

Acuerdo del Consejo General del Instituto Electoral del Distrito Federal, por el que se aprueba la designación del Director Ejecutivo de Educación Cívica, a propuesta del Consejero Presidente.

A n t e c e d e n t e s:

- I. El 31 de enero de 2014, el Presidente de la República expidió la reforma constitucional en materia político-electoral, aprobada por el Congreso de la Unión y la mayoría de las legislaturas estatales.
- II. El 10 de febrero de 2014, se publicó en el Diario Oficial de la Federación (DOF) el Decreto por el que se reformaron, adicionaron y derogaron diversas disposiciones de la Constitución Política de los Estados Unidos Mexicanos (Constitución), en materia político-electoral.
- III. El 23 de mayo de 2014, se publicó en el DOF el Decreto por el que se expidió la Ley General de Instituciones y Procedimientos Electorales (Ley General), y se reformaron y adicionaron diversas disposiciones de la Ley General del Sistema de Medios de Impugnación en Materia Electoral, de la Ley Orgánica del Poder Judicial de la Federación y de la Ley Federal de Responsabilidades Administrativas de los Servidores Públicos.
- IV. El 27 de junio de 2014, se publicó en el DOF, el Decreto por el que se reformaron, adicionaron y derogaron diversas disposiciones del Estatuto de Gobierno del Distrito Federal.
- V. El 27 y 30 de junio de 2014, se publicaron en la Gaceta Oficial del Distrito Federal los Decretos por los que se reformaron y adicionaron diversas disposiciones del Código de Instituciones y Procedimientos Electorales del Distrito Federal (Código).
- VI. El 29 de enero de 2015, el Consejo General del Instituto Electoral del Distrito Federal (Consejo General), mediante Acuerdo ACU-19-15, aprobó la designación

del ciudadano Juan Antonio Garza García como Director Ejecutivo de Educación Cívica y Capacitación, quien renunció a dicho cargo con efectos al 31 de diciembre de 2016.

- VII. El 7 de septiembre de 2016, el Consejo General del Instituto Nacional Electoral (INE) emitió el Acuerdo INE/CG661/2016, con el que aprobó el Reglamento de Elecciones, el cual entró en vigor el día de su aprobación y fue publicado en el DOF el 13 del mismo mes y año.
- VIII. El 5 de febrero de 2017, se publicó en el DOF, el Decreto por el que se expide la Constitución Política de la Ciudad de México.

C o n s i d e r a n d o:

1. Que de conformidad con los artículos 41, párrafo segundo, Base V, Apartado C numerales 3, 10 y 11 de la Constitución; 98, numerales 1 y 2 de la Ley General; 50 de la Constitución Política de la Ciudad de México (Constitución local), así como 15, 16 y 20 del Código, el Instituto Electoral es un organismo público local, de carácter permanente, autoridad en materia electoral, depositaria de la función estatal de organizar las elecciones en la Ciudad de México en los términos establecidos en la Constitución y en la Ley General; profesional en su desempeño, que goza de autonomía presupuestal en su funcionamiento e independencia en sus decisiones, tiene personalidad jurídica y patrimonio propios y cuenta con las atribuciones de contribuir al desarrollo y adecuado funcionamiento de la institucionalidad democrática y todas las no reservadas al INE.
2. Que en términos de lo previsto en el artículo 1, párrafos primero y segundo, fracción VIII del Código, las disposiciones contenidas en el mismo son de orden público, observancia general en la Ciudad de México y tienen como finalidad reglamentar, entre otras, las normas de la Constitución relativas a la estructura y atribuciones del Instituto Electoral.

3. Que de acuerdo con lo establecido en el artículo 3, párrafos primero y segundo del Código, el Instituto Electoral está facultado para aplicar e interpretar, en su ámbito competencial, las normas establecidas en dicho ordenamiento, atendiendo a los criterios gramatical, sistemático y funcional, así como a los derechos humanos reconocidos en la Constitución, favoreciendo en todo tiempo a las personas con la protección más amplia. A falta de disposición expresa, se aplicarán los principios generales del derecho, de acuerdo con lo dispuesto en el último párrafo del artículo 14 de la Constitución.
4. Que de conformidad con los artículos 50, párrafo 3 de la Constitución local; 3, párrafo tercero, así como 18, fracciones I y II del Código, para el debido cumplimiento de sus atribuciones, el Instituto Electoral rige su actuación en los principios de certeza, imparcialidad, independencia, legalidad, máxima publicidad, objetividad y transparencia. Asimismo, vela por la estricta observancia y el cumplimiento de las disposiciones electorales.
5. Que de acuerdo con lo establecido en los artículos 16 y 17 del Código, el Instituto Electoral tiene su domicilio en la Ciudad de México y se rige para su organización, funcionamiento y control, por las disposiciones contenidas en la Constitución, las Leyes Generales en la materia, la Ley Procesal Electoral para el Distrito Federal y el propio Código.
6. Que en términos de lo previsto por los artículos 50, párrafo 3 de la Constitución local; 21, fracción I, y 25, párrafos primero y segundo del Código; el Instituto Electoral cuenta con un Consejo General que es su órgano superior de dirección, el cual se integra por un Consejero Presidente y seis Consejeros(as) Electorales con derecho a voz y voto. Asimismo, son integrantes de dicho colegiado, sólo con derecho a voz, el Secretario Ejecutivo, quien es Secretario del Consejo y un(a) representante por cada Partido Político con registro Nacional o local. Adicionalmente, en las sesiones que celebre el Consejo General participarán

como invitados(as) permanentes, sólo con derecho a voz, un(a) diputado(a) de cada Grupo Parlamentario de la Asamblea Legislativa del Distrito Federal.

7. Que el artículo 32 del Código dispone que el Consejo General funciona de manera permanente y en forma colegiada, mediante la celebración de sesiones públicas de carácter ordinario o extraordinario, convocadas por el Consejero Presidente. Sus determinaciones se asumen por mayoría de votos, salvo los asuntos que expresamente requieran votación por mayoría calificada, y éstas revisten la forma de Acuerdo o Resolución, según sea el caso.
8. Que conforme a lo previsto en el artículo 21, fracciones III, IV y V, 65, 68, 74, 79, 84 y 88, párrafo primero del Código, en relación con la determinación asumida por este Consejo General en el Acuerdo ACU-42-16 de 28 de junio de 2016, el Instituto Electoral cuenta en su estructura orgánica, entre otros, con órganos ejecutivos (Secretarías Ejecutiva y Administrativa; así como Direcciones Ejecutivas: de Educación Cívica [antes Dirección Ejecutiva de Educación Cívica y Capacitación]; de Asociaciones Políticas; de Organización Electoral y Geoestadística; y, de Participación Ciudadana y Capacitación); órganos con autonomía técnica y de gestión: Contraloría General y Unidad Técnica Especializada de Fiscalización (UTEF), así como órganos técnicos (Unidades Técnicas: de Comunicación Social y Difusión; de Servicios Informáticos; de Archivo, Logística y Apoyo a Órganos Desconcentrados; de Asuntos Jurídicos; del Centro de Formación y Desarrollo; y, de Vinculación con Organismos Externos).
9. Que de acuerdo con lo dispuesto en los artículos 35, fracciones XI y XII, así como 58, fracción IV del Código, el Consejo General tiene la atribución de nombrar y remover, a propuesta del Consejero Presidente, a las y los titulares de la Secretaría Ejecutiva, las Direcciones Ejecutivas y los órganos técnicos.
10. Que los artículos 9 y 10 del Código prevén los fines de la democracia electoral en el Distrito Federal y disponen que las autoridades electorales, en sus respectivos

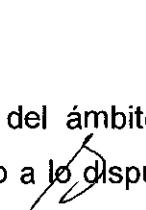
ámbitos de competencia, vigilarán su cumplimiento. Asimismo, la última disposición citada indica que las facultades de asunción, delegación y atracción de las actividades propias de la función electoral se desarrollarán de conformidad con lo que señale la ley electoral.

11. Que con fundamento en los artículos 41, base V, Apartados A y C, párrafo segundo, inciso c), de la Constitución; 29, 30, párrafo 2; 31, párrafo 1 y 2; 32, numeral 2, inciso h), 34, párrafo 1, 35, 44, primer párrafo, incisos gg) y jj), de la Ley General 41, entre otros, el Consejo General del INE emitió el Acuerdo INE/CG661/2016, por el cual aprobó el Reglamento de Elecciones, en el que ejerció la facultad de atracción respecto de la designación de las y los titulares de las áreas de dirección y unidades técnicas de los Organismos Públicos Locales Electorales (OPLE), entre otros temas.
12. Que el artículo 1, párrafos 1, 2 y 3 del Reglamento de Elecciones, dispone que dicho ordenamiento tiene por objeto regular las disposiciones aplicables en materia de instituciones y procedimientos electorales, así como la operación de los actos y actividades vinculados al desarrollo de los procesos electorales que corresponde realizar, en el ámbito de sus respectivas competencias, al INE y a los OPLE.

Asimismo, que su observancia es general y obligatoria para el INE, los OPLE, en lo que corresponda; los partidos políticos, precandidatos(as), aspirantes a candidatos(as) independientes, candidatos(as), así como para las personas físicas y morales vinculadas a alguna etapa o procedimiento regulado en este ordenamiento.



Igualmente, que las y los consejeros de los OPLE, dentro del ámbito de su competencia, serán responsables de garantizar el cumplimiento a lo dispuesto en dicho Reglamento, en lo que resulte aplicable, y de vigilar su observancia por parte del personal adscrito a sus órganos.



13. Que en los artículos 24 y 25, en relación con el 19, párrafos 1, inciso c), 2 y 3 del Reglamento, se establece el “Procedimiento de designación del Secretario Ejecutivo y de los Titulares de las áreas ejecutivas de dirección y Unidades técnicas de los OPL”, así como el “Seguimiento a los Procedimientos para la designación de funcionarios de los OPL”; de igual manera se señala que las áreas ejecutivas de dirección comprenden las direcciones ejecutivas, unidades técnicas y sus equivalentes, que integran la estructura orgánica de los OPLE y que por unidad técnica, se deberá entender, con independencia del nombre que tenga asignado, las áreas que ejerzan las funciones jurídicas, de comunicación social, informática, secretariado técnico, oficialía electoral, transparencia, acceso a la información pública y protección de datos personales, planeación o metodologías organizativas, diseño editorial, vinculación o cualquier función análoga.
14. Que de conformidad con el artículo 24, párrafo 1 del Reglamento de Elecciones, para la designación de las personas titulares de las áreas de dirección, como en el caso lo es la Dirección Ejecutiva de Educación Cívica, la o el Consejero Presidente del OPLE correspondiente deberá presentar al Consejo General del mismo, la propuesta de la persona que ocupará el cargo, la cual deberá cumplir, al menos, los siguientes requisitos:
 - a) Ser ciudadano(a) mexicano(a) y estar en pleno goce y ejercicio de sus derechos civiles y políticos;
 - b) Estar inscrito(a) en el Registro Federal de Electores y contar con credencial para votar vigente;
 - c) Tener más de treinta años de edad al día de la designación;
 - d) Poseer al día de la designación, título profesional de nivel licenciatura, con antigüedad mínima de cinco años y contar con conocimientos y experiencia para el desempeño de las funciones propias del cargo;
 - e) Gozar de buena reputación y no haber sido condenado(a) por delito alguno, salvo que hubiese sido de carácter no intencional o imprudencial;

- f) No haber sido registrado(a) como candidato(a) a cargo alguno de elección popular en los últimos cuatro años anteriores a la designación;
 - g) No estar inhabilitado(a) para ejercer cargos públicos en cualquier institución pública federal o local;
 - h) No desempeñar al momento de la designación, ni haber desempeñado cargo de dirección nacional o estatal en algún partido político en los últimos cuatro años anteriores a la designación, y
 - i) No ser Secretario(a) de Estado, ni Fiscal General de la República, Procurador(a) de Justicia de alguna entidad federativa, Subsecretario(a) u Oficial Mayor en la administración pública federal o estatal, Jefe(a) de Gobierno de la Ciudad de México, Gobernador(a), Secretario(a) de Gobierno, o cargos similares u homólogos en la estructura de cada entidad federativa, ni ser Presidente(a) Municipal, Síndico(a) o Regidor(a) o titular de alguna dependencia de los ayuntamientos o alcaldías, a menos que, en cualquiera de los casos anteriores, se separe de su encargo con cuatro años de anticipación al día de su nombramiento.
15. Que el artículo 24, párrafo 2 del Reglamento de Elecciones dispone que cuando las legislaciones locales señalen requisitos adicionales, éstos también deberán aplicarse.

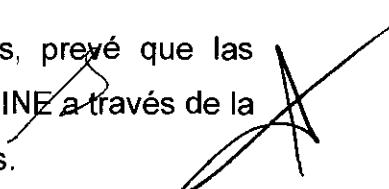
Por tanto, para el presente caso debe considerarse lo dispuesto en el artículo 71 del Código, conforme al cual, los requisitos para ser designado titular de alguna Dirección Ejecutiva son los previstos para los Consejeros Electorales, con las salvedades siguientes:

- I. Tener experiencia profesional comprobada de cuando menos tres años;
- II. Acreditar residencia efectiva en la Ciudad de México de al menos tres años anteriores a la designación;
- III. No desempeñar, o haber desempeñado dentro de los cinco años anteriores a la designación, un cargo de elección popular Federal, del Distrito Federal, Estados o Municipios;

- IV. No ocupar o haber ocupado el cargo de Secretario(a) de Estado, Secretario de Gobierno, Procurador (a), Subsecretario(a), Oficial Mayor, puesto análogo o superior a éste, en los poderes públicos de la Federación, de los Estados o Municipios u órganos de Gobierno del Distrito Federal, a menos que se separe de su encargo con cinco años de anticipación al día de su nombramiento;
- V. No haber obtenido el registro como precandidato(a) o candidato(a) a un cargo de elección popular, dentro del periodo de cinco años previos a la designación;
- VI. No Ser directivo(a) de un partido político o haberse desempeñado como tal dentro de los cinco años anteriores a la designación y,
- VII. No ser ministro(a) de culto religioso a menos que se haya separado definitivamente de su ministerio, cuando menos cinco años antes de la designación.

Asimismo, el numeral 2 del artículo 100 de la Ley General, que establece como requisitos para ser Consejero Electoral, los siguientes:

- a) Ser ciudadano(a) mexicano(a) por nacimiento, que no adquiera otra nacionalidad, además de estar en pleno goce de sus derechos civiles y políticos;
- b) Estar inscrito(a) en el Registro Federal de Electores y contar con credencial para votar vigente;
- c) Tener más de 30 años de edad al día de la designación;
- d) Poseer al día de la designación, con antigüedad mínima de cinco años, título profesional de nivel licenciatura;
- e) Gozar de buena reputación y no haber sido condenado(a) por delito alguno, salvo que hubiese sido de carácter no intencional o imprudencial;
- f) Ser originario(a) de la entidad federativa correspondiente o contar con una residencia efectiva de por lo menos cinco años anteriores a su designación,

- salvo el caso de ausencia por servicio público, educativo o de investigación por un tiempo menor de seis meses;
- g) No haber sido registrado(a) como candidato(a) ni haber desempeñado cargo alguno de elección popular en los cuatro años anteriores a la designación;
 - h) No desempeñar ni haber desempeñado cargo de dirección nacional, estatal o municipal en algún partido político en los cuatro años anteriores a la designación;
 - i) No estar inhabilitado(a) para ejercer cargos públicos en cualquier institución pública federal o local;
 - j) No haberse desempeñado durante los cuatro años previos a la designación como titular de secretaría o dependencia del gabinete legal o ampliado tanto del gobierno de la Federación, como de las entidades federativas, ni subsecretario(a) u oficial mayor en la administración pública de cualquier nivel de gobierno. No ser Jefe(a) de Gobierno del Distrito Federal, ni Gobernador(a), ni Secretario(a) de Gobierno o su equivalente a nivel local. No ser Presidente(a) Municipal, Síndico(a) o Regidor(a) o titular de dependencia de los ayuntamientos, y
 - k) No ser ni haber sido miembro del Servicio Profesional Electoral Nacional durante el último proceso electoral en la entidad.
16. Que de acuerdo con lo dispuesto por el artículo 24, párrafos 3 y 4 del Reglamento de Elecciones, la propuesta que haga el Consejero Presidente, estará sujeta a la valoración curricular, a la entrevista y a la consideración de los criterios que garanticen la imparcialidad y profesionalismo de la o del aspirante, y deberá ser aprobada por al menos el voto de cinco Consejeros(as) Electorales del órgano superior de dirección del OPLE.
17. Que el artículo 25, párrafo 2 del Reglamento de Elecciones, prevé que las designaciones que realicen los OPLE deberán ser informadas al INE a través de la Unidad Técnica de Vinculación con Organismos Públicos Locales.
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18. Que en ese contexto, el Consejero Presidente puso a la consideración de las y los Consejeros Electorales integrantes de este órgano superior de dirección, la propuesta del ciudadano **Gustavo Uribe Robles**, para ocupar el cargo de Director Ejecutivo de Educación Cívica, con efectos a partir del 16 de febrero de 2017, acompañada de su *currículum vitae* y la documentación que lo sustenta.
19. Que analizada que fue dicha propuesta por las y los referidos integrantes de este Consejo General, realizada la entrevista y la valoración curricular correspondientes, considerando los criterios que garanticen su independencia y profesionalismo, se estima que el aspirante mencionado cumple los requisitos establecidos en el Reglamento de Elecciones y en el Código para ser designado como Director Ejecutivo de Educación Cívica, tal como se advierte en la siguiente tabla¹:

Requisitos ²	Documento con el que se acredita
Ser ciudadano mexicano por nacimiento, que no adquiera otra nacionalidad, además ³ de estar en pleno goce de sus derechos civiles y políticos.	<ul style="list-style-type: none"> • Original del Acta de Nacimiento, de la cual se deduce que es mexicano por nacimiento, es ciudadano y tiene más de 30 años al día de su designación.
Tener más de 30 años de edad al día de la designación.	<ul style="list-style-type: none"> • Original del escrito bajo protesta de decir verdad, con firma autógrafa, en el que declara que se encuentra en pleno goce de sus derechos civiles y políticos.
Estar inscrito(a) en el Registro Federal de Electores y contar con credencial para votar vigente.	<ul style="list-style-type: none"> • Original de la credencial para votar con fotografía expedida por el otrora IFE.
Poseer al día de la designación, título profesional de nivel licenciatura, con antigüedad mínima de cinco años y contar con conocimientos y experiencia para el desempeño de las funciones propias del cargo.	<ul style="list-style-type: none"> • Original del Título de Licenciado en Derecho, otorgado por la Universidad Iberoamericana, con reconocimiento oficial de estudios de la Secretaría de Educación Pública, Dirección General de Profesiones, registrado a fojas 127, del libro A-215 de Registro de Títulos

¹ El Secretario del Consejo General del Instituto Electoral integró un expediente para consulta, con los documentos originales y las copias cotejadas de los documentos originales que se describen en dicha tabla, así como con las copias simples, que presentó el aspirante junto con su *currículum vitae*.

