signs a treaty and then submits it to the Senate for approval. After Senate approval and after complying with depository and other details, it is published in the \textit{Diario Oficial de la Federación (DO)} in accordance with the Federal Civil Code and the Law of Treaties.\textsuperscript{160}

The Constitution grants power and obligates the President of Mexico to manage foreign affairs and conclude international treaties. Treaty-making power includes the ability to enter into, conclude, suspend, modify, and amend treaties; create reservations;

\begin{itemize}
\item \textsuperscript{153} \textsc{Government Accounting Office}, \textit{Treaty of Guadalupe Hidalgo: Finding and Possible Options Regarding Longstanding Community Land Grant Claims in New Mexico} 3-4 (2004). This is the second of two reports created to address a century of grievances by the heirs of land grant holders claiming unfair treatment by the U.S. government.
\item \textsuperscript{155} \textsc{Zamora et al.}, \textit{supra} note 142, at 90.
\item \textsuperscript{156} Constitución Política de los Estados Unidos Mexicanos [C.P.], as amended, art. 133, Diario Oficial de la Federación [DO], 5 de Febrero de 1917 (Mex.), available at \url{http://www.diputados.gob.mx/LeyesBiblio/pdf/1_100214.pdf}.
\item \textsuperscript{157} \textsc{Zamora et al.}, \textit{supra} note 142, at 90, citing \textit{Amparo en Revisión} 1475/98 in \textit{Semanario Judicial de la Federación}, vol. X (nov.) 46 (1999).
\item \textsuperscript{158} Ley Orgánica de Administración Pública Federal [LOAPF] [Federal Public Administrative Law], as amended, Diario Oficial de la Federación [DO], 2 de Abril de 2013 (Mex.), available at \url{http://www.diputados.gob.mx/LeyesBiblio/pdf/153.pdf}.
\item \textsuperscript{159} Ley sobre la Celebración de Tratados [Law of Treaties], Diario Oficial de la Federación [DO], 2 de Enero de 1992 (Mex.), available at \url{http://www.diputados.gob.mx/LeyesBiblio/pdf/216.pdf}.
\item \textsuperscript{160} Jorge Palacios Treviño, \textit{Tratados: Legislación y Práctica en México} 55, 78 (2007) [hereinafter \textit{Tratados}]. \textit{Tratados} is a superbly detailed account of treaty-making practice and procedure in Mexico. The \textit{DO} is the official gazette of Mexico. In accordance with the \textit{Código Civil Federal de México}, Art. 3-4 (2000), no law takes effect until three days after it is published in the \textit{DO} unless explicitly stated otherwise in the text of the law. The \textit{Law of Treaties}, Art. 4, also requires publication in the \textit{DO} after Senate approval is reached.
\end{itemize}
and formulate interpretive declarations. The President must submit all such action to the Senate for approval.\textsuperscript{161}

The Constitution also grants the Senate exclusive authority to analyze the foreign affairs as developed by the Executive Branch by reviewing annual reports of the President of the Republic and the Secretary of the corresponding office to Congress. Furthermore, the Senate has the power to approve the treaties and diplomatic conventions that the Executive Branch has signed including its decision to end, denounce, suspend, modify, amend, make reservations, and formulate interpretive declarations regarding the same.\textsuperscript{162}

\textit{LOAPF} charges the Secretariat of Foreign Affairs (\textit{Secretaría de Relaciones Exteriores}) (SRE) with coordinating the foreign affairs of all the entities of the Federal Public Administration including all classes of treaties, conventions, and agreements to which Mexico is a party.\textsuperscript{163} By way of other articles, it grants the entities, or federal agencies, the authority to do the same within each agency’s narrow area of expertise and jurisdiction. For example, the Secretariat of the Environment and Natural Resources has the power to conclude international treaties on behalf of the SRE in its narrow area of competence.\textsuperscript{164}

Treaty practice in Mexico, as in all countries, differs depending on whether it is a bilateral treaty or a multilateral treaty. For both bilateral and multilateral treaties, the Treaty Section of the Legal Advisor’s Office of the SRE plays an advisory role throughout the negotiations process. Although a government agency with particular specialization may engage in the actual negotiations for a relevant treaty, the agency is continuously supported by the SRE.\textsuperscript{165}

Once a bilateral or multilateral treaty is signed, it is up to the Executive Power to submit the treaty to the Senate, which engages in an article-by-article analysis, for approval. At the end, the Chamber of Senators votes on a motion of approval. The Senate must vote and approve reservations, declarations, or understandings at this time as well. If the Senate approves the treaty, it issues a decree to the Secretary of the Government (SG) and the President.\textsuperscript{166}

After the Senate approves the treaty, the President must ratify the treaty before it can become law.\textsuperscript{167} After signature, Senate approval, and ratification, the Secretary of the SRE prepares for the President an SRE-endorsed decree, which includes the complete text of the treaty. The President orders its publication in the \textit{DO} in accordance with the Federal Civil Code, after which it becomes the supreme law of the land.\textsuperscript{168}

The Law of Treaties obligates the SRE to maintain a registry of all treaties entered into force in which Mexico is a party. The registry is managed by the Legal Adviser’s

\begin{footnotes}
\item \textsuperscript{161} C.P. Art. 89 (x).
\item \textsuperscript{162} C.P. Art. 76 (I).
\item \textsuperscript{163} TRATADOS, supra note 160, at 73 citing LOAPF Art. 28.
\item \textsuperscript{164} TRATADOS, supra note 160, at 73-4. See also, LOAPF Art. 32Bis. Sec. IX.
\item \textsuperscript{165} MONROE LEIGH ET AL., (ED.), NATIONAL TREATY LAW AND PRACTICE 106-7 (2003).
\item \textsuperscript{166} Id. at 108-9.
\item \textsuperscript{167} C.P. Art. 89 (x).
\item \textsuperscript{168} LEIGH ET AL., supra note 165, at 110.
\end{footnotes}
Office and is available to the public. The SRE also registers all treaties with the United Nations.169

The Law of Treaties distinguishes between two types of international instruments: treaties (tratados) and inter-institutional agreements (acuerdos interinstitucionales). Article 2 defines a treaty as an international agreement entered into by the government of Mexico that involves one or more subjects pertaining to public international law. Treaties must be approved by the Senate in compliance with Article 76 of the Constitution, and are the supreme law of the land according to the terms of Article 133 of the Constitution. Inter-institutional agreements also deal with matters of public international law. They can be negotiated and entered into by a public administrative agency at the state or municipal level with one or more foreign government agencies or international organizations as long as there is no existing treaty on the matter. The subject matter of inter-institutional agreements is limited to areas in which the state, municipality, or agency already enjoys exclusive jurisdiction. Inter-institutional agreements are not approved by the Senate, are not published in the DO, and are not the supreme law of the land.170

Bibliography

General Treaty Collections

Summary: A collection of treaties from 1821 – 1854, beginning with the Tratado de Córdoba in 1821. The index is a chronological list of 158 treaties from 1821 – 1854, plus several additional conventions. Available in Google Books and HathiTrust at http://hdl.handle.net/2027/umn.31951001873701y.

Summary: Beautifully illustrated coffee-table style book providing a detailed narrative of how treaties fit into Mexican history during the stated time period.

DERECHO INTERNACIONAL MEXICANO. TRATADOS Y CONVENCIONES CONCLUIDOS Y RATIFICADOS POR LA REPÚBLICA MEXICANA, DESDE SU INDEPENDENCIA HASTA EL AÑO ACTUAL, ACOMPAÑADOS DE VARIOS DOCUMENTOS QUE LES SON REFERENTES. PRIMERA PARTE. (México: Imp. de Gonzalo A. Esteva, 1878).
Summary: Volume I contains the treaties and conventions concluded and ratified by Mexico from Independence (1821) to 1877. Available in Google Books at http://books.google.com/books?id=bscAAAAAYAAJ.

