

The Parliamentary System of the Mexican Senate

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In this lecture, the general basis and juridical organization of the Mexican Senate are mentioned. First, a necessary description of the political regime to show briefly the structure of our democratic organization is going to be covered.

The topic of The Senate and its functioning is mentioned broadly. The fact of talking about the "Parliamentary System of The Senate" justifies setting apart issues of the House of Deputies that also conforms the Congress of the Union. Therefore, the topic of the House of Deputies will be covered separately by those who collaborate in said entity.

The last topic is related to the legislative process that not only covers mandatory application for the Senate but also demands continuous and orderly participation of both Chambers.

For a more precise and direct knowledge of the Legislative Power, printed brochures with information of the juridical framework will be handled, including the text of the Political Constitution of the United Mexican States, the Organic Law of the General Congress and the Ordinance for the Internal Government of the General Congress.

1. JURIDICAL MEXICAN REGIME

The Political Constitution of 1917, as main rule of the Mexican juridical regime, is the concrete expression of our Rule of Law. According to this Fundamental Law, national sovereignty in Mexico relies basically and originally in the people, where all public power comes from and is created for its benefit, who also has –at any moment the non-transferable right to alter or modify the structure of its government that is executed through the Powers of the Union.

The Political Constitution of the United Mexican States has the rules of organization of the State and defines our administrative and political regime as a representative, democratic and federal Republic.

As a consequence, the form of the State adopted by Mexico is one with Republican character and their governors are elected by the people through a free, universal, secret and direct vote to be their representatives during a pre-established period. Likewise, our Republic is Federal because it is formed by an association of free and sovereign states regarding their form of internal government but subject to the main principles of the General Constitution of the Republic.

The Mexican Republic is formed by 32 political-administrative entities; out of them 31 are free and sovereign states and one has the constituency of a Federal District for being the residence of the Federal Powers. The 31 Federal states have their own constitutional autonomy and political institutions so in this way can reproduce internally the three powers acknowledged by the federation; recognizing the supremacy of our Political Constitution as a supreme pact of union.

Since its promulgation in 1917, the Mexican Constitution has experienced several modifications to respond at any moment to the political, social and economical environment of our country. Example of said modifications are the amendments of 1953, when the right to vote was given to women; the amendments of 1969 giving citizenship to all Mexican people older than 18 years; the following electoral amendments of 1977, 1986, 1989, 1990, 1993, 1994, and 1996 so as to guarantee legal and respectful elections; as well as the amendments of articles 27 and 28 regarding the property rights and economic rectory of the state. In this way, Mexico has nowadays -as basic element of democracy- a solid, transparent and electoral system, where participants of this process are proud of our democratic institutions; likewise, it has clear rules that allow peaceful life in community of all Mexicans.

2. THE POWERS OF THE UNION: EXECUTIVE, LEGISLATIVE AND JURIDICAL

The Constitution establishes the main principle of power division, distinctive feature of any presidential-type of government. Article 49 limits its division for the exercise of the Supreme Power of the Nation divided in Legislative, Executive and Juridical ones; also establishes that two or more of these powers cannot meet in only one person or corporation; nor allocate the Legislative in one individual, except in the case of extraordinary faculty concession to the Executive according to the specific and exceptional circumstances established in the Constitution.

A. Executive Power

The Executive has a unique character. Its titleholder is the President of the United Mexican States, acknowledged through direct election and by universal suffrage. The post lasts six years with no possibility of re-election. The titleholder of the Executive has functions of Chief of State and of Government. It has freedom to name and remove freely the Secretaries and high posts of its government; to design and execute the policies of the federal public administration through these officers and also to direct foreign policy and relations with the states of the Federation.

B. Legislative Power

The Legislative is formed by two Chambers, one of Deputies with 500 members and the other one of Senators, formed by 128 members; known as the Federal Congress. Immediate re-election is not allowed for its members.

C. Juridical Power

The Juridical Power is formed by the Supreme Court of Justice, the Collegiate Circuit Courts, the Unit Circuit Courts, the District Court, the Council of the Federal Judiciary and the Federal Electoral Court of the Juridical Power of the Federation. The Supreme Court of Justice of the Nation is the highest organ of the juridical power, it is formed by eleven ministries elected by the vote of two thirds of the members of the Senate, on proposals submitted by the President of the Republic.

The Juridical Power of the Federation is the last premise that assures the wide range of institutional main rights and criminal instruments that citizens, corporations and public powers of the state have. Previously, these should be named by the juridical premises of the states of the Federation.

Within the states of the Federation, the powers are divided in the same way as in the Federal Government: Executive, Legislative and Juridical. It is true that our legal framework has the power division for its exercise, and the institutional and legal net allows collaboration among them, giving an influence in a co-responsibility framework regarding definition of public policies designed and executed in our country. The power division constitutes the proper way so the three powers of the Mexican State can work properly with their given responsibilities granted by the Constitution with total respect of each one of them without invading the competence issues unfamiliar to them.

3. LEGISLATIVE POWER INTEGRATION

The Legislative power of the United Mexican States is allocated in a General Congress divided in two Chambers: one of deputies and the other one of senators who exercise the faculties granted by the Constitution.

The House of Deputies is formed by a total of 500 deputies, 300 out of them are elected by the principle of relative majority in a number equal to the nominal electoral districts and the other 200 are chosen by the principle of proportional representation through the closed lists and as a result of dividing the Mexican Republic in five circumscriptions. The House is renewed totally every three years.

The Senate is formed by 128 members. In each of the 31 federal entities and the Federal District, the senators are chosen, two out of them by the principle of relative majority and one more by the principle of first minority; meanwhile, the rest 32 seats of Congress are allocated according to the principle of proportional representation through the closed lists system, voted in only one circumscription at a national level. This organism is renewed totally every six years.