² Se listan los requisitos del Reglamento de Elecciones y se adicionan o adecuan los que corresponden conforme lo establecido en el Código.

³ La exigencia de ser mexicano por nacimiento y no adquirir otra nacionalidad se establece en el artículo 100, inciso a) de la Ley General, aplicable en términos del artículo 71 del Código.

	<p>Profesionales y Grados Académicos bajo el número 32, fechado el 4 de septiembre de 1995.</p> <ul style="list-style-type: none"> • Original de la Cédula Profesional número 2156331, expedida por la Secretaría de Educación Pública, Dirección General de Profesiones, el 4 de septiembre de 1995. • Originales de los nombramientos que acreditan que dentro del Instituto Electoral ha desempeñado los cargos de Director de Organización y Capacitación Electoral en los Distritos Electoral V y III (16 de diciembre de 1999 a 15 de enero de 2004), y Director de Capacitación Electoral, Educación Cívica y Geografía Electoral en el Distrito Electoral III (del 16 de enero de 2004 a la fecha).
Tener experiencia profesional comprobada de cuando menos tres años ⁴ .	<ul style="list-style-type: none"> • Original del currículum vitae, con originales y/o copias simples de los documentos agregados al mismo, en el que se reseña la experiencia profesional, entre otra, la descrita en la fila anterior. <p>Se hace notar que dicho currículum está firmado en cada una de sus hojas, por parte de la profesional. Asimismo, contiene la leyenda siguiente: <i>"Manifiesto bajo protesta de decir verdad que los datos asentados en este documento son verídicos"</i>.</p>
⁵ Ser originario(a) de la entidad federativa correspondiente o contar con una residencia efectiva de por lo menos tres años ⁶ anteriores a su designación, salvo el caso de ausencia por servicio público, educativo o de investigación por un tiempo menor de seis meses.	<ul style="list-style-type: none"> • Original del Acta de Nacimiento, de la que se desprende que es originario del entonces Distrito Federal, ahora Ciudad de México.
No estar inhabilitado(o) para ejercer cargos públicos en cualquier institución pública federal o local.	<ul style="list-style-type: none"> • Original de la Constancia de No existencia de Registro de Inhabilitación número 8133, de fecha 31 de enero de 2017, expedida por la Dirección General de Asuntos Jurídicos y Responsabilidades, Dirección de Situación Patrimonial, de la Contraloría General de la Ciudad de México, en la que se hace constar que una vez consultado el Registro de Servidores

⁴ Este requisito se contempla en el artículo 71, fracción I del Código.

⁵ Este requisito se contempla en el artículo 100, inciso f) de la Ley General.

⁶ La temporalidad de tres años se establece en el artículo 71, fracción II del Código.

	<p>Públicos Sancionados en la Administración Pública de la Ciudad de México, no se localizó a esa fecha, registro que determine que se encuentra inhabilitado para desempeñar empleo, cargo o comisión en el servicio público.</p> <ul style="list-style-type: none"> • Original de la Constancia de no inhabilitación CIP/0529024/2017, de fecha 3 de febrero de 2017, expedida por la Dirección General de Responsabilidades y Situación Patrimonial, de la Secretaría de la Función Pública, en la que se hace constar que una vez realizada la búsqueda en el sistema electrónico que contiene el Registro de Servidores Públicos Sancionados, no se encontró inhabilitado al profesionista de mérito. • Asimismo, es un hecho público y notorio que el ciudadano Gustavo Uribe Robles no se encuentra inhabilitado para ejercer cargos públicos en cualquier institución pública federal o local, toda vez que desde el 16 de diciembre de 1999 ha sido servidor público de este Instituto Electoral y, actualmente, presta sus servicios como Director de Capacitación Electoral, Educación Cívica y Geografía Electoral en el Distrito Electoral III. • Asimismo, presenta original del escrito bajo protesta de decir verdad, con firma autógrafa, en el que declara no encontrarse en el impedimento.
Gozar de buena reputación y no haber sido condenado (a) por delito alguno, salvo que hubiese sido de carácter no intencional o imprudencial.	
No haber sido registrado como precandidato ⁷ o candidato a cargo alguno de elección popular en los últimos cinco ⁸ años anteriores a la designación.	<ul style="list-style-type: none"> • Original del escrito bajo protesta de decir verdad, con firma autógrafa, en el que declara no encontrarse en los impedimentos.
No desempeñar al momento de la designación, ni haber desempeñado cargo de dirección nacional o estatal en algún partido político en los últimos cinco ⁹ años anteriores a la designación.	
No ser secretario (a) de Estado, ni Fiscal General	

⁷ La calidad de precandidato es un requisito contemplado en el artículo 71, fracción V del Código.

⁸ La temporalidad de cinco años se establece en el artículo 71, fracción V del Código.

⁹ La temporalidad de cinco años se establece en el artículo 71, fracción VI del Código.

<p>de la República, Procurador(a) de Justicia de alguna Entidad Federativa, subsecretario (a) u oficial mayor en la Administración Pública Federal o estatal, Jefe (a) de Gobierno del Distrito Federal, Gobernador (a), Secretario (a) de Gobierno, o cargos análogos o superiores en la estructura de cada entidad federativa, ni ser Presidente (a) municipal, Síndico o Regidor (a) o titular de alguna dependencia de los ayuntamientos o alcaldías, a menos que, en cualquiera de los casos anteriores, se separe de su encargo con cinco¹⁰ años de anticipación al día de su nombramiento.</p>	
<p>¹¹No desempeñar, o haber desempeñado dentro de los cinco años anteriores a la designación, un cargo de elección popular Federal, del Distrito Federal (ahora Ciudad de México), Estados o Municipios.</p>	
<p>¹²No ser ministro (a) de culto religioso a menos que se haya separado definitivamente de su ministerio, cuando menos cinco años antes de la designación.</p>	
<p>¹³No ser ni haber sido miembro del Servicio Profesional Electoral Nacional durante el último proceso electoral en la entidad.</p>	<ul style="list-style-type: none"> • Es un hecho público y notorio que el ciudadano Gustavo Uribe Robles no ha sido ni es miembro del Servicio Profesional Electoral Nacional (SPEN), ya que si bien, a la fecha se encuentra en trámite el proceso de certificación del SPEN en el que se encuentra participando, el mismo no ha concluido ni se ha decidido sobre el personal que se incorporará a dicho Servicio. • Asimismo, presentó el original del escrito bajo protesta de decir verdad, con firma autógrafa, en el que declara no encontrarse en el impedimento.

20. Que toda vez que de la documentación con la que el ciudadano Gustavo Uribe Robles acredita los requisitos para ser designado Director Ejecutivo de Educación Cívica, se desprende que se encuentra participando en el proceso de incorporación por vía de certificación de servidores públicos de los OPLE al SPEN, pero no se ha incorporado a dicho Servicio, razón por la cual no se actualiza la hipótesis normativa prevista en el artículo 485 del *Estatuto del Servicio Profesional*

¹⁰ La temporalidad de cinco años se establece en el artículo 71, fracción IV del Código.

¹¹ Este requisito se contempla en el artículo 71, fracción III del Código y en el 100, inciso g) de la Ley General, pero la temporalidad de cinco años, se desprende del primero de los artículos mencionados.

¹² Este requisito se contempla en el artículo 71, fracción VII del Código.

¹³ Este requisito se contempla en el artículo 100, inciso k) de la Ley General.

Electoral Nacional y del personal de la Rama Administrativa del Instituto Nacional Electoral; sin embargo, el contenido del presente Acuerdo deberá hacerse del conocimiento de la Comisión del SPEN para los efectos que conforme a su ámbito de atribuciones correspondan.

En razón de lo expuesto en las consideraciones de hecho y de derecho, en ejercicio de las facultades constitucionales, legales y reglamentarias, el Consejo General del Instituto Electoral, emite el siguiente:

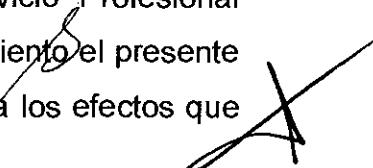
A c u e r d o:

PRIMERO. Se aprueba la designación del ciudadano Gustavo Uribe Robles, como Director Ejecutivo de Educación Cívica, a propuesta del Consejero Presidente, con efectos a partir del 16 de febrero de 2017, de conformidad con lo expuesto en la parte considerativa del presente Acuerdo.

SEGUNDO. Este Acuerdo entrará en vigor al momento de su publicación en los estrados de las oficinas centrales del Instituto Electoral.

TERCERO. Se instruye a la Secretaría Ejecutiva notifique el presente acuerdo en copia certificada, a la Unidad Técnica de Vinculación con Organismos Públicos Locales del Instituto Nacional Electoral y a la Vocal Ejecutiva de la Junta Local Ejecutiva del Instituto Nacional Electoral en la Ciudad de México, para su conocimiento y efectos que conforme a su ámbito de atribuciones correspondan.

CUARTO. Se instruye a la Unidad Técnica del Centro de Formación y Desarrollo, en su carácter de órgano de enlace para atender los asuntos del Servicio Profesional Electoral Nacional con el Instituto Nacional Electoral, haga de conocimiento *el presente Acuerdo a la Comisión del Servicio Profesional Electoral Nacional para los efectos que* conforme a su ámbito de atribuciones correspondan.

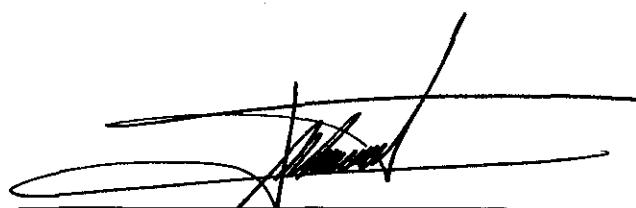


QUINTO. Se instruye a la Secretaría Ejecutiva emitir circular mediante la cual comunique a todo el personal del Instituto Electoral la designación objeto de este Acuerdo.

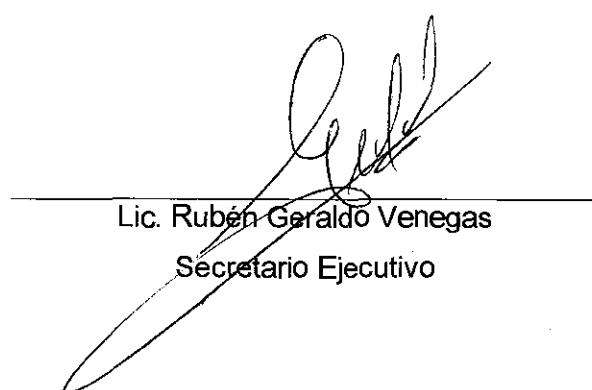
SEXTO. Realicense las adecuaciones procedentes en virtud de la determinación asumida por este Consejo General, en el apartado de Transparencia de la página de Internet www.iedf.org.mx y publíquese un extracto de la misma en las redes sociales de este Instituto.

SÉPTIMO. Publíquese este Acuerdo de manera inmediata a su aprobación, en los estrados del Instituto Electoral del Distrito Federal, tanto en oficinas centrales como en sus cuarenta Direcciones Distritales, y en la página de Internet www.iedf.org.mx.

Así lo aprobaron por unanimidad de votos las Consejeras y los Consejeros Electorales del Instituto Electoral, en sesión pública el ocho de febrero de dos mil diecisiete, firmando al calce el Consejero Presidente y el Secretario del Consejo General, quien da fe de lo actuado, de conformidad con lo dispuesto en los artículos 58, fracción VIII y 60, fracción V, del Código de Instituciones y Procedimientos Electorales del Distrito Federal.



Mtro. Mario Velázquez Miranda
Consejero Presidente



Lic. Rubén Geraldo Venegas
Secretario Ejecutivo



The Mexico Update

Mexico Committee • Section of International Law • American Bar Association

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A Note From The Chairs and a Call for Articles

This is an eventful and important period in Mexican history and in the history of U.S.-Mexican relations. While Mexico is largely occupied with internal issues such as consolidating its democracy and improving the regulation of its economy, numerous bilateral issues such as trade and immigration have also taken their place at center stage. The leadership of the Mexico Committee is excited about providing forums in which to explore the legal backdrop against which such issues will play out, and we are delighted to publish this 27th issue of the Mexico Update.

We hope we can count on our members to continue to share their expertise by drafting articles and otherwise being engaged in Mexico Committee activities. If you are interested in submitting an article for the Mexico Update, or in discussing a potential article, please contact Christopher Oatway at (202) 662-5456 or coatway@cov.com.

If you would like to get involved in other Committee activities, don't hesitate to contact any of the leadership listed on the final page of this newsletter. We look forward to seeing many of you in Miami on November 8-12 for the Fall Meeting of the International Section.

**Visit the Mexico Committee
WEBSITE at:**

<http://www.abanet.org/intlaw/divisions/comparative/mexiconews.html>

THE AFTERMATH OF MEXICO'S PRESIDENTIAL ELECTION: MAINTAINING THE RULE OF LAW

by Gustavo Uribe Robles*

I. INTRODUCTION

On Sunday, July 2, 2006, about 42 million Mexican citizens went to polling stations to exercise their right to vote and to elect, among others, the President of the Republic and the members of the federal Senate and Chamber of Deputies. By that evening, both Felipe Calderón, the presidential candidate of the National Action Party ("PAN"), and Andres Manuel López Obrador, the candidate of the Democratic Revolution Party ("PRD"), were making victory speeches. The ensuing debate about who won the election has taken place on the airwaves, in the newspapers, and even in the streets of Mexico City. The situation threatens to spiral out of control, and some analysts fear political paralysis and economic instability.

Mexico has made huge advances towards constructing a transparent and reliable electoral system—one that includes legal mechanisms designed to resolve the sort of uncertainty that currently exists. Hopefully Mexico's legal and institutional framework is sufficiently resilient such that it can weather this crisis and ensure that Mexico's next president is determined by the rule of law. This article explores that framework and provides a roadmap for how the present debate should play out.

II. VOTING DAY: THE MECHANICS OF MEXICO'S ELECTORAL SYSTEM

The electoral procedures are set forth in the Federal Code of Electoral Procedures and Institutions ("COFIPE") and implemented by the independent Federal Electoral Institute ("IFE"). Each polling site is manned by citizens randomly selected from the voter registry, who are supervised by representatives of the IFE. Also present at every site are observers representing each political party, and in most cases there are also local and international observers and/or members of the press. Throughout the day on election day, the citizen poll workers in each site count batches of cast ballots and record their results in tally certificates (*"acta de escrutinio y cómputo"*) associated with each batch of ballots. Each tally certificate is then signed by the official in charge of the polling site as well as by each political party's representative. Copies are made of each completed certificate, including copies for each political part representative, and the original certificate is physically sealed inside a electoral packet (*"paquete electoral"*) along with the corresponding ballots. To the extent any political party representative observes or suspects fraud, he has the right to either not sign the tally certificate or to sign the tally certificate under protest, meaning that the party's rights to question the tally are preserved.

One copy of each tally certificate is physically appended to the outside of its electoral packet, and the results on the face of these certificates are transmitted via a secure internet site to IFE headquarters, where the unofficial Preliminary Electoral Results Program ("PREP") results are released on election day.¹

The sealed electoral packets, which include the official tally certificates, are physically sent from each polling place to the District Council to which it pertains. Under Article 246 of the

* Mr. Uribe is a member of the U.N. Roster of Electoral Experts and is an officer of the Electoral Institute of the Federal District (IEDF). From 1994 to 1999 he was a member of the electoral service of the Federal Electoral Institute (IFE). He holds a *licenciatura* from the School of Law of the Universidad Iberoamericana and an L.L.M. from the University of Essex, U.K. Mr. Uribe was an international observer of the 2004 presidential elections in the United States.

¹ This program is mandated by law to provide a quick estimate of the electoral results, but it has no binding effect. The full details of the PREP results can be found at <<http://prep2006.ife.org.mx>>.

COFIPE, on the Wednesday after the election day, each District Council (which encompasses between 300 and 400 polling sites) undertakes the official count by aggregating the total number of votes from all tally certificates received from the polling stations.²

III. THE JULY 2 ELECTION AND THE EMERGENCE OF A CRISIS

Generally speaking the electoral process took place on July 2 according to the proper criteria described above. Some 130,555 polling sites opened at 8:00 a.m. and started to receive the vote.³ Queues of people waiting outside the polling stations was the regular picture all over the nation. The process was generally assessed by international observers and the press as free, orderly and peaceful. Virtually no electoral observer reported observing fraud, and virtually none of the political party representatives who were physically present at the polling sites refused to sign the tally certificates or signed the tally certificates under protest.

