

Mexico

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1. What are the basic criteria for the courts of your jurisdiction to allow enforcement of a foreign judgment?

In national legislation, the regulations to be followed by Mexican courts for the enforcement of foreign judgments are:

- Federal Constitution of the United Mexican States;
- Federal Civil Code;
- Commerce Code;
- Federal Code of Civil Procedure;
- National Code of Criminal Procedure; and
- National Code of Civil and Family Procedures.

The National Code of Civil and Family Procedures was published in the *Official Gazette* of the Federation on 7 June 2023. It will come into force gradually, and in full, no later than 1 April 2027.

To enforce a foreign judgment in Mexico, several regulations must be complied with. The most important of which is the Federal Constitution, which grants constitutional status to international treaties that Mexico has ratified and are in force, according to its Article 133. This means that these treaties are part of Mexico's legal system and the Mexican courts must apply them when dealing with cases of foreign judgment enforcement.

Other regulations that need to be followed to allow enforcement of a foreign judgment. These are outlined below.

The Federal Civil Code

Article 14 states that the following shall be observed in the application of foreign law:

1. It shall be applied as the corresponding foreign judge would, for which the judge may obtain the necessary information about the text, validity, meaning and legal scope of such law.
2. The substantive foreign law shall be applied, except when, given the special circumstances of the case, the application of the conflict of rules for the case, render necessary to apply the substantive Mexican laws exceptionally or those of a third state.

3. It shall not be an impediment to the application of foreign law that Mexican law does not provide for institutions or procedures essential to the applicable foreign institution, if there are analogous institutions or procedures.
4. Preliminary, or incidental questions that may arise in connection with a principal question shall not necessarily be resolved in accordance with the law governing the latter.
5. When different aspects of the same legal relationship are regulated by different laws, these shall be applied harmoniously, seeking to achieve the purposes pursued by each of such laws. The difficulties caused by the simultaneous application of such laws shall be resolved taking into account the requirements of equity in the specific case.

The provisions of this Article shall be observed when the law of another entity of the Federation is applicable.

The Commerce Code

Article 1,347-A states that judgments and resolutions issued abroad may be enforceable if the following conditions are met. These are that:

1. the formalities established in the treaties to which Mexico is a party regarding letters rogatory from abroad have been complied with;
2. they have not been dictated because of the exercise of a real action;
3. the sentencing judge or court has had jurisdiction to hear and judge the matter in accordance with the rules recognised in international law that are compatible with those adopted by the Code;
4. the defendant has been notified or summoned in person to assure them the guarantee of a hearing and the exercise of their defences;
5. they have the character of *res judicata* in the country in which they were issued, or that there is no ordinary appeal against them;
6. the action that gave rise to them is not the subject matter of a lawsuit that is pending between the same parties before Mexican courts and in which the Mexican Court has taken a preventive action, or at least that the letter rogatory to summon them has been processed and delivered to the Secretary of Foreign Affairs or to the authorities of the state where the summons is to be served – the same rule shall apply when a final judgment has been rendered;
7. the obligation to be complied with is not contrary to the public order in Mexico; and
8. they meet the requirements to be considered authentic.

Notwithstanding compliance with the above conditions, the judge may deny enforcement if it is proven that foreign judgments or judicial decisions in similar cases are not enforced in the country of origin.

The National Code of Civil Procedure

Article 571 states that judgments, private arbitral awards of a non-commercial nature and jurisdictional resolutions issued abroad may be enforceable if they comply with the following conditions, that:

	<ol style="list-style-type: none"> 1. the formalities provided for in the Code with respect to letters rogatory from abroad have been satisfied; 2. they have not been issued because of the exercise of a real action; 3. the sentencing judge or court has had jurisdiction to hear and judge the matter in accordance with the rules recognised in the international sphere that are compatible with those adopted by this Code; 4. the defendant has been notified or summoned in person to assure them the guarantee of a hearing and the exercise of their defences; 5. they have the character of <i>res judicata</i> in the country in which they were issued, or that there is no ordinary appeal against them; 6. the action that gave rise to them is not the subject matter of a lawsuit pending between the same parties before Mexican courts and in which the Mexican court has taken the necessary steps, or at least that the letter rogatory to serve them has been processed and delivered to the Secretary of Foreign Affairs or to the authorities of the state where the summons is to be served – the same rule shall apply when a final judgment has been rendered; 7. the obligation to be complied with is not contrary to the public order in Mexico; and 8. they meet the requirements to be considered authentic. <p>Notwithstanding compliance with the above conditions, the court may deny enforcement if it is proven that foreign judgments or awards in similar cases are not enforced in the country of origin.</p> <p>The enforcement of a foreign judgment in Mexico varies depending on the international treaty and the legal criteria applicable to each case. There is no uniform framework that regulates this process across different jurisdictions.</p> <p>Some of the treaties on enforcement of foreign judgments that Mexico has ratified are the following:</p> <ul style="list-style-type: none"> • The Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958) (New York Convention); • The Inter-American Convention on Jurisdiction in the International Sphere for the Extraterritorial Effectiveness of Foreign Judgments; • The Convention on the Recognition and Enforcement of Foreign Arbitral Awards; • The Inter-American Convention on the Extraterritorial Effectiveness of Foreign Arbitral Awards and Judgments; and • The Vienna Convention on Diplomatic Relations.
2.	<p>What other considerations may apply to enforcement of a foreign judgment against a state in your jurisdiction, (eg, notice provisions)?</p>
	<p>The execution of a foreign judgment in Mexico can be subject to various considerations. These include local legislation, international treaties and sovereign immunity.</p> <p><i>Local legislation</i></p>

In Mexico, compliance with certain internal legal procedures is required in order to carry out the enforcement of a foreign judgment. These procedures are established in the legal provisions of the Federal Constitution of the United Mexican States, and international treaties.

Article 133 states that the Constitution, the laws of the Congress of the Union emanating therefrom and all treaties in accordance therewith, entered into and to be entered into by the President of the Republic. Treaties in accordance therewith, concluded and to be concluded by the President of the Republic, with the approval of the Senate, shall be the Supreme Law of the whole Union. The judges of each federative entity shall abide by said Constitution, laws and treaties, notwithstanding any provisions to the contrary that may exist in the Constitutions or laws of the federative entities.

According to the Constitution of Mexico, any international treaty ratified by the country, including those concerning the recognition and enforcement of foreign judgments, has constitutional status and must be followed by the Mexican courts. In 1999, Mexico's Supreme Court issued jurisprudence to stress this interpretation (Semanario Judicial de la Federación y su Gaceta: *Judicial Weekly of the Federation* and its *Gazette*, Volume X, November 1999, p 46).

International treaties

There are international treaties which Mexico has ratified that are applicable to its local legislation. These treaties regulate the enforcement of judgments between countries and may establish specific requirements or special procedures to be followed for such enforcement.

Additionally, in the international treaties of which Mexico is a party, investment arbitrations are contemplated. These are procedures in which a private party conducts arbitration against a sovereign state. Some relevant treaties are:

- Vienna Convention on Diplomatic Relations.
- North American Free Trade Agreement.
- Comprehensive and Progressive Agreement for Trans-Pacific Partnership
- Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 1958 (New York Convention).
- Inter-American Convention on International Commercial Arbitration of 1975.

Sovereign immunity

In the case of executing a judgment against a foreign country or international government entity, it is necessary to consider whether there is immunity from the enforcement of a foreign judgment.

It is important to mention that jurisdictional immunity refers to the attribute of every sovereign state that prevents other states from exercising jurisdiction over acts carried out in the exercise of its sovereign power, as well as over assets owned or used in such an exercise. However, according to criteria established by the Supreme Court of Justice

