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COMMISSION EUROPEENNE POUR LA DEMOCRATIE PAR LE DROIT
(COMMISSION DE VENISE)

**PROJECT OF OFFICIAL DECREE
THAT MODIFIES THE DENOMINATION OF THE FIFTH TITLE,
AND REFORMS THE 1ST, 115th, 116th, 117th, AND 133RD ARTICLES OF
THE CONSTITUTION OF MEXICO**

**presented
by Senator Cesar Camacho Quiroz**

* These draft amendments supplement the draft text appearing in reference
CDL-FED (2002) 1.

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Sole Article: A second paragraph is added to Article one. The fifth title receives a new designation and is divided between three new chapters. With respect to Article 115, a second paragraph is added to section I and a section XI is added. Concerning Article 116: adjustments were made to the second paragraph; the second and third paragraphs of section II are eliminated and a new one is introduced; a new third paragraph substitutes the third, fourth, fifth and sixth paragraphs of section III; and a new section eight is added. Section I of Article 117 is abolished and the following changes were made to Article 133:

Article 1 . . .

Individual rights do not depend on the distribution of competences of the Federal State; consequently, any rule can extend and improve them. Authorities must respect them and ensure that they are respected.

Fifth title
Of the Federal Entities

Chapter I
Of the municipality

Article 115 . . .

I . . .

States, acting in a sovereign way, will establish the requisites of their own constitutions regarding the capacity to be elected, the duration of the mandate, the rules of substitution, the incompatibility regime and the reelection of the members of town councils.

II through X . . .

XI.- For each municipality, the administration of justice will be done by municipal public officers, elected or designated, following the law of each State. Local legislative bodies will carry out the integration, organization and functioning of the local jurisdictional organs. Within this field, the jurisdictional function will preferably be carried out through conciliation.

Chapter II
Of the States

Article 116 . . .

The constitution of each State will be the fundamental norm of its internal regime and shall abide by the current constitution. A jurisdictional organ may be established to ensure the application of the constitution.

I . . .

II . . .

The constitution of each State will establish requisites regarding the capacity to be elected, the duration of the mandate, the rules of substitution, the incompatibility regime and the reelection, as well as all the main aspects of the organisation and functioning of the legislative bodies.

III . . .

...

The jurisdictional function of the States will be carried out by the courts established in their constitutions and regulations, which will determine the requisites for its members and the responsibilities they will be submitted to, as well as the integration, organization, and functioning of the courts.

IV through VII

VIII

States and municipalities, with the approval of their Legislature, will be able to conclude international treaties regarding their internal regime. The Senate of the Republic must ratify these agreements to make them valid, pursuant to the corresponding law. If the Senate considers that the treaties concluded by the Federation may have a bearing on a competence of the States, approval of the treaties by a majority of the local legislative bodies is required, on top of the ratification, for them to be considered as Supreme Law of the Union.

Article 117: Without exception, States cannot:

1.-. (Abolished)

II to the IX . . .

Chapter III

Of the Federal District

Article 133. - This Constitution is the main norm of the national juridical system. It represents, along with the federal laws and international treaties that comply with it, the Supreme Law of the Union. All levels of authority must ensure its respect and application within their respective competence. Federal laws have no preeminence over State laws, but if a conflict takes place regarding a common competence, Federal laws will predominate over State laws. International treaties will have the same hierarchy as Federal laws. If the Senate decides to ratify a treaty, a Law of enforcements will be issued to guarantee the principle of the formal authority of the Law.

TRANSITORY ARTICLES

SOLE: The current decree will take legal effect the day after its publication in the Official Bulletin of the Federation (in Spanish *Diario Oficial de la Federación*).
Legislative Precinct of the Republic Senate, dated on twenty-first of August, 2002.