At 11 pm on election night, the President of the IFE, Luis Carlos Ugalde, declared that the presidential election was too close to call, with a difference between the two front runners that was smaller than the margin of error of 0.3% of the vote. That determination was based on unofficial exit polls commissioned by the IFE (the *conteo rápido* or “quick count”) and on the results of the PREP.

Both leading presidential candidates, Felipe Calderón of the National Action Party (PAN) and Andres Manuel López Obrador of the Party of the Democratic Revolution (PRD), declared

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² The District Councils, according to Article 113 of the COFIPE, are composed of a president councilor and six electoral councilors (representatives of the citizens) with the right to vote, a representative from each political party or coalition, and a secretary of the council. The president and the secretary are members of the electoral service. Each District Council covers roughly 300-400 polling sites.

³ Only eight stations in the entire country could not open because a sufficient number of electoral officers did not appear for duty. Minor incidents, such as late starts because of tardy electoral officers, occurred but in general the process was smooth.

themselves the winners, basing their argument on unofficial exit polls. However, while technically too close to call, the initial results of the nonbinding count made by the PREP indicated that Felipe Calderón, with the 36.34%, had a small lead over López Obrador, who had 35.38%.

IV. THE OFFICIAL COUNT

As discussed, the PREP results are only an estimate of the electoral results. The official count consists of opening each electoral packet and aggregating the vote tallies of all of the tally certificates received from the polling sites. The official count was carried out on July 5-6 by the District Councils.⁴

Pursuant to Article 248 of the COFIPE, the District Councils are required to open the electoral packets and to conduct a recount of the ballots if and only if one of the following criteria are met:

- A tally certificate is not found in the electoral packet;
- The electoral packet shows signs of alternations; or
- There are evident signs of mistakes or alternations, such as if the tally count does not correspond with the number of ballots in the packet.

Those three criteria are the only grounds on which the IFE is authorized to re-count the ballots in the electoral packets. Based on this procedure, on July 5-6, the IFE re-counted 2,873 electoral packets, approximately 90% of which were re-counted based on requests made by the PRD.

Significantly, the outcome of the official counting was very close to that of the Preliminary Electoral Results Program. According to

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⁴ The time needed to finish the official count differed among District Councils given that some of the Councils received more requests from political party representatives to double-check the results than did others.

the official count, Felipe Calderón obtained 35.89% of the vote and López Obrador 35.31%, with Calderón winning by a narrow margin of 243,000 votes.⁵

However, although those are the “official” numbers calculated by IFE, that entity is not authorized to perform the final calculation for the election of the President. Rather, under Article 99 of the Constitution, that power lies with the Electoral Tribunal of the Federal Judiciary (“Tribunal”). Article 99 also recognizes the Tribunal as the highest jurisdictional authority for electoral matters and the specialized electoral entity of the Federal Judiciary.⁶ By law, the Tribunal must certify a new president by September the 6th—and its 7 judges have been placed under tremendous pressure in recent weeks.

V. PRD'S LEGAL CHALLENGE AND THE TRIBUNAL'S REACTION

The PRD has submitted to the Electoral Tribunal of the Federal Judiciary a formal challenge to the results of the District Council count. This appeal is grounded in the General Law of the System of Challenge Mechanisms for Federal Electoral Matters (*Ley General del Sistema de Medios de Impugnación en Materia Electoral*) and is styled as a petition for a judgment of non-conformity (*juicio de inconformidad*) based on Articles 49 through 60 of the General Law.

Appeals were presented in 230 electoral districts through the proper district councils, impugning the official tallies. The appeals make two overarching assertions. The first is against the PREP, stating that this mechanism was used in order to support Felipe Calderón results by hiding around 2 million ballots. IFE responded that those 2 million ballots were indeed not counted during the PREP count due to spoiled ballot papers, but they were counted and included in the official count that took place July 5-6.

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⁵ For a full description of the official results, see <www.ife.org.mx/Computos2006/index_computos.htm>.

⁶ For the full content of Article 99 of the Mexican Constitution, see <www.constitucion.gob.mx>.

Its second argument (after IFE resoundingly rebutted the first one) was that the fraud was committed in the “old manner.”⁷ This means that poll workers and/or political party representatives altered the outcome of the tally certificates, taking votes away from López Obrador or padding the vote for Calderón.

Importantly, PRD's strategy involved challenging the official tallies of only 56,507 polling stations where, according to them, irregularities were found. PRD generally is not challenging the vote in areas where Mr. López Obrador did well. Ironically, this “cherrypicking” by the PRD, while perhaps a sound legal tactic to maximize the total number of votes for Mr. López Obrador, sharply undercuts the PRD's public rhetoric about seeking a total recount of the vote: The Tribunal has no legal capacity to review polling sites whose results have not been challenged, and therefore has no authority to order a recount based on the nature of the relief sought by PRD.⁸

On August 5, the TEPJF High Chamber ruled that granting the request for a full recount would violate electoral laws that prohibit recounts unless there is evidence of irregularities or fraud. Instead, the tribunal's seven judges voted in favour of a recount of 11,839 polling sites (about 9 percent of the more than 130,000 nationwide) where they determined problems were evident. In order to perform the task of recounting the vote in 11,839 polling stations, and for the first time ever the TEPJF ordered judicial branch officers—federal judges such as magistrates of a Collegial Circuit Court (*Magistrados de Tribunal Colegiado de Circuito*) and district judges (*Jueces de Distrito*)—to participate in the limited recount. These judicial officers had responsibility for conducting the recount in every District Council whose result has been impugned.

During the tribunal's session on August 5, Chief Judge Leonel Castillo observed that Mex-

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⁷ See <<http://www.informador.com.mx/informa/19ed01C.htm>>.

⁸ The Tribunal cannot act *de oficio*.

ico's political parties had a chance to raise concerns when the results were first counted at polling places on election day or when the tally sheets were added up during the following week.⁹ This comment indicated that the tribunal had little sympathy for the PRD's belated attempt to argue fraud that was not apparent to its own representatives on the day of the election. Then, on August 28, the Tribunal rejected Mr. López Obrador's request for a massive recount, setting the stage for the certification of Mr. Calderón's victory in early September.

VI. THE DEBATE IN THE "COURT OF PUBLIC OPINION"

In addition to challenging the election results in the courts, Mr. López Obrador has also taken to the streets and the airwaves to plead his case. In recent weeks, López Obrador has been frequently appearing on radio and television hurling allegations of fraud and claiming to have been the victim of a broad conspiracy among incumbent party officials, election officials, other party leaders, and businessmen who do not want him to become president. Remarkably, when on July 11 his own polling-site representatives denied a purported irregularity, López Obrador argued that they were "bought" or corrupted.¹⁰ He has also held marches attended by hundreds of thousands of people and has called on his followers and supporters to engage "civil resistance."

López Obrador has publicly pressed for a recount of each of the 41 million votes, and has challenged Felipe Calderón to agree to a recount. According to him and PRD, this is the only way to clean up the whole process and its drawbacks. Currently, the public debate revolves around the possibility and feasibility of recounting, one by one, each ballot cast on July 2. "Six days of counting means six years of stability," said López Obrador in one of his speeches given in one of the rallies, and according to him "this re-

count would confer legitimacy on the next president."¹¹ They have posited a model, which is based on an average counting period of 20 minutes for each electoral packet. As mentioned before, there are 130,548 electoral packet, so more than 43,000 hours would be needed to get the job done. The PRD strategy appears designed to put pressure on the electoral judges by publicly discrediting the performance of IFE authorities.¹²

Felipe Calderón has launched a public relations campaign of his own to defend his victory at the polls. He has criticized López Obrador's public demonstrations and has met with important persons including union leaders, businessmen, and members of the clergy. He has also been offering press conferences where he has been given his point of view of the current events regarding the post electoral process. In short, Felipe Calderón has been acting as if he already were elected president, despite the fact that the Electoral Tribunal—not the IFE—is the agency empowered to award him that title.

Both candidates have sent to each other public letters, in which López Obrador has challenged Calderón to accept a recount. Calderón in response has rejected this possibility. Even more, the PAN spokesman has proposed an urgent meeting between both candidates looking for a political post electoral agreement for the "good of the nation"¹³

VII. ARE MEXICO'S INSTITUTIONS UP TO THE TASK?

Given the politicization of the electoral process, a key question is obviously whether Mexico's legal regime and electoral institutions are strong enough to weather the storm. Can electoral law be negotiated by the losing party, or

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¹¹ See, e.g., <<http://www.eluniversal.com.mx/notas/.html>> (July 20 ed.).

¹² After 71 years of "one-party rule," a culture of distrust for electoral process remains strong among many of the citizens who support López Obrador rallies. Despite the reliability and transparency of the current electoral system, it is not difficult to understand the conduct of his supporters.

¹³ Noticiero con López Dóriga. Televisa, telephone interview with PAN's spokesman Cesar Nava, dated July 25, 2006.

⁹ See CBS news, <<http://feeds.mexiconews.net>>.

¹⁰ This allegation provoked discomfort among some of the PRD representatives who had been present at the polling sites. See, e.g., <<http://mx.news.yahoo.com/s/060712/40/1tby6.html>>.

will the rule of law determine the outcome of the election? Mexico's current electoral legal framework is the outcome of major constitutional reforms and legislative changes supported by the opposition parties—principally the PAN and PRD—because of the need for a credible electoral system after 70 years or one-party rule. Those reforms created institutions that have worked hard to establish themselves as credible, transparent, and neutral.

Since its inception 16 years ago, the IFE has become one of the most important and respected institutions within the Mexican society. A fully independent agency since its inception, beginning in 1996 it reinforced its level of independence and autonomy by completely dissociating its links to the federal government. In total, IFE has carried out six successful electoral processes (including 2006). The IFE has been ranked by various polls as one of the institutions with the highest level of public confidence in Mexico, and has also achieved international prominence.

Indeed, the IFE has provided assistance to other countries on technical aspects of the organization of elections such as electoral document production, voter identification systems and electoral registries. Since the end of 1993, as the result of bilateral and inter-institutional measures as well as explicit invitations from international organizations and institutions (particularly the U.N. and The International Foundation for Election Systems), specialists and officials of the IFE have collaborated in more than 50 technical assistance missions in 26 countries, 15 of which are in the American continent (Bolivia, Brazil, Canada, Chile, Colombia, Ecuador, El Salvador, Guatemala, Guyana, Haiti, Nicaragua, Panama, Paraguay, Peru), eight in Africa (Algeria, Burkina Faso, Congo, Ghana, Equatorial Guinea, Morocco, Zambia and Zimbabwe) and three in Asia (Indonesia, Iraq and Oriental Timor).¹⁴

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¹⁴ For the full description of IFE's international activities see www-site.ife.org.mx/portal/site/ife/menutitem.

IFE has taken numerous steps to guarantee the transparency and fairness of the electoral process and to establish its credibility. For example:

- Professional Officers. The great majority of IFE's employees are part of the permanent body of civil servants named Electoral Professional Service, who are trained on a regularly basis.
- Electoral observers. In the 2006 election, 24,769 national observers participated by themselves or through local NGOs. IFE also approved 639 applications of international visitors from 26 countries. For instance, election monitors from the European Union stated on July 8th that they found no irregularities that could have impacted the results.¹⁵
- Auditing of Voter Registries. The federal electoral registry, which represents the basis for the issuing of voter ID card and for randomly selecting poll workers, is frequently audited by the political parties and external companies.

The other key institution, which was also spawned by the 1996 constitutional reforms, is the Electoral Tribunal of the Federal Judiciary. Article 99 of the constitution recognizes the Tribunal as “the highest jurisdictional authority for electoral matters and the specialized entity of the Federal Judiciary.”¹⁶ The most important responsibilities of the TEPJF are conferred to the High Chamber and consist of performing the final calculation for the election of the President of the republic, preparing the statement of validity of the election, and proclaiming the Elected President.

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¹⁵ See, e.g., “EU says disputed Mexico vote fair,” BBC News www.bbc.co.uk

¹⁶ The constitutional recognition of the electoral court as a specialized entity of the Federal Judiciary, has involved the Supreme Court of Justice with the integration of the electoral court by proposing the electoral judges to the Mexican Senate. For more than 100 years, the Supreme Court of Justice has not been involved in any electoral affair.

With this specialized system and procedures, the Tribunal in the past ten years has successfully ruled on electoral challenges, although it has never faced a challenge in a presidential contest. The Tribunal has not hesitated to step in when irregularities have been present. According to Jesus Orozco, the Tribunal's last President, "[f]rom 1996 there have been more than 59,000 public (federal, state and local) posts elected in Mexico. The Electoral Court has used such constitutional power to annul 17 elections, including two congressional elections in 2003."¹⁷ Between 1996 and 2006, no political party or candidate supporters have undertaken protests to overturn against any electoral outcome. All the electoral-judicial decisions have been well accepted, with the sole exception of a 2005 decision in the Mexican state of Puebla regarding a local election.

The Tribunal, unlike many similar institutions in Mexico, performs its duties in a consciously transparent fashion. Every session is public and is broadcast over the internet, and all rulings can be accessed for free via internet within 24 hours. Also, any member of the public may access the judicial archives in order to review all concluded cases.

In short, the principles of transparency, legality, equity, certainty and impartiality are the principles followed by the Mexican electoral authorities. Hopefully the Tribunal, and the IFE, have earned enough respect—and earned enough political capital—to help Mexico resolve this crisis based on legal principles rather than through political maneuverings.

VIII. CONCLUSION: THE IMPORTANCE OF THE RULE OF LAW

With this dispute in the media and the streets, rather than in the courts, the candidates risk doing serious damage to Mexico's hard-won democratic institutions. Although the margin between the front runners is less than 1% of the

vote, this is not a valid argument for invoking mechanisms outside the established legal framework to solve this dispute. By trying to create the impression among the public that a ballot recount is the only feasible way to bring legitimacy to the electoral process, and rejecting the rulings of the electoral authorities, Mr. López Obrador is doing damage to the very democratic institutions that his own party fought hard to establish.

While the current legal system is not perfect, it is one that has demonstrated accuracy and consistency for the past 16 years. Given the narrow margin between Calderón and López Obrador, perhaps in the near future some constitutional and legal reforms should be undertaken to adapt the legal framework to the current realities. For example, if Mexico continues to be essentially a three-party system, amendments such as an electoral second round when no candidate obtains at least the 50% of the vote, could be a partial answer to the current problem.¹⁸

In the meantime, the parties within the conflict should honor the legal framework and Tribunal decisions, and should avoid extra-judicial actions. Democracy means the right of citizens to express themselves but it also carries with it the obligation to respect the electoral entities and their decisions. This is the time to trust in the legal institutions and to protect them. Doing otherwise risks anarchy.

¹⁷ Speech presented on May 18, 2006 at the Center for Strategic and International Studies (CSIS) Mexico Project event "Administering Mexico's 2006 Federal Elections"

¹⁸ Many Latin American countries, including Peru and Chile, have adopted this electoral method in order to give greater legitimacy to their electoral processes.

MEXICO'S CONGRESS APPROVES MAJOR COMPETITION LAW OVERHAUL

by Omar Guerrero and Christopher Oatway*

I. INTRODUCTION

On June 29, 2006, a set of important amendments to the Federal Law on Economic Competition (“Competition Law”) went into effect.¹ They represent a major victory for the Federal Competition Commission (“Commission”) in its efforts to propound legislation that strengthens its powers and modernizes Mexico’s existing competition regime. Although the existing law’s core principles and structure remain, the amendments virtually constitute a new law, and they are likely to increase the importance of competition policy in a country still dominated by numerous monopolies and oligopolies. The amendments are designed to (i) place Mexico’s competition regime in line with the growing international consensus in competition policy; (ii) strengthen the Commission’s authority to investigate and prosecute anticompetitive conduct; (iii) adjust the existing Competition Law to conform to constitutional and administrative law requirements; (iv) increase the clarity and specificity of certain aspects of the law; and (vi) provide direct statutory authority for certain practices and regulations already adopted by the Commission.

The amendments were approved by a virtually unanimous Congress on the last day of the spring session, having been the subject of ex-

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tensive debate in several committees and consultation with the business community. Although they fall short with respect to certain structural, procedural and constitutional problems that will continue to limit the effectiveness of competition enforcement, in general they confirm that Mexico—which already boasts one of the most sophisticated and vibrant competition regimes in Latin America—is set to continue its progress towards an economy in which competition principles inform business practices and public policy.

Below is a summary of the more noteworthy aspects of the amendments.

II. NEW JURISDICTION FOR THE COMMISSION

The amendments grant the Commission new powers to (i) render binding opinions to branches of government with respect to policies or programs that may have a negative impact on competition; (ii) render non-binding (but published) opinions regarding proposed legislation relating to competition; (iii) render non-binding opinions with respect to disputes between private parties; (iv) execute agreements or inter-institutional accords in competition matters; (v) render an assessment as to whether or not maximum or minimum prices must be set by the President; and (vi) issue resolutions regarding whether or not effective competitive conditions exist in certain markets (mostly regulated sectors of the economy).²

These new powers are potentially very important because they provide various vehicles through which the Commission can insert itself into a wide variety of inter-governmental debates and into the policies and practices of other federal agencies such as the Ministry of Telecommunications and Transportation and the Federal Electricity Commission. For example, there has historically been considerable ambiguity regarding the Commission’s role with respect to competition policy in regulated

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¹ Diario Oficial de la Federación, 28 de Junio de 2006, Section One, *Ministry of Economy — Decree Modifying, Supplementing and Eliminating Certain Provision in the Federal Law on Economic Competition* (“Amendments”).

