

Mexico

Article 139 of the Federal Penal Code characterizes the offence of terrorism, establishing that any person who, by the use of explosives, toxic substances or firearms or by arson, flooding or any other violent means, perpetrates acts against persons, property or public services which result in alarm, fear or terror among the population or among a group or sector of the population, for the purpose of disturbing the peace, attempting to undermine State authority or bringing pressure to bear on the authorities to take a particular decision, shall be liable to a penalty of two to 40 years' imprisonment and a fine of up to 50,000 pesos, without prejudice to the penalties laid down for the resulting offences.

Border Patrol

On 1 February 2004, the General Customs Administration, an agency of the Tax Administration Service (SAT), a decentralized body of the Ministry of Finance and Public Credit, established the Operational Liaison and Security Unit, with a view to:

- (1) coordinating emergency response programmes and security issues relating to Mexican customs
- (2) liaising on such response programmes between federal government agencies, federal entities and municipalities
- (3) maintaining a link with the customs services of other countries and agencies responsible for implementing legislation on emergency response and security issues.

As explained below, with regard to paragraph 8 (b), an inter-ministerial mechanism has been set up and is currently discussing the formulation or regulations and controls, particularly with regard to chemical and bacteriological weapons. The General Customs Administration is negotiating with the customs administrations of other countries, in particular the United States Customs and Border Protection (CBP) and the Canada Border Services Agency (CBSA), with a view to securing training courses aimed at providing officials in Mexico's 48 customs houses with expertise in detecting related materials. Funding is also being sought to enable Mexico to acquire and implement high-tech systems and equipment so that biological, radioactive and chemical agents can be detected at the points of entry into the national territory.

The National Nuclear Safety and Safeguards Commission (CNSNS) has established a State system for nuclear and radioactive material accountancy, thereby fully complying with the commitments undertaken by Mexico under the international instruments concerned. Likewise, under domestic legislation, anyone wishing to use, store or transport nuclear or radioactive materials must obtain a licence or authorization from CNSNS.

The General Customs Administration is in permanent contact with the customs services of other countries, and with international organizations, in order to obtain and provide any information and documentation that, on the basis of international cooperation, may help to detect, prevent and combat the illicit trafficking and brokering in nuclear, chemical and biological weapons, their means of delivery and related materials. The General Customs Administration has drawn up standard operating procedures for the 19 customs houses on the border and those at Mexico's major airports, in order to facilitate safe trade. In this context, a Customs Emergency Manual has been prepared for the personnel responsible, establishing standard procedures for dealing with emergencies and securing customs services against possible terrorist acts. The role of the special

unit in the Office of the Attorney-General to investigate terrorism and arms stockpiling and trafficking is to dismantle existing criminal organizations involved in arms trafficking and prevent the development of terrorist organizations, by exercising the powers conferred on it in articles 1 and 2, paragraph II, of the Federal Organized Crime Act.

This unit is responsible for promoting due access to justice with regard to terrorism. As for border controls, in accordance with article 4 of the Act establishing the Federal Preventive Police, the Ministry of Public Security (SSP), in cooperation with the relevant authorities, monitors and inspects border areas for purposes of maintenance of public order and peace, safeguarding of the integrity of persons and crime prevention.

The General Customs Administration lobbied the Ministry of Economic Affairs to get the proposal regarding creation of 12 specific tariff items for precursor chemical materials that can be used to manufacture chemical weapons submitted to the Foreign Trade Commission (COCEX) for approval. It is envisaged that, following publication in the *Diario Oficial*, the specific tariff items will be included in annex 10 (Register of specific sectors) and annex 21 (Exclusive customs) of the Foreign Trade General Rules for 2004.

The General Customs Administration believes that establishing specific tariff items in the General Import and Export Taxes Act will make it possible to safeguard national security by managing information on foreign trade operations relating to precursor chemical materials that can be used to manufacture chemical weapons.

It will also be possible to verify and detect importers and to determine both the volume of such operations and the customs houses being used for the import, export and, where applicable, transit of such materials. It will also be possible to identify the country of origin, the value of the materials concerned, the suppliers and any other information needed to safeguard national security and prevent terrorist acts both within and outside the national territory.

Mexico notes with interest the additional measures proposed by a number of Member States aimed at improving domestic legislation, establishing safety standards for the handling and transport of pathogenic micro-organisms and setting up State systems for controlling genetic engineering and biotechnology-related activities.

Mexico also welcomes proposals to establish both effective international cooperation mechanisms for investigating suspicious outbreaks of diseases and procedures for addressing concerns relating to compliance with the Convention, as well as proposals to train personnel to work in international rapid response teams in the event of biological emergencies, among other initiatives.

The Chemical and Biological Weapons Committee has already adopted a work plan and timetable with a view to identifying and proposing the legislative and administrative measures needed to achieve the full implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (CWC) in Mexico.

The Committee is currently drawing up the policy-level projects needed to incorporate the Convention into domestic legislation with a view to promulgating such domestic legislation as may be necessary, including criminal legislation, and/or adopting the administrative measures needed to enable the Convention to be fully implemented, if possible, before the tenth session of the Conference of the States Parties in November 2005.