169 Id.; Ley de Tratados, Art. 6.
170 See generally, TRATADOS, supra note 160, at 288-98. See also, LEIGH ET AL., supra note 165 at 111-12; Ley de Tratados, Art. 7-8; JORGE A. VARGAS, MEXICAN LAW: A TREATISE FOR LEGAL PRACTITIONERS AND INTERNATIONAL INVESTORS 22-4 (1998).
DERECHO INTERNACIONAL MEXICANO. TRATADOS Y CONVENCIONES CELEBRADOS Y NO RATIFICADOS POR LA REPÚBLICA MEXICANA; CON UN APENDICE QUE CONTIENE VARIOS DOCUMENTOS IMPORTANTES. SEGUNDA PARTE. (México: Imp. de Gonzalo A. Esteva, 1878).

Summary: This volume contains treaties and conventions concluded but not ratified by Mexico. It was created purely for historical interest and only a small number of copies were printed and distributed. Available in Google Books at http://books.google.com/books?id=oeHqAAAAMAAJ.

DERECHO INTERNACIONAL MEXICANO. LEYES, DECRETOS Y ORDENES QUE FORMAN EL DERECHO INTERNACIONAL MEXICANO O QUE SE RELACIONAN CON EL MISMO. TERCERA PARTE. (México: Tip. Lit. de Filomeno Mata, 1879).

Summary: Volume III contains the laws, decrees, and orders that together form Mexican international law or are related to Mexican International law. Some treaties and conventions are contained in this volume, which is organized topically and alphabetically (beginning with Agentes Comerciales Privados). Available in Google Books at http://books.google.com/books?id=baJJAQAAIAAJ.

DERECHO INTERNACIONAL MEXICANO. TRATADOS Y CONVENCIONES CONCLUIDOS Y RATIFICADOS POR LA REPÚBLICA MEXICANA DESDE SU INDEPENDENCIA HASTA EL AÑO 1896, ACOMPAÑADOS DE VARIOS DOCUMENTOS QUE LES SON REFERENTES. SEGUNDA PARTE. (México: Imp. y Lit. de F. Díaz de León Suc., 1896).

Summary: This second segunda parte is intended to replace the original segunda parte in which a limited number of exemplars were printed and only for historical purposes as those treaties were never ratified. This new segunda parte effectually continues the original (and only) primera parte by publishing treaties and conventions concluded and ratified by Mexico between December 7, 1877 and March 16, 1896. Bilateral treaties with non-Spanish-speaking countries are presented in side-by-side columns in both languages. Multilateral treaties are also reprinted. Available in HathiTrust at http://hdl.handle.net/2027/mdp.35112104563954.


Summary: A collection of treaties in force published by the Department of Foreign Affairs of Mexico, organized chronologically beginning with the Tratado de Paz, Amistad y Límites, de 2 de Febrero de 1848, con los Estados Unidos de América. Available in Google Books at http://books.google.com/books?id=lj00AQAAMAAJ.


Summary: This volume is an appendix to the above collection of treaties and conventions, plus a historical sketch of Mexico’s treaty relations from the time of independence to 1909. It also includes a chronological list of treaties arranged under each Mexican president. This work is based partly on the 1859 index created by Matías Romero (see below).


Diario Oficial de la Federación. (México, 1917- )

Summary: Annual publication containing the full text of bilateral and multilateral agreements, and other international instruments from 1823 to the present. Treaties are arranged chronologically by date of signature or conclusion. Treaties can now be found on the website of the Secretaría de Relaciones Exteriores: http://www.sre.gob.mx/tratados/ and http://www.ordenjuridico.gob.mx/ambinter.php.


Summary: Interactive website published cooperatively by several government agencies. Contains full-text (unofficial and unauthenticated) PDF documents of all treaties, bilateral and multilateral in force in Mexico, as well as related jurisprudence and national laws related to treaties. Search using interactive map or advanced search. Each treaty contains date of signature, ratification, and entry into force.

Summary: Beginning with the Treaty of Westphalia in 1648, this series proposes to consolidate chronologically all treaties entered into worldwide up to the formation of the League of Nations Treaty Series (LNTS). Contains many treaties involving Mexico. Treaties are reprinted in the vernacular. Also gives parallel citations to Mexico’s treaty collections.

Treaty Indexes

Matías Romero, TABLA SINÓPTICA DE LOS TRATADOS Y CONVENCIONES QUE HAN NEGOCIADO LOS ESTADOS DE MÉXICO CON LAS NACIONES EXTRANJERAS. (Tabasco (Méx.): J.M. Flores, 1859).
Summary: This volume contains a helpful table summarizing all 24 treaties Mexico has signed with foreign countries (including Texas) up to the time of publication (Mexico recognized Texas’ independence at this time). The table lists
the foreign country, the objective of the treaty, the Mexican and foreign officials involved, the date and place of conclusion, dates of ratification for Mexico and the foreign State, date of publication in Mexico, and duration of the treaty. Additionally, the author details the six types of treaties (friendship, commerce and navigation; conventions; peace; boundaries; alliances; abolition of slavery) and explains the motivation behind each type. The author also summarizes the key points of each of the 24 treaties. There is no index and no full-text reprint of the treaties.

Summary: Multivolume index provides several methods of finding treaties, including by country. Indexes the hundreds of treaties involving Mexico from 1823 – 1919.

Secretaría de Relaciones Exteriores, MÉXICO: RELACIÓN DE TRATADOS EN VIGOR. (México: Secretaría de Relaciones Exteriores, 1985 -).
Summary: Published sporadically, contains a list of treaties in force in Mexico. Organized in two sections, bilateral (alphabetically by foreign country) and multilateral (alphabetically by subject). Introductory note directs users to the COLECCIÓN TRATADOS RATIFICADOS Y CONVENIOS EJECUTIVOS CELEBRADOS POR MÉXICO and the UNITED NATIONS TREATY SERIES for full text. CTS and UNTS citations given in chart along with dates of adoption, ratification, and entry into force.

Summary: Chronological guide to all treaties and international instruments concluded by Mexico from 1836 – 2004. Provides dates of signing and promulgation, whether bilateral, multilateral, or international organization, and one- or two-word description. Does not indicate current status (whether currently in force). Also available online from the website of the Mexican government agency, Orden Jurídico Nacional at http://www.ordenjuridico.gob.mx/Publicaciones/guiia%20de%20tratados2005.pdf.

Topical and Selected Treaty Publications

Summary: Publication of bilateral treaties, agreements, declarations, acts, and memoranda of understanding between Mexico and Argentina. There is a helpful introduction detailing the history of bilateral agreements between the two countries.

Yearbooks and Digests of State Practice

ANUARIO MEXICANO DE DERECHO INTERNACIONAL. (México, Universidad Nacional Autónoma de México, Instituto de Investigaciones Jurídicas, 2001-)

Note: Other title: MEXICAN YEARBOOK OF INTERNATIONAL LAW.

Explanatory Works

Summary: Formerly of the Office of the Legal Advisor in the Secretaría de Relaciones Exteriores, Mr. Garza Cánovas provides an excellent introduction to, and explanation of, the 1992 Law of Treaties (translated into English).

Summary: Volume II includes treatment of many treaties involving and/or affecting Nueva España and Mexico in the 18th and 19th centuries.

Summary: Classic and original work on civil law systems, including those in Latin America; especially helpful for common law-trained legal scholars and practitioners.

Summary: Treatise on Mexican law provides a valuable overview of the legal system, including detailed historical context.