The legislative period of three years is known as a Legislature; the Federal Congress holds ordinary sessions during five months, beginning the first period of sessions on September 1st of each year and ending on December the 15th; its second period of legislative sessions is held from March 15th and ends on April 30th; during its recess, the Permanent Commission is formed, which is an organism of the Congress of the Union that performs functions granted by the Political Constitution. In the year 2003 the Congress approved an amendment to extend the second period of sessions so as to begin it on February 1st, extending the time in its sessions to six and a half months; this amendment is currently on process of discussion within the federal entities.

The internal rules of the Federal Legislative Power are regulated by an Organic Law and an internal Ordinance. The first Organic Law was issued in 1979; for twenty years -this law together with the ordinance issued in 1934- governed the debates of the Congress of the Union. The electoral and political evolution of our country gave birth in 1999 to a new Organic Law that has 135 articles that conformed the ordinance that rules the Congress nowadays.

4. CONSTITUTIONAL FACULTIES OF THE MEXICAN SENATE

In order to identify and know the Senate, it is necessary to precise its political nature as well as its character of organism and part of the Federal Supreme Power; taking into consideration the role granted by the Political Constitution and the Ordinances that nowadays govern the functioning and integration of the Congress.

Juridical framework

The set of laws that establishes the faculties and responsibilities of the Senate can be placed firstly in the Political Constitution and directly in the Organic Law of the Congress and the Internal Ordinance. It can also be included the parliamentary practices and agreements -the Senate has approved- that are useful to allocate procedures and specifications on those issues not covered in the Ordinance or those the Law leaves for its development in specific ordinances. However, functioning rules and performance of the Senate are exhausted not only in the previous provisions because there is an important number of complementary ordinances that give attributions and that particularly are identified as part of the political control faculties granted by this positive right.

A. Political Constitution

Faculties at a constitutional level are recognized to the Mexican Senate and exercises in a complementary way other faculties of same importance. In all of these it can be acknowledged a trend to establish a collaboration principle and of co-responsibility with the Executive. Besides the provisions related to the integration of the Legislative Power,

the constitutional provisions of the Senate can be placed according to a classification of six topics.

- i. **Administrative:** those provisions where the Senate has the faculty to name the Ministries of Court; the Governor and Vice-governors of the Central Bank; to choose the juries of the Electoral Court of the Juridical Power of the Federation; to name the president of the Human Rights National Commission and the members of its Consultative Council; to approve the promotions of high posts of the Army and the Navy and of superior officers of the Treasury Department; as well as to ratify the General Attorney of the Republic; to call the secretaries of state, directors or managers of the federal decentralized organisms or from enterprises of state majority participation so as to inform or study a business and to create committees to investigate public administration.
- ii. **Of Defence:** those provisions that allow the Senate to authorize the President of the Republic to give permission to national troops to be out of the boundaries of the country; to authorize the entrance of foreign troops into national territory and the station of armed units from other countries for more than one month in Mexican waters; to give consent so the President can use the National Guard out of its respective states establishing the necessary authority.
- iii. **Of International Policy:** those provisions that allow the examination of foreign policy; to ratify international agreements and instruments that Mexico signed with other nations; as well as to approve the naming of ambassadors and consuls.
- iv. **Jurisdiction:** those functions that allow the Senate to be sentence jury in the cases of impeachment. Additionally, there is only one case that the Congress of the Union performs jurisdictional faculties and is the one "given to grant amnesty for crimes whose knowledge belongs to the courts of the Federation".
- v. **Policies:** The Senate, as representative of the Federation is authorized to declare the disappearance of the powers of a state and to name a provisional governor proposed by the President; to solve political issues between state authorities when they appeal to the Senate, or when said issues interrupt constitutional order by means of armed conflict; and to name and remove the Chief of the Federal District according to the provisions of the Constitution.
- vi. **Legislative:** within the faculties of strict legislative nature, the Senate can act as Chamber of Origin or of Revision except in the case of public income. Exclusively approving and ratifying international treaties held by the Federal Executive. The legislative faculty sets its own rules. Constitutional Article 70 allows the Congress to issue the law to rule its internal structure and functioning; which can not be cancelled nor needs the promulgation of the

Federal Executive to be valid. This provision is based in a parliamentary tradition within Mexican Constitutionalism that gives the legislative power the exclusive faculty to issue their internal rules, without the participation of any other power; this authority is known as "ruling autonomy" and gives strength to the power division as well as the authority of ruling itself.

The description of the Senate with regard to its activities as part of the Federal Congress can be found mainly in Article 73 of the Political Constitution. The topics mentioned in it cover national sovereignty regarding foreign issues and development of the Federation regarding internal issues, peaceful life in the community and the application of the Rule of Law. As a conclusion, the Congress of the Union has expressed and limited federal competence; and the federal entities have the faculty to rule in all those matters not kept in the Constitution in favour of the Federal Legislative Power.

The faculties granted by the Constitution to the Legislative Power regarding its strict legislative nature are located mainly in sections 30 of Article 73 of the Constitution executed by both Chambers in a separate and consecutive way. However, there are two constitutional ordinances granting legislative faculties in other issues. A specific case can be Article 122 that gives the possibility to legislate in all the aspects related to the Federal District.

B. Organic Law of the Congress

The Organic Law of the Congress established that the Senate needs the support of the following premises to exercise its functions:

- i. **Dean Board.** At the end of a Legislature, the senators finish their functions and the new members are the ones who create the constitution of its own organism; as for the establishment of the first one, known as "Dean Board". This organism is formed by five members, one will be its president, two will be the vice-presidents and two will be the secretaries. The allocation system of its members depends on its experience as senators, age and in its case, of its legislative experience. This criteria came from the lists prepared by the General Secretary of Parliamentary Services as for the reception of written evidence to guarantee the chosen senators.
- i. Once the Dean Board is established, its functions are: to carry out the constitutive session of the Chamber; to take the constitutional oaths and to choose the members of the Board of Directors of the first year of exercise per each Legislature. Its existence ends at the moment of fulfilling said responsibilities.
- ii. **The Board of Directors.** Is a collegiate organism formed by eight members, one president, three vice-presidents and four secretaries. Its creation is formed

in two ways: the first one, already mentioned during the constitutive session; and the second one for the following years, where the senators will continue fulfilling their post, where the installation is held through a "Previous Board" carried out within the 10 previous days to the opening of the sessions of the following legislative year. The Board of Directors is an organism with permanent character whose functions are held through the legislative year that can be in an ordinary or extraordinary period. The Organic Law oversees the possibility to re-elect the members of the Board of Directors.

