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MEXICO'S DIASPORA  
AND ITS DEMOCRATIC  
TRANSITION



It is a true honor for someone of my background to be here addressing the Metropolis Conference, for as many of you know, my training is not in the social sciences, but in literature. Nonetheless, today I will share with you my political analysis of the role Mexico's diaspora played in our recent democratic transition, and then I will read a declaration I have prepared, in which political and humanitarian impulses combine to treat the question of migrants' rights after September 11, 2001. We are people who are passionate about telling the world just how good the Mexican people in the United States are, and just how much they deserve their basic rights, and I hope to share that passion with you today.

Today, Mexico's public policies are more oriented than ever towards our citizens abroad. A lengthier paper detailing these policies was presented by my colleague Omar de la Torre at the Metropolis conference in Rotterdam last year. You can find it on the Metropolis website, but I will reiterate much of the information here. First, we have strengthened the network of state-level migrant attention offices of which Mario Riestra, here with us at this conference, is national coordinator. Second, the foreign relations agenda under Fox has been dominated, first and foremost, by the mandate to negotiate with the United States for an ordered and mutually beneficial migration program combining guest worker provisions, legalization of existing immigrants and bilateral border security measures.

And finally, the area about which I am most equipped to speak is the newly-created cabinet-level Office of the President for Mexicans Abroad, which I head. The office has two main functions: dignification of migrants, and bringing opportunities to their families and their communities of origin. But, even these two goals are really just one, for how can we separate the migrants from their communities of origin, the place where half of their fami-

lies continue to live, and which receive a significant portion of their wages? The better-off the migrant, the better-off the community of origin; and the better-off the community of origin, the better-off the migrant.

As far as the first goal is concerned, I take weekly trips to the United States to meet with local, state and federal legislators regarding the need to better serve migrants, including undocumented migrants. What I seek is a radical change in thinking and discourse in our neighbor country - the country, I might add, where I was born to an American mother and a Mexican father. I seek a framework in which immigrants are recognized for the contributions they make to the economy, and are not accused of 'draining' the economy; I seek a discourse that acknowledges that people who cross the border for better wages are not criminals, but rather, good people trying to do the best for their families; I seek to develop an idea of partnership with Mexico that takes into account the fact that migrants' remittances and continued transnational ties with their sending countries are *positive* developments, not threatening ones, and that they will only enhance the well-being of the entire hemisphere. In short, I seek to remind people: the United States is a country of immigrants. Mexican migrants must be treated not like criminals, but like the productive members of U.S. society that they are.

The work of dignification occurs on our side of the frontier, too: We work to stop the corruption that has long plagued migrants at customs' houses on the border, and together with the Health Secretariat, we just launched the first *binational* health program in Mexico's history. We work to change the way people think in Mexico, too. In a country that had an unfortunate tradition of viewing emigrants as traitors, we promote the idea that they are heroes, and as I mentioned before, we seek their political and citizenship rights to participate in building a new Mexico. We tell them we do not just want their participation, we need it.

As for the second main goal, that of bringing opportunities to migrants' communities of origin, my office has identified 90 microregions where migration and poverty combine, and is targeting these communities for development efforts, ranging from infrastructure improvements to direct investment to facilitating the exportation of locally-made products. Specifically, we hope to attract capital to Mexico from those Mexicans and Mexican-Americans for whom the so-called "American dream" has become a reality. Just as the Jewish diaspora "Thinks Israel", so we

want the Mexican diaspora to “Think Mexico”. Omar de la Torre and Mario Riestra will address this in further detail in their presentations today.

Additionally, we have taken an example from a program that exists in certain Mexican states, called three-for-one, and made it national. Three-for-one matches money that clubs of migrants want to donate for development projects in their communities of origin three-for-one. Again, Omar and Mario will address this further in their presentations.

So, as you can see, the reality of the new Mexico is a reality in which our citizens abroad are being incorporated as an integral part of the agenda, and this inclusion is both partly responsible for, and largely the result of, Mexico's transition.