Jorge Palacios Treviño, TRATADOS: LEGISLACIÓN Y PRÁCTICA EN MÉXICO. (Secretaría de Relaciones Exteriores de México, Universidad Iberoamericana, 2007).
Summary: Excellent, indispensable, and detailed work on treaty formation in Mexico.

Ángel Oquendo, LATIN AMERICAN LAW. (2nd ed. 2011).
Summary: Textbook for U.S. law students providing overview of legal systems throughout Latin America, including excellent treatment of period around Mexican independence.
Relevant Laws


Fin:
I am grateful to the work of several predecessors whose excellent bibliographic publications contributed significantly to the research I have done into the historical treaty collections named above. They include:

Denys Peter Myers, MANUAL OF COLLECTIONS OF TREATIES AND OF COLLECTIONS RELATING TO TREATIES. (Cambridge: Harvard Univ. Press, 1922).


J. Judicial Decisions
Bianca Anderson, University of Miami

Like the United States, Mexico has adopted a dual system of federal and state courts. There are also specialized tribunals in Mexico that handle disputes in such areas as elections, labor, taxation, agriculture, and the military. The following discussion will emphasize federal courts and is by no means exhaustive. For a more detailed analysis in English of the Mexican judicial system (including state courts), José María Serna de la Garza’s aforementioned book is recommended.171

The Mexican Constitution vests the Federal Judicial Power (Poder Judicial de la Federación) in a Supreme Court (Suprema Corte de Justicia de la Nación), an Electoral Tribunal (Tribunal Electoral del Poder Judicial de la Federación), Collegiate Circuit Courts (Tribunales Colegiados de Circuito), Unitary Circuit Courts (Tribunales Unitarios de Circuito) and District Courts (Juzgados de Distrito).172 In general terms, the Electoral

171 SERNA DE LA GARZA, supra note 1, at 103-33.
172 Constitución Política de los Estados Unidos Mexicanos [C.P.], as amended, art. 94, Diario Oficial de la Federación [DO], 5 de Febrero de 1917 (Mex.).
Tribunal handles electoral disputes, the Collegiate and Unitary Circuit Courts are intermediate appellate courts, and the District Courts are courts of first instance. The Collegiate Circuit Courts meet in panels of three judges, and the Unitary Circuit Courts have one presiding judge. Both circuit and district court judges serve for six-year terms, after which these judges may be retained, promoted, or dismissed.

The supervision, administration, and discipline of most federal courts is assigned to the Federal Judicial Council (Consejo de la Judicatura Federal). The Federal Judicial Council has no overseeing duties for the Supreme Court or the Electoral Court. The website of the Federal Judicial Council is comprehensive and provides access to various Council publications. Most of the information on the website is in Spanish, although there is a limited amount offered in English. The Council’s website links directly to the General Directorate of Judicial Statistics (Dirección General de Estadística Judicial) site, which offers statistics and information on the various federal courts, including detailed maps of their locations.

The Organic Law of the Federal Judicial Power (Ley Orgánica del Poder Judicial de la Federación) further prescribes the jurisdiction, powers, and duties of the federal courts and Judicial Council. The Organic Law also describes the role, responsibilities, and composition of the Federal Citizen Juries (Jurados Populares Federales), which district court judges may form. An English translation of the Organic Law is posted on the Electoral Tribunal’s website.

The Supreme Court is composed of 11 Justices (Ministros and Ministras), including a Chief Justice (Presidente de la Corte Suprema). The current Chief Justice is Juan N. Silva Meza. The procedure for filling Supreme Court vacancies requires the Mexican President to propose a terna of candidates (short list of three) to the Senate and then a two-thirds majority of voting Senators is required for approval of a candidate. Supreme Court Justices are appointed for 15-year terms, and they may only be removed under grave cause as established under the terms of Title Four of the

173 Ley Orgánica del Poder Judicial de la Federación [LOPJF][Organic Law of the Federal Judicial Power], as amended, art. 33, Diario Oficial de la Federación [DO], 26 de Mayo de 1995 (Mex.).
174 Id. Art. 28.
175 C.P. Art. 97.
176 Id. Art. 94.
177 Id. Art. 94.
178 LOPJF, supra note 173, Art. 68.
179 http://www.cjf.gob.mx/acercaCJF.html#.
180 LOPJF, supra note 173, Arts. 56-67.
181 LOPJF, supra note 173, Art. 12.
182 C.P. Art. 96.
183 C.P. Art. 96.
Constitution. Once a Justice’s term has been served, he or she cannot be reappointed to the Supreme Court, unless the term served was of a temporary or provisional nature.

Matters before the Supreme Court may be heard by the full court (en pleno) or by one of two chambers (salas). The Chambers consist of five judges, although the presence of four is enough to conduct a hearing. Each chamber addresses a particular group of subject matter. The Chief Justice does not belong to either chamber and does not participate in chamber deliberations. All of the Court’s sessions are public, with the exception of cases in which morals or the public interest require a closed session. Matters within the exclusive jurisdiction of the Supreme Court are delineated in Article 105 of the Constitution, as well as Articles 10 and 21 of the Organic Law. Detailed information on the Supreme Court, including biographies of the Justices, composition of the Chambers, and jurisdictional information is posted on the Court’s website (Spanish only).

Article 104 of the Constitution describes the jurisdiction of federal courts, and the Organic Law specifically details the jurisdiction of the Collegiate Circuit Courts, Unified Circuit Courts, and District Courts. In general terms, the federal judiciary exercises jurisdiction over all civil and criminal cases involving the application of federal laws or international treaties to which Mexico is a party, maritime controversies, cases between states, cases involving the diplomatic and consular corps, cases in which the federal government is a party, and amparo suits.

The complex topic of amparo will not be addressed at length in this discussion, but in simple terms, it is “a set of federal judicial procedures by which any private person (individual or enterprise) may contest the action of a government agency or official, either at the state or federal level, on the ground that the action is unconstitutional.” The amparo jurisdiction of federal courts is articulated in Articles 103 and 107 of the Constitution. In 2013, Mexico promulgated a new Law of Amparo (Ley de Amparo),

185 Id. Art. 94.
186 Id.
187 LOPJF, supra note 173, Art. 2.
188 Id. Art. 15.
189 Id.
190 Reglamento Interior de la Suprema Corte de Justicia de la Nación, art. 37, Diario Oficial de la Federación [DO], 1 de Abril de 2008 (Mex.).
191 LOPJF, supra note 173, Art. 2.
192 Id. Art. 16.
193 Id. Art. 37.
194 Id. Art. 29.
195 Id. Arts. 48-55.
197 STEPHEN ZAMORA ET AL., supra note 142, at 213.
which repealed the 1936 version.  Detailed information on the new law, including its legislative history, effect on secondary legislation, as well as the full text, is available on the Supreme Court’s website (Spanish only).

As a civil law nation, Mexico does not adhere to the principle of stare decisis. The only exception to this in Mexico is legally binding precedent called jurisprudencia. The criteria for jurisprudencia are located in the Law of Amparo and the Organic Law. Jurisprudencia is created by the Mexican Supreme Court and the Collegiate Circuit Courts, along with the Electoral Tribunal. As an example, a Supreme Court opinion is considered to be jurisprudencia when the Court sitting in plenary issues five consecutive and consistent decisions on a point of law (by a vote of at least eight justices) and without any contrary ruling. Once established, jurisprudencia is legally binding on all lower courts. For a more detailed overview of the complex topic of Mexican jurisprudencia, see Serna de la Garza’s 2009 article on the topic in the Mexican Law Review.