² *Id.* at Art. 24.

sectors of the economy. The amendments provide for specific proceedings through which the Commission can assess competitive conditions in such regulated sectors and can—at least under certain circumstances—issue resolutions that trump the actions and policies of the regulatory agencies. It will be interesting to observe how the Commission chooses to exercise these new powers, including what sectors of the economy and what governmental agencies it targets.

While the amendments increase the Commission's power vis-à-vis executive branch agencies, they reduce its power vis-à-vis the states. The existing Competition Law had authorized the Commission to directly challenge state activities or policies that impeded interstate commerce, but the Supreme Court struck down that power on federalist grounds. The core problem was that a lower governmental body (the Commission) may not review acts carried out by state governments where specific constitutional action needs to be taken against such governments. Therefore, the amendments provide that the Commission has the authority to issue a “report” if it finds that local or state authorities have taken action or passed laws that have directly or indirectly impede interstate commerce. This report is to be submitted to the Attorney General and/or the relevant authority within the Executive branch in order for them to exercise appropriate constitutional action.³

III. INCREASED INVESTIGATIVE AND ENFORCEMENT POWERS

The amendments also provide the Commission with enhanced procedural and investigative powers.

Search warrants. A major hurdle for past competition enforcement was that the Commission had few tools for investigating suspected violations of the Competition Law. The amendments provide that the Commission can

request search warrants from an administrative Federal District Judge and that its own inspectors can carry out such warrants. Numerous procedural safeguards apply to such search warrants, including the requirements that they be well grounded and reasoned and that all due process formalities be respected. The inspectors may only make copies of the information obtained on site. The party being inspected has the right to make “observations” about the information provided, and to confirm in writing such observations.⁴

Increased Fines. The amendments substantially increase all fines, in some cases up to 400%. Thus, it is clear that the amendments seek to use the threat of fines as deterrent. In the case of a repeat offender, the Commission has the authority to double the fine or to fine the company up to 10% of its annual sales, whichever is higher. However, the Commission has admitted in recent years that it actually collects only a small amount of the fines that it assesses because it must rely on other governmental agencies to undertake collection efforts. Unfortunately, the amendments do not strengthen the Commission's ability to ensure that its fines are actually paid since such power belongs to other branches of government.⁵

Divestiture Remedy. For repeat offenders, the Commission is empowered to alter the initial remedy and order the spin-off or sale of the company's assets to third parties. The judiciary is to enforce such resolution.⁶ However, a deficiency in the amendments is that they do not provide a detailed procedure to carry out this remedy, meaning that it may be difficult in practice for the Commission to employ it.

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⁴ *Id.* at Art. 31.

⁵ *Id.* at Art. 35. The amounts collected are earmarked to support programs that develop and incentivize small and medium sized businesses.

⁶ *Id.* at Art. 37.

³ *Id.* at Art. 14.

IV. IMPLICATIONS FOR PRIVATE PARTIES

The amendments modify in various ways the protections, opportunities, and options available to private parties affected by or accused of anticompetitive conduct. These modifications are not without their critics given that they mostly reproduce in the statute what the regulations already set forth—and were simply moved from the regulations to the statute in a formalistic attempt to avoid constitutional problems. Among the implications for private parties are:

Claims by Private Parties. There is no private right of action to seek damages or lost profits under the Competition Law. However, a private party injured by the anticompetitive conduct of another party can theoretically seek restitution by invoking principles of extra-contractual (i.e., tort) liability provided that the Commission issues a declaration establishing the existence of an illegal monopolistic practice or merger.⁷ The Amendments provide that the judiciary, which is the only branch of government authorized to order the payment of damages and lost profits, may request that the Commission issue an “assessment” of damages and lost profits, which facilitates private plaintiffs’ ability to seek restitution.⁸

Administrative Proceedings. The Amendments cure a previous problem: that most procedural rules were partially set forth in the regulations (which are drafted and approved by the Executive) and not in the statute itself (which is approved by the Congress). For example, the Commission was without legislative authority to initiate proceedings against a defendant. Thus, the amendments provide that where the Commission has determined that a monopolistic practice has occurred, and has investigated it, the Commission has to issue an “administrative indictment” to commence a

formal procedure similar to a court trial.⁹ The amendments do not, however, address one of the most common criticisms of Mexico’s competition regime, which is that the Commission essentially plays the roles of both prosecutor and judge—with no direct judicial oversight over its actions. It is still the case that the only judicial remedy for private parties who believe a Commission resolution is incorrect is the complex and highly technical *amparo* proceeding, which essentially constitutes an indirect “appeal” but which often does not involve a review of the substantive elements of the Commission’s decision. Rather, *amparo* proceedings involve constitutional issues.

Leniency Program. The amendments create a leniency program designed to encourage members of cartels to report the conduct to the Commission in exchange for leniency. In order to qualify for a reduced sentence, the applicant must (i) be the first one to approach the Commission; (ii) fully cooperate; and (iii) end its participation in the cartel. The leniency afforded the applicant includes a reduced fine (up to a 50% discount) and immunity from having to pay restitution to injured parties.¹⁰

Right to Plea Bargain. An economic agent that voluntarily acknowledges its liability before the rendering of the Commission’s resolution will be fined only the equivalent of \$5 USD (one minimum wage in the Federal District). This plea bargaining does not preclude injured parties from filing extra-contractual (i.e., tort) claims in order to recoup lost profits and other damages—although such private claims are very difficult to assert under Mexican law. A party can only use this plea bargain right once every five years.¹¹

Confidential Information. The Amendments provide for three classifications of information: “reserved” (which can only be accessed by those economic agents evidencing

⁷ *Id.* at Art. 33.

⁸ *Id.* at Art. 33 bis 3.

⁹ *Id.* at Art. 33 bis 2.

locus standi), “confidential” (which cannot be disclosed to any third party), and “public” (information already available to the general public).¹²

Locus Standi. During the investigation stage (before service of process), no private party may have access to the docket (even if the proceedings commenced *ex parte*). After service of process (i.e., the issuance of a letter setting forth the allegations), only those economic agents evidencing *locus standi* will have access to the docket.¹³ Conspicuously absent is an amendment clarifying which third parties have rights to participate in proceedings. For example, the Commission opposes providing third party competitors a right to express their point of view regarding merger investigations.

Supplementary Application of the Federal Code of Civil Proceedings. The Amendments correct a previous administrative law mistake: they modify the Competition Law itself to provide that the Federal Code of Civil Proceedings supplements it in order to fill in any procedural gaps in the Competition Law, whereas previously this supplementary application principle was found only in the regulations.¹⁴ There are important administrative law principles relevant to the proper application of this provision given that the Federal Code is designed for adversarial proceedings between parties trying their cases before a Judge, whereas in competition proceedings the Competition authority is both the accusing party and adjudicator. When invoking the supplemental application principle, the Commission will need to take this into account in order to ensure that its actions comport with constitutional principles of equality and due process.

¹² *Id.* at Art. 31 bis.

¹³ *Id.* at Articles 31 bis, 32 and 33.

¹⁴ *Id.* at Art. 34 bis.

V. ENUMERATION OF SPECIFIC RELATIVE MONOPOLISTIC PRACTICES

Under Article 10 of the Competition Law, a “relative monopolistic practice” is one that is analyzed under a Mexican version the “Rule of Reason.” To be found liable, it must be shown that (i) the defendant has market power in the relevant market; (ii) the defendant engaged in a prohibited practice to maintain or extend its market power; (iii) the prohibited practice had the purpose or effect of unduly driving competitors out of the market, of granting exclusive or undue advantages to the defendant, and/or of substantially impeding market access; and (iv) there is no efficiency justification for the defendant’s conduct.

The amendments revise Article 10 in an effort to cure a constitutional defect. In late 2004, the Mexican Supreme Court issued a judgment in the *Warner Lambert* case that declared Section VII of Article 10 of the Competition Law to be unconstitutional. While Sections I through VI of Article 10 listed specific relative monopolistic practices, Section VII was a “catch-all” provision that gave the Commission authority to prosecute “all acts that unlawfully harm or hinder the competition process” In *Warner Lambert*, the Commission had invoked Section VII to prosecute the defendant’s predatory pricing, but the Supreme Court found that the Commission’s use of the catch-all provision to prosecute such conduct was unconstitutional. Because the elements of predatory pricing were not set forth in the statute, the Court held that the catch-all provision created a situation of legal uncertainty not permissible in administrative law.¹⁵

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¹⁵ See Supreme Court’s of Justice Judgment under docket 2589/96. See also Francisco Fuentes Ostos and Javier Cortina Kalb, *Recent Developments in Mexico’s Competition Regime*, The Mexico Update, Spring 2005, at 10-12; Bernardo Ledesma Uribe and Omar Guerrero R., *Breves Notas sobre la inconstitucionalidad del artículo 10 fracción VII de la Ley Federal de Competencia Económica*, El Foro, Mexican Bar Association (2004).

The Commission had argued that the catch-all provision was necessary because in the context of economic regulation, it is impossible to develop an exhaustive list of all types of anti-competitive conduct in which economic actors may engage. However, given that the Supreme Court rejected that argument, the amendments repeal the catch-all provision and replace it with a list of additional relative monopolistic practices: (i) predatory pricing; (ii) anticompetitive discounts; (iii) cross-subsidizing; (iv) price discrimination; and (v) raising rivals' costs.¹⁶

Each of the above types of conduct had previously been in the Commission's regulations pursuant to the catch-all provision. By moving the descriptions of the practices into the statute itself, Congress at least arguably has cured their constitutional infirmities. However, there is still uncertainty regarding whether all of the relative monopolistic practices that are now enumerated in the statute have enough specificity to pass constitutional muster. For example, "raising rivals costs" is a theory of anticompetitive hard that is vaguely defined and thus is in danger of being declared unconstitutional by the Supreme Court.

Also, the amendments include a list of efficiency justifications to be considered when assessing the likely effects of a relative monopolistic practice.¹⁷ As with some of the enumerated relative monopolistic practices themselves, there may be questions regarding whether the efficiency justifications are sufficiently specific to pass constitutional muster.

VI. MERGER REVIEW

The Commission's merger review practices have generally been in line with mainstream international practices, and the Commission has made a strong effort to follow the standards set forth by international organizations such as the OECD. The amendments largely reinforce

these practices and solidify what is already a relatively sophisticated merger review regime.

New Standard for Analysis and Approval of Mergers. The amendments provide additional guidance for assessing (i) the effects of the concentration in the relevant market or related markets; (ii) market share of the merging parties and their competitors; and (iii) efficiency gains.¹⁸ It is not anticipated that the amendments will significantly change the substantive review undertaken by the Commission, which is already based on mainstream economic principles.

Prior Clearance of the Transaction. Within 10 business days of the filing of the merger application, if the Commission determines that it needs the full waiting period to review the transaction it must issue a order stating that the transaction should not be closed until receiving formal clearance. If such order is not issued, the economic agents are free to close the transaction "at their own risk."¹⁹ It will be important to closely watch the Commission's actions with respect to such resolutions given that the amendments do not set forth a standard for when such resolutions should be issued or what comfort (if any) a party can take if it chooses to close the transaction "at its own risk." The regulations still provide for the possibility of closing transactions subject to the condition precedent of securing prior clearance from the Commission.

Fast Track. If the parties prove that it is beyond doubt ("notorio") that a concentration does not have as a purpose and will not have the effect of diminishing, damaging or impeding competition, the Commission shall resolve the filing within a term of 15 business days.²⁰

Increased Thresholds. The amendments provide for a substantial increase in the thresholds (between 33% and 50%) for when com-

¹⁶ Amendments at Art. 10.

¹⁷ *Id.* at Art. 10.

¹⁸ *Id.* at Art. 18.

¹⁹ *Id.* at Art. 20.

²⁰ *Id.* at Art. 21 bis.

pulsory filings before the Commission are required.²¹

Clarification of Effects in Mexico. The amendments clarify that a merger is subject to notification and prior clearance in Mexico if (i) the value of the transaction (directly or indirectly) in Mexico is approximately \$75 million USD or more; (ii) the transaction results in the accumulation of 35% or more of the assets or stock of an economic agent whose assets or annual sales in Mexico amount to approximately \$75 million USD; or (iii) there is in Mexico an accumulation of assets or stock exceeding approximately \$35 million USD and the transaction involves two or more economic agents whose assets or annual sales volume jointly or separately amount to approximately \$204 million USD.²²

Statute of Limitations for Mergers. The Commission is precluded from investigating transactions that have obtained favorable resolution unless such resolution was based upon false information or when there were conditions imposed by the Commission that were not timely fulfilled. Also, for transactions that do not require prior clearance, there is a statute of limitations of 1 year for investigating them.²³

VII. OTHER IMPORTANT PROVISIONS

There are a number of additional reforms that are worth mentioning.

Joint and Several Liability: Although joint and several liability is a general principle of Mexican civil law, the amendments expressly incorporate this concept into the Competition Law.²⁴ This is likely to be important in the cartel context.

Intellectual Property: The amendments reproduce the language of Article 28 of the Con-

stitution with respect to the exemptions (“privileges”) granted to authors, artists and inventors (and improvers) for the exclusive use of their inventions and improvements. However, the amendments make clear that such economic actors must abide by the Competition Law with respect to all conduct that is not expressly encompassed within their constitutional protection.²⁵

Commission’s Ability to Set Minimum Prices. The amendments provide the Commission the power to fix “minimum prices” where it determines that effective conditions of competition do not exist. There is an open constitutional question regarding whether Congress has the ability to grant this power given that the Constitution itself exclusively refers to “maximum” as opposed to “minimum” prices.²⁶

Amplification of the Economic Agent Concept. The Amendments provide that all natural or legal persons—with or without a profit purpose—are “economic agents” within the scope of the Competition Law.²⁷ This departs from the previous paradigm, under which only “commercial” (i.e., for-profit) entities were considered “economic agents.”

Electronic filings. The Commission is required to incentivize the use of electronic means for making filings and other communications.²⁸

Statute of Limitations. The amendments set the statute of limitations for the prosecution of illegal acts at 5 years.²⁹ This is somewhat surprising in the context of “naked cartels,” which under general principles of Mexican law should not be subject to a statute of limitations. Such “absolute monopolistic practices” involve conduct that is so grave that applying the statute of limitations would likely be considered contrary to public policy.

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²¹ *Id.* at Art. 20.

²² *Id.*

²³ *Id.* at Art. 22.

²⁴ *Id.* at Art. 3.

²⁵ *Id.* at Art. 5.

²⁶ *Id.* at Art. 7.

²⁷ *Id.* at Art. 3.

²⁸ *Id.* at Art. 34 bis.

²⁹ *Id.* at Art. 34 bis 3.

Appointment and Independence of Commissioners. All Commissioners are to be appointed by the Executive, with approval by the Senate. Each Commissioner is appointed for a term of 10 years and can only be removed upon a showing of “grave cause.”³⁰

Buying Cartels. Article 9 of the Competition Law is amended to specifically add to the traditional “restricting output” prohibition any agreements between competitors to restrict the quantity of goods or services purchased.³¹

VIII. CONCLUSION

In general, the amendments described above represent a remarkable effort to strengthen the Competition Law and the Commission’s ability to enforce it. The Commission has its work cut out for it. It has 180 days to re-draft its implementing regulations in accordance with the amendments, and it will have to develop strategies for working with the judiciary and the executive branch in order to exercise its newfound powers effectively.

However, although the amendments represent an important set of reforms, they still fall short in several ways. As discussed above, there remains considerable ambiguity regarding several areas, including competitor standing. Also, Congress declined to remedy certain structural problems. There is no direct judicial oversight for Commission actions, and Congress made no effort to modify other sources of law—such as the Criminal Code and Constitution—that intersect with the Competition Law but that were drafted in very different environments. Finally, Congress declined to adopt certain changes that many competition experts had urged, such as including horizontal boycotts among on the list of “absolute monopolistic practices” that are *per se* violations. Such modifications will have to wait; in the meantime, competition policy continues to be an im-

portant aspect of the country’s overall economic model.

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³⁰ *Id.* at Art. 26.

³¹ *Id.* at Art. 9-II.

LEGISLATIVE UPDATE

Below is the Mexico Committee's customary summary of significant legal developments in Mexico, followed by a special "Regulatory Newsflash" regarding important developments in Mexico's Federal Tax Code.

Amendment to the Regulatory Law of the 27th Amendment and the Organic Law of PEMEX (Mexican Petroleum) and Subsidiary Organisms (FOG of January 12, 2006). The amendments to the two Laws herein allow PEMEX (Mexican Petroleum) to sell any excess energy produced to the CFE (Federal Electricity Commission.

Amendment to the Federal Labor Law (FOG of January 17, 2006). The Federal Labor Law was amended to insure that certain national holidays create three-day weekends as opposed to falling mid-week.

Amendment to the General Wildlife Law (FOG of January 26, 2006). This decree amends the General Wildlife Law to prohibit any import, export or distribution of marine mammals or primates or any part of them except for purposes of scientific research or repopulation attempts. The hunting of any species of primates is only permitted for scientific research or repopulation attempts.

Amendment to the Commerce Code (FOG of January 26, 2006). The amendment prohibits individuals sentenced for crimes against property to engage in Commerce.

Amendment to the Customs Law (FOG of February 2, 2006). This decree amends articles regarding the determination of value of imported merchandise as well as how duty free commerce is to operate within designated areas such as airports and ports.

Promulgation of the Organic Products Law (FOG of February 7, 2006). This law is designed to promote and regulate the production, processing, manufacturing, storage, identification, labeling, distribution, transport, commer-

cialization and certification of organically grown products. The law creates a control and certification of organically grow products system. A National Council for Organic Production is created by this law.