- iii. **Parliamentary Groups.** Are the type of organization adopted by the senators with same affiliation party, whose minimal number of members is five; the Organic Law instructs that can only be one political group per each party represented in the Chamber, allowing at the interior of the group to solve conflicts and to keep a proper management with the risk that if it is not the case, the benefits given by the law to the formed groups will be lost. The parliamentary groups determine the decision of constituency as such as well as their name, members relation, name of the coordinator and other senators with directive functions and functioning rules. Within the benefits of the parliamentary groups it can be mentioned: those of budget and material character derived in working areas and of location within the legislative site. The resources allocation is subject to the criteria of budget availability and of members proportion regarding the total number of the Chamber.
- iv. **Political Coordination Board.** Article 80 of the Law defines the Political Coordination Board as "the collegiate organism that fosters understandings and mergers to reach agreements that will allow the fulfilment of the faculties granted by the Constitution". It is formed by the coordinators of the parliamentary groups as well as by two senators of the majority parliamentary group and one of those that constitutes the first minority. The decisions of this collegiate organism are taken by examined vote from the parliamentary groups, as for the number of senators that each respective group has; the members of the two first forces that do not have the quality of coordinators, as well as people called to sessions will only have the right of voice but not the right to vote. The Presidency of the Board per Legislature corresponds to the coordinator of the parliamentary group that by its own has the absolute majority of the examined vote by the Board or whose parliamentary group constitutes said majority in the Chamber; on the contrary, the presidency of the Board will be exercised in an alternate manner and per each legislative year by the coordinators of the parliamentary groups that will have a number of senators representing less than the 25% of the total number of the Chamber.
- v. The Organic Law grants the President of the Board the following: to promote the adoption of necessary agreements for the proper dismiss of the legislative agenda per each period of sessions; to propose the Board the project of

legislative program per each period of sessions and the calendar of the same; to assure the fulfilment of the agreements of the Board; to represent the Board –within its competence- before the organisms of the own Chamber and to coordinate its meetings; and those that derive from the juridical ordinances and agreements in matter.

- vi. **Report Committees.** These favour the work division of the Chamber, due to the specialization of the same and the participation of its members. The Committees are formed by fifteen senators, their job is coordinated by a Direction formed by a President and two secretaries. Its decisions are taken by majority of votes and the reports should be signed by the majority of its members. The Chamber increases or reduces the number of the Committees or divides them; for the proper performance of their legislative tasks, the presidents may request information or documents to the premises and entities of the Federal Executive (except when it is confidential information) and can also interview public officers.

The Committees are classified as follows:

- **Ordinary:** Analyze and report the law initiatives or reports remitted to them as well as the issues regarding their field or area of competence. They will be in charge of issues related to their own matter of denomination and jointly with the Committee of Legislative Studies will analyze and report the law initiatives and reports.
- **Jurisdictional:** According to the Law, these deal in the responsibility procedures of public officers. It is formed by a minimum of eight senators and a maximum of twelve. From these, the Committee of Judgement is formed, according to the Federal Law of responsibilities of Public Officers where parliamentary groups should be represented.
- **Research:** Are created to investigate the functioning of decentralized organisms and enterprises with public majority participation.

Committees with transitory character can be formed so as to know exclusively the issue of purpose they were created for or to perform a specific task when determined by the Chamber; joint Committees can be created with the participation of both Chambers of the Congress of the Union to deal with issues of common interest. In the LIX Legislature, the Senate has 60 Legislative Committees both ordinaries and extra-ordinaries with five Committees of both Chambers.

- vii. **Technical and administrative organization.** The Organic Law establishes in its Article 106 so the Senate can dismiss its legislative and administrative tasks

the following premises: a) General Secretary of Parliamentary Services; b) General Secretary of Administrative Services from which the Treasury of the Chamber will be dependant of and c) the administrative units agreed by the Board of Directors. Their titleholders are proposed by the Board of Directors to the plenary and are elected by the majority of the senators present and last in their post all the Legislature, being able to be re-elected. The Law also considers the removal of said officers, proposed by the Board of Directors for serious cause considered by the absolute majority of the senators present at the plenary.

C. Ordinance for the Internal Government of the General Congress

Said ordinance was published on March the 20th 1934, including eleven amendments since then. Its constitutional basis was found in Article 73 section XXIII; however, in 1977 said section was cancelled. Therefore, this ordinance is still in force because the Organic Law of the Congress in its article 3 specifically gives effect; both exist as ordinances that rule the functioning of the Congress: the Organic Law of 1999, some provisions of the Ordinance of 1934 and several parliamentary agreements.

D. Parliamentary Agreements

Currently, several acts issued by organisms of the Senate are ruled under this denomination and the Organic Law mentions them in several articles. The Parliamentary Agreements are used among other issues for the creation of organisms or administrative units; for the creation of special committees; the naming of officers or ratification of others; positions taken or pronouncements and to consider some resolutions of internal factors.

5. THE LEGISLATIVE PROCEDURE IN THE MEXICAN SENATE

It is also known as procedure of law creation and it is understood as the order series of acts that the government organisms have the faculty to elaborate, approve and issue a law or executive order. The legislative procedure is detailed in articles 71 and 72 of the Constitution. Despite some differences in the Mexican application, the legislative procedure is formed by the following steps: initiative, discussion, approval or rejection, sanction, promulgation and beginning of the term.