Also of importance and related to jurisprudencia is the tesis, which is essentially an abstract of the ruling point of law extracted from an opinion. A tesis jurisprudencial is a tesis that has been deemed to be binding jurisprudencia. A tesis aislada, instead, is a tesis that has not been designated as binding jurisprudencia, but has the potential to become binding. There is a tesis classification system in use that places each tesis under a general heading. The Supreme Court publishes annual Appendices of binding tesis, which are available (1917-2011) on the Court’s website. Judgments that have no potential to become obligatory precedent are called sentencias or ejecutorias.

Historically, Mexican court opinions have not been easily accessible, both in terms of public availability and general readability, although the availability issue has improved in recent years. The Supreme Court and Collegiate Circuit Court tesis (along with some ejecutorias) are published in the Semanario Judicial de la Federación y Su Gaceta. The voluminous monthly issues of the Semanario are organized by parts, including sections for the Supreme Court in plenary, the Supreme Court’s two Chambers, and the Collegiate Circuit Courts.

199 LA, supra note 198, Art. 216.
200 LA, supra note 198, Art. 222.
201 Id. at 217.
202 See ZAMORA ET AL., supra note 142, at 85.
203 Id. at 141.
205 Id.
206 See Serna de la Garza, supra note 204, at 141.
207 Id. at 96.
Publication of the *Semanario* is divided into ten Epochs (*Épocas*). The first four *Épocas*, encompassing 1871-1910, are historical jurisprudence (*jurisprudencia histórica*) and have no binding force as they were published prior to the 1917 Constitution.\footnote{See AVALOS, supra note 196, at 12.} Applicable jurisprudence begins with the fifth *Época* in 1918.\footnote{Id.} The tenth *Época* began in 2012. Issues of the *Semanario* in PDF format (from March 2011) are available on the Supreme Court’s website. There is now also a weekly electronic version of the *Semanario* posted on the website that includes tesis, as well as the ejecutorias from cases involving constitutional controversies and actions for unconstitutionality. In addition, the Court’s website has a separate system for searching the post-1917 contents of the *Semanario* by keywords, and then results may be displayed by date, alphabetically by case name (*rubro*), and registration number. The website of the IIJ also offers a way to search for cases by tesis\footnote{http://www.juridicas.unam.mx/infjur/leg/jrs/} and the Electoral Tribunal’s website contains a search mechanism for locating the tesis of that court.\footnote{http://portal.te.gob.mx/legislacion-jurisprudencia/jurisprudencia-y-tesis.}

English translations of Mexican court decisions are not systematically published and are not readily available. State court websites may be located via the “Leyes y Poderes Estatales” section of the Chamber of Deputies website under “Poder Judicial del Estado.”\footnote{http://www.diputados.gob.mx/LeyesBiblio/gobiernos.htm.}

### SECONDARY SOURCES

#### A. Dictionaries & Encyclopedias

Julienne Grant, Loyola University Chicago

The purpose of this section is to provide U.S. legal researchers with an overview of dictionaries and encyclopedias in the context of Mexican legal research. Rather than an exhaustive or formal study, this discussion will primarily be based on a review of available literature and searches conducted in the library catalog of UNAM. The discussion will include references to monolingual Spanish language materials, including non-Mexican sources with perceived utility in Mexico, as well as bilingual Spanish-English sources. Rather than attempt to categorize dictionaries and encyclopedias based on formal definitions, sources with *diccionario*, *dictionary*, or the term “*diccionario enciclopédico*” in the title will be considered dictionaries, and sources with *enciclopedia*, *enciclopédica*, or *encyclopedia* will be considered encyclopedias for purposes of this discussion. An Appendix of relevant sources with complete bibliographic information follows the text.
DICTIONARIES

a. Monolingual

Authors Helen Claggett and David Valderrama provide a historical overview of Mexican legal dictionaries in their 1973 general work on Mexican law and legal literature. Claggett and Valderrama trace Mexican legal lexicography back to the 19th century, mentioning a number of early legal dictionaries of importance. Included in this overview is the *Diccionario Razonado de Legislación y Jurisprudencia*, compiled by the Spanish jurist Joaquín Escriche y Martín. Originally published in Paris in 1831, Escriche’s work was subsequently updated and published in Mexico—first in 1837 and then again in 1842. Various versions of this work are available in PDF on the World Wide Web, including an 1851 edition posted on IIJ-UNAM's “Biblioteca Jurídica Virtual.” Also noteworthy is the *Vocabulario de Jurisprudencia*, which Mexican jurist Isidro Antonio Montiel y Duarte compiled. An 1878 version of this work is also available in PDF format via the IIJ website.

Currently, a wide array of monolingual legal dictionaries is published in Mexico. A selected list of these is included in the Appendix to this article, but worthy of mention here is IIJ’s *Diccionario Jurídico Mexicano*. Originally published between 1982 and 1985 as an eight-volume set, a PDF version is available via the IIJ website. The *Diccionario* has seemingly gone through a number of subsequent reprints and editions, and appears most recently as a four-volume set published in 2009 by Porrúa/UNAM entitled *Nuevo Diccionario Jurídico Mexicano*. According to a description on the Porrúa website, this new version is a deep revision of the prior edition, in view of the rapid changes Mexican law has undergone in recent years.

Online Mexican legal dictionaries posted on the Web are also available for consultation. *DiccionarioJuridico.mx*, for example, offers almost 2,000 defined terms at the time of this writing. Definitions are provided based on the categories of legislation, doctrine, or jurisprudence, with each being directly sourced. According to Oscar Montoya, the site’s coordinator, the dictionary is edited by a group of Mexican attorneys.

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221 http://biblio.juridicas.unam.mx/libros/ (conduct a title search to pull up the individual volumes).
223 http://www.diccionariojuridico.mx/.
and there are plans to create an app for the dictionary.\textsuperscript{224} A number of other Web-based legal dictionaries are available, including the \textit{Diccionario Jurídico}, which the law school of the Tecnológico de Monterrey (State of Mexico campus) sponsors.\textsuperscript{225} This online dictionary categorizes terms by area of law and is directly sourced from other dictionaries.

Also available and utilized in Mexico are Spanish-language legal dictionaries published in other Hispanic countries. Argentine attorney and lexicographer Guillermo Cabanellas de las Cuevas, for example, has carried on the work of his father, also an attorney and lexicographer. The Cabanellas’ \textit{Diccionario Jurídico Elemental} is now in its 19\textsuperscript{th} edition, and the \textit{Diccionario Enciclopédico de Derecho Usual} is in its 30\textsuperscript{th} (both are published by Buenos Aires-based Heliasta).\textsuperscript{226} According to UNAM’s general library catalog, the UNAM law school holds a number of copies of the Cabanellas dictionaries. Legal dictionaries published in Spain, such as the the \textit{Diccionario Jurídico Espasa}, are also held by UNAM’s law school. Bibliographic information for the aforementioned titles is included in the Appendix.

A plethora of specialized monolingual legal dictionaries is also published and available in Mexico—the titles too numerous to discuss here. Searches in UNAM’s library catalog combining \textit{diccionario} with an area of law, such as \textit{derecho penal}, will yield associated titles. Similar searches of Porrúa’s site will yield a list of specialized dictionaries that Mexican publisher offers. A few specialized legal dictionaries are posted in PDF format on the IIJ website, including the 2009 \textit{Diccionario de Teoría Jurídica} (Brian H. Bix), which was originally published in English in 2004.\textsuperscript{227} A list of example titles of subject-specific legal dictionaries published in Mexico, as well as in Argentina and Spain, is provided in the Appendix.