Presidential Decree for the Creation of the Inter-ministerial Commission for Prevention Of and Combat Against the Illegal Economy (FOG of March 6, 2006). A new Commission is created with the purpose of preventing illegal economic activity through a joint effort by the Ministry of Internal Affairs, Ministry of Economy, Ministry of the Treasury and the Ministry of Public Security. The creation of this Commission is a result of the increased illegal import and distribution of foreign merchandise within Mexico, which is increasingly endangering the formal economy.

Regulation of the Federal Consumer Protection Law on Systems of Commercialization Consisting in the Integration of Consumer Groups (FOG of March 6, 2006). These regulations to the Federal Consumer Protection Law are aimed to organize and protect consumers that enter into Consumer Groups contracts for the acquisition of goods. The regulations include specific requirements in the services and the content of the corresponding contracts in order to ensure consumers are properly treated.

Publication of the 1996 Protocol relative to the Prevention of Pollution of the Seas through the Pouring Waste Products and other Materials. (FOG of March 24, 2006). The Protocol establishes the general guidelines as how to preserve the seawaters through the regulation and forbidding of activities which may pollute the seawater such as incineration of materials in the sea and the dumping and pouring of waste materials for means not foreseen or regulated in the Protocol.

Amendment to the Amparo Law (FOG of April 24, 2006). The amendments made to the Amparo Law (law which regulates constitutional suits to protect constitutional rights) are aimed to clarify those instances in which the suspension of the alleged unconstitutional act will not

be granted. Further, if the claim relates to taxes or contributions, the claimant must guarantee the interest on the amount of the liability, including adjustments and fines.

Amendment to the Law for Religious Associations and Public Cult (FOG of April 24, 2006). The amendment is designed to require members of religious associations to respect other religions or cults as well as to provide the necessary means for dialogue in case of conflict.

Amendment to the General Health Law (FOG of April 24, 2006). The articles added involve the regulation of the piercing and tattoo industries. The amendment to Article 419 prohibits the tattooing or piercing of a minor without his or her guardian's consent, and provides that violators will be fined.

Amendment to the Insurance Law, the Law on Insurance Contracts (FOG of April 24, 2006). The Insurance Law was amended to allow for new specific types of insurance activities in Mexico, dealing with insurance for housing mortgage credits and financial guarantee insurance. These types of insurance are designed to improve the ratings of debt instruments issued through the securities markets with the goal of increasing the flow of financial resources to fund housing credit. Specific rules on the operation of these type of insurance companies are still pending.

Amendment to the Insurance Contracts Law (FOG of April 24, 2006). The Insurance Contract Law was amended to specify that, in the case of mandatory insurance, the insurance company shall be bound to cover the minimum coverage required by law under such mandatory insurance.

Amendment to the Commercial Code (FOG of April 26, 2006). The amendment simply clarifies that summonses to be made through mail or telegraph need to be made through certified services. Regular mail or telegraph services are no longer a valid means for serving judicial process regarding commercial lawsuits. Also,

the amendment clarifies the process to be followed in the case of claims against missing persons.

Amendment Federal Criminal Code (FOG of May 19, 2006). The Federal Criminal Code was amended to include greater penalties and prison time for individuals convicted of depriving others from their liberty (highjacking/kidnapping). Such crimes have in recent years increased beyond control. However, this is a relatively modest effort to properly punish these types of crimes, and many observers believe that it falls short.

Regulations to the Law for Competitive Development of the Micro, Small and Medium Businesses. (FOG of May 24, 2006). The regulations were enacted to allow a better coordination and organization of all the actions, programs and incentives that the Law requires the government to implement, aimed to the development of the micro, small and medium size businesses.

Amendment to the General Health Law the Federal Criminal Procedures Code (FOG of May 25, 2006). The amendments are aimed to classify as serious the crimes of forgery, falsification, and contamination, among others, of food, beverages drugs, alcohol, or other substances. The amendments also clearly define when a product is considered altered, forged, falsified or contaminated.

New Law on Mexican State News Agency (FOG of June 2, 2006). This law was enacted to create the *Agencia de Noticias del Estado Mexicano ("NOTIMEX")* whose main purpose will be to act as a news agency and provide news to the Mexican state and third parties that so require. The law includes rules for internal organization of *NOTIMEX*.

Amendment to the Federal Criminal Procedures Code (FOG of June 6, 2006). The Federal Code on Criminal Procedures was amended to include a specific article (243 Bis) that exempts certain individuals, such as attorneys, technical advisors, members of the clergy, journalists,

and doctors, from the obligation to disclose confidential information they receive as a consequence of their work. Such individuals may not be obliged to testify in a proceeding in breach of the confidence deposited in them. This is an important amendment that protects the confidentiality of information provided to such professionals, and protects them from being placed in what is otherwise a difficult moral dilemma that may arise by virtue of their work.

Promulgation of the Agreement between Mexico and Iceland for the Reciprocal Investment Promotion and Protection (FOG of June 6, 2006). This is yet another of the various reciprocal investment promotion and protection treaties signed by Mexico, (in excess of twenty) with countries all over the world. Mexico has continued, although at a slower pace, to foster closer commercial and economic relationships with the international community with an aim of transforming Mexico into a truly investment safe environment.

Amendment to the Federal Consumers Protection Law (FOG of June 6, 2006). This law was amended to include specific obligations to be complied with by pawn shops. Principally, pawn shops will have to register with the Federal Consumer Protection Agency their contracts, and shall also inform their customer, in a clear and visible manner, of the annual interest rate being charged. This amendment is the result and probably an anticipation to further regulation to these type of businesses which have had an increased growth in the past several years.

Financial Cooperation Agreement between Mexico and the European Investment Bank (FOG of June 8, 2006). This agreement is aimed to allow for the European Investment Bank to grant credits to Mexican entities, whether of the public or private sector, in order to foster projects that are of national interest. The bank shall be exempt from direct federal taxation. The agreement includes the processes to follow for the granting of the credits as well as mechanisms to solve any controversies.

New Federal Housing Law (FOG of June 27, 2006). A new Federal Housing Law was issued to promote the development of housing, particularly low cost housing projects, as part of the principal activities of the federal government. The law determines the national housing policy, mandates a national housing program and creates the National Housing System.

Amendment to the Federal Law on Economic Competition (FOG of June 28, 2006). As discussed in this issue of the Mexico Update, the Federal Law on Economic Competition was amended to include substantial changes to the procedures, sanctions, and authority of the Federal Competition Commission. Among others, more specific absolute and relative monopolistic practices are included, and thresholds on mergers or concentrations are increased to conform with current economic reality.

Amendment to the Federal Tax Code (FOG of June 28, 2006). The Federal Tax Code was amended to include specifics on tax residency, tax domicile, accounting, compliance with tax obligations in case of contracting with the state, and procedures for the reimbursement of taxes. These changes are discussed below in the Mexico Update's special "Regulatory Newsflash."

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REGULATORY NEWSFLASH

MEXICAN FEDERAL TAX CODE

by Arturo Tiburcio Tiburcio and
Ana Paula López Padilla y Lapuente*

On June 29th 2006, several amendments to provisions of the Federal Tax Code came into effect. Among the changes brought about by the reforms are new guidelines for the tax authorities regarding residence for tax purposes, fiscal domicile and accounting records; tax refund and compensation legal proceedings; compliance with requisites to come to an agreement with the Federal Public Administration; and requests for ruling from the tax authorities to resolve queries regarding tax compliance and liabilities.

The major changes include:

- The criterion for determining the fiscal domicile of legal entities used to be the jurisdiction of formation. Currently, the tax domicile is considered to be the place where the management of business activities is taking place.
- All entities involved in a spin-off or merger restructuring shall be Mexican residents for tax purposes in order for the tax authorities to consider that there has been no conveyance for tax effects subject to the income tax.
- In the event taxpayers process data and information of accounting records by electronic means, tax authorities shall consider that such records are located in their fiscal domicile.

* Arturo Tiburcio Tiburcio is a partner and Ana Paula López Padilla y Lapuente is an associate of Barrera, Siqueiros y Torres Landa, S.C.

- Regarding contracts entered with the Federal Public Administration, including centralized agencies, government-controlled corporations, as well as the Attorney General of the United Mexican States, the law defines the concept of "compliance with tax duties." Hence, in some cases contractors that are not in compliance with tax obligations will be eligible to contract with such entities, as long as they enter into an agreement with the tax authorities, and those entities shall withhold the corresponding amounts derived from payments issued during agreement.
- Non-mandatory internal criteria for interpreting tax and customs laws issued by tax authorities shall be published in the Federal Official Gazette. Accountants, lawyers or any other advisors in tax matter shall notify its clients about the criteria provided by the tax authorities.
- Legal deadlines for tax authorities to conclude tax audit proceedings, and the formal requirements with which they must comply to determine a taxpayer's situation, are established.
- Applicable fines due to the breach or non-compliance of some tax duties were modified considerably.
- Tax refunds shall be made subject to tax inflation adjustment in accordance with the rules set forth for such purposes.

In short, the changes in the tax code constitute important developments about which attorneys, accountants, and businesses should be aware.

MEXICO COMMITTEE LEADERSHIP (2006-2007)

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Vice-Chair Charlie Meacham (cmeacham@gardere.com)

Vice-Chair Gustavo Santillana (gsantillana@lexcorp.com.mx)

UPCOMING EVENTS

Please mark your calendar for the following:

- **Fifteenth Annual United States-Mexico Law Institute Program in St. Augustine, Florida (October 9-10, 2006).** Among the various issues to be addressed are litigation and arbitration issues, Mexico/United States Law Practice, and the recent Mexican presidential election. The Mexico Committee will keep you posted on the specifics of the program which, as usual, promises to be a success.
- **U.S.-Mexico Bar Association Annual Conference in Monterrey, Mexico (October 18-20, 2006).** Topic: The Intersection of Law, Business and Security in the New North America. <http://www.usmexicobar.org/>
- **ABA Section of International Law Fall Meeting in Miami, FL (November 8-11, 2006).** This is one of the key events for international law practitioners, academics, and government officials. This year's meeting includes numerous programs dealing with Mexico and other Latin American countries. <http://www.abanet.org/intlaw/fall06/>.



UNIVERSITY OF ESSEX

This is to certify that the degree of

Master of Laws

in

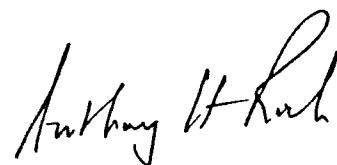
INTERNATIONAL TRADE LAW

in the Graduate School

was conferred on

GUSTAVO URIBE ROBLES

at a Congregation held on the 3rd day of April, 2003



Registrar & Secretary



INSTITUTO FEDERAL ELECTORAL

DIRECCION GENERAL
OFICIO No. 005999

CONSTANCIA DE ADSCRIPCION

México, D. F., a 15 de Junio de 1994.

C. GUSTAVO URIBE ROBLES
P R E S E N T E

Con fundamento en el artículo 89, párrafo 1, inciso j), del Código Federal de Instituciones y Procedimientos Electorales, le comunico que ha sido adscrito a la JUNTA DISTRITAL EJECUTIVA XVII, en el DISTRITO FEDERAL para fungir en ésta como VOCAL DE CAPACITACION ELECTORAL Y EDUCACION CIVICA, a partir del 16 de Junio de 1994, con las remuneraciones que se establezcan en el tabulador correspondiente.

Atento a lo anterior, se le exhorta a realizar las actividades que se le encomienden con estricto apego a los principios constitucionales que rigen las funciones de este Instituto.

A T E N T A M E N T E
El Director General del
Instituto Federal Electoral

Lic. Arturo Núñez Jiménez

DATOS PERSONALES

EDAD : 23

R.F.C. : UIRG710520

SEXO : M

ESTADO CIVIL : SOLTERO

ESCOLARIDAD: LICENCIATURA EN DERECHO

**DOMICILIO : HEGEL NO. 115 POLANCO
C.P. 11560 MIGUEL HIDALGO , MEXICO D.F.**

Acepto el puesto y la adscripción que se me asigna con el presente oficio y estoy enterado y conforme en que, como lo dispone el artículo 61 del Estatuto del Servicio Profesional Electoral, podré ser readscrito en cualquier momento a otra área, puesto o ubicación, cuando así se requiera, por necesidades del Instituto.

México D.F., a 19 de Junio de 1994



c.c.p. : Lic. Rubén Lara León, Director Ejecutivo del Servicio Profesional Electoral.- Presente.

c.c.p. : Lic. Ma. Eugenia de León García, Directora Ejecutiva de Administración.-Presente.

**TRIBUNAL ELECTORAL DEL PODER JUDICIAL DE LA FEDERACIÓN
INSTITUTO FEDERAL ELECTORAL**



OTORGAN LA PRESENTE

CONSTANCIA

AL LIC. GUSTAVO URIBÉ ROBLES

Por su asistencia al curso:

LEY GENERAL DEL SISTEMA DE MEDIOS DE IMPUGNACIÓN

REALIZADO LOS DÍAS 13 Y 14 DE JULIO DE 1999
MÉXICO, D.F.



Eduardo Verdugo Quiñones

Lic. Elena Verdugo Quiñones
COORDINADORA DEL CENTRO DE
FORMACIÓN Y DESARROLLO

Eduardo Verdugo Quiñones

Mtro. Eduardo Verdugo Quiñones
DIRECTOR DEL CENTRO DE CAPACITACIÓN
JUDICIAL ELECTORAL



Las instituciones convocantes

otorgan la presente

CONSTANCIA

A

Gustavo Uribe Robles

por su participación en el

**FORO DE EDUCACIÓN CÍVICA
y cultura política democrática**

México, D.F., noviembre de 1998.

Lic. Rogelio Murillo Vargas

Encargado del Despacho de la Dirección Ejecutiva
de Capacitación Electoral y Educación Cívica
del Instituto Federal Electoral

Lic. Cecilia Loría Soviñón

Coordinadora Nacional
de Causa Ciudadana A. P. N.

EL INSTITUTO FEDERAL ELECTORAL

Por conducto de su Dirección Ejecutiva de Capacitación
Electoral y Educación Cívica

Otorga la presente

CONSTANCIA

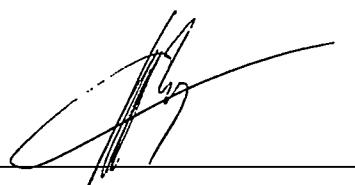
A

Gustavo Uribe Robles

Por su participación en el
seminario:

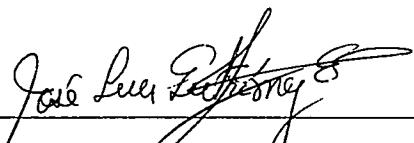
**La Construcción de las Instituciones para
la Democracia en América Latina**

México, D.F., Octubre de 1998.



Lic. Rogelio Murillo Vargas

Encargado del Despacho de la Dirección Ejecutiva
de Capacitación Electoral y Educación Cívica



Lic. José Luis Gutiérrez Espíndola

Director de Educación Cívica y
Cultura Política

El
INSTITUTO FEDERAL ELECTORAL
otorga la presente
CONSTANCIA

a:

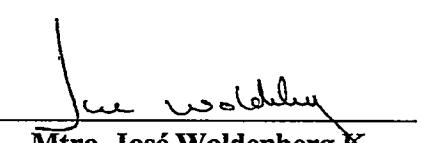
Gustavo Uribe Robles

por su participación en el Seminario Internacional



**PARTIDOS POLÍTICOS, MEDIOS DE COMUNICACIÓN
Y EL PROCESO DEMOCRÁTICO**

México, D.F., Febrero de 1999.


Mtro. José Woldenberg K.
CONSEJERO PRESIDENTE DEL CONSEJO GENERAL
DEL INSTITUTO FEDERAL ELECTORAL


Dra. Jacqueline Peschard
CONSEJERA ELECTORAL
DEL INSTITUTO FEDERAL ELECTORAL





PRESIDENCIA DEL CONSEJO GENERAL

Oficio No.: IECM/PCG/068/2021

Ciudad de México, 31 de agosto de 2021

Lic. Gustavo Uribe Robles
Director Ejecutivo de Educación Cívica y
Construcción de Ciudadanía
P r e s e n t e.

Con fundamento en los artículos 77, fracciones IV y XIX del Código de Instituciones y Procedimientos Electorales de la Ciudad de México; 10, fracción XIII; 34, fracción II, inciso a), 35 y 37, párrafo primero del Reglamento Interior de este Instituto Electoral, le comunico que ha sido designado como Encargado del Despacho de la Secretaría Ejecutiva, con efectos a partir del 1 de septiembre del año en curso.

Sin otro particular, le envío un cordial saludo.

Atentamente

Mtro. Mario Velázquez Miranda
Consejero Presidente

C.c.p. CC. Consejeras y Consejeros Integrantes del Consejo General del IECM. Para su conocimiento. Presentes.
Personas Titulares de la Contraloría Interna, Secretaría Administrativa, Unidad Técnica Especializada de Fiscalización, Direcciones Ejecutivas, Unidades Técnicas y Órganos Desconcentrados del IECM. Para su conocimiento. Presentes.

Somos Un Instituto de Calidad

En el Instituto Electoral de la Ciudad de México estamos comprometidos y comprometidas a administrar elecciones locales integras; conducir mecanismos de participación ciudadana inclusiva, y promover en las y los habitantes de la Ciudad de México la cultura democrática, la participación y el ejercicio pleno de la ciudadanía, en apego a los principios rectores de la función electoral, cumpliendo con las requisitas legales y reglamentarias y mejorando continuamente la eficacia de nuestro sistema de gestión de calidad electoral.