After all, while the bare-bones of our transition is the idea of multi-party rule with clean and free elections and complete freedom of political expression, these bones will dry out before long if they are not surrounded by the muscle of our own people. Participation in this democracy is, without question, the most basic of our goals. Thus, we cannot leave out the sixth of Mexico's population that lives abroad, these 23 million people - and, in particular, we cannot leave out the nine million of them who were born in Mexico, most of whom continue to live in Mexico in so many ways, whether or not they have physically set foot in the territory in recent months or even years.

That is why, while most agree that democratic transition was not a one-day affair beginning and ending on July 2, the landmarks people name in the development of this transition often leave out one important date, in my opinion: March 20, 1998. This was the day Mexicans became permitted to hold dual nationality. Those Mexicans who had given up their nationality when they obtained U.S. citizenship could now go to their nearest consul to recuperate their Mexican passports; and Mexicans who have become citizens of another country, usually the United States, since March of 1998 have not been forced to give up their Mexican nationality in the process. The right also extends for one generation: U.S.-born children of Mexican-born parents also can claim Mexican nationality. By the end of the year 2001, 42,251 people had recuperated their Mexican nationality - a small number when one considers there are millions of Mexican-born people in the United States, but an important beginning nonetheless.

The dual-nationality policy allows Mexican nationals who are also citizens of another country all the political rights that other Mexicans enjoy, with the one exception

that they cannot hold elected public office. If they want to vote, they must maintain a current Mexican residency. Mexicans abroad, such as those I mentioned in the delegation, have been seeking greater political rights, and my office is seeking them too. In other words, within the very list of goals I presented to the President for the Office of the President for Mexicans Abroad, is securing these citizenship rights for Mexicans abroad. This involves working with legislators and the three major political parties in order to evaluate various proposals for the nuts-and-bolts of the issue.

As Mexico strives to deepen our democracy, to make that civic spirit a part of every Mexican, the inclusion of Mexicans abroad will be a necessary component of our efforts. We want to include Mexicans abroad, but also, we need to: first of all, they have earned their place at the table, because without their help, this change may never have occurred in the first place. And, secondly, because as they often remind us, we cannot speak of democracy if we leave one sixth of our nation out of the equation. Mexicans abroad are one sixth of ourselves. They are our husbands, our wives, our sons and our daughters, our brothers and sisters, our financial support, our Christmas vacation, our weekly phone call, our greatest worry when we heard of the September 11 attacks. They must be a part of our democratic project.

We have learned from the experiences of other countries and diaspora groups as we have put these ideals into practice, and we hope others will learn from our experience as well. When we first conceived of the Office of the President for Mexicans Abroad, we never could have expected that the events of September 11, 2001 would change so radically our mandate and our mission – both because many Mexican families are distraught from the loss of relatives in the twin towers, and because in the United States and throughout the world, new security regimes have had devastating effects on immigrants, particularly undocumented immigrants.

The United Nations, the International Organization for Migration and the International Labor Organization have important treaties proclaiming the rights of migrants; yet the documents that receiving countries have revered since September 11 are the driver's licenses, passports and visas that establish people's identities and their right to be in the country. If we are truly an office for Mexicans abroad, we must believe that the problems these measures cause Mexican migrants are our very own problems as well. We have drafted a declaration which I would like to

read to you today, and which we will continue to share and revise with the international community in the coming months. This declaration speaks not only to the urgent need to protect migrants' rights in the post-September 11 world, but also to the ways in which sending and receiving countries share the rights and responsibilities for migrant protection. Sending and receiving countries must hold one another accountable for their actions, and must not let one another demand that any individual sever their ties with the other. Dual belongings and transnational relationships are alive and well in the lives of migrants like the ones that came to Mexico in March demanding the right to vote; we must keep them alive in our policies as well.

We hope you will take a copy of this declaration with you, and will consider the ways in which these ideas apply to the situations of your countries, whether they be sending countries, receiving countries, or both. We hope you will share your commentaries and disagreements with us, will work with us on revisions, and will help us to persuade your governments and others that these truly humane principles, principles based on the human experience itself, are worthwhile.

In Mexico, attention to this issue and the elaboration of this document are an integral part of our national agenda. Our health as a nation depends *very much* on our ability to defend the rights of Mexican migrants - both the rights the United States must afford them and the rights Mexico must afford them.