Anecdotal evidence suggests that Mexican legal researchers, along with Spanish-English legal translators, indeed utilize monolingual Spanish dictionaries in their work. Claggett and Valderrama, for example, commented that the original and second editions of the aforementioned \textit{Diccionario Razonado de Legislación y Jurisprudencia}, “are still used extensively for consultation.”\textsuperscript{228} Several books on Mexican legal research also examined for this discussion recommend the use of legal dictionaries at the early stages of investigation.\textsuperscript{229} This author’s recent correspondence with a Mexican attorney additionally indicates that Mexican legal practitioners do utilize dictionaries for

\begin{itemize}
  \item \textsuperscript{224} E-mail from Oscar Montoya, Coordinator, DiccionarioJuridico.mx, to author (April 30, 2014) (on file with author).
  \item \textsuperscript{225} \url{http://www.cem.itesm.mx/derecho/referencia/diccionario/}.
  \item \textsuperscript{226} E-mail from Guillermo Cabanellas de las Cuevas, to author (May 12, 2014) (on file with author).
  \item \textsuperscript{227} \url{http://biblio.juridicas.unam.mx/libros/libro.htm?i=2631}.
  \item \textsuperscript{228} CLAGGETT & VALDERRAMA, supra note 217, at 429.
  \item \textsuperscript{229} See JORGE WITKER, LA INVESTIGACIÓN JURÍDICA 27 (1995); LEONCIO LARA SÁENZ, PROCESOS DE INVESTIGACIÓN JURÍDICA 75 (1991).
\end{itemize}
research. Further, in a 2010 piece on Spanish-English legal translation, interpreter and professor Gladys Matthews noted that “citations of Spanish dictionaries, both mono- and bi-lingual, have increased in the legal literature in recent years,” and she includes several Mexican monolingual legal dictionaries in her annotated bibliography of relevant sources.

Empirical evidence of the use of monolingual Spanish dictionaries by Mexican jurists and Spanish-English legal translators, however, is scarce; only one such study was located. In 2007, law librarian Sergio Stone (now at Stanford) published the results of an investigation into the use of dictionaries in U.S. and Latin American courts, including Mexico. As part of the study, Stone looked at dictionary citations in Mexican Supreme Court opinions between 1917 and 2006 and found that the most-often cited dictionary was actually the Diccionario de la Lengua Española (Real Academia Española). The voluminous Real Academy dictionary (also known by its acronym DRAE) is now in its 22nd edition (2001) and is generally considered to be the most authoritative dictionary of the Spanish language. The DRAE is readily available online and also as an app. It is interesting to note that a study of the U.S. Supreme Court’s dictionary citations in its recent opinions also revealed general usage dictionaries to be the most oft-cited type of dictionary (74 percent of the time in majority opinions that cited dictionaries).

b. Bilingual

In 2008, Rutgers law librarian Dennis Kim-Prieto published an excellent article on Spanish-English legal dictionaries that is highly recommended to interested readers. Along with providing suggestions for evaluating these types of dictionaries, Kim-Prieto includes an extensive annotated bibliography that comments on the utility of 16 titles. In the article, Kim-Prieto explains that geographic variations in legal terminology are generally addressed in these sources by providing cross coverage of jurisdictions, or by

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230 E-mail from Erika Muñiz Ramírez, Katz Law Office, Mexico City, to author (March 25, 2014) (on file with author).
233 Id. at 117.
limiting the scope of coverage to one country.\textsuperscript{237} As an example of the former, the author highlights \textit{Dahl's Law Dictionary/Diccionario Jurídico Dahl} (now in its 2010 5\textsuperscript{th} edition), which provides definitions based on a multitude of Spanish and Latin American legal sources. In terms of single country coverage, Kim-Prieto discusses University of San Diego law professor Jorge A. Vargas' \textit{Mexican Legal Dictionary and Desk Reference}, which was published in 2003.

A number of bilingual legal dictionaries that focus on Mexico are currently available, including an updated edition of the Vargas title reviewed in Kim-Prieto's piece. Now entitled \textit{Mexican Legal Dictionary} (2012), the work is divided into four parts: "Guide to Terms of the English Language," "Guide to Terms of the Spanish Language," a dictionary, and appendices. The bulk of the work is the actual dictionary section, which is organized alphabetically by terms in English, which are accompanied by a Spanish translation, an explanation of the term in English, and a citation to primary law in most instances. The appendices include abbreviations, legal terms and acronyms, texts of various U.S.-Mexico bilateral agreements, samples of Mexican legal documents, and a glossary of selected Latin legal terms. The Vargas dictionary is held widely by U.S. libraries and is available in Westlaw.

Other bilingual dictionaries that focus on Mexico are Javier Becerra's two-volume \textit{Diccionario de Terminología Jurídica Mexicana (Español/Inglés)}, which is now in its second edition (2011). This work, published by the Escuela Libre de Derecho, by all accounts is highly regarded by legal translators.\textsuperscript{238} Although the second edition is not held widely in the U.S., the 1999 first edition is available in almost 50 U.S. libraries. Another Mexico-specific legal dictionary is Julio Romañach, Jr.'s 2012 \textit{Dictionary of Mexican Law}, which is held by about 40 U.S. libraries. According to the publisher (Lawrence):

\begin{quote}
Most definitions are derived from and cite to primary sources. The definitions purport to provide an exposition of the meaning of a particular term or phrase in Mexican law, with legislative context in many instances. The author translated many Mexican legislative enactments into English while writing this dictionary and included significant excerpts from those translations…\textsuperscript{239}
\end{quote}

Mr. Romañach, a Cuban-born attorney, has published other Spanish-English legal dictionaries that are reviewed in Dennis Kim-Prieto’s article.\textsuperscript{240}

Also worthy of mention in a discussion of Spanish-English legal dictionaries are works that fall within the general category of "Legal Spanish." These sources often contain dictionaries, as well as phrase translations. Included in this genre is another

\textsuperscript{237}Id. at 268.
\textsuperscript{238} See \textit{e.g.}, http://www.linkedin.com/groups/Hi-all-I-need-help-1895524.S.157394657.
\textsuperscript{239} http://pjlawrence.com/id13.html.
\textsuperscript{240} Kim-Prieto, \textit{supra} note 236, at 275-76.
work by Julio Romañach, Jr., which is also reviewed in Kim-Prieto’s article. In 2010, the American Bar Association (ABA) published the Spanish Legal Phrasebook, which is essentially a pocket-sized Spanish-English dictionary, divided by area of law. Carolina Academic Press is scheduled to release the title Speak Spanish Now for Law Offices (Brian K. Jones, 2014), which purports to target paralegals and law assistants who work with Spanish-speaking clients. The latter two titles do not appear to specifically focus on the legal language of Mexico, however.

ENCYCLOPEDIAS

Although not as numerous as dictionaries in terms of the quantity of published titles, legal encyclopedias are also available and utilized in Mexico. Claggett and Valderamma trace the history of Mexican legal encyclopedias in their aforementioned work, specifically mentioning the Enciclopedia de la Ciencia Jurídica y de Legislación Mexicana, which Antonio Robles Ortigosa began to compile in 1921. However, only two volumes of this work were completed—the first of which is available in PDF format via the IJ website.

Contemporary Mexican legal encyclopedias of importance include the IIJ’s Enciclopedia Jurídica Mexicana and the Escuela Libre de Derecho’s Obra Jurídica Enciclopédica. The second edition of the former title (published in 2004 by UNAM/Porrúa) consists of 12 volumes, covering 31 broad topics, encompassing over 10,000 pages. There is also a third edition of this encyclopedia published in six volumes in 2008, although this set is not widely held at UNAM, and does not appear to be available in any U.S. libraries. The Escuela Libre de Derecho set, published in 2012, consists of 43 volumes and includes over 500 essays. The O’Quinn Law Library at the University of Houston is the only U.S. library that seemingly owns this voluminous set.