Rev. 2/2019

Huizaches No. 25, Colonia Rancho Los Colorines, Tlalpan, C.P. 14386, Ciudad de México. Comutador 5483-3800

ACUSE



PRESIDENCIA DEL CONSEJO GENERAL

IECM/PCG/095/2021

Ciudad de México, 3 de noviembre de 2021

Lic. Gustavo Uribe Robles
Encargado del Despacho de la Secretaría Ejecutiva
Presente

Con fundamento en los artículos 77, fracciones IV y XIX del Código de Instituciones y Procedimientos Electorales de la Ciudad de México; 10, fracción XIII; 34, fracción II, inciso a); 35 y 37, párrafo primero del Reglamento Interior del Instituto Electoral de la Ciudad de México, le comunico que ha sido ratificado como Encargado del Despacho de la Secretaría Ejecutiva, con efectos a partir del 4 de noviembre del año en curso.

Sin otro particular, aprovecho la ocasión para enviarle un cordial saludo.

Atentamente

Mtra. Patricia Avenzaño Durán
Consejera Presidenta

Receiving
Signature

•Cap. Consultas y Consultas Electorales integrantes del Comité General. Para su conocimiento. Personas Nómadas y/o Empresarios del Despacho de la Contraloría Interna, Secretaría Ejecutiva, Secretaría Administrativa, Unidad Técnica Especializada de Fiscalización, Direcciones Ejecutivas, Unidades Técnicas y Órganos Desconcentrados del STCPII. De acuerdo al procedimiento. Procedimientos.



PRESIDENCIA DEL CONSEJO GENERAL

IECM/PCG/001/2022

Ciudad de México, 03 de enero de 2022

Lic. Gustavo Uribe Robles
Encargado del Despacho de la Secretaría Ejecutiva
Presente

Con fundamento en los artículos 77, fracciones IV y XIX del Código de Instituciones y Procedimientos Electorales de la Ciudad de México; 10, fracción XIII; 34, fracción II, inciso a); 35 y 37, párrafo primero del Reglamento Interior del Instituto Electoral de la Ciudad de México, le comunico que ha sido ratificado como Encargado del Despacho de la Secretaría Ejecutiva, con efectos a partir del 7 de enero de dos mil veintidós.

Sin otro particular, aprovecho la ocasión para enviarle un cordial saludo.

Atentamente

Mtra. Patricia Avenaño Durán
Consejera Presidenta

C.c.p. Consejeras y Consejeros Electorales Integrantes del Consejo General. Para su conocimiento.
Personas Titulares y/o Encargadas del Despacho de la Contraloría Interna, Secretaría Ejecutiva, Secretaría Administrativa, Unidad Técnica Especializada de Fiscalización, Direcciones Ejecutivas, Unidades Técnicas y Órganos Desconcentrados del IECM. Para su conocimiento. Presentes.



Somos un Instituto de Calidad

En el Instituto Electoral de la Ciudad de México, estamos comprometidos y comprometidas a administrar elecciones locales transparentes, concretas y participativas incluyentes, y promover en las y los habitantes de la Ciudad de México la cultura democrática, la participación y el ejercicio pleno de la ciudadanía, en apego a los principios rectores de la función electoral, cumpliendo con las regulaciones legales y reglamentarias, y mejorando continuamente la eficiencia de nuestro Sistema de Gestión Electoral.



Huizaches No. 25, Colonia Rancho Los Colorines, Tlalpan, C.P. 14386, Ciudad de México. Comunitador 6483-3800

ACUSE



PRESIDENCIA DEL CONSEJO GENERAL

IECM/PCG/134/2022

Ciudad de México, 10 de marzo de 2022

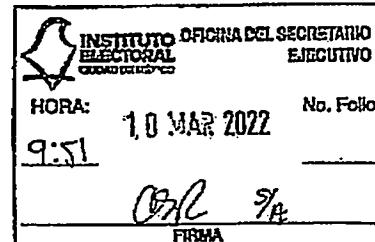
Lic. Gustavo Uribe Robles
Encargado del Despacho de la Secretaría Ejecutiva
Presente

Con fundamento en los artículos 77, fracciones IV y XIX del Código de Instituciones y Procedimientos Electorales de la Ciudad de México; 10, fracción XIII; 35, fracción II, inciso a); 36 y 39, párrafo primero del Reglamento Interior del Instituto Electoral de la Ciudad de México, le comunico que ha sido ratificado como Encargado del Despacho de la Secretaría Ejecutiva, con efectos a partir del 11 de marzo del año en curso y hasta la designación de la persona que ocupará la titularidad de dicha Secretaría.

Sin otro particular, aprovecho la ocasión para enviarle un cordial saludo.

Atentamente

Mtra. Patricia Averardo Durán
Consejera Presidenta



C.c.p.: Consejeras y Consejeros Electorales Integrantes del Consejo General. Para su conocimiento.
Personas Titulares y/o Encargadas del Despacho de la Contraloría Interna, Secretaría Ejecutiva, Secretaría Administrativa, Unidad Técnica Especializada de Fiscalización, Direcciones Ejecutivas, Unidades Técnicas y Órganos Desconcentrados del IECM. Para su conocimiento. Presunción.



Somos un Instituto de Calidad

En el Instituto Electoral de la Ciudad de México, creemos comprometidos y comprometidas a seguir mejorando y fortaleciendo las estrategias y mecanismos de participación ciudadana más importantes, y promover una cultura de respeto y la calidad en todos los procesos democráticos. Participar es vivir y el ejercicio es poner en la práctica las mejores y las más avanzadas técnicas y procedimientos. Juntos y trabajando en equipo, seguiremos construyendo la mejoría en nuestro Sistema de Gobierno Plano.

Huizachas No. 25, Colonia Rancho Los Colorinos, Tlalpan, C.P. 14388, Ciudad de México. Consultador: 5483-3800



PRESIDENCIA DEL CONSEJO GENERAL

IECM/PCG/229/2022

Ciudad de México, 09 de mayo de 2022

Lic. Gustavo Uribe Robles
Encargado del Despacho de la Secretaría Ejecutiva
Presente

ACEPTE

Con fundamento en los artículos 77, fracciones IV y XIX del Código de Instituciones y Procedimientos Electorales de la Ciudad de México; 10, fracción XIII; 35, fracción I, inciso a); 36 y 39, párrafo primero del Reglamento Interior del Instituto Electoral de la Ciudad de México, le comunico que ha sido ratificado como Encargado del Despacho de la Secretaría Ejecutiva, con efectos a partir del 12 de mayo del año en curso y hasta la designación de la persona que ocupara la titularidad de dicha Secretaría.

Sin otro particular, aprovecho la ocasión para enviarle un cordial saludo.

Atentamente

Mtra. Patricia Avendaño Durán
Consejera Presidenta

Recibido Original
09-05-2022
15:21 hrs

C.c.p. Comisionadas y Comisionados Electorales Integrantes del Consejo General. Para su conocimiento.
Personas Titulares y/o Encargadas del Despacho de la Comisión Interna, Secretaría Ejecutiva, Secretaría Administrativa, Unidad Técnica Especializada de Fiscalización, Direcciones Ejecutivas, Unidades Técnicas y Órganos Desconcentrados del IECM. Para su conocimiento. Presentes.



Corres un Instituto de Transparencia

En el Instituto Electoral de la Ciudad de México, se llevan a cabo procedimientos y competencias de acuerdo con las autoridades electorales internacionales y promover así la transparencia de la Ciudad de México en las elecciones democráticas. La participación y el ejercicio pleno de la ciudadanía, así como la transparencia en las autoridades electorales internacionales, contribuyendo así a las elecciones legítimas y transparentes, y promoviendo una cultura de respeto a los derechos humanos de acuerdo a las normas de la Ciudad de México.



Huizachos No. 25, Colonia Rancho Los Colorines, Tlalpan, C.P. 14386, Ciudad de México. Comisariado 5483-3600



PRESIDENCIA DEL CONSEJO GENERAL

IECM/PCG/335/2022

Ciudad de México, 12 de julio de 2022

**Lic. Gustavo Uribe Robles
Encargado del Despacho de la Secretaría Ejecutiva
Presente**

Con fundamento en los artículos 77, fracciones IV y XIX del Código de Instituciones y Procedimientos Electorales de la Ciudad de México; 10, fracción XIII; 35, fracción I, inciso b); 36 y 39, párrafo primero del Reglamento Interior del Instituto Electoral de la Ciudad de México, le comunico que ha sido ratificado como Encargado del Despacho de la Secretaría Ejecutiva, con efectos a partir del 13 de julio del año en curso y hasta la designación de la persona que ocupará la titularidad de dicha Secretaría.

Sin otro particular, aprovecho la ocasión para enviarle un cordial saludo.

Atentamente

Mtra. Patricia Avendaño Durán
Consejera Presidenta

*Recibido
12/07/2022
GLM/LD*

C.c.p.: Consejeras y Consejeros Electorales Integrantes del Consejo General. Para su conocimiento.
Personas Titulares y/o Encargadas del Despacho de la Contraloría Interna, Secretaría Ejecutiva, Secretaría Administrativa, Unidad Técnica Especializada de Fiscalización, Direcciones Ejecutivas, Unidades Técnicas y Órganos Desconcentrados del IECM. Para su conocimiento. Presentes.



En el Instituto Electoral de la Ciudad de México, estamos comprometidos y comprometidas a celebrar elecciones libres, justas, transparentes y participativas donde las y los ciudadanos y ciudadanas se sientan en su lugar y los habitantes de la Ciudad de México lo estén democráticamente. La representación y el ejercicio pleno de la ciudadanía, en congruencia con los principios rectores de la función electoral, cumpliendo con los requisitos legales y reglamentarios, y trabajando continuamente la ética de nuestro Sistema de Género Electoral.

Somos un Instituto de Calidad



Hulzaches No. 25, Colonia Rancho Los Colorines, Tlalpan, C.P. 14388, Ciudad de México. Comunitario 5483-3800



PRESIDENCIA DEL CONSEJO GENERAL

IECM/PCG/417/2022

Ciudad de México, 01 de septiembre de 2022

Lic. Gustavo Uribe Robles
P r e s e n t e

Con fundamento en los artículos 77, fracciones IV y XIX del Código de Instituciones y Procedimientos Electorales de la Ciudad de México; 10, fracción XIII; 35, fracción II, inciso a); párrafo primero del Reglamento Interior del Instituto Electoral de la Ciudad de México y, de conformidad con el punto de acuerdo DÉCIMO del Acuerdo del Consejo General IECM/ACU-CG-050/2022 aprobado el día de la fecha, le informo su continuidad como titular de la ahora Dirección Ejecutiva de Género, Derechos Humanos, Educación Cívica y Construcción Ciudadana, con efectos a partir de la entrada en vigor de dicho acuerdo y hasta en tanto el Consejo General realice la ratificación y/o designación de la persona que ocupe dicha titularidad.

Sin otro particular, aprovecho la ocasión para enviarle un cordial saludo.

Atentamente

Mtra. Patricia Avendaño Durán
Consejera Presidenta

C.c.p. Consejeras y Consejeros Electorales Integrantes del Consejo General. Para su conocimiento. Presentes
Lic. Bernardo Núñez Yedra. Secretario Ejecutivo. Para su conocimiento. Presente
Personas Titulares y/o Encargadas del Despacho de la Contraloría Interna, Secretaría Administrativa, Unidad Técnica Especializada de Fiscalización, Direcciones Ejecutivas, Unidades Técnicas y Órganos Desconcentrados del IECM. Para su conocimiento. Presentes.

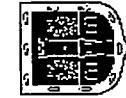


Somos un Instituto de Calidad

En el Instituto Electoral de la Ciudad de México, estamos comprometidos y comprometidas a administrar elecciones locales integras, conducir mecanismos de participación ciudadana incluyentes, y promover en las y los habitantes de la Ciudad de México la cultura democrática, la participación y el ejercicio pleno de la ciudadanía, en apego a los principios rectores de la función electoral cumpliendo con los requisitos legales y reglamentarios, y mejorando continuamente la eficacia de nuestro Sistema de Gestión Electoral.



Huizaches No. 25, Colonia Rancho Los Colorines, Tlalpan, C.P. 14386, Ciudad de México. Comutador 5483-3800



CIUDAD DE MÉXICO

**GOBIERNO DEL DISTRITO FEDERAL
DELEGACIÓN MIGUEL HIDALGO
SUBDELEGACIÓN DE DESARROLLO SOCIAL
SUBDIRECCIÓN DE EDUCACIÓN Y CULTURA**

OTORGА EL PRESENTE

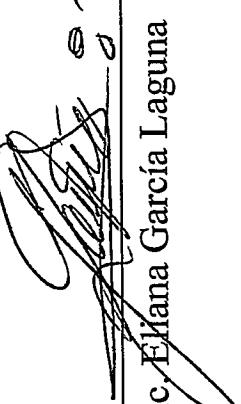
DIPLOMA

A: **LIC. GUSTAVO URIBE ROBLES**
17 J.D.E.

Por impartir el tema “Educación Cívica del I.F.E.” en el Segundo Rally
de Educación No Formal

Ciudad de México, 5 de junio de 1999.

La Subdirectora de Educación y Cultura


Lic. Elena García Laguna



Entidad de las Naciones Unidas para la Igualdad de Género y el Empoderamiento de las Mujeres



Gustavo Uribe Robles

certifican que:

aprobó satisfactoriamente el:

II DIPLOMADO VIRTUAL “El rol de los organismos electorales en la prevención y abordaje de la violencia contra las mujeres en política”

IIDH / CAPEL

Del 3 de octubre al 2 de diciembre de 2022

Duración: 8 semanas (80 horas)

Impartido por Instituto Interamericano de Derechos Humanos - San José, Costa Rica
Con el apoyo de: ONU Mujeres



José Thompson J.
Director Ejecutivo
Instituto Interamericano de Derechos Humanos

ELECTION PROTECTION 2004

People for the American Way Foundation, 77 E. Columbus Avenue Phoenix, Arizona 85012, 602.263.4850

November 2, 2004

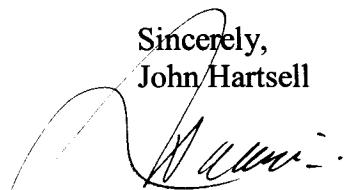
Dear Sir or Madam:

This letter is to acknowledge that Gustavo Uribe participated as an International Poll Monitor for the Election Protection Program, a collaborative effort between more than 60 non-profit civil rights organizations. His involvement was an incredible attribute to our efforts. He brought a unique blend of perspective and experience, and was willing to assist in any task that was brought before him. He served the Phoenix community with compassion and humility, enhancing the experience for our 700+ volunteers, and our entire staff. It was an honor to host Mr. Uribe during this important project.

Please contact myself, John Hartsell, State Director of Election Protection with any further inquiries.

Thank you for providing this opportunity, hopefully he also reaped many benefits from the experience.

Sincerely,
John Hartsell


State Director
Election Protection 2004
602.263.4850

México, Distrito Federal, a 16 de enero de 2004.



C. GUSTAVO URIBE ROBLES
P R E S E N T E

Con fundamento en el Acuerdo JE02-04 de la Junta Ejecutiva del Instituto Electoral del Distrito Federal de fecha trece de enero de dos mil cuatro y, en los artículos 74 Ter, fracción XIV, 79 inciso i) y 89 del Código Electoral del Distrito Federal, se le otorga el presente:

NOMBRAMIENTO PROVISIONAL

En el Cuerpo de Técnicos, Rango II, Nivel 1 y Puesto de **Director de Capacitación Electoral, Educación Cívica y Geografía Electoral**, del Servicio Profesional Electoral del Instituto Electoral del Distrito Federal, adscrito a Órganos Desconcentrados, Distrito III, a partir del dieciséis de enero de dos mil cuatro.

A T E N T A M E N T E

A handwritten signature consisting of three stylized, cursive letters: 'R', 'P', and 'N'.

LIC. ADOLFO RIVA PALACIO NERI
SECRETARIO EJECUTIVO DEL
INSTITUTO ELECTORAL DEL DISTRITO
FEDERAL

A handwritten signature consisting of the letters 'A', 'G', and 'J'.

DR. ROBERTO KHALIL JALIL
DIRECTOR EJECUTIVO DE
ADMINISTRACIÓN Y DEL SERVICIO
PROFESIONAL ELECTORAL DEL
INSTITUTO ELECTORAL DEL DISTRITO
FEDERAL

México, Distrito Federal, a 16 de enero de 2004.



C. GUSTAVO URIBE ROBLES
P R E S E N T E

Con fundamento en el Acuerdo JE02-04 de la Junta Ejecutiva del Instituto Electoral del Distrito Federal de fecha trece de enero de dos mil cuatro y, en los artículos 74 Ter, fracción XIV, 79 inciso i) y 89 del Código Electoral del Distrito Federal, se le otorga el presente:

NOMBRAMIENTO PROVISIONAL

En el Cuerpo de Técnicos, Rango II, Nivel 1 y Puesto de Director de Capacitación Electoral, Educación Cívica y Geografía Electoral, del Servicio Profesional Electoral del Instituto Electoral del Distrito Federal, adscrito a Órganos Desconcentrados, Distrito III, a partir del dieciséis de enero de dos mil cuatro.

ATENTAMENTE

A handwritten signature in black ink, appearing to read "L. R. P. N." followed by a stylized surname.

LIC. ADOLFO RIVA PALACIO NERI
SECRETARIO EJECUTIVO DEL
INSTITUTO ELECTORAL DEL DISTRITO
FEDERAL

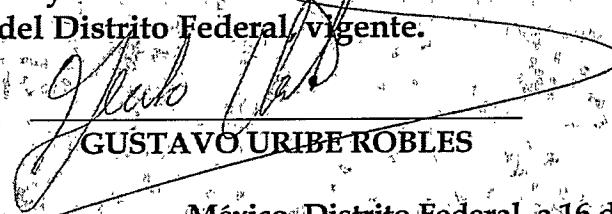
A handwritten signature in black ink, appearing to read "R. K. J." followed by a stylized surname.