A. Initiative

According to article 71 of the Constitution, the president of the Republic, deputies and senators of the Congress of the Union and the legislatures of the states have the faculty

of initiative, and according to article 122 of that same ordinance, the Legislative Assembly of the Federal District has it too. The aforementioned means that the Supreme Court of Justice and the particulars do not have the faculty of legislative initiative. In the case of the Juridical Power, the Constitution separated clearly the function of interpretation of the law, including it in this power and the function to create the law pretending to assure impartiality in the function of judgement; mainly because in Mexico, the Federal Juridical Power is in charge of examination to the Constitutionality of the laws.

Regarding the particulars, despite of not having the initiative faculty, they have the right of petition -according to article 8 of the Constitution. For this reason article 61 of the Ordinance of the Congress -in effect for those issues that do not contradicts the Organic Law, allocates that all particulars' or general petitions who do not have the right of initiative will be sent to the president of the Chamber, to the corresponding Committee according to the nature of the issue in question; being able to report said committees, if the petitions are or not considered into account. In case the petition is considered into account, it is understood that the Committee adopts it and exercises its initiative faculty.

The initiative faculty of the president of the Republic is a clear sample of our functions coordination system and responds to the reason that the Federal Executive is the one that has the better possibilities to understand the situation and problems of the country; so, it is able to suggest its ruling implementation.

The President of the Republic is in charge of responding exclusively to the presentation of some initiatives such as: the federal income laws, the project of expenditure budget and the annual public account; despite the fact that the two latter ones are exclusive faculties of the House of Deputies. Also the Federal Executive is in charge of beginning exclusively the guarantee suspension procedure, according to article 29 of the Constitution; even though in this case it is not considered a law but an executive order.

Therefore, the initiatives of deputies and senators should be understood to correspond to only one deputy or senator or a group of them; instead, regarding the legislatures of the states, this faculty is given to the organism and not to one or several members. The proof that this entities have the right of initiative is evident because they represent popular will and its natural function is to legislate.

Second paragraph of article 71 of the Constitution grants that the initiatives submitted by the president of the Republic, by the legislatures of the states or by deputies of the same, will go through the Committee and those submitted by deputies and senators will be subject to the legal procedures established in the Ordinance of Debates. Regarding the particulars, it should be understood, current in article 56 of the Ordinance grants that the initiatives submitted by one or several members of the Chambers, will go through the Committees giving not distinction at all.

B. Discussion and approval or rejection

Article 72 of the Constitution has several hypothesis that could be submitted in the procedure of law creation. The initiatives could be submitted before any of both Chambers; the one that notices it first is call the Chamber of Origin and the other one is call Chamber of Revision. Letter h of article 72 grants that the initiatives to government loan, collections or taxes and troops recruitment shall be discussed firstly in the House of Deputies.

On the other hand, a general rule exists and establishes that the members of one Chamber can not promote initiatives before the other Chamber; therefore, the initiatives from deputies shall be discussed in said Chamber. The same happens regarding senator's initiatives. It is convenient to highlight that also article 72 grants that law initiatives and executive orders will be discussed preferably in the Chamber submitted unless a month has elapsed, once they meet the reporting committee without submitting the report. In that case, the project can be submitted and discussed in the other Chamber.

It is possible to distinguish the following suppositions in article 72 of the Constitution:

a) Law project submitted before the Chamber of Origin and approved by it, turns to the Chamber of Revision who in case of approving it will remit it to the Executive so this one - in case there are not observations given, will publish it immediately.

b) If the law project is rejected in the Chamber of Origin it can not be submitted again until the following period of sessions.

c) If an approved law project in the Chamber of Origin is reported totally by the Chamber of Revision, the project will be remitted to the Chamber of Origin with its observations to be discussed again by that; therefore, the following suppositions can be submitted: i) that it should be approved by the majority of the present members, then the project will be remitted to the Chamber of Revision to review it again. If the Chamber of Revision also approves it, it will be remitted to the Executive for its sanction effects; and, ii) if in the second consideration, the Chamber of Revision rejects it again, the project can not be submitted again until the following period of sessions.

d) A law project approved in the Chamber of Origin but rejected partially, modified or added by the Chamber of Revision, the project should be remitted to the Chamber of Origin so it can be discussed again only with regards of the partially rejection, modification or addition; here, also can be considered two hypothesis: i) that the Chamber of Origin approves the observations of the Chamber of Revision by absolute vote majority; therefore, the project is sent to the Executive, and, ii) that the Chamber of Origin does not agree with the observations given by the Chamber of Revision; therefore, the project shall be remitted to the Chamber of Revision for a second consideration. If the Chamber of Revision does not insist with observations, the project is sent to the Executive but if the Chamber of Revision insists on partial rejection, modification or addition by absolute majority, the project can not be submitted again until the following period of sessions. In

this latter hypothesis, both Chambers can agree by absolute vote majority of its members to publish the law only with the articles approved by both Chambers.

e) When a law project has been approved by the Chambers it shall be sent to the Executive for its sanction effects. This step corresponds to the veto right. According to letter b) of article 72, any law project not remitted with observations to the Chamber of Origin will be considered approved by the Executive within the following useful 10 days of its reception; unless, that after this term the Congress had concluded the period of sessions. In such case, the devolution shall be done the first working day of the Congress.

If the Executive rejects a law project, this will be remitted to the Chamber of Origin to be discussed again; if it is confirmed by this Chamber, meaning that it is not agreed with the observations given by the Executive by to thirds of the total number of votes, the project will be sent to the Chamber of Revision and if this one also confirms it with the same majority, the project will be sent again to the Executive only for its publication effect.

It is convenient to point out some main aspects of the discussion and approval of a law overseen in the Ordinance. Article 95 grants that once open the discussion, a lecture will be given to the initiative and afterwards to the report of the corresponding committee will be read as well as the particular vote, if it is so. Second step and after the debate begins, the president of the Chamber will integrate a list of individuals who will like to talk in favour and against the project. The law project will be discussed in general, talking about the whole project; and afterwards it will be discussed in particular, each one of its articles. The members of the Chamber will speak alternately in favour and against the project; the discussion will begin with those who signed it to speak against it.

According to article 114 of the Ordinance, before closing the general and particular discussion, six individuals can talk in favour and six individuals can talk against it, besides the members of their respective committee.