Also worthy of mention is the Enciclopedia Jurídica Latinoamericana, another IIJ project. This ten-volume set, published in 2006, spans over 7,000 pages and includes entries written by Argentine legal scholars. Only a handful of U.S. libraries own this work. Several notable Spanish-language legal encyclopedias published outside of Mexico are listed in the Appendix, including the well-known Argentine set, Enciclopedia Jurídica OMEBA, which is also offered in a Web-based format. Specialized Spanish-language legal encyclopedias are also available, although those will not be addressed in this discussion.

CONCLUSION

Both general and subject-specific legal dictionaries and encyclopedias are published and available in Mexico, although empirical studies of their use are almost non-existent. Sergio Stone’s article on dictionary use provides some insight into dictionary use in the Mexican Supreme Court, indicating that the general usage DRAE is actually the most utilized dictionary there. As discussed, IIJ-UNAM is a major publisher (often partnering

242 CLAGGETT & VALDERRAMA, supra note 217, at 431.
243 http://info5.juridicas.unam.mx/libros/libro.htm?i=301.
with Porrúa) of legal dictionaries and encyclopedias in Mexico, and some of those titles are available in PDF format via the “Biblioteca Jurídica Virtual.” There are also several Mexican legal dictionaries available now on the Web, including *diccionariojurídico.mx*. Of greatest interest to non-Spanish-speaking law librarians are the Spanish-English legal dictionaries, some of which focus on the legal vocabulary of Mexico and may be of value in answering queries related to Mexican law.

**APPENDIX**

**Monolingual General Legal Dictionaries**

**Mexican**


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244 The author wishes to thank Ms. Erika Muñiz Ramírez of Katz Law Office (Mexico City) for her assistance in compiling this Appendix.
Non-Mexican


**Specialized Legal Dictionaries**


### Bilingual Legal Dictionaries


### Monolingual General Legal Encyclopedias

#### Mexican


Non-Mexican


B. Treatises, Textbooks, & Monographs

Julienne Grant, Loyola University Chicago

Part of the vast array of legal literature published in Mexico are treatises, textbooks, and monographs.245 Porrúa (Librería Porrúa Hermanos y Cía S.A. de C.V.) is the main and best known commercial legal publisher in Mexico with a complete line of law books; its “Biblioteca Jurídica Porrúa” even has its own blog.246 Academic institutional publishers also contribute to the large body of secondary legal materials in Mexico—the most recognized and prolific being UNAM’s Instituto de Investigaciones Jurídicas (IIJ), which often partners with Porrúa. There is a comprehensive list of Mexican legal publishers in the third edition of *The Mexican Legal System* (Avalos, 2013).247 It should also be noted that legal secondary works published outside of Mexico, most particularly in Argentina and Spain, are also available and utilized in Mexico.

**Treatises**

A discussion of treatises (*tratados*) in the context of Mexican legal research cannot proceed without a brief foray into the concept of *doctrina* (doctrine). *Doctrina* is secondary legal literature; that is, commentaries in books and journals. Mexican legal treatises fall into the general category of *doctrina* and are often collectively referred to as such.

*Doctrina* plays an important role in civil law jurisdictions and Mexico is no exception. Although *doctrina* does not carry the full force of law, it enjoys high prestige and can be extremely influential in the development of Mexican constitutional reforms, legislation,

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245 For an overview of the early history of legal literature in Mexico, including these types of resources, see CLAGGETT & VALDERRAMA, supra note 217.


247 See AVALOS, *supra* note 196, at 324.
and jurisprudence.\textsuperscript{248} Certain authors, for example the constitutional scholar Héctor Fix-Zamudio, tend to carry more weight than others, and the work of the IIJ is especially well respected. \textsuperscript{249}

Mexican legal treatises are abundant and a full list will not be included here. The Porrúa website lists its many published treatises and searches in the UNAM library catalog will also yield titles. Bibliographies of Mexican treatises and other legal materials are listed in various sources, including the Avalos book mentioned above. The Mexican legal magazine, \textit{El Mundo del Abogado}, published in 2011 its list of the 25 most influential Mexican law books.\textsuperscript{250} IIJ-UNAM's “Biblioteca Jurídico Virtual” includes a number of treatises in PDF format.\textsuperscript{251} Mexican legal treatises, as well as textbooks and monographs, are not generally translated into English.

\textbf{Textbooks}

Mexican law professors assign a variety of materials for their classes—the content dependent upon the subject and professor. Classic treatises and textbooks may be assigned, along with the applicable primary codes, in traditional subjects like contracts. In more non-traditional subjects, such as antitrust or intellectual property, professors may also assign articles and cases. Currently, there is a general trend to include more case studies as part of law students' coursework in Mexico. The Supreme Court, for example, now makes available a CD with its \textit{tesis} available for study.\textsuperscript{252}

Oxford University Press México publishes a series of law textbooks, \textit{Textos Jurídicos Universitarios}, which contains nearly 100 titles.\textsuperscript{253} Some of the books are now available as electronic books, and some are also accompanied by a CD that includes applicable legislation, rules, treatises, \textit{tesis}, and other materials. Some U.S. libraries hold titles from the series, which may be located by searching with the series name or an individual title. IURE Editores also publishes a series of legal textbooks, \textit{Colección Textos Jurídicos}, for Mexican and other Latin American law students.\textsuperscript{254} A few of these titles are held by U.S. libraries.

\begin{flushright}
\textsuperscript{248} \textit{See} ZAMORA ET AL., \textit{supra} note 142, at 88.
\textsuperscript{249} \textit{Id.} at 89.
\textsuperscript{250} \textit{http://elmundodelabogado.com/2011/los-25-libros-juridicos-mas-influcentes-en-mexico/}.
\textsuperscript{251} \textit{See} \textit{http://biblio.juridicas.unam.mx/estlib/}.
\textsuperscript{252} The information in this paragraph was derived from e-mail correspondence with three Mexican attorneys: David Hurtado Badiola (June 11, 2014), Oscar Montoya (June 10, 2014), and Erika Muñiz Ramírez (June 5, 2014). All correspondence is on file with the author.
\textsuperscript{253} \textit{http://issuu.com/oupmx/docs/oupmx-catalogo-derecho-2014}.
\textsuperscript{254} \textit{http://www.iureeditores.com/fondo.php}.
\end{flushright}
Monographs

Legal monographs, not formally classified as treatises, are also published in Mexico. See the above paragraph on treatises for ideas on locating these titles. As aforementioned, Mexican legal treatises and monographs are not generally translated into English, so a small body of original work in English on Mexican law has developed. Among the authors of these works are Stephen Zamora (University of Houston), Jorge Vargas (University of San Diego), and Francisco Avalos (now retired from the University of Arizona). The 2004 title, *Mexican Law*, which was co-authored by Professor Zamora and four others, remains one of the most well-respected tomes on the topic. According to Professor Zamora, a new edition of this title is in the works, with a target publication date in the first half of 2015.255

Wolters Kluwer Law & Business has published several titles on Mexican law in English, including José Antonio Márquez González’ *Family Law in Mexico* (2012). Wolters Kluwer also offers titles on Mexican environmental law, cyber law, energy law, and labor compliance. It should also be noted that general works on the topic of Latin American law, such as Ángel R. Oquendo’s *Latin American Law* (Foundation Press, 2011), may also be useful for researching Mexican law in English.

C. Law Reviews

Sergio Stone, Stanford University

Mexico enjoys a long tradition of academic legal journal publishing, and law review articles are important constituents of Mexican legal doctrine. However, online holdings of legal journals are scattered among numerous free and subscription databases. There has been a growth in practitioner-based journals in recent years, but these are not usually collected by U.S. academic libraries. A boon to non-Spanish-speaking researchers is the recent addition of English-language article abstracts in Mexican law journals. These abstracts assist with locating relevant journal literature and promote the global dissemination of Mexican legal scholarship. A highly recommended research guide is Marisol Floren-Romero’s article, “Mapping the Digital Legal Information of Mexico, Central America, the Spanish Speaking Caribbean and Haiti,” which provides an excellent overview of the free and commercial databases devoted to Mexican legal journals.256

The two most prestigious law schools in Mexico have taken the lead in creating open access journal repositories.257 UNAM, the largest and leading academic law school in the country, has placed hundreds of journal volumes online. Similarly, Centro de

255 E-mail from Professor Stephen Zamora, to author (June 12, 2014) (on file with author).
Investigación y Docencia Económicas (CIDE) has placed its four journals and its legal working paper series online. See below for detailed descriptions.