When Vaclav Havel addressed his fellow Czechs and Slovaks on New Year's Day 1990, just months after he led Czechoslovakia in its democratic transition, he said:

Let us make no mistake: the best government in the world, the best parliament and the best president in the world cannot achieve much on their own. And it would be wrong to expect a general remedy to come from them alone. Freedom and democracy require participation and therefore responsible action from us all.

In Mexico, "us all" means all of us Mexicans, those who live within Mexico's borders as well as those that do not. The United States, quite frankly, would not be the United States without Mexican migrants; and Mexico, we know, cannot be Mexico without them any more. For them, please allow me to present this declaration, which I stress is still in its early stages of development.

## Sending and Receiving Countries in a World of Migration

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WHEREAS throughout human history, economics, politics, and family ties have caused people to move from one land to another, and this movement of peoples has only become more accelerated as globalization has increased the exchange of goods, capital and travelers around the globe,

WHEREAS questions of citizenship, loyalty and belonging in the societies where the world's 150 million migrants<sup>1</sup> live have become among the most hotly contested of the day, their urgency heightened by the terrorist attacks of September 11, 2001,

WHEREAS migrants have, and continue to, seek opportunities to participate socially, culturally and economically in more than one country,

WHEREAS migrants enrich the cultural and intellectual lives of both sending and receiving countries with each others' ideas and values,

WHEREAS the valorization of these multiple belongings is not based on political agendas, but rather, is the creation of millions of people throughout history for whom multiple and transnational belongings have been the essence of daily life,

WHEREAS sending countries have had, to date, limited ability to protect their co-nationals abroad,

WHEREAS receiving countries historically have overlooked the rights of migrants,

WHEREAS migrants are among earth's most vulnerable human populations, and among them, women and children are particularly vulnerable,

WHEREAS the international community has established minimum standards for the protection of migrants and their families, and among these are rights which pertain to all migrants regardless of legal status, and which include, but are not limited to the rights: to basic labor protections, from harmful work environments, discrimination, wrongful termination, and workplace harassment, whether sexually or ethnically based;<sup>2</sup> to receive basic health services;<sup>3</sup> to education for migrants' children;<sup>4</sup> to freely associate, in unions and civic groups;<sup>5</sup> to maintain their language, religion and culture;<sup>6</sup> to family reunification;<sup>7</sup> to freedom from arbitrary expulsion.<sup>8</sup>

### We Propose the following principles to guide sending and receiving countries

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THE FIGHT AGAINST TERRORISM does not in any way lessen the claim of immigrants, both documented



and undocumented, to the same human, civil and labor rights that other human beings possess, as outlined in treaties advanced by the United Nations, the International Labor Organization and the International Organization for Migration among others.<sup>9</sup>

THE TERRORIST ACTS OF SEPTEMBER 11, 2001 do not delegitimize individuals' pursuits of dual belonging and dual citizenship. Human beings are capable of displaying their loyalty to two or more countries. Recognizing that immigrants can be productive members of two societies - both their country of origin and their country of residence - does not compromise national security. Rather, the two are mutually reinforcing.

TRANSNATIONAL BELONGING, dual nationality and multiple nationalities are not destructive to the process of nation-building for "receiving countries". Rather, immigrants are more likely to participate in their new country when they know that doing so will not be at the cost of their relationship with their "sending" country.

MIGRANTS HAVE PROVEN TO BE CRUCIAL ACTORS in the economic development of "sending countries", and their remittances have the potential to reduce the need for migration in the future.

MIGRANT SENDING AND RECEIVING COUNTRIES will have the following rights and responsibilities:

- 1) Receiving countries should realize that the legalization of migrants whose status is irregular builds a society where "black markets" in identity need not thrive, where border control is both economically and socially feasible, and where immigrants participate actively in the host society, rather than hiding in its shadows.
- 2) Countries of origin and receiving countries should work together to create reliable and well-established systems for those who live abroad to establish their identities for security purposes, including the distribution of mutually recognized documents.
- 3) Sending and receiving countries should work together to ensure the speedy, safe and inexpensive transfer of remittances from migrants to their families and communities in the countries of origin.