Once all the signed individuals had spoken, the president will ask if the topic is sufficiently discussed; if so, the voting will continue. If not, the discussion shall continue. In this case, only one individual will be necessary to speak in favour and one against it. When a project is considered to be not sufficiently discussed, a show of hands shall be considered to send the project to the Committee to amend it; if the project proposal is not accepted it will be considered as rejected.

The projects that go through one Chamber to another for its revision effects shall be signed by the president and two secretaries, together with its respective discussion file and backgrounds so the co-legislative Chamber can have them easily seen.

The Chamber of Revision will not be able to make public the topics mentioned secretly in the Chamber of Origin but it can give a secret treatment to those the Chamber of Origin treated publicly.

C. Promulgation and publication

Once a law is approved and sanctioned, the Executive is obliged to give instructions of its publication so it can be known by those who must fulfil it. The publication of the law is done in the Federal Official Diary.

FINAL NOTE

As previously mentioned in the introduction of this lecture, a general outline of the organization, structure and functioning of the Senate was mentioned.

The goal of the aforementioned has been only to describe without giving judgements or values.

We hope that the information given of the Senate as well as information given regarding the House of Deputies has been useful so you can get acquainted with the reality of the Mexican Legislative Power.

It has been of great satisfaction to participate in the activities of the 110 Assembly of the Inter-Parliamentarian Union. The exchange shared gives us an important personal experience and will be useful to fulfil our responsibilities.

The Parliamentary System of the Chamber of Deputies

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Mexico is organized as a representative, democratic and federal republic, composed of states that are free and sovereign in all their internal affairs, but united in a federation under the principles of our fundamental law. The nation's form of government is presidential.

The exercise of the highest power is divided into three branches: the executive, judicial and legislative. Two or more of these branches cannot join in a single entity or body, nor can the legislative power be deposited in an individual, except in the event of extraordinary authority in the federal executive.

NATIONAL CONGRESS

The legislative power of the United States of Mexico is deposited in a General Congress that is divided into two Chambers: the Senate and the Chamber of Deputies.

The idea of a legislative branch formed by two chambers, one based on the population and the other on equal representation for each state—deputies and senators, respectively—has been a constant in the development of Mexican constitutionalism.

Senate

The Senate is the legislative body that historically has had the purpose of balancing legislative activity, as well as safeguarding the federal contract, by assigning the 31 states and the Federal District the same number of seats, regardless of geographical size, population or economic importance.

At present, the Senate has 128 members: two are elected by each state and the Federal District according to the principle of the relative majority vote, and one is assigned to the first minority. The 32 remaining senators are elected by proportional representation, through a system of ballots in a single, pluri-nominal national district.

The Senate of Mexico is elected in its entirety every six years. Its members serve on two legislatures and cannot be reelected for the immediately following term.

Chamber of Deputies

The Chamber of Deputies consists of national representatives elected for a term of three years, the duration of one legislature.

Three hundred deputies are elected by the relative majority vote in electoral districts containing a single state; and two hundred deputies are elected by proportional representation, on regional ballots in districts containing more than one state.

Deputies may not be reelected for the immediately following term.

To resolve matters under their authority, both chambers of the General Congress meet during two ordinary sessions each legislative year. The first session begins on the 1st of September and may not extend beyond the 15th of December, except during the years of presidential succession, when, according to the Constitution, the session must last until the 31st of December. The second ordinary session starts on the 15th of March and must conclude by the last day of April.

The Chamber of Deputies has the authority to legislate, in a successive manner with the Senate, on the matters foreseen primarily in Constitutional Article 73, as well as to exercise the functions of control conferred on it by the Constitution.

In addition to these powers, the Chamber of Deputies has the following exclusive responsibilities:

- a) To issue the solemn decree to declare the president-elect determined by the electoral court of the national judicial branch;
- b) To coordinate and evaluate the performance of the functions of the federal audit, the technical body responsible for inspecting the use of federal resources;
- c) To examine, discuss and approve the federal budget each year;
- d) To review the public accounts of the previous year, and
- e) To substantiate the process that establishes whether or not to proceed judicially against any public servant charged with wrongdoing, except in the case of the president, which corresponds to the Senate.

Currently serving is the 59th Legislature, which took office on September 1, 2003, and will finish its term on August 31, 2006. This Legislature is broad-based, with legislators from six political parties: the Partido Revolucionario Institucional with 224 deputies; the Partido Acción Nacional with 151 deputies; the Partido de la Revolución Democrática with 97 deputies; the Partido Verde Ecologista de México with 17 deputies; the Partido del Trabajo with 6 deputies and the Partido Convergencia por la Democracia with 5 deputies.

THE INTERNAL ORGANIZATION OF THE CHAMBER OF DEPUTIES

The internal organization of the Chamber of Deputies in Mexico has the five fundamental divisions stipulated by the Organic Law: parliamentary groups; governing bodies (the board of directors, the political coordination board, and the conference for the direction and programming of legislative work); commissions and committees; the technical and administrative organization (the Secretary General); and other technical bodies (the controller, coordinator of social communication and the training unit).

Parliamentary Groups

Article 70 of the Mexican Constitution guarantees the grouping of deputies by party affiliation in order to ensure the free expression of ideologies represented in the Chamber of Deputies.

Such a grouping of deputies is also defined in the Organic Law of Congress, which establishes them as Parliamentary Groups.

Each Parliamentary Group in the Chamber of Deputies must have at least five deputies. There is only one Group for each national political party with deputies in the Chamber.

Each Parliamentary Group is directed by a "Coordinator", who expresses the will of the Group and participates on the Political Coordination Board and the Conference for the Direction and Programming of Legislative Work.

Deputies who are not enrolled in a Parliamentary Group or cease to belong to such a Group are considered to be "deputies without a party".

Governing Bodies

The Chamber of Deputies contemplates three governing bodies: the Board of Directors, the Political Coordination Board and the Conference for the Direction and Programming of Legislative Work.

