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## Explanation of Vote Before the Vote on Mexico's UNGA Resolution on the International Criminal Court of Justice Avena Decision

**Ambassador Kelley Currie**  
**U.S. Representative for Economic and Social Affairs**  
**U.S. Mission to the United Nations**

**New York City**  
**December 20, 2018**

AS DELIVERED

Thank you, Mr. President.

The United States believes that it is inappropriate that Mexico has brought this bilateral matter to the UN General Assembly. We are also disappointed that Mexico failed to consult with the United States prior to circulating the draft resolution. We will vote “no” on this resolution.

Our vote should not be interpreted as a repudiation of our international obligations regarding consular notification and access. On the contrary, the United States continues to take very seriously our international obligations with respect to consular notification and access.

We will vote “no” to affirm that the UN General Assembly is not the appropriate venue for this issue. The United States continues to take steps with respect to the Avena judgment, and we have engaged in close and extensive consultations with Mexico.

The United States notes that the United States Supreme Court has held, in *Medellin v. Texas*, that the ICJ’s Avena decision does not constitute directly enforceable federal law and that U.S. obligations could be discharged through the adoption of federal legislation.

This resolution will not alter the force of the Supreme Court’s decision as binding upon the United States government. Accordingly, legislation that would facilitate actions consistent with the Avena judgment in the United States was included in the President’s Fiscal Year 2019 budget request.

The State Department has engaged directly with relevant state authorities in the United States, urging them to take the necessary steps to give effect to the Avena decision.

The United States has closely consulted with Mexico on its efforts to implement the Avena judgment, and has kept Mexico informed of its efforts. Mexico’s decision to introduce this resolution was unfortunate. We call on all delegations to vote “no” on this resolution.

Thank you, Mr. President.

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