	<p>of the Nation and international legal scholars, jurisdictional immunity should not be understood in absolute terms, but rather in relative terms.</p> <p>This means that if a state engages in acts in the exercise of its sovereign power, it will enjoy jurisdictional immunity. However, if it acts like any private party, it will not have that privilege and will be subject to the applicable rules regarding the underlying legal consequences.</p> <p>It is crucial to consider whether a foreign country acts as a private party when issuing a judgment against it. In such a case it will be subject to the rules applicable to the underlying legal consequences, ie, local laws.</p> <p>Regarding the execution of judgments against states, local legislation in Mexico does not have specific provisions, so it will be necessary to resort to corresponding international treaties, depending on the specific case.</p> <p>Furthermore, the Secretary of Foreign Affairs plays a relevant role in the enforcement of foreign judgments. According to the Commercial Code, the Federal Code of Civil Procedures and other legal provisions, it is established that the request or letter rogatory for service of process must be processed and delivered to the Secretary of Foreign Affairs or the authorities of the state where the service of process will take place. The same rule applies in the case of a final judgment having been rendered.</p>
<p>3.</p>	<p>What special considerations apply where the defendant/debtor in enforcement proceedings is a state, (eg, doctrine of sovereign immunity)?</p>
	<p>There is no regulation in the Federal Constitution of the United Mexican States, nor in any federal law. It is therefore regulated by the international custom and international treaties on the matter, which have the same hierarchy as the Constitution. A bill in 2005, to create the Law on Immunity of State Jurisdiction, from the PAN Parliamentary Group, was found to be unsuccessful (https://www.senado.gob.mx/65/gaceta_del_senado/documento/7564).</p> <p>Mexico lacks a specific law which regulates the immunities of foreign states in its territory. It therefore relies on a combination of different sources to determine the scope of such immunities. These sources include: international custom; international treaties signed by the Executive and approved by the Senate; the practice of the Federal Executive; and a criterion of the Federal Judiciary. Since 1995, Mexico has adopted the concept of restricted immunity, limiting the immunity of foreign states in certain cases.</p> <p>When a subject with possible immunities is involved in a matter, the Secretary of Foreign Affairs may provide its opinion on the validity of the immunity to the authorities handling the case.</p> <p>Foreign states that have diplomatic and consular missions in Mexico are required to comply with the Mexican employment law when they recruit local workers. This is what the Mexican State has consistently stated in several circular notes sent to these foreign states through diplomatic channels. This position is based on Article 11 of the UN Convention on Jurisdictional Immunities of States and Their Property, which is the main legal framework for sovereign immunity in Mexico. The Mexican State also</p>

informs foreign states of the following procedures: (1) they must appear before the Mexican courts when sued by their workers; (2) they will be notified of the initial hearing and the judgment through diplomatic channels; (3) they will have 60 calendar days to respond to the claim after being notified; and (4) the Federal Board of Conciliation and Arbitration is the competent authority to resolve these cases.

The main instrument applied in Mexico in matters of sovereign immunity is the UN Convention on Jurisdictional Immunities of States and Their Property.

The provisions on immunities in the Vienna Conventions on Diplomatic and Consular Relations can be applied by analogy to foreign states. Therefore, in Mexico, foreign states are treated as their embassies or consulates. However, this is not correct from a formal perspective, because neither international law nor Mexican law gives diplomatic missions or consular offices a separate legal personality from the foreign state.

The main instrument is the UN Convention on Jurisdictional Immunities of States and Their Property, the general principle of which is that (Art 5): 'Every State enjoys, for itself and its property, immunity from the jurisdiction of the courts of another State, as provided in the present Convention'. When we refer to a state's immunity from jurisdiction, in its broad sense, we are referring specifically to the fact that the acts or deeds performed by it should not be subject to the jurisdiction (including the stages of knowledge and execution) of a domestic court of another state, since the principle of the old Law of Nations *par in parem non habet imperium (jurisdictionem)* is applicable. Consequently, a court of a state should not, in principle, judge acts and deeds of another state or take coercive measures against its property.

It is also worth mentioning that under the UN Convention on Jurisdictional Immunities of States and Their Property, the Convention follows the practice of dealing separately with: (1) immunity from judicial decisions or judgments (Part III); and (2) immunity from execution of judgments rendered by another state (Part IV).

On the other hand, notification through diplomatic channels to the embassies of the defendant states is not accepted by all countries, as international law gives priority to other methods. Considering the ratification of the UNCITRAL, Mexico may explore the possibility of using international conventions to notify judgments to defendants domiciled abroad.