**English-Language Journals**

IIJ-UNAM publishes the *Mexican Law Journal* and the *Comparative Media Law Journal* exclusively in English. Other UNAM journals that occasionally publish articles in English are *Anuario Mexicano de Derecho Internacional*, *Cuestiones Constitucionales*, *Derecho Comparado de la Información*, and *Problema: Anuario de Filosofía y Teoría del Derecho*.

*Latin Lawyer*, published by Law Business Research, is the leading English-language journal for practitioners that covers business law and Mexican law firms. Only a handful of U.S. academic law libraries collect issues of *Latin Lawyer* because of the magazine’s high subscription cost.

Here is a list of U.S. law reviews that have traditionally included articles on Mexican law and are available in HeinOnline, WestlawNext, Lexis Advance, or Bloomberg Law:

- *American Journal of International Law*
- *Arizona Journal of International & Comparative Law*
- *Houston Journal of International Law*
- *International Lawyer*
- *International Tax Review*
- *Southwestern Journal of International Law* (formerly *Southwestern Journal of Law and Trade in the Americas*)
- *Texas International Law Journal*
- *University of Miami Inter-American Law Review* (formerly *Lawyer of the Americas*)

**Spanish-Language Journals**

The “Biblioteca Jurídica Virtual,” the online portal of IIJ-UNAM, has placed 47 full-text journals on its “Estantería de Revistas.” All 47 journals can be searched by title, keywords, and author. Twelve journals have enhanced home pages that permit full-text searching of all articles. These 12 publications are indicated by the heading: “Estrenamos publicaciones periódicas que presentan nuevas características y

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presentación." It should be noted that downloading of articles is possible, but that printing is not.

IIJ-UNAM’s Jorge Carpizo Library maintains the Catálogo de Títulos de Revistas, which alphabetically lists 148 Mexican journals, including many journals from state law schools and institutions. Unfortunately, no links are provided. The Jorge Carpizo Library also produces the Avance Hemerográfico Jurídico, a monthly table of contents service of all journals received that month by the Library. This is a good site to consult when completing a literature review or reviewing the latest scholarship.

CIDE’s legal working paper series, Documentos de Trabajo del CIDE, División de Estudios Jurídicos, is available online for free. CIDE’s four flagship journals are not devoted exclusively to law, but occasionally publish articles related to regulatory agencies and public law.

Iberoamerican research institutions have created a number of free bibliographic databases of academic journals. Some provide full text, while others only offer basic citations or abstracts in English and Spanish. These open-access databases are multidisciplinary and include publications from Mexico, other Latin American countries, and the Iberian peninsula. These databases allow researchers to limit searches by topic and/or country.

Dialnet (Universidad de la Rioja, Spain) includes 21 Mexican law journals. Selective full-text content is available for 18 journals. The remaining three titles list only citations. Some journals provide English abstracts, at least for the more recent volumes. Dialnet offers search functionality in English.

Latindex, produced by UNAM, is an index of Latin American, Spanish and Portuguese periodical titles offering content similar to Ulrich’s Periodicals Directory, such as institutional affiliation, date of first publication, ISSNs and contact information. It offers bibliographic information for over 80 Mexican legal journals, including links to journals with online content. The advanced search page allows the researcher to locate journals by legal specialty. Latindex lacks an English search interface and does not provide full text of articles or table of contents information.

Redalyc (Red de Revistas Científicas de América Latina y el Caribe, España y Portugal) has only three exclusively law-related Mexican journals, but many political science and governance-related titles. Redalyc offers full text of articles, abstracts in

261 http://www.juridicas.unam.mx/infjur/bib/avance/.
263 http://dialnet.unirioja.es/.
264 http://www.latindex.unam.mx/.
265 http://www.redalyc.org/home.oa.
English and Spanish, and search functionality in English. The site is maintained by the Universidad Autónoma del Estado de México.

SciELO Mexico\(^{266}\) (Scientific Electronic Library Online), maintained by UNAM, provides full text to four Mexican law journals: _Anuario Mexicano de Derecho Internacional_, _Boletín Mexicano de Derecho Comparado_, _Cuestiones Constitucionales_, and _IUS Revista del Instituto de Ciencias Jurídicas de Puebla_. English and Spanish abstracts are also available.

**Subscription Databases**

 *Index to Foreign Legal Periodicals* (IFLP), available on HeinOnline, includes seven of the leading academic Mexican law journals: five from UNAM, one from Escuela Libre de Derecho, and one from the Academia Mexicana de Derecho Internacional Privado y Comparado:

- _Anuario Mexicano de Derecho Internacional_ (UNAM)
- _Anuario Mexicano de Historia del Derecho_ (UNAM)
- _Boletín Mexicano de Derecho Comparado_ (UNAM)
- _Revista de Investigaciones Jurídicas_ (ELD)
- _Revista de la Facultad de Derecho de México_ (UNAM)
- _Revista Latinoamericana de Derecho_ (UNAM)
- _Revista Mexicana de Derecho Internacional Privado y Comparado_ (AMEDIP)

vLex\(^{267}\) contains over 40 Mexican legal journals in full text, many in PDF format. Particularly helpful is vLex’s full text search capability. vLex includes legal practice, human rights, tax, and general law journals. Many of these specialized journals are not included in the journal database portals described above.

**ONLINE RESOURCES**

**A. Online Resources**

Jotaek Lee, Northeastern University

There are numerous commercial and free Web-based online resources available with coverage of Mexican law and legal topics. The following is not an exhaustive list, but rather it attempts to recognize several core resources; some are exclusively in Spanish, while others will be valuable to English speakers. Researchers should note the availability of excellent online guides in English that aggregate Mexican law resources, such as those offered on the websites of the Law Library of Congress and the Tarlton Law Library (University of Texas at Austin). Also noteworthy are the websites of Mexican newspapers (some published in English) that can be valuable for locating information on current developments in Mexican law. Not included in this list is GLIN (Global Legal Information Network), a free database that once provided excellent


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indexed access to foreign law, including Mexico. It is unknown whether this valuable source, formerly hosted by the Law Library of Congress, will make a reappearance.

A. Foreign Law Guide (also known as Reynolds & Flores)
   a. This subscription database, offered through Brill, is a staple in the area of foreign legal research. Included are brief overviews of the legal systems of about 190 jurisdictions, as well as lists of each jurisdiction's codes, court reports, and other significant legal literature.
   b. The entry for Mexico provides a comprehensive overview of the judicial system, as well as descriptions of primary sources and notable secondary sources. References to the primary law related to specific topics are also included (with live links, if available).

B. Index to Foreign Legal Periodicals (IFLP)
   a. The Index to Foreign Legal Periodicals (IFLP), which is available via HeinOnline, indexes over 500 legal journals published worldwide. Some of the Mexican legal periodicals covered are the Revista de la Facultad de Derecho de México and the Revista de Investigaciones Jurídicas.
   b. According to the database, there are currently 1,552 articles related to Mexico listed in the Index. The majority of these are in Spanish.