(a) Board of Directors

The Board of Directors directs the sessions of the Chamber of Deputies and ensures the proper procedures for debates, discussions and plenary voting. It guarantees that constitutional and legal indications prevail during legislative work.

The Board of Directors is elected by the plenary session of the Chamber, with at least two-thirds of the votes of the members present.

It is formed by a president, three vice presidents and three secretaries.

The Board of Directors serves for one year and may be reelected. Its president is the "President of the Chamber of Deputies" and at joint meetings with the Senate is the "President of Congress".

In addition, the president of the Board of Directors conducts institutional relations with the Senate, the other branches of the federal government, the branches of state governments and the authorities of the Federal District, in addition to having protocol representation in parliamentary diplomacy.

The vice presidents assist the president of the Chamber in carrying out his functions. The secretaries assist the president in conducting sessions.

(b) Political Coordination Board

The Political Coordination Board represents the expression of plurality in the Chamber of Deputies. It is the body that promotes understanding and political convergence among entities, in order for the Chamber to be able to adopt resolutions according to its constitutional and legal authority.

The Political Coordination Board is composed of the coordinators of the Parliamentary Groups. For the duration of the legislature, it is presided over by the coordinator of the Parliamentary Group having the absolute majority in the Chamber. If no Group has the absolute majority, the president's post has a one-year term and is filled successively by the group coordinators in decreasing order of the size of their membership.

One of the Board's responsibilities is to propose committee membership to the Chamber, as well as to designate delegations to attend inter-parliamentary meetings with representative bodies from other nations or bodies of a multilateral nature.

The Political Coordination Board presents the Chamber's proposed annual budget at the plenary session, and analyzes and approves the budgetary report presented by the Secretary General.

In addition, the Board assigns, according to law, the human, material and financial resources, as well as the spaces for parliamentary groups.

The Board has the authority to propose the creation of friendship groups to the Chamber, in order to follow up on bilateral accords with representative bodies from countries with which Mexico has diplomatic relations.

(c) Conference for the Direction and Programming of Legislative Work

The Conference for the Direction and Programming of Legislative Work is formed by the president of the Chamber of Deputies and the members of the Political Coordination Board. Presidents of commissions may attend Conference meetings that deal with matters within their sphere of authority.

The Conference's responsibilities include the following:

- To formulate the legislative program for the Chamber's sessions
- To prepare the calendar to cover the legislative program
- To determine the procedures to be followed by debates, discussions and deliberations
- To propose to the plenary session the statute that will guide the technical and administrative organization of the Secretary General and the Secretaries of Parliamentary, Administrative and Financial Services
- To promote work on commissions to prepare and comply with legislative work
- To present to the plenary session the proposed designations for the Secretary General and Internal Controller of the Chamber of Deputies.

Commissions and Committees

(a) Commissions in the Chamber of Deputies

The commissions, established by the full Chamber, contribute to the Chamber's compliance with its constitutional and legal responsibilities by preparing rulings, reports, opinions and resolutions.

The Chamber has the following types of commissions:

Ordinary Commissions:

Ordinary Commissions, which currently number 38 by Organic Law, are maintained from legislature to legislature. They may have up to 30 members. Deputies may serve on a maximum of three commissions, with the exception of the jurisdictional and investigative commissions.

Ordinary Commissions with specific tasks:

- The Commission of Rules and Parliamentary Practice is in charge of matters related to the norms that guide the Chamber's parliamentary activity.
- The Commission of the Federal District is responsible for legislative rulings and information related to the powers conferred on the Chamber by the Constitution.

- The Commission of Federal Supervision and Auditing carries out the tasks stipulated by the Constitution and applicable law.
- The Jurisdictional Commission forms the Instructive Section that is in charge of substantiating matters related to the responsibilities of public servants, in accordance with the Constitution.

Investigative Commissions

Investigative Commissions are formed with a transitory nature to carry out the functions referred to in the third paragraph of Constitutional Article 93.

Special Commissions

Special Commissions are formed by the Chamber to take responsibility for specific matters as deemed pertinent.

(b) Committees of the Chamber of Deputies

The Committees, established by the full Chamber, provide assistance in Chamber activities by carrying out tasks other than those of the Commissions. Committees serve the terms indicated at the time of their creation.

By law, the Chamber has a Committee of Information, Administrative Procedures and Complaints to attend to citizen requests, and an Administrative Committee to assist the Political Coordination Board in its administrative functions.

Technical and Administrative Organization of the Chamber of Deputies

THE SECRETARY GENERAL

The Secretary General of the Chamber of Deputies is responsible for coordinating and performing the duties that permit optimal compliance with legislative functions and efficient attention to the Chamber's administrative and financial needs.

The Secretary General provides the setting for coordinating and supervising the Chamber's services. The Secretary of Parliamentary Services and the Secretary of Administrative and Financial Services are responsible for providing these services.

The Secretary General is designated by the plenary session of the Chamber of Deputies, with the approving vote of two-thirds of the deputies in attendance, as proposed by the Conference for the Direction and Programming of Legislative Work.

The responsibilities of the position include directing and supervising the correct functioning of parliamentary, administrative and financial services, the formulation of annual administrative programs, and the execution of policies, guidelines and Conference agreements.

THE SECRETARY OF PARLIAMENTARY SERVICES

The Secretary of Parliamentary Services provides unity of action in parliamentary services. This position ensures impartiality in the services it oversees, and compiles and registers agreements, precedents and parliamentary practices.

The services provided by the position include assisting the president of the board of directors, offering support at Chamber sessions and for Commissions, and maintaining the registry of debates, in addition to archives and libraries.

THE SECRETARY OF ADMINISTRATIVE AND FINANCIAL SERVICES

The Secretary of Administrative and Financial Services provides unity of action and supervises the efficient functioning of the services for which the position is responsible.

The services provided by the Secretary of Administrative and Financial Services include supplying material and human resources, information services, and legal, safety and medical resources.

The Organic Law of Congress as relative to the Chamber of Deputies has a Statute for the organization and functioning of the secretaries and services, and thus establishes the norms and procedures for their creation.