The judicial criterion which is binding jurisprudence for Mexican Law dates from 2003; the Supreme Court of Justice of the Nation issued a criterion that reinforces the adoption of the restricted immunity made by the Executive 20 years ago:

'International Jurisdictional Immunity. It is not an Unlimited Prerogative. The recognition of jurisdictional immunity by one state vis-à-vis another [...] must be considered as a characteristic that prevents other states from exercising jurisdiction over the acts it performs in the exercise of its sovereign power, or over the property it owns or uses in the exercise of such sovereign power. However, the evolution of jurisdictional immunity, which in principle was recognised as absolute, is currently not an unlimited prerogative, since, according to doctrine, foreign states [...] when acting in a foreign state, may perform two types of acts: some that are identified with those that the state performs in the

exercise of its sovereign power, and others that it performs as any private individual, the latter case in which, as a general rule, the aforementioned immunity is not granted.'

An additional case or judicial precedent is the claim filed in February 2014. In the claim, a Mexican citizen sued through ordinary civil proceedings an embassy and a diplomatic agent of the same, who denied the issuance of a tourist visa to him and certain family members. The plaintiff sought reimbursement of expenses, alleging improper collection of the visas, as well as damages, costs, and legal fees. In the first instance, a district court in civil matters recognised immunity from jurisdiction. The reasoning was that there was sufficient cause that prevented the prosecution of the proceeding against the embassy and the diplomatic agent since they enjoyed diplomatic immunity in terms of the Vienna Convention on Diplomatic Relations, since they could not be tried for acts that the foreign state had carried out in its capacity as sovereign. A unitary court in civil and administrative matters confirmed the first instance judgment on appeal. The plaintiff subsequently filed an amparo proceeding, which was not granted due to the same considerations decided in previous instances.

It is currently accepted that the sources of public international law (PIL), or at least most of them are to be found in Article 38 of the Statute of the International Court of Justice, namely treaties, custom and the general principles of law recognised by the main legal systems, to which should be added the norms of *jus cogens*, unilateral acts, general principles of international law, etc. In the case of state immunity from jurisdiction, the main formal source applied is international custom, although there are also a few treaty rules as well as rules of domestic law.

Finally, it is important to distinguish the jurisdictional immunity of states from diplomatic immunity, with which it is often confused. The purpose of the former is to protect the sovereignty of a state by exempting it from the jurisdiction of its peers, while the latter is to allow foreign officials to carry out acts of diplomatic representation freely and without hindrance. Although the rules of diplomatic immunity are also considered customary law, there is a universally accepted multilateral treaty that codifies them: the Vienna Convention on Diplomatic Relations. Another notable difference is that state immunity depends on the type of act performed (public or private); diplomatic immunity is granted on account of the person (ie, the representative of another sovereign), irrespective of the act performed. In this sense, it is possible for an act performed by a diplomatic agent to constitute an act of state for which the latter may be sued, even if the agent cannot be sued individually.

According to the principles governing the Mexican procedural system, there are no *ex officio* pleadings because immunity will have to be asserted when the lawsuit is answered, after having been duly summoned.

4. What exceptions may apply where the claim results from improper actions of the defendant state, (eg, wars of aggression)?

Mexico has not had cases in which it has sued or has been sued *jurisdictionally* for damages caused by a war of aggression. However, it has attempted to settle some claims through arbitration. Two examples are the General Claims Conventions arising

