

***Claude Heller, Mexico and the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families***

In this text, Heller introduces us to the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families, the first international document to provide specific regulations for the protection of migrant workers throughout the world, regardless of their legal status. Created in December 1990, this instrument aims to combat the many and varied types of discrimination and exploitation that millions of migrant workers are exposed to. The 93 articles of the document are divided into nine sections that regulate global population movements, based on a series of specific circumstances. As of May 2006, 34 countries had joined the Convention and another 14 are expected to ratify their adhesion; those that have ratified their participation to date are considered mainly countries of origin of migrant workers. Despite the efforts that have been undertaken, the author does not foresee countries that receive migrant workers and their families signing the Convention in the short term. In the specific case of Mexico, which has formed part of the Convention since May 1991, Heller underlines the principles governing the conduct of the Mexican government in this area, in view of Mexico's three-fold role as a country of origin, transit and reception of migrant workers, and says that the values of the Convention should be promoted within the framework of the multilateral agenda, and within the regional and individual contexts of the affected countries as well.

**Juan José Gómez Camacho, *The Enforced Disappearance of People: Progress in International Law***

This essay aims to give a general overview of one of the most atrocious violations of human rights: the enforced disappearance of people. The reader is enlightened as to the true dimensions, complexity and gravity of this crime, which is often minimized or confused with other practices. Gómez Camacho makes a brief analysis of the phenomenon, from its definition, origins and background to the most relevant aspects of the international normative instruments that have been introduced to combat it. Over the last 15 years, a total of four international instruments have been approved to address the enforced disappearance of people, while this article makes an insightful comparison of these instruments in light of the adoption of the fourth in June 2006: the International Convention for the Protection of All Persons from Enforced Disappearances, a mechanism that not only broadens protection measures, but that sets forth principles in a treaty that is legally binding on States that ratify it, principles that were not included in the normative instruments previously adopted. The author believes that the laws of each individual country, especially those of Mexico, need to be revised to include new concepts, making a break with the archaic notions that frequently contribute to the propagation of this phenomenon. By the same token, modern and efficient legal mechanisms, such as those established in the new Convention, need to be developed for the punishment and, above all, the prevention, follow-up and eradication of this despicable practice.

**Socorro Flores Liera, *From Nuremberg to The Hague: Criminal Responsibility for Crimes against Humanity as a Whole***

In the opinion of Socorro Flores, the international prosecution of people accused of committing crimes against humanity has been limited, in light of the magnitude and complexity of these crimes. Following the Nuremberg and Tokyo trials, which established the foundations of international criminal law, no other trials of such transcendence have been held. It was not until 1993, with the creation of the International Criminal Tribunal for the former Yugoslavia, that the tenets and principles of criminal law, proclaimed after the end of World War II, were enforced in the international arena, giving way to an unprecedented evolution of the law that seeks to reduce the possibility of crimes of this nature going unpunished. According to the author, this evolution is most clearly reflected in the creation of the International Criminal Court. Mexico is part of this evolving scenario and Socorro Flores believes we should step up efforts to revise and adapt our legislation, so that we are in a position to strengthen our legal institutions and comply with the international obligations we have assumed.

**Alejandro Alday González, *Human Rights and the Battle against Terrorism***

The terrorist attacks on New York and Washington, D. C., on September 11, 2001, brought about a radical change in the activities of the international community. From this moment on, the States shared a sense of solidarity that demanded justice and cooperation in the battle to combat and eradicate a power-

ful, unforeseen enemy if they were to provide their citizens with the necessary protection and security. As Alday rightly points out, the challenge has been to meet these objectives, while complying with the rules and regulations that govern international coexistence, especially in the area of human rights. The author analyzes the resolutions adopted by the UN and the OAS as a result of the terrorist attacks of 2001 and describes the measures Mexico has proposed at these forums to link the anti-terrorism activities of the States and international organizations with our obligation to respect human rights, the rights of refugees and international humanitarian law. Alday believes that Mexico has taken full advantage of the opportunity to promote and offer viable solutions within the framework of international regulations. Moreover, these solutions do not imply surrendering absolute universal values, a sacrifice that would be too high a cost to pay even when the goal is to eradicate terrorism. It is only through solutions of this nature that the protection of universal values can be reaffirmed as an inalienable obligation.

**Guillermo Reyes, *Mexico's Participation in the Development of International Law in the Aftermath of the Terrorist Attacks of September 11, 2001***

There can be no denying that Mexico's participation in multilateral forums has resulted in a noteworthy contribution to the codification and development of international law. In this article, Reyes illustrates how, in the aftermath of the terrorist attacks of September 11, 2001, our country has promoted the development of international law through concrete measures, such as the establishment of an inter-American strategy based on international cooperation, the drawing up of the Inter-

American Convention and the inclusion of respect for human rights in the battle against terrorism. According to the author, Mexico's participation in these and other relevant forums has helped strengthen international law and boost international security and trust, given that the country has insisted that human rights, international humanitarian law and the rights of refugees and the displaced be respected in the battle against terrorism. In Reyes' opinion, the international community still faces several challenges. What is needed is a wider definition of terrorism, but for this to occur, the General Assembly must first conclude negotiations on a General Convention and this must be adopted on the highest political level. The author concludes by saying that Mexico should continue promoting measures to combat terrorism based on international cooperation, while avoiding double standards in the eradication of this scourge.

***Alfredo Miranda Ortiz, Convention on the Protection and Promotion of the Diversity of Cultural Expressions***

The liberalization of trade and the widespread use of information and communications technologies have tended to standardize cultures, while some argue that countries are obliged to renounce the right to protect their cultural expressions due to the commitments they have undertaken as part of trade agreements. According to the author, these pressures on cultural diversity led to a heated international debate that finally gave rise to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, approved by the 33<sup>rd</sup> UNESCO General Conference, held in Paris in October 2005. Miranda Ortiz provides an introduction to UNESCO's initiatives over the 60 years the organization has existed, during which time its main objec-

tive has been to “guarantee Member States the independence, integrity and rich diversity of their cultures”. The culmination of these efforts is reflected in the approval of the aforementioned Convention, from which a new international law that protects cultural heritage has emerged, one that guarantees each State the right to draw up policies to strengthen their individual cultural sectors. Miranda Ortiz goes on to describe Mexico’s interest and active participation in negotiations on the Convention, which was conducted with the necessary precautions and prudence to safeguard the country’s cultural and economic interests within the context of this instrument.

### **Guillaume Michel Blin, *Convention for the Safeguarding of Intangible Cultural Heritage***

This essay offers a brief summary of the historical, political and legal factors leading up to the adoption of the Convention for the Safeguarding of Intangible Cultural Heritage, which came into effect on April 2006 as a legal instrument intended to protect the intangible expressions and manifestations of traditional, popular cultures. According to the author, the need for such an instrument became patent when the phenomenon of globalization threatened to wipe out age-old traditions, languages, dialects and other cultural expressions considered part and parcel of the identity of civilizations and an inexhaustible source of cultural diversity. In the first part of his essay, Michel Blin gives a rundown of the initiatives and initial efforts made to protect intangible cultural heritage on an international level; in the second part, he analyzes nearly all the issues that were the subject of debate during the Convention negotiations. By way of conclusion, he looks at the efforts undertaken on a national level to protect intangible cultural expressions and

---

analyzes Mexico's standpoint vis-à-vis the Convention, whose adoption has translated into significant progress in the codification of international laws and substantially broadened its scope in terms of the protection of cultural heritage, from the right to sustainable development and self-determination of peoples to the rights of minorities.