

**SECOND COMMISSION  
FOREIGN AFFAIRS, NATIONAL SECURITY AND PUBLIC EDUCATION**

*Note: This document is an unofficial translation from the Spanish original  
by the Campaign for a UN Parliamentary Assembly/Democracy Without Borders*

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[SEAL OF THE UNITED MEXICAN STATES]  
FEDERAL LEGISLATIVE BRANCH – PERMANENT COMMISSION

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**LEGISLATIVE OPINION CONTAINING THE POINT OF AGREEMENT THROUGH WHICH THE FEDERAL EXECUTIVE IS CALLED UPON TO PURSUE THE FOSTERING OF NEGOTIATIONS, VIA THE SECRETARIAT OF FOREIGN AFFAIRS, WITHIN THE FORTHCOMING GENERAL ASSEMBLY MEETING OF THE UNITED NATIONS, TO REFORM THE UNITED NATIONS ORGANIZATION IN ACCORDANCE WITH THE CHARTER OF THE UNO.**

**HONOURABLE ASSEMBLY:**

The Second Commission on Foreign Affairs, National Security and Public Education was called upon in the Point of Agreement through which the Federal Executive is duly urged to request, within the forthcoming General Assembly Meeting of the United Nations, the convening of a General Conference of Members of United Nations with the aim of reviewing the San Francisco Charter of 1945 under the terms of the first paragraph of Article 109.

With legal grounding in Article 78, section III, of the Political Constitution of the United States of Mexico; plus Articles 116, 127 and others applicable in the Organic Law of the General Congress of the United States of Mexico; along with Articles 58, 60, 87, 88 and 176 and others applicable to the Regulations for the Interior Government of the General Congress of the United States of Mexico; the legislators forming part of this Second Commission hereby submit for consideration before this Assembly this legislative opinion, in accordance with the following:

**METHODOLOGY**

1. In the section entitled “BACKGROUND” a record is given of the initial formalities of the legislative process, as well as the date of reception for the drafting of the legislative opinion of the previously mentioned Proposition with Point of Agreement.

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II. In the section corresponding to “CONTENT OF THE PROPOSITION”, the background information, scope and specific proposal for the Point of Agreement under study are summarized.

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III. In the section named “CONSIDERATIONS”, the Commission outlines the arguments with which the proposals will be evaluated and the grounds that uphold the legislative opinion of the Proposition under analysis.

IV. Finally, in the section entitled “POINT OF AGREEMENT”, the Commission will issue its final opinion with regard to the proposition analysed.

**1. BACKGROUND**

Dated August 1<sup>st</sup>, 2018, the MP Macedonio Salomon Tamez Guajardo, Coordinator of the Parliamentary Group of the Citizens’ Movement Party during the LXIII Legislative Term, submitted before the Plenary of the Permanent Commission of the Congress of the Union the Proposition at hand.

2. On the same date, through Order number **CP2R3A 2008**, the Chair of the General Committee of the Permanent Commission of the Congress of the Union decided that said Proposition with Point of Agreement be examined for study and the drafting of the corresponding legislative opinion issued by the Second Commission on Foreign Affairs, National Security and Public Education, meaning that in the same act, the corresponding legislative opinion is issued.

**II. CONTENT OF THE PROPOSITION**

The promoting legislator commenced his briefing by signalling that the first paragraph of Article 109 of the United Nations Charter, that is in relation to the requirements to undertake reforms to the founding document, establishes the requirement to meet a *quorum* of two thirds of the members of the General Assembly plus the vote of “any” 9 members of the Security Council.

In this sense, the Congressman considers that it is possible to call and install the Conference in an *Ad hoc* manner, without any of the 5 Permanent Members participating, pursuant to said requirement possibly being covered by the support of 9 out of the 10 Non-Permanent body members.

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Firstly, the holding of the Meeting for the Review of the United Nations Charter in the form of a General Conference of Members whose legal grounding is based on the 1<sup>st</sup> Paragraph of Article 109 of said Charter, as has been set out above. Secondly, and once the conference is underway, during the review tasks, it is possible to adopt, within the powers of said Conference, a Ruling to commence the judicial and political procedure leading to the transformation of the “body” of the United Nations Organisation (UNO), to introduce a Parliament of the United Nations with the same legal grounding adopted for the 1945 San Francisco Conference.

Along this line of thinking, the legislator added that instead of proposing a reform of the UNO Charter, in accordance with the stipulations in the second paragraph of Article 109,

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a transformation Ruling may be adopted based on the “self-determination of the people”, represented legitimately herein by the Governments of the Nation States for more than 72 years, in a continuous and consecutive manner in the UNO Annual Assembly.

In the same manner, the speaker stated that it is in the hands of the leader of the Executive Branch to foster a new foreign policy in relation to structural renewal of the United Nations’ functioning System which confirms the prestige of Mexico as a country that protects the “rule of law” that led to the signing of the Tlatelolco Treaty thanks to the extraordinary work of the distinguished Ambassador and Nobel Peace Prize winner, Alfonso Garcia Robles.

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Finally, the promoting speaker considers that the responsibility of drafting and structuring the new paradigm towards a World Parliamentary System is not solely the duty of Mexico, but all of the Nation States and all persons who form part of the worldwide civil society, meaning that we all have the obligation to participate jointly in the solving of the serious problems and challenges that humanity faces.