Other Technical Bodies of the Chamber of Deputies

THE INTERNAL CONTROLLER

The Internal Controller is in charge of receiving complaints, carrying out investigations and audits and applying the procedures and sanctions inherent to the administrative responsibilities of public servants. The Controller works within the Conference and is proposed by the plenary session.

COORDINATION OF SOCIAL COMMUNICATION

The Coordination of Social Communication is in charge of making known the activities of the Chamber of Deputies. It serves as a liaison with the mass media and is responsible for the publications program. The Coordination of Social Communication depends on the

president of the Board of Directors and its organizations, functions and designated head are governed by the applicable Statute.

UNIT OF TRAINING AND CONTINUING EDUCATION

This unit is responsible for the training, updating and specialization of candidates and career officials in parliamentary, administrative and financial services.

PERMANENT COMMISSION

During the recesses of the Chamber of Deputies and the Senate, the Permanent Commission of Congress is installed. This government body consists of 19 deputies and 18 senators.

The members of the Permanent Commission are named by their respective chambers during the last ordinary session, and remain on the commission during the legislative recess. There is no legal impediment to their reelection.

The responsibilities of this body are rigorously determined in the Constitution and in general are of an administrative nature. The Permanent Commission has no legislating functions.

Its authorities include the following:

- i. To provide consent for the use of the National Guard in cases foreseen by the Constitution;
- ii. To receive, if necessary, the presidential oath;
- iii. To resolve matters under its authority;
- iv. To declare on its own, or according to presidential proposal, the calling of extraordinary sessions for one or both chambers of Congress;
- v. To grant or refuse the ratification of the Attorney General proposed by the president;
- vi. To authorize presidential absence for up to 30 days, and to name an interim replacement;
- vii. To ratify presidential assignments of cabinet members, diplomats, consuls, upper positions in the finance ministry, and other high posts in the national armed forces;

- viii. To receive and resolve requests for leaves of absence from members of Congress; and
- ix. To remove the head of the Federal District from office in the event of serious reasons that affect relationships with federal powers or public order in the Federal District.

Each legislative year has two recesses. During the first recess, the Permanent Commission meets in the Chamber of Deputies, and during the second recess, in the Senate.

Mr Ian HARRIS, President, thanked Mr Arturo GARITA ALONSO and Mrs Patricia FLORES ELIZONDO for their most interesting and very full presentations. He invited those present to put questions to the speakers.

Mr Yogendra NARAIN (India) asked whether the Mexican courts and tribunal could declare a law unconstitutional. And, if so, on what basis. He also wanted to know what the powers of the Senate were to work in relation to examination of and voting on the Budget.

Mr Arturo GARITA ALONSO said that only the Supreme Court, and no other, could make a judgement on the constitutionality of a law.

Mrs Patricia FLORES ELIZONDO said that examination and vote on the Budget was solely within the powers of the Chamber of Deputies.

Mr Moses NDJARAKANA (Namibia) asked for details about the legal status of Secretaries-General in particular from the point of view of how they were appointed and the length of their mandates.

Mr Arturo GARITA ALONSO said that the Mexican Senate had two Secretaries-General, although there was only one at the Chamber of Deputies. As far as the Senate was concerned, the Bureau nominated Secretaries-General in plenary assembly and the question was decided by simple majority. The length of the mandate was that of the legislative period, that is three years, but the mandate was renewable.

Mrs Patricia FLORES ELIZONDO said that in the Chamber of Deputies, the Secretary-General was proposed by the Bureau for Programming Bills.

Mr Moses NDJARAKANA (Namibia) asked what the legal basis was for these arrangements.

Mrs Patricia FLORES ELIZONDO said that they were part of the Basic Law.

Mme Hélène PONCEAU (France) asked for further details on the service which managed staff careers, on the internal inspection mechanisms in each Chamber and for details of the relative powers of the Council for Political Coordination and the Administrative Commission.

Mr Arturo GARITA ALONSO said that the service which managed staff careers guaranteed staff members a civil service career and evaluated their performances. The service enabled staff to be protected from political influence.

The Administrative Commission included Senators who were responsible for assisting the Bureau, notably in relation to supervising works, the budget, controlling expenditure etc.

As far as internal control was concerned, its principal responsibility was to carry out an audit of expenditure, to ensure its propriety and transparency.

Mr Hans Peter GERSCHWILER (Switzerland) wondered about the appointment of Senators for a non-renewable mandate of six years, which seemed to him a way of weakening Parliament. He also wanted to know what happened to elected Members at the end of their mandates.

Mr Arturo GARITA ALONSO said that Senators could not be re-elected to the same post, but they could stand for another elected post -- for example that of Deputy. This rule against immediate re-election to the same post was supposed to guarantee a minimum renewal of elected people. Nevertheless, it was true that this rule was much debated in Mexico.

In addition, unless such work was incompatible with their duties, many elected Members retained some outside professional activity which they could take up again at the end of their mandate.

Mrs Maria Valerie AGOSTINI (Italy) asked how the Standing Committee was elected and made up.

Mrs Patricia FLORES ELIZONDO said that the Standing Committee on which Deputies and Senators sat continued to sit during Parliamentary vacations, which guaranteed the permanence of the Chambers in certain areas.

Mr Petr TKACHENKO (Russian Federation) asked whether the Senate had various specialist groups which could examine draft bills in order to understand how they should be financed.

Mr Arturo GARITA ALONSO said that the Senate had a legal counsel, who gave a purely technical opinion on the Bills which were being discussed.

Mr Jorge VALDES AGUILERA said that as far as the budget of the Senate was concerned, the administration decided what it needed within the framework of a Committee on Planning Resources, which prepared proposals that were sent to the Ministry of Finance.

Mr Wolfgang ZEH (Germany) asked how long elapsed on average between the preparation of a draft bill and its presentation before both Chambers, as well as the average number of laws agreed within a three-year legislative period. He also asked the speakers to comment in general on the legislative procedure in Mexico.