DR. ROBERTO KHALIL JALIL
DIRECTOR EJECUTIVO DE
ADMINISTRACIÓN Y DEL SERVICIO
PROFESIONAL ELECTORAL DEL
INSTITUTO ELECTORAL DEL DISTRITO
FEDERAL

DATOS PERSONALES:

Nacionalidad: Mexicana
Edad: 32 años
R.F.C.: URIG710520E62
Sexo: Masculino
Domicilio: Hegel 115, Colonia Polanco, Delegación Miguel Hidalgo, C. P. 11560
Escolaridad: Maestro en Derecho
Cuerpo: De Técnicos
Puesto: Director de Capacitación Electoral, Educación Cívica y Geografía Electoral
Adscripción: Distrito III, Azcapotzalco
Carácter del Nombramiento: Provisional

Acepto el presente nombramiento y protesto cumplir con las condiciones de horario y adscripción que conforme a las necesidades del Servicio Profesional Electoral se requieran, así como guardar la Constitución Política de los Estados Unidos Mexicanos, las leyes que de ella emanen, en especial el Estatuto de Gobierno del Distrito Federal, el Código Electoral del Distrito Federal y el Estatuto del Servicio Profesional Electoral, del Instituto Electoral del Distrito Federal vigente.


GUSTAVO URIBE ROBLES

México, Distrito Federal, a 16 de enero de 2004.





México, Distrito Federal, a 1º de enero de 2003.

C. GUSTAVO URIBE ROBLES
P R E S E N T E

Por acuerdo de la Comisión de Administración y Servicio Profesional Electoral del Instituto Electoral del Distrito Federal, de fecha trece de diciembre de dos mil dos y, en ejercicio de la atribución que nos confiere el artículo 79 inciso h) del Código Electoral del Distrito Federal, así como 74, 76, 77 fracción 1 y 78 del Estatuto del Servicio Profesional Electoral, del Personal Administrativo, de los Trabajadores Auxiliares y del Personal Eventual por obra o tiempo determinado del Instituto Electoral del Distrito Federal, se le otorga el presente

NOMBRAMIENTO PROVISIONAL

En el Cuerpo de Técnicos, Rango II, Nivel 1 y Puesto de **Director de Organización Electoral y Capacitación**, del Servicio Profesional Electoral del Instituto Electoral del Distrito Federal, adscrito a Órganos Desconcentrados, Distrito III, a partir del primero de enero de dos mil tres.

A T E N T A M E N T E

A handwritten signature in blue ink, appearing to read "L.R.P." followed by three stylized initials.

LIC. ADOLFO RIVA PALACIO NERI,
SECRETARIO EJECUTIVO DEL
INSTITUTO ELECTORAL DEL DISTRITO
FEDERAL

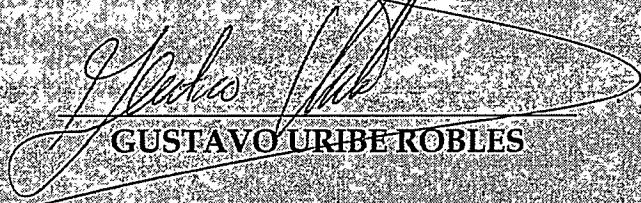
A handwritten signature in blue ink, appearing to read "R.K.J." followed by three stylized initials.

DR. ROBERTO KHALIL JALIL,
DIRECTOR EJECUTIVO DE
ADMINISTRACIÓN Y DEL SERVICIO
PROFESIONAL ELECTORAL DEL
INSTITUTO ELECTORAL DEL DISTRITO
FEDERAL

DATOS PERSONALES:

Nacionalidad: Mexicana
Edad: 31 años
R.F.C.: URIG710520E62
Sexo: Masculino
Domicilio: Hegel 115, Colonia Polanco, Delegación Miguel Hidalgo, C. P. 11560
Escolaridad: Maestro en Derecho
Cuerpo: De Técnicos
Puesto: Director de Organización Electoral y Capacitación
Adscripción: Distrito III, Azcapotzalco
Carácter del Nombramiento: Provisional

Acepto el presente nombramiento y protesto cumplir con las condiciones de horario y adscripción que conforme a las necesidades del Servicio Profesional Electoral se requieran, así como guardar la Constitución Política de los Estados Unidos Mexicanos, las leyes que de ella emanen, en especial el Estatuto de Gobierno del Distrito Federal, el Código Electoral del Distrito Federal y el Estatuto del Servicio Profesional Electoral, del Personal Administrativo, de los Trabajadores Auxiliares y del Personal Eventual por obra o tiempo determinado del Instituto Electoral del Distrito Federal.



GUSTAVO URIBE ROBLES

México, Distrito Federal, a 1º de enero de 2003.

FOLIO
433



México, Distrito Federal, a 16 de Diciembre de 1999

C. GUSTAVO URIBE ROBLES
P R E S E N T E.

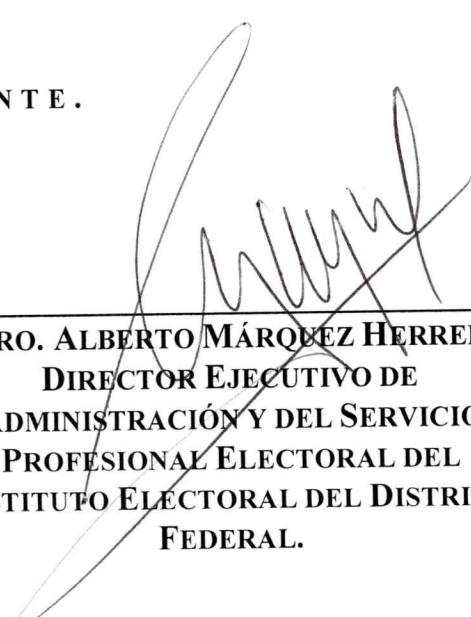
Por Acuerdo de la Comisión de Administración y Servicio Profesional Electoral del Instituto Electoral del Distrito Federal, de fecha 15 de Diciembre de 1999 y en ejercicio de la atribución que nos confiere el artículo 79 inciso h) del Código Electoral del Distrito Federal, así como 74, 76, 77 fracción 1 y 78 del Estatuto del Servicio Profesional Electoral, del Personal Administrativo, de los Trabajadores Auxiliares y del Personal Eventual del Instituto Electoral del Distrito Federal, se le otorga el presente

NOMBRAMIENTO PROVISIONAL

En el Cuerpo de la Función de Técnicos, Rango III, Nivel 1 y Puesto **Director de Organización y Capacitación Electoral** en Órganos Desconcentrados del Servicio Profesional Electoral del Instituto Electoral del Distrito Federal, adscrito al distrito V, a partir de esta fecha.

ATENTAMENTE.


LIC. ADOLFO RIVA PALACIO NERI,
SECRETARIO EJECUTIVO DEL
INSTITUTO ELECTORAL DEL DISTRITO
FEDERAL.

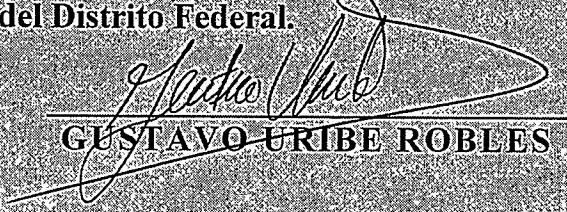

MTRO. ALBERTO MÁRQUEZ HERRERA,
DIRECTOR EJECUTIVO DE
ADMINISTRACIÓN Y DEL SERVICIO
PROFESIONAL ELECTORAL DEL
INSTITUTO ELECTORAL DEL DISTRITO
FEDERAL.

DATOS PERSONALES:

Nacionalidad: Mexicana
Edad: 28 años
R.F.C.: UIRG710520E62
Sexo: Masculino
Domicilio: Hegel No. 115 Col. Polanco Chapultepec Deleg. Miguel Hidalgo CP. 11560
Escolaridad: Lic. en Derecho
Cuerpo: De Técnicos
Puesto: Director de Organización y Capacitación Electoral
Adscripción: Azcapotzalco-Miguel Hidalgo Dtto. V
Carácter del Nombramiento: Provisional



Acepto el presente nombramiento y protesto cumplir con las condiciones de horario y adscripción que conforme a las necesidades del Servicio Profesional Electoral se requieran, así como guardar la Constitución Política de los Estados Unidos Mexicanos, las leyes que de ella emanen, en especial el Estatuto de Gobierno del Distrito Federal, el Código Electoral del Distrito Federal y el Estatuto del Servicio Profesional Electoral del Personal Administrativo, de los Trabajadores Auxiliares y del Personal Eventual del Instituto Electoral del Distrito Federal.


GUSTAVO URIBE ROBLES

FOLIO 171

México, Distrito Federal, a 16 de Diciembre de 1999.



Ciudad de México, a 13 de noviembre de 2019.

Mtro. Maximiliano Reyes Zúñiga

Subsecretario para América Latina y el Caribe

Secretaría de Relaciones Exteriores

Presente

La función de los ejercicios de observación electoral, tanto nacional como internacional, es ofrecer una visión externa, imparcial e independiente, que no pretende calificar políticamente la elección, sino acompañar a la instancia organizadora para detectar las áreas de mejora de los procesos electorales. En las democracias contemporáneas, los comicios libres, transparentes, equitativos y periódicos confieren legitimidad a los gobiernos y son señal inequívoca de fortaleza institucional. En el contexto internacional, la observación electoral ha sido útil como fuente de intercambio de experiencias y mejores prácticas sobre los distintos sistemas electorales.

En virtud de lo anterior, me permito informarle que el Instituto Electoral de la Ciudad de México (IECM) ha sido invitado por la Corte Electoral de la República Oriental del Uruguay para participar como observador del desarrollo de la segunda vuelta de las elecciones presidenciales a efectuarse el próximo domingo 24 de noviembre de 2019.

En este sentido, hago de su conocimiento que el maestro Gustavo Uribe Robles, Director Ejecutivo de Educación Cívica y Construcción de Ciudadanía de este instituto electoral, ha sido designado para participar en el programa de acompañamiento para las elecciones del Ejecutivo y Legislativo que comprende del 22 al 25 de noviembre de 2019. Por lo anterior, solicito atentamente se informe a la Embajada de nuestro país en la República Oriental del Uruguay de la visita que realizará el maestro Uribe.

Al margen de mi disponibilidad para atender cualquier duda, he designado a la maestra Cecilia Aida Hernández Cruz, titular de la Unidad Técnica de Vinculación con Organismos Externos, para el mismo fin, por lo que se encuentra disponible en el correo electrónico cecilia.hernandezcruz@iecm.mx y en el teléfono 54833800, ext. 6130.

Sin otro particular, reciba un cordial saludo.

ATENTAMENTE


Mtro. Yuri Gabriel Beltrán Miranda
Consejero Presidente de la Comisión

C.c.p.

Mtro. Mario Velázquez Miranda. Consejero Presidente del IECM. Para su conocimiento. Presente.
Mtro. Mauricio Huesca Rodríguez. Consejero Electoral integrante de la CVOE. Para su conocimiento. Presente.
Mtra. Myriam Alarcón Reyes. Consejera Electoral integrante de la CVOE. Para su conocimiento. Presente.
Mtro. Gustavo Uribe Robles. Director Ejecutivo de la DEECyCC. Para su conocimiento. Presente.
Mtra. Cecilia Aida Hernández Cruz. Secretaria Técnica de la CVOE. Para su conocimiento. Presente.

Somos un Instituto de Calidad



En el Instituto Electoral de la Ciudad de México, estamos comprometidas y comprometidos a administrar elecciones locales integras, conducir mecanismos de participación ciudadana incluyentes, y promover en las y los habitantes de la Ciudad de México la cultura democrática, la participación y el ejercicio pleno de la ciudadanía, en apego a los principios rectores de la función electoral, cumpliendo con los requisitos legales y reglamentarios, y mejorando continuamente la eficacia de nuestro Sistema de Gestión Electoral.



**UN****Volunteers****Fax message**

to: Mr. Thierry Lemaresquier
Resident Representative
UNDP Mexico

from: Kevin Gilroy
Chief, Special Operations

Mr. Ronnie Stokes
Director of Administration
UNMIL Monrovia

Mr. Jan Snoeks
Programme Manager
UNMIL Monrovia

pages: date: 11 April 2005

reference no: priority: urgent normal

subject: UNV SPECIALIST'S ACCEPTANCE/ENTITLEMENTS/TRAVEL

Name of Candidate: Mr. Gustavo Uribe Robles
Post Title: UNV Electoral Support Officer
Project Number/Title: LIR/03/V01
Executing Agency: UNV/UNMIL
Duty station: Liberia
Duration of assignment: until 30 November 2005, strictly on unaccompanied basis

I. OFFER OF A UNV ASSIGNMENT:

We are pleased to inform you that above-mentioned candidate has been selected for the post of UNV Electoral Support Officer with the United Nations Mission in Liberia (UNMIL). Duration of the assignment is until 30 November 2005 (renewable). The exact duty station will be determined shortly after arrival in the Mission area. Kindly inform Mr. Uribe Robles that he should anticipate to work in the field, under extremely difficult living and working conditions. The duty station may change in the course of the assignment, based on the operational requirements of the Mission. In addition, the Terms of Reference and the Section or Unit to which the candidate is assigned to may change as well, within certain limits, and again based on the operational requirements of the Mission, but in function of the experience and area of expertise of the candidate. This assignment is strictly on an unaccompanied basis. Please be advised that the offer of the assignment is subject to the following:

- a) The candidate's written acceptance of the post and confirmation of interest and availability
- b) The candidate's written acceptance of conditions of service as outlined under paragraph II
- c) Positive interview
- d) Medical clearance, (*no full medical report for short term assignments*)
- e) Security clearance

United Nations Volunteers

PO Box 260 111 53153 Bonn Germany Telephone +49.228.815-2000 Fax +49.228.815-2001
Email hq@unvolunteers.org <http://www.unvolunteers.org>

UN Volunteers is administered by the United Nations Development Programme (UNDP)



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Kindly advise candidate **not to resign** from current employment until all the above requirements have been **met**.

Should any of the above requirements (a to e) be negative, please immediately advise us, to enable us withdraw his candidature.

Please note that Mr. Uribe Robles is expected to arrive in Monrovia on 1 May 2005.

II. SUMMARY OF UNV CONDITIONS OF SERVICE:

PRIMO: The nature of this assignment is purely voluntary.

Volunteering brings benefits to both society at large and the individual volunteer. It makes important contributions, economically as well as socially. It contributes to a more cohesive society by building trust and reciprocity among citizens. The United Nations Volunteers is the United Nations organization that supports sustainable human development globally through the promotion of volunteerism, including the mobilization of volunteers. It serves the causes of peace and development through enhancing opportunities for participation by all peoples. It is universal, inclusive and embraces volunteer action in all its diversity. It values free will, commitment, engagement and solidarity, which are the foundations of volunteerism.

SECONDO: Pre-Assignment Expenses

- a) A standard amount of US\$350 will be paid to the candidate towards all pre-departure expenses (entry medical examination fees, visa fees, travel and related expenses for travel from place of residence to the capital or port of departure). This is a one-time payment;
- b) Travel arrangements will be as follows: the candidate will be provided with a **one-way** direct least costly (DLC) fare ticket for sector Mexico City/Monrovia or, alternatively, receive the equivalent of 75% of full economy **one-way** fare in which case candidate will be responsible for organising his own travel. Candidates provided with a DLC fare ticket should be paid DSA accordingly in advance for unavoidable stopovers to avoid settlement of travel claims and terminal expenses of US\$50 per traveller. In either case, there will be no need to settle travel claim on completion of travel. **No DSA payment and no terminal expenses will be made to candidates (and authorized dependents) who opt to receive 75% of full economy fare;**
- c) **One-way lump sum entitlement of US\$500 will be paid for the shipment and insurance of personal effects. This lumpsum is inclusive of customs clearance and storage charges at ports of departure and entry and transportation charges from place of residence to the nearest port and also from port of entry to duty station in country of assignment.**

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Regardless of whether or not the candidate organises himself his travel, candidate is responsible for arranging the shipment, clearance, insurance and storage of his personal effects.

TERTIO: Settling-In-Grant Plus

One- time payment of US\$2,500 as Settling-In-Grant. This is a special measure for UN Volunteers assigned in UNMIL.

QUARTO : Volunteer Living Allowance (VLA)

Volunteer Living Allowance (VLA) equivalent to US\$2,359.00 per month will be paid. This amount includes Monthly Living Allowance (MLA) and allowance for housing and utilities. If accommodation is provided free of charge by government/project, 20 per cent of the VLA will be deducted.

The MLA portion of the VLA is reviewed at the discretion of the Executive Coordinator.

Please note that above supersedes all related references to the adjustment of VLA in the Conditions of Service manual for International UN Volunteer Specialists, printed in May 1999.

QUINTO: Hazardous Duty Station Supplement (HDSS)

The Hazardous Duty Station Supplement is established at the rate of US\$ 400 per month and to be paid for the exact number of days spent at a duty station designated as hazardous, as per the approval of this exceptional measure by ICSC.

SEXTO: Resettlement Allowance (RSA)

On conclusion of assignment, resettlement allowance accrued at the rate of US\$100 per month of satisfactory service will be paid provided the volunteer has submitted the fully completed **End of Assignment Checklist**.



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RECRUITMENT PROCEDURES:

a) Acceptance of Post & Conditions of Service:

Please find enclosed a copy of the Job Description and the Conditions Of Service (COS) manual for international UNV Specialists.

Kindly ask the candidate to carefully review and familiarize himself with these documents and confirm in writing acceptance of both Post & COS and inform us accordingly.