	<p>from the American invasion and some events related to the Mexican Revolution; in the end, diplomacy was a better channel to solve these disputes between the two states.</p> <p>Under the United Nations Convention on Jurisdictional Immunities of States and Their Property (the Convention) follows the general practice of dealing separately with: (1) immunity from judicial decisions (Part III) and; (2) immunity from execution (Part IV).</p> <p>The Convention originated as a project to harmonise and clarify the law on state immunity. According to the restrictive doctrine of immunity, acts falling within the scope of the commercial or private law of states, or <i>acta de iure gestionis</i>, are not immune.</p> <p>Part III of UNCITRAL sets out eight types of proceedings in which state immunity may not be invoked. These exceptions are based, without being identical, on the 1972 European Convention on State Immunity, the US Foreign Sovereign Immunities Act and the UK State Immunity Act. Exceptions include: (1) commercial transactions; (2) employment contracts; (3) injury to persons and damage to property; (4) ownership, possession and use of property; (5) intellectual and industrial property; (6) participation in partnerships or other collectivities; (7) ships for commercial use; and (8) arbitration agreements.</p> <p>Part IV of UNCITRAL deals with state immunity from coercive measures taken in connection with a court proceeding. It contains separate rules on pre-judgment (Art 18) and post-judgment coercive measures (Art 19). Article 21 lists five categories of state property immune from attachment or execution.</p> <p>Part V (Miscellaneous Provisions) deals with service of process (Art 22), judgment rendered in absentia (Art 23), failure to comply with a court order and, in particular, the exemption of a state from the imposition of fines, penalties or security for costs (Art 24).</p> <p>As these are signatory countries, they must find diplomatic channels between themselves to find a solution. In addition, Article 27 contains an arbitration clause providing for the settlement of disputes relating to the interpretation or application of the Convention by arbitration or referral to the International Court of Justice, together with an opt-out procedure at the time of signature, ratification or accession.</p>
<p>5.</p>	<p>What due process standards and exceptions may apply in proceedings for enforcement of judgment against a state?</p>
	<p>The following are some key points regarding due process standards and exceptions that may apply when enforcing judgments against foreign states:</p> <p>Notification and due process</p> <p>Due process within Mexican law requires that the foreign state be adequately notified of the enforcement proceedings and be allowed to defend itself and present evidence in its favour. This is regulated in constitutional Articles 14, 16, and 17, by legal ordinances such as the Federal Code of Civil Procedures, Code of Commerce, jurisprudential</p>

criteria and international treaties, above all human rights. Such notifications must be governed in accordance with the local legislation in force.

However, in some cases, international treaties in force in Mexican law may establish specific procedures for the enforcement of judgments against foreign states. Mexico has entered into various international conventions which may apply in particular situations. If the judgment is based on human rights violations or crimes against humanity, exceptions to sovereign immunity may be possible, in accordance with Mexico's international obligations.

Exceptions

In principle, foreign states enjoy sovereign immunity from the jurisdiction of Mexican courts. This means that they cannot be sued without their specific consent. However, there are exceptions which allow the enforcement of a judgment against a foreign state in Mexico.

One of the main exceptions is when the state has specifically waived its immunity or has consented to submit to the jurisdiction of the country. Another relevant exception is when the judgment relates to the foreign state's commercial activities, as long as such a state acts as a private entity.

As mentioned above, in the Mexican legal system, in order to enforce a foreign court judgment against a state, it is necessary to comply with certain due process standards. These standards are designed to ensure that the judicial process in the foreign court has been conducted in a fair and equitable manner.

The general requirements of due process are enshrined in the Mexican Constitution, particularly in Articles 14, 16 and 17. In addition, there are legal provisions such as the Federal Code of Civil Procedure and the Code of Commerce, as well as international treaties which regulate due process and are applicable in Mexico at the time of rendering and enforcing a judgment against a foreign state.

Adequate notice

According to the Code of Commerce and the Federal Code of Civil Procedure, the defendant state must be notified or summoned in person in order to ensure the guarantee of a hearing and the exercise of its defences.

Jurisdiction

The judge or court that will issue the judgment against the foreign state must have jurisdiction to hear and judge the matter in accordance with the rules recognised in international law that are compatible with those adopted by local legal systems. The foreign judge or court does not have jurisdiction when there is, in the legal acts from which the resolution to be enforced derives, a clause of submission only to the jurisdiction of Mexican courts.