For all of the foregoing, the legislator of the Parliamentary Group of the Citizens’ Movement Party put forward the following Point of Agreement:

**SOLE POINT:** *The Federal Executive is called upon to request, within the framework of the forthcoming United Nations General Assembly, a decision for convening a General Conference of Members of the United Nations with the aim of reviewing the San Francisco Charter of 1945 under the terms of the first paragraph of Article 109.*

## **II. CONSIDERATIONS**

The legislators that form this Second Commission on Foreign Affairs, National Security and Public Education consider of particular importance the content of the point of agreement under examination, due to the need to update the content of the United Nations Charter in response to the culmination of changes that international society has experienced in the last 73 years.

In this sense, this ruling body reminds us that Mexico has sought the strengthening of the United Nations, especially in the sense that it considers that this is an organisation that has achieved a fairer international order, that it has served as a forum to find through concertation and dialogue combined solutions to world problems and because in this organisation, Mexico has discovered an enabling environment to take influence on the construction of a contemporary world order.<sup>1</sup>

Throughout the history of the UNO, Mexico has reiterated by diverse means its shared commitment to multilateralism, in a multipolar and increasingly more complex world,

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<sup>1</sup> UNESCO Office in Mexico: ‘Mexico in the UNO’ Available at (illegible)

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in which the most significant challenges cannot be solved on a national level, meaning that the United Nations remains the main multilateral forum to face effectively the challenges of our times.<sup>2</sup>

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Specifically, in recent years, Mexico has provided a boost to the modernisation process in the UN Security Council to adapt it to the new reality bearing down on the world, as the latter no longer corresponds to the new correlation of powers or the true picture of life in the twenty-first century. The Mexican Chancellor has repeated on numerous occasions that, faced with the global outlook of uncertainty and *chiaroscuros*, the UNO is the universal forum that brings together all political and social actors, with the aim of tackling together the main challenges faced by humanity.<sup>3</sup>

Thus, for example, our country has insisted on the elimination of the right to veto enjoyed by the five permanent members and increasing the rotation of the number of members on the Security Council of the multilateral body, with the possibility of re-election. Furthermore, Mexican diplomacy has backed an initiative to start with limiting the veto of the 'big five' (including France) for cases involving genocide and crimes against humanity.<sup>4</sup>

In this sense, this ruling body coincides wholly with the approach of the Congressman in that worldwide problematic issues have increased in the last 10 years: it is worthwhile highlighting some of these: the effects of pollution and the consequential climate change; massive migratory movements and millions of refugees; international terrorism; regional wars and genocides; possible pandemics derived from extreme poverty due to insalubrity; malnutrition and inhuman overcrowding of millions of people.

In this way, it also coincides with the spirit of the Point of Agreement in that to promote the establishment of a social and international order that has greater effectiveness in the validity of the rule of law, and, particularly, in the upholding of Human Rights, it is necessary to initiate the legal and political procedure of the new model, and as such, the Mexican Federal Executive must give greater scope and effectiveness to the legislative principles to which Section X of the Constitution's Article 89 refers in terms of international peace and security, along with the effective favouring of compliance with Human Rights through a new social and international order.

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More particularly, those entrusted with the drafting of this ruling consider it worthwhile remembering that, in line with Section X of Article 89 of the Political Constitution of the

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<sup>2</sup> Query dated August 8, 2018.

<sup>3</sup> UNO Mexico News: UNO and Mexico celebrate 70 years of multilateralism (link illegible) Published on October 27, 2017.

<sup>4</sup> Government of the Republic "Mexico encourages the reform of the UNO Security Council" Jan 13 2016 multilateralism (link illegible)

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United States of Mexico, the Federal Executive has the powers and obligations to promote Human Rights as per the terms of Article 28 of the Universal Declaration on Human Rights, which textually states that “all persons have the right to the establishment of a social and international order in which the rights and freedoms proclaimed in this Declaration are made wholly effective.”

Viewed in this way, this Commission agrees to support the proposition under analysis owing to the fact that we consider that Mexico and the international community must respond to the world population with a new paradigm of global governance and with international legislation that is effective to tackle new threats to peace and worldwide stability.

Those of us passing this judgement are aware that the proposal of the legislator to promote this proposal involves a significant responsibility for the Federal Executive, and at the same time, it represents a challenge for our generation, by virtue of the fact that future societies will be left with the consequences of the issues not resolved in the moment that corresponds to us to act.

For all of the foregoing, the members of this ruling body consider it pertinent to call respectfully upon the Federal Executive to act through the Secretariat of Foreign Affairs to request, within the framework of the forthcoming General Assembly of the United Nations, a decision for the convening of a General Conference of the Members of the United Nations with the aim of reviewing the San Francisco Charter of 1945 under the terms of the first paragraph of Article 109 of said legal text.

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In line with the considerations outlined above, the Second Commission on Foreign Affairs, National Security and Public Education submits for consideration before the Permanent Commission of the Honourable Congress of the Union the following:

**IV: POINT OF AGREEMENT**

**SOLE POINT:** The Permanent Commission of the Honourable Congress of the Union, with full respect for the division of powers, respectfully urges the Federal Executive, through the Ministry of Foreign Affairs, to continue to promote negotiations, within the next General Assembly of the United Nations, to reform the United Nations in accordance with the UN Charter.

**Permanent Commission of the Honourable Congress of the Union,  
on the 14<sup>th</sup> of August, 2018.**