Kindly ask Mr. Uribe Robles to confirm in writing that he has a valid driving license and recent experience in driving, as it is a mandatory requirement for this assignment. Should it be not the case, kindly advise us accordingly.

Mr. Uribe Robles is also advised to visit the following website:

<http://www.un.org/Depts/dpko/missions/unmil/index.html>

b) Interview

Based on the attached job description, kindly interview the candidate and send us interview results as soon as possible. Also ask him to fill a PHS form and forward to our office together with copies of diplomas/certificates.

c) Medical examination

Kindly request Mr. Uribe Robles to submit a medical certificate of good health from a recognized medical practitioner and forward it to our office. Please note that for short term assignments, a full medical exam is not required.

Please note that the medical facilities are limited outside of the capital, Monrovia.

Kindly therefore advise us if the candidate has any medical condition, which needs special medical treatment/care (for ex. Diabetes).

Please ask him to take note of the following information on vaccinations:

Yellow Fever vaccination is recommended for all travellers to Liberia. Malaria risk exists all year in the entire country. Recommended vaccinations: Gamma-globulin, typhoid, tetanus and poliomyelitis.

d) Visas :

Visa will be provided upon arrival. Kindly provide our office with passport details of Mr. Uribe Robles for this purpose. Please advise him **not to commence travel until all required visas and**

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transit visas have been secured locally or confirmation has been received from Host country that visa is available or will be issued upon arrival.

e) Security clearance

Kindly ask Mr. Uribe Robles to fill in the enclosed security clearance request form and send it to Mr. Jan Snoeks, Programme Manager, UNMIL (e-mail: snoeks-unmil@un.org)

Provided that steps a) to d) are positive & completed, your office is authorised to proceed with the payment of the pre-assignment expenses (as per paragraph II -PRIMO), i.e. :

- i) \$350.00 towards all pre-departure expenses;
- ii) The equivalent of 75% of full economy one-way fare.

Alternatively, in case the candidate wish your office to arrange travel, please issue a one-way direct least costly (DLC) fare ticket Mexico City/Monrovia and pay 100% DSA for unavoidable stop-over(s) and \$50.00 for terminal expenses.

- iii) \$500.00 as a lumpsum allowance for shipment and insurance of personal effects

Please provide us with Mr. Uribe Robles's itinerary so that we can inform UNMIL itinerary and flight details.

Should candidate need additional information, please ask him to contact Mr. Jan Snoeks, UNV Programme Manager at UNMIL; email: snoeks-unmil@un.org or in our office, Ms. Susana Navarro, email: susana.navarro@unvolunteers.org)

Please charge as per the following ATLAS chart of accounts and send notification to Mr. Kevin Gilroy, Chief Special Operations (kevin.gilroy@undp.org):

Type of expenditure	GL Unit	Account	Oper Unit	Fund	Department	Projects	Activity	Impl. Agent	Donor
Terminals	UNDP1	71605	UNV	70799	19301	00031887	Activity1	001985	00011
Pre-departure expenses	UNDP1	71605	UNV	70799	19301	00031887	Activity1	001985	00011
Assignment Travel	UNDP1	71605	UNV	70799	19301	00031887	Activity1	001985	00011
Shipment	UNDP1	71630	UNV	70799	19301	00031887	Activity1	001985	00011

To Mr. Stokes:

Upon receipt of passport and travel details of above mentioned candidate from our office, we shall be grateful if you could assist Mr. Uribe Robles in obtaining his Liberia entry visa and security clearance upon arrival in Monrovia.

Upon arrival, we shall be grateful if you could meet/accommodate and confirm arrival to enable us provide insurance coverage.



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Kindly pay the following entitlements:

SIGPLUS:

- USD 2,500.00 as payment of SIG

Volunteer Living Allowance:

VLA of US\$2,359, monthly in advance, noting contract duration is until 30 November 2005 initially. Please deduct 20 per cent from VLA if accommodation is provided free of charge.

Charge Mission.

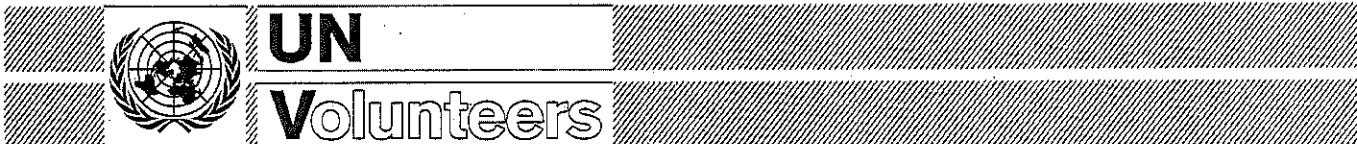
Please **issue and sign**, on behalf of UNV Programme, a **contract** until 30 November 2005. The assigned post number will be communicated to you asap. Kindly request UNV Specialist to sign his contract and ensure that **one signed original is forwarded to our office** with original copies of pledge and beneficiary forms (duly completed, signed by the volunteer and the latter witnessed by your office).

Please **issue and sign UNV identity card** (Roster no. 291697) and have it signed by the UNV Specialist.

Please ensure that an itemized **inventory of personal effects** is submitted within one month from the date of entry on duty and forward a **copy to our office**.

All UNVs are encouraged to insure their personal effects with the Herbert & Jamison Co. (NY) or any local insurance company of their choice. 50% of the premium or a maximum of US\$75 (whichever is less) is reimbursable to the UNV Specialist, charging mission.

With many thanks and kind regards.



"...volunteerism is the ultimate expression of what United Nations is all about."

291697

PERSONAL DATA

LAST NAME(S)	Uribe Robles
FIRST NAME(S)	Gustavo
GENDER	Male
BLOOD GROUP	A +
NATIONALITY	mexican
DATE OF BIRTH	20/may/1971
PLACE OF BIRTH	Mexico City
MARITAL STATUS	single
TELEPHONE NUMBER (Home / available in Night & Week-end)	(52) 55 5545 22 66
MOBILE NUMBER	(52) 55 85794162
FAX NUMBER	(52) 55 53 53 75 36
EMAIL ADDRESS	Gusuribe71@yahoo.com
DATE OF AVAILABILITY	May
DRIVING LICENCE	YES <input type="checkbox"/> (yes) NO <input type="checkbox"/>
COUNTRY OF PRESENT RESIDENCE	Mexico
NEAREST CITY / AIRPORT OF DEPARTURE	Mexico City Airport

PASSPORT DETAILS

PASSPORT NO.	05340007715
DATE OF ISSUE	07/03/2005
DATE OF EXPIRY	07/03/2010
PLACE OF ISSUE (CITY)	Mexico City
POSITION SELECTED FOR	Electoral Support Officer
COUNTRY/DUTY STATION	Liberia
DATE COMPLETED	06/April/2005

Remarks:

INSTRUCTIONS

Please answer each question clearly and completely. Type or print in ink. Read carefully and follow all directions


**UNITED NATIONS
PERSONAL HISTORY**

Do not write in this Space

1. Family name URIBE			First name GUSTAVO	Other names	Maiden name			
2. Date of birth	Day 20	Mo. 05	Yr. 1971	3. Place of birth MEXICO	4. Nationality at birth MEXICAN	5. Present nationality MEXICAN	6. Sex MALE	
7. Height 1.71 meters	8. Weight 69 kg	9. Marital status: Single <input checked="" type="checkbox"/> Married <input type="checkbox"/> Separated <input type="checkbox"/> Widow(er) <input type="checkbox"/> Divorced <input type="checkbox"/>						
10. Entry into United Nations service might entail assignment and travel to any area of the world in which the United Nations might have responsibilities. Have you any disabilities which might limit your prospective field of work or your ability to engage in air travel? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If answer is "yes", please describe.								
11. Permanent address Hegel 115 Polanco 11560, Mexico City		12. Present address Hegel 115 Polanco 11560, Mexico City			13. Office Telephone No. (52) 55 53 53 75 36			
					14. FAX No. if available (52) 55 53 53 75 35			
15. Have you any dependants? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If answer is "yes", give the following information:								
NAME	Date of Birth	Relationship		NAME	Date of Birth	Relationship		
16. Have you taken up legal permanent residence status in any country other than that of your nationality? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If the answer is "yes", which country?								
17. Have you taken up any legal steps towards changing your present nationality? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If the answer is "yes", explain fully:								
18. Are any of your relatives employed by a public international organisation? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If answer is "yes", give the following information:								
NAME	Relationship		Name of international organisation					
19. What is your preferred field of work? ELECTORAL AFFAIRS								
20. Would you accept employment for less than six months? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>			21. Have you previously submitted an application for employment with U.N.? If so, when? 09/09/2003					
22. KNOWLEDGE OF LANGUAGES. What is your mother tongue? SPANISH								
OTHER LANGUAGES	READ		WRITE		SPEAK		UNDERSTAND	
	Easily	Not easily	Easily	Not Easily	Fluently	Not fluently	Easily	Not Easily
ENGLISH	X		X		X		X	
FRENCH		X		X		X		
23. For clerical grades only Indicate speed in words per minute					List any office machine or equipment you can use			
Typing Shorthand	English	French	Other languages					

24. EDUCATION. Give full details - N.B. Please give exact name of institution and titles of degrees in original language.
Please do not translate or equate to other degrees.

A. University or equivalent:

Name, place and country	Years attended		Degrees and Academic Distinctions Obtained	Main course of study
	from Mo./Year	To Mo./Year		
University of Essex, Colchester, United Kingdom	10/2001	09/2002	LLM in International Trade Law. Distinction in the LLM Dissertation due to the content of the research	International Law
University of Cambridge, Cambridge, United Kingdom	07/2000	09/2000	Diploma	English Legal Methods
Universidad Iberoamericana, Mexico City, Mexico	01/1990	12/1994	Bachelor Degree in Law. Thesis award due to the content and development during the professional exam for the Law degree	Law

B. Schools or other formal training or education from age 14 (e.g., high school, technical school or apprenticeship)

Name, place and country	Type	Years attended		Certificates or Diplomas Obtained
		from	to	
Instituto Cumbres, Mexico City, Mexico	High School	1986	1999	High School Certificate

25. List professional societies and activities in civic, public or international affairs

Mexican Law Bar member

26. List any significant publications you have written (*Do not attach*)

27. EMPLOYMENT RECORD: **Starting with your present post, list in reverse order every employment you have had.** Use a separate block for each post. Include also service in the armed forces and note any period during which you were not gainfully employed. If you need more space, attach additional pages of the same size.

A. PRESENT POST (LAST POST, IF NOT PRESENTLY IN EMPLOYMENT)

FROM	TO	SALARIES PER ANNUM		Exact title of your post:
MONTH/YEAR	MONTH/YEAR	STARTING \$24,000 MXP	FINAL \$36,000MXP	Type of business: Electoral affairs
Name of employer: Electoral Institute of the Federal District 5 th Electoral Local District				Director of Electoral Organisation and Training of the 5 th Local District
Address of employer: Av. San Isidro 202 Santa Lucia, Azcapotzalco 02760 Mexico City				Name of supervisor: Alfredo Morales
				Number and kind of employees supervised by you: During an electoral year 90 persons, among trainers, technicians and secretaries. Reason for leaving: -----

DESCRIPTION OF YOUR DUTIES

Select and training the polling site directive board officers regarding counting procedures.
Installment and location of polling site directive boards, distribution of electoral material, the establishment of the logistic during the polling day.
Provide advice and guidance to staff and senior officers on electoral issues and functioning and leading principles of the organisation.
Teaching and training domestic electoral observers.
Design and implement permanent civic education programs.
Regularly taught, trained and evaluated on electoral, legal and organizational issues.

B. PREVIOUS POSTS (IN REVERSE ORDER)

FROM	TO	SALARIES PER ANNUM		Exact title of your post: Head of the electoral training and civic education in the 16 th electoral district in the City of Mexico.
Month/Year 06/1994	Month/Year 12/1999	STARTING \$6,000 MXP	FINAL \$17,000 MXP	Type of business: Electoral affairs
Name of employer: Federal Electoral Institute 16 Electoral district in Mexico City				Name of supervisor: Hector Lozano
Address of employer: Czda. Corceles 122 Colinas del Sur 01160 México City				Number and kind of employees supervised by you: During an electoral year 35 persons between trainers and secretaries.
				Reason for leaving: Better job offer

DESCRIPTION OF YOUR DUTIES

Select and training the polling site directive board officers regarding counting procedures.

Provide advice and guidance to staff and senior officers on electoral issues and functioning and leading principles of the organisation.

Teaching and training domestic electoral observers, as well as international visitors notably regarding the electoral system in Mexico.

Design and implement permanent civic education programs.

Between 1998 and 1999, I was appointed in the technical-juridical committee for political parties registration and financing.

Advisor-Member in training and civic affairs of the 16th district Council, the decision-making body with respect to the electoral process in this district.

FROM	TO	SALARIES PER ANNUM		Exact title of your post: Technician in Electoral Processes
Month/Year 02/1991	Month/Year 05/1994	STARTING \$1,800 MXP	FINAL \$3,200 MXP	Type of business: Electoral Affairs
Name of employer: Federal Electoral Institute Executive Direction of Electoral Organization				Name of supervisor: Felipe Solis Acero
Address of employer: Viaducto Tlalpan 1100 Arenal Tepepan 01100 México City				Number and kind of employees supervised by you: one secretary
				Reason for leaving: promotion

DESCRIPTION OF YOUR DUTIES

Coordination of the functioning of the state councils and their respective districts councils.

Provide legal, political and technical advice and assistance to state councils and their respective districts councils.

FROM	TO	SALARIES PER ANNUM		Exact title of your post:
Month/Year	Month/Year	STARTING	FINAL	Type of business:
Name of employer:				Name of supervisor:
Address of employer:				Number and kind of employees supervised by you:

DESCRIPTION OF YOUR DUTIES

FROM	TO	SALARIES PER ANNUM		Exact title of your post:
Month/Year	Month/Year	STARTING	FINAL	Type of business:
Name of employer:				Name of supervisor:
Address of employer:				Name of supervisor:

	Number and kind of employees supervised by you:	Reason for leaving:
DESCRIPTION OF YOUR DUTIES		

28. Have you any objections to our making inquiries of your present employer?														
YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>														
29. Are you now, or have you ever been, a permanent civil servant in your government's employ? If answer is "yes", when?														
YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>														
30. REFERENCES: List three persons, not related to you, who are familiar with your character and qualifications. <i>Do not repeat names of supervisors listed under item 27.</i>														
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 33%;">FULL NAME</th> <th style="width: 33%;">FULL ADDRESS</th> <th style="width: 34%;">BUSINESS OR OCCUPATION</th> </tr> </thead> <tbody> <tr> <td>Rubén Lara León</td> <td>Huizachez 25 Rancho los Colorines 14386 Mexico City (52) 55 54 83 38 00</td> <td>Member of the General Council of the Electoral Institute of the Federal District</td> </tr> <tr> <td>David Ong</td> <td>Department of Law, University of Essex, Wivenhoe Park, Colchester CO4 3SQ UK (01206) 873598</td> <td>Director Legal Studies University of Essex</td> </tr> <tr> <td>Jose Woldenberg</td> <td>Address of employer: Viaducto Tlalpan 1100 Arenal Tepepan 01100 Mexico City (52) 55 56 55 11 29</td> <td>President of the General Council of the Federal Electoral Institute.</td> </tr> </tbody> </table>			FULL NAME	FULL ADDRESS	BUSINESS OR OCCUPATION	Rubén Lara León	Huizachez 25 Rancho los Colorines 14386 Mexico City (52) 55 54 83 38 00	Member of the General Council of the Electoral Institute of the Federal District	David Ong	Department of Law, University of Essex, Wivenhoe Park, Colchester CO4 3SQ UK (01206) 873598	Director Legal Studies University of Essex	Jose Woldenberg	Address of employer: Viaducto Tlalpan 1100 Arenal Tepepan 01100 Mexico City (52) 55 56 55 11 29	President of the General Council of the Federal Electoral Institute.
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31. State any other relevant facts. Include information regarding any residence outside the country of your nationality.														
<p>Thesis award due to the content and development during the professional exam for the Law degree.</p> <p>National award for the greatest development during the federal elections of 1997 in the Federal Electoral Institute.</p> <p>Member of the professional electoral service in the Federal Electoral Institute.</p> <p>Member of the professional electoral service in the Electoral Institute of the Federal District.</p> <p>After my work undertaken during the local process of 2000, I was the first member of the professional electoral service in the Electoral Institute of the Federal District in been granted with a scholarship in order to do a Master Degree abroad (England).</p> <p>Distinction in the LLM Dissertation due to the content of the research.</p>														
32. Have you ever been arrested, indicted, or summoned into court as a defendant in a criminal proceeding, or convicted, fined or imprisoned for the violation of any law (excluding minor traffic violations)?														
YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>														

If answer is "yes", give full particulars of each case in an attached statement.

33. OTHER AGENCIES OF THE UNITED NATIONS SYSTEM MAY BE INTERESTED IN OUR APPLICANTS. DO YOU HAVE ANY OBJECTION TO YOUR PERSONAL HISTORY FORM BEING MADE AVAILABLE TO THEM? YES NO

34. I certify that the statements made by me in answer to the foregoing questions are true, complete and correct to the best of my knowledge and belief. I understand that any misrepresentation or material omission made on a Personal History form or any other document requested by the United Nations renders a staff member of the United Nations liable to termination or dismissal.

DATE: _____ 18 OCTOBER 2003 _____

SIGNATURE: _____

N.B. You will be requested to supply documentary evidence which supports the statements you have made above. Do not, however, send any documentary evidence until you have been asked to do so by the Organisation and, in any event, do not submit the original texts or references or testimonials unless they have been obtained for the sole use of the Organisation.