C. Instituto de Investigaciones Jurídicas (IIJ)
   http://www.juridicas.unam.mx/
   a. The IIJ is part of the Universidad Nacional Autónoma de Mèxico (UNAM) and is located next to the UNAM campus in Mexico City. The IIJ is considered to be the preeminent legal research center in Mexico, and the Institute publishes numerous monographs and scholarly journals on Mexican law, including the English-language Mexican Law Review.
   b. The IIJ website is densely populated with accessible research materials related to Mexican law (primarily in Spanish). The “Biblioteca Jurídica Virtual” includes hundreds of monographs in PDF format, as well as the full texts of a variety of Mexican legal periodicals. It should be noted that, although the PDF files may be downloaded, they are not printable.
D. Justia México
http://mexico.justia.com/

a. Justia México is a free legal website. Justia México covers current federal legislation (Leyes Federales) and state legislation (Leyes Estatales).


c. State legislation includes laws from the 31 state jurisdictions and the Federal District. Once a user clicks on the link to each state, general information is provided with the links to the constitution (Constitución), legislation (Leyes), and codified laws (Códigos).

E. LexisNexis

a. In Lexis.com, the Mexican materials are located within “Foreign Laws & Legal Resources.” Included is a database of Mexican “case law” from the Supreme Court of Mexico (updated monthly; coverage starts in the “1900s”). There are also about 20 legislative databases, including the Diario Oficial de la Federación (June 2003-current), the Mexican Civil Code (Spanish; updated monthly), the Mexican Criminal Code (Spanish; updated monthly), federal laws by subject (Spanish; updated monthly), and the laws of several states (Aguascalientes, Jalisco, México, Nuevo León) and the Federal District. A few commentaries and treatises are included, such as Lex Mundi’s Guide to Doing Business in Mexico. There is also an archive of databases, including one that contains cases from the Mexican Tax Court (now the Tribunal Federal Fiscal de la Federación) (July 1979-September 1996). It is unknown whether any of the Mexican databases in Lexis.com will eventually migrate to Lexis Advance.

F. Leyes Federales de México
http://www.diputados.gob.mx/LeyesBiblio

a. This free government website is sponsored by the Chamber of Deputies (Cámara de Diputados) of the Mexican Congress. Highlights of the content include: the current Federal Constitution; a comprehensive list of amendments to the Constitution, organized both chronologically and by article; nine federal codes; approximately 275 current federal laws; regulations to the federal laws; additional regulatory enactments under
Normas Reglamentarias; and links to the websites of state governments, including online collections of state laws.

G. NatLaw World by National Law Center for Inter-American Free Trade
http://natlaw.com/natlawworld-temporary/

a. The National Law Center for Inter-American Free Trade, which is affiliated with the James E. Rogers College of Law at the University of Arizona, maintains the NatLaw World Database. This database contains laws, regulations, case law, and secondary source materials related to trade and investment for countries in the Americas. Most of the materials are in Spanish, although many English translations are available. Access to the majority of the database's content is by subscription, although some free materials are offered.


H. Orden Jurídico Nacional
http://www.ordenjuridico.gob.mx

a. This free database of legal enactments of all kinds from all levels of government is sponsored by the Secretaría de Gobernación. The database is organized by five main “spheres” (ámbitos) or sectors: Constitutional, International, Federal, State, and Municipal. The International sector includes a database of international agreements in force entered into by Mexico (1836-2012). The Federal sector is organized by branch of government and includes a link for Autonomous Organs (Órganos Autónomos), which is best translated as “independent administrative agencies.” The State sector contains links to enactments from all 31 states and the Federal District, while the Municipal sector includes a selection of enactments from many of the municipios (counties) of Mexico, organized by state.

I. VLex

a. VLex is a commercial legal database. The founders are from Barcelona, Spain, which is the European headquarters. The North American office is in Miami. VLex has international coverage, but is particularly strong for Spain and several countries of Latin America, including Mexico.

Legislation covers four types of resources: Consolidated laws, Annotated codes (Códigos anotados y concordados), Official Gazette (Diario Oficial de la Federación), and Official State Gazettes (Diarios Oficiales Estatales). Consolidated laws are divided into federal and state law. Federal law is organized by different subjects, such as international trade (Comercio Exterior), administrative law (Derecho Administrativo), civil law (Derecho Civil), constitutional law (Derecho Constitucional), corporate law (Derecho Corporativo), law of new technologies (Derecho de las Nuevas Tecnologías), financial law (Derecho Financiero), tax law (Derecho Fiscal), private international law (Derecho Internacional Privado), public international law (Derecho Internacional Público), labor law (Derecho Laboral), company and commercial law (Derecho Mercantil y de Empresa), military law (Derecho Militar), criminal law (Derecho Penal), and social security (Seguridad Social). State law is organized into 32 different state jurisdictions, including the Federal District.

Annotated Codes (Códigos anotados y concordados) include the Federal Civil Code (Código Civil Federal), Federal Code of Civil Procedure (Código Federal de Procedimientos Civiles), Civil Code for the Federal District (Código Civil para el Distrito Federal), Code of Civil Procedure for the Federal District (Código de Procedimientos Civiles para el Distrito Federal), and various tax laws.

Regulations contain technical standards (Normas Oficiales Mexicanas (NOMS) and Normas Mexicanas (NMX)). International treaties to which Mexico is a party are also included in this heading.

Case law contains cases from the Supreme Court (Suprema Corte de Justicia), Circuit Courts (Tribunales Colegiados de Circuito), the Federal Court of Fiscal and Administrative Justice (Tribunal Federal de Justicia Fiscal y Administrativa), the Federal Electoral Tribunal (Tribunal Electoral del Poder Judicial de la Federación), and the Council of the Federal Judiciary (Consejo de la Judicatura Federal).

c. VLex also contains a miscellany of treatises on Mexican law, several journals, and various newspapers.

J. Westlaw

a. In WestlawNext, the Mexican materials are located within the “International Materials” link. Available are: Mexican Civil Code Annotated (Spanish, with English translation; updated biennially); Mexican Commercial Code Annotated (Spanish, with English translation; last updated August 2012); and Mexican Legal Dictionary (Jorge Vargas). There is also access to the United States Mexico Law Journal (1993-2005) and the U.S.-Mexico Legal Review (2007 only).

b. In Westlaw Classic, the aforementioned resources are available, as well as a database containing “Environmental, Health & Safety Laws and Regulations” (ENFLEX-MX) (last updated May 22, 2014). This source,
which is in Spanish only, will be migrating to WestlawNext by the end of 2014.\textsuperscript{268}

K. World Constitutions Illustrated

a. HeinOnline’s \textit{World Constitutions Illustrated} subscription database includes collections of documents, historical texts, and commentary related to foreign constitutions, organized by country.

b. For Mexico, the historical versions of the Constitution (\textit{Constitución de los Estados Unidos Mexicanos}) are included, as well as the texts of related laws. Most of this material is in Spanish, although there is an English translation of the Constitution, as consolidated through February 2014 (as of this writing).

c. There is also access to commentaries, selected scholarly articles, and a bibliography relating to Mexican constitutional law. Materials in both Spanish and English are included. Relevant external links are also listed.

L. WorldLII (World Legal Information Institute)
\url{http://www.worldlii.org/mx/}

a. Several non-profit regional legal information initiatives created and now maintain WorldLII, which is a free website. The site offers legal subject-based links for individual countries.

Included in the Mexico category are links to “Courts & Case Law,” “Law Reform,” and “Legislation.” The “Courts & Case Law” link offers links to the websites of both federal and state courts. There are also topic-based links for such areas as “Human Rights,” “Intellectual Property,” and “Indigenous Law.” The majority of the topic-based material is in Spanish, although some English-language websites are included.

\textsuperscript{268} E-mail from Katie Leonard, Library Relations Manager, Thomson Reuters, to Julienne Grant (June 2, 2014) (on file with Julienne Grant).