Communications and letters rogatory

	<p>The letters rogatory will be official written communications containing the request to carry out the necessary actions in the process in which they are issued, and must be adjusted to the local legal ordinances in force or, if applicable, to the international treaties to which Mexico is a party, depending on the particular case.</p> <p>International letters rogatory received will be executed in accordance with national laws. However, the exhorted court may exceptionally grant the simplification of formalities or the observance of formalities different from the national ones, at the request of the exhorting judge or the interested party, if this is not contrary to public order.</p> <p><i>Public order and res judicata</i></p> <p>Executory judgments will have force in Mexican territory if they are not contrary to public order.</p> <p>As to the deference given to the law or courts of the jurisdiction in which the foreign judgment was issued, Mexican law may recognise the validity of the foreign judgment if due process requirements are met and if the judgment does not violate Mexican public policy. Deference may be given in situations where the state against which the foreign judgment is sought to be enforced does not object to service or notification during the proceedings in the foreign court and if service has been carried out in accordance with the laws of the country where the judgment was issued.</p> <p>Judges charged with carrying out the enforcement of judgments issued by foreign courts have the responsibility to respect and apply the provisions of local laws and international treaties, especially those protecting human rights. The party seeking to enforce the foreign judgment generally has the burden of demonstrating that due process requirements have been met.</p> <p>However, in the event that the court in charge of enforcement does not comply with the necessary requirements to enforce a foreign judgment, the parties involved in the enforcement proceeding will have the option of filing ordinary remedies or, as the case may be, extraordinary remedies, such as amparo proceedings, in order to ensure compliance with the requirements established in the legal norms and to protect the integrity of the process.</p>
<p>5a.</p>	<p>What standard will the court apply in the enforcement proceedings when assessing whether the service requirements have been met in the original proceedings against a state?</p>
	<p>In Mexico, when assessing whether the notice requirements have been complied with in the original proceeding against a state in the enforcement process of foreign judgments or arbitral awards, the Federal Code of Civil Procedures (CFPC), the Commercial Code, the National Code of Criminal Procedures, as well as the international treaties that are applicable to the particular case will be applied. For example, the Inter-American Convention on the Extraterritorial Effectiveness of Foreign Judgments and Arbitral Awards.</p>

	<p>It is important to emphasise that, when executing a judgment, constitutional principles must be respected at all times.</p> <p>In Mexico, when it is necessary to carry out diligences in a foreign country to have effect in trials being conducted before Mexican courts. Such a task may be entrusted to members of the Mexican Foreign Service by the courts in charge of the case. These proceedings must be carried out in accordance with the provisions established in the local laws in force, always within the limits allowed by international law.</p> <p>In relevant cases, members of the Mexican Foreign Service may request the collaboration of the competent foreign authorities to carry out the proceedings entrusted to them.</p> <p>As to the means of notification established in the legal ordinances, as well as the criteria established by our Federal Courts and international treaties to which Mexico is a party, there are basically two methods of notification.</p> <p>The first is notification by diplomatic means. This is carried out through diplomatic channels, that is, by sending the corresponding documents to the Secretary of Foreign Affairs of the country of the defendant state so that they may be delivered to the competent authority in such country.</p> <p>The second method is service by letters rogatory. This is achieved by means of a formal request through the judicial authorities of the country of the defendant state, requesting that the necessary documents be served and delivered to the addressee. Letters rogatory may be transmitted to the requested body by the interested parties themselves, through judicial channels, through consular officials or diplomatic agents, or by the competent authority of the requesting or requested state, as the case may be.</p> <p>Mexico is also a party to the Hague Convention on the Service Abroad of Judicial or Extrajudicial Documents in Civil or Commercial Matters, which is used for the service of foreign executions only for foreign countries. However, as Mexico has several reservations on this treaty, not everything established in the Convention is applicable to Mexican law.</p>
<p>5b.</p>	<p>What exceptions may apply where conventional forms of service against a state are impossible, (eg, due to absence of diplomatic relations)?</p>
	<p>When there are no diplomatic relations between Mexico and the respondent foreign state, pursuing the notification process through traditional diplomatic channels may be complicated or impossible. In this case, alternative means could be applied to ensure notification, such as using international bodies or third countries with relations with both states to act as intermediaries and facilitate the notification process.</p>
<p>5c.</p>	<p>What standard will the court apply in the enforcement proceedings when assessing whether the right to representation requirements have been met in the original proceedings against a state?</p>
	<p>In Mexico, any individual or legal entity has the right to representation in Mexican jurisdictional proceedings.</p>