In their words and their policies, receiving countries should not treat these remittances as a "drain" on their economies; rather, they should recognize that immigrants contribute more to their economies than they take out.

- 4) Countries of origin should enable their citizens to integrate politically into the countries where they reside

without fearing the loss of connection with their country of birth, by allowing for dual or multiple nationalities and citizenships, and the ability to vote from abroad.

- 5) Sending countries that have a significant percentage of their populations living outside their national frontiers should include the concerns of these diasporas in their framework for creating and evaluating public policies.

Such countries should establish offices at the highest levels of the Executive and Legislative branches of government to maintain relations with these citizens abroad, integrating their needs into the national agenda.

- 6) The consular protection rights guaranteed in the Vienna Convention are only the beginning of sending countries' responsibility to protect their co-nationals abroad.

Sending countries should create registries to account for those who leave to work abroad, in order to aid in the work of migrant attention.

They must send representatives to ensure that all the basic rights guaranteed by the international community,<sup>10</sup> particularly health, educational and labor rights, are enjoyed by their emigrants.

Receiving countries must recognize these sending-country representatives as legitimate political actors with a justifiable interest in protecting not only the persons but also the basic rights and dignity of these co-nationals.

- 7) The obligations established above also apply to the relationship between sending countries and countries of transit, in order to ensure these transit countries respect the basic rights of those migrants who pass through their territory.

- 8) Both sending and receiving countries should reexamine their citizenship policies. Opportunities for dual citizenship, multiple belongings and migrant economic and political participation in more than one country should not be invalidated. Instead, they should become valid ideals to which our governments aspire.

## FOOTNOTES

- <sup>1</sup> International Organization for Migration.
- <sup>2</sup> Declaration of the Rights of Individuals Who Are Not Nationals of the Country in which They Live (U.N. 1985), Article 8; International Convention on the Protection of the Rights of All Migrant Workers and their Families, Articles 11, 25.
- <sup>3</sup> Declaration of the Rights of Individuals Who Are Not Nationals of the Country in which They Live (U.N. 1985), Article 8; Universal Declaration of Human Rights (U.N. 1948), Article 25; International Convention on the Protection of the Rights of All Migrant Workers and their Families, Article 28.
- <sup>4</sup> Universal Declaration of Human Rights (U.N. 1948), Article 25; International Convention on the Protection of the Rights of All Migrant Workers and their Families, Article 30.
- <sup>5</sup> Declaration of the Rights of Individuals Who Are Not Nationals of the Country in which They Live (U.N. 1985), Articles 5, 8; Universal Declaration of Human Rights (U.N. 1948), articles 20, 23; International Convention on the Protection of the Rights of All Migrant Workers and their Families, Article 26.
- <sup>6</sup> Declaration of the Rights of Individuals Who Are Not Nationals of the Country in which They Live (U.N. 1985), Article 5; International Convention on the Protection of the Rights of All Migrant Workers and their Families, Articles 12, 31.
- <sup>7</sup> International Convention on the Protection of the Rights of All Migrant Workers and their Families, Article 44, applies only to migrant workers in a regular migratory situation.
- <sup>8</sup> Declaration of the Rights of Individuals Who Are Not Nationals of the Country in which They Live (U.N. 1985), Article 7; Universal Declaration of Human Rights (U.N. 1948), Article 9; International Convention on the Protection of the Rights of All Migrant Workers and their Families, Articles 16, 22.
- <sup>9</sup> The International Convention on the Protection of the Rights of All Migrant Workers and their Families (U.N.), Universal Declaration of Human Rights, International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights, International Convention on the Elimination of All Forms of Discrimination Against Women, International Convention on the Elimination of All Forms of Racial Discrimination, International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment, International Convention on the Rights of the Child, ILO Migration for Employment Convention, ILO Migrant Workers Convention, ILO Forced Labour Convention, ILO Freedom of Association and Protection of the Rights to Organize Convention, ILO Equal Remuneration Convention, ILO Discrimination Convention, ILO Minimum Age Convention, Vienna Convention on Consular Relations, among others.
- <sup>10</sup> Ibid.