Mr Arturo GARITA ALONSO said that the time required to agree a draft bill was entirely variable, according to political reality. More fundamentally, this was not a criterion for quality and the only basis for judging laws was their acceptability among citizens.

Mr Michael POWNELL (United Kingdom) asked whether any services for Members, such as the Library or databases, were common to both the Chamber of Deputies and the Senate.

Mrs Patricia FLORES ELIZONDO said that all services were run separately.

Mr George CUBIE (United Kingdom) wanted to know how often members of the Government replied to Questions from members of the Parliament; whether both Chambers held extraordinary sessions; and how they organised the reception of 300 new members every three years.

Mr Arturo GARITA ALONSO first of all said that a member of the Executive in practice would never address the Chambers, even if the means existed for him to do so. Although on the basis of an agreement between both Chambers it was theoretically possible to summon a member of the Executive to hear him on a particular topic, this procedure was rarely used.

Extraordinary sessions were decided upon by the Standing Committee whenever required.

Informing newly elected Members was a very great burden for the administration, which affected all members of staff.

Mr Mario FARACHIO (Uruguay) asked whether the Supreme Court could decide on the constitutionality of laws on its own initiative or whether it had to be asked to judge on such issues by a party to an action in front of it. He also asked what exactly the Standing Committee did during the Parliamentary vacations; and also whether there was a legislative research service in the two Chambers.

Mr Arturo GARITA ALONSO said that the Supreme Court only acted at the request of a party; the Standing Committee only had limited powers -- since it could summon Parliament to sit in extraordinary session only when necessary; and that each Chamber had its own legislative research departments.

Mr Khondker Fazlur RHAMAN (Bangladesh) asked what the quorum was for the Chamber; and whether an elected Member who was often absent could be expelled.

Mr Arturo GARITA ALONSO replied that the quorum was a simple majority of members of the Chamber, and that the law laid down a maximum number of permitted absences - on the basis of allowed reasons - and the penalty for exceeding this was partial loss of pay.

Mr Abdel Jalil ZERHOUNI (Morocco) asked whether either Chamber had a service which occupied itself specifically with the careers of deputies or senators. He asked whether it was the practice to change Secretary-General at the start of each new legislative period, or whether a consensus between the parties allowed a certain continuity.

Mr Arturo GARITA ALONSO said that such a service did not exist and that it was a matter entirely for each legislator to decide about such matters. In the Senate, the Secretary-General was elected for the period of the legislature, but could be confirmed in his or her functions by a supplementary mandate given by a newly elected Chamber.

Mrs Patricia FLORES ELIZONDO said that a change of Secretary-General required a two thirds majority, which meant that there had to be agreement between various political groups.

Mr Samson Ename ENAME (Cameroon). Asked how security was ensured within each Chamber and whether that was a matter within the responsibility of the Secretary-General. He also wanted to know whether the right to vote could be delegated -- and if that was the case under what conditions -- and to know what proportion there was between bills proposed by the government and bills proposed by a private members.

Mr Jorge VALDES AGUILERA said that security within both Chambers was within the prerogative of their respective Presidents and that this responsibility was delegated to each Secretary-General.

Mrs Patricia FLORES ELIZONDO said that delegating the right to vote was impossible, since that was a personal right.

Mr Arturo GARITA ALONSO said that up to the year 2000, more or less, nine out of 10 bills agreed by Parliament came from the Executive. At the moment, bills with a Parliamentary and bills with a governmental origin were more or less in equal proportions, which indicated a welcome change in favour of Parliament.

Mr G.C. MALHOTRA (India) noticed that since there were six political parties represented in the Chamber, it presumably followed that there were alliances between the various parties. He wanted to know whether in Mexico elected Members suddenly changed their partisan loyalty and whether there were laws to combat such changes. He also asked for what reason the Chamber of Deputies, which was supposed to be the more powerful Chamber, only had one Secretary-General, whereas the Senate, which was smaller, had two.

Mrs Patricia FLORES ELIZONDO said that was no law in Mexico which forbade an elected Member from changing his political allegiance.

Mr Arturo GARITA ALONSO said that both Chambers were equally responsible for the examination and agreement of laws, both were on the same political level and therefore worked on an equal footing.

Mr Carlos Hoffmann CONTRERAS (Chile) asked whether the Secretaries General had to be members of the staff of the Chamber before they were able to be nominated to the duties of Secretary General and whether they were indefinitely re-electable.

Mr Jorge VALDES AGUILERA said that Secretaries General could either have belonged to the staff of either Chamber or be selected from outside that staff. The current Secretaries General had previously been members of their respective staffs.

Secretaries General were re-electable. When their mandates ended, those concerned took up responsibilities within the administration which had to be different from those which they previously had carried out.

Mrs Emma Lirio REYES (Philippines) wanted to know why it was currently envisaged that the length of sessions would be longer; and also what the average time was for the agreement of a simple draft government Bill, approximately.

Mrs Patricia FLORES ELIZONDO said that the principle of lengthening the sessions had been agreed to easily, since the current length seemed insufficient to everybody. In order to achieve this, there would have to be an amendment to the Constitution, on which Congress had already given a positive opinion.

Mrs Marie-Andrée LAJOIE (Canada) wanted to know how many staff there were in each Chamber, as well as their rate of turnover.

Mr Jorge VALDES AGUILERA said that staff members only recently had gained a formal status, four years ago in the Chamber of Deputies and only two years ago in the Senate. Turnover was fairly small: the great majority had worked for one or other Chamber for 20, 30 or even 40 years. On that basis, the legal status only made official what had been a long established state of affairs.

The Senate had about 230 staff members; the Chamber of Deputies had about 550.

Mr Henk BAKKER (Netherlands) asked whether the Government could unilaterally reduce the budget of one or other Chamber.

Mrs Patricia FLORES ELIZONDO said that it did not have that power, because it was the legislative power which, in Mexico, decided on Appropriation for the country and for itself. In that area the Government could only put forward proposals.

Mr Ian HARRIS, President, thanked the members present for the numerous questions which were very relevant to the subject.