	<p>The court will apply the due process established in Articles 14, 16 and 17 of the Constitution, the Commercial Code, the Federal Code of Civil Procedures when assessing whether the requirements of the right to representation in original proceedings against a state have been met during the process of enforcement of foreign judgments or arbitral awards. The court will also apply international treaties relating to human rights, including the Vienna Convention on Diplomatic Relations and the Inter-American Convention on the Extraterritorial Effectiveness of Foreign Judgments and Arbitral Awards, among others.</p> <p>The right to counsel is a fundamental principle of due process, which ensures that all parties to a lawsuit, including state defendants, have the right to be represented by counsel and to present their arguments and defences adequately and fairly.</p> <p>In determining whether the requirements of the right to representation have been met in the original proceedings against a state, the court will examine whether the respondent state was afforded the opportunity to be properly notified of the suit, to participate in the proceedings, to present evidence and pleadings in its defence, and to be assisted by qualified counsel during all relevant stages of the original proceedings.</p> <p>In Mexico there are two ways in which a country may be represented: diplomatic representation; and appointment of an ad hoc proxy.</p> <p><i>Diplomatic representation</i></p> <p>In some cases, the defendant state may resort to its diplomatic or consular representation to handle the legal matter on its behalf.</p> <p><i>Appointment of an ad hoc proxy</i></p> <p>The respondent state may appoint a proxy, that is, a specialised lawyer to represent its interests in the enforcement proceedings.</p>
5d.	What exceptions may apply where the defendant state cannot find legal representation, or chooses not to be represented?
	<p>In this case, there is no specific exception if the country cannot find legal representation. It is important to verify whether, in the specific case, the country against which a judgment is sought to be enforced has immunity from jurisdiction.</p>
6.	What assets may be subject of enforcement if the claim is against a state and what are the requirements, (eg, enforcement against assets of state-owned entities)?
	<p>Assets that are either movable or immovable, and if owned by the state, typically enjoy immunity from attachment. Consequently, the enforcement route cannot be pursued, nor can an execution act be issued to enforce judgments in favour of private individuals. Nevertheless, judgments against state agencies and entities can be fully executed by attaching their private or self-owned assets. It is essential to note that legal provisions may vary depending on the specific case.</p>

For instance, in Articles 1, 3, and 46 of the Organic Law of the Federal Public Administration, it is established that state participation companies are privately owned entities, wherein the state holds a preferential economic interest enabling it to intervene or manage them.

These companies are distinct because the government contributes to, or owns 50 per cent plus one, or more, of these companies' social capital or shares. However, financial contributions from civil societies and associations are also permissible. This implies that their assets are not exclusively owned by the state due to private individuals' financial contributions. While government intervention in company management aims to administer the company and safeguard its economic interests, it functions as a majority partner in any such company.

Consequently, as these companies are not solely owned by the Federal Government and their assets include private contributions, they are not considered integral parts of the Federation. It is therefore possible to execute a judgment against these companies' assets, provided the assets are not classified as being in the public domain.

Regarding execution of judgments at the state level, the following asset categories may be subject to execution:

1. real estate – properties such as land, buildings, and structures;
2. bank accounts and financial assets – state-owned or controlled entities' bank accounts and financial assets could be subject to execution;
3. movable assets – state-owned vehicles, machinery, and equipment may also be subject to execution.

Nevertheless, in the context of executions against the state or state entities, specific asset types are exempt from execution, irrespective of the state's immunity from execution.

Assets designated for public use are exempt from execution. These assets are meant to benefit society as a whole, and their exemption is rooted in the principle that they should not be subject to actions limiting their public use.

Bank accounts under state agencies and entities' names, as well as those held by the legislative and judicial powers, whose funds are allocated to fulfil obligations assumed during the federal or state budget exercises, cannot be seized.

Regarding international treaties and particularly states or foreign agents, as outlined in Articles 31 and 32 of the Vienna Convention on Diplomatic Relations, diplomatic agents enjoy immunity, except in cases of actions relating to their private property, succession actions, or commercial activities outside of their official functions. Furthermore, a new waiver is required for judgment execution.

Finally, there are various judicial criteria which address the matter of determining the party accountable for establishing whether assets are eligible for execution in accordance with the final judgment, and whether they lack protection from exceptions which grant them immunity against attachment. This responsibility squarely rests with

the defendant. However, the state will be required to substantiate, at the suitable juncture, that the assets targeted for execution under the judgment are genuinely shielded from attachment, as they play a pivotal role in facilitating the exercise of their authority within the Mexican State.