

5 A CASE STUDY: DIRECT AND INDIRECT PATHWAYS OF CHANGE IN MEXICO

In May 2017, ten Mexican civil society organizations submitted a letter to the Open Government Partnership's Steering Committee formally announcing their withdrawal from the Tripartite Technical Secretariat (STT—Secretariado Técnico Tripartita)—the multistakeholder body coordinating Mexico's Open Government Partnership participation.¹ Their complaints focused on the government's illegal digital surveillance of Mexican civil society groups—including one member of the STT itself—and attempts by the federal government to reduce the scope and ambition of commitments made in Mexico's third National Action Plan.

Concerns by civil society groups over rampant corruption scandals and impunity for human rights abuses were already on the rise, and the digital surveillance scandal proved to be the last straw. This withdrawal of the entire formal civil society coalition left Mexico's Open Government Partnership process at a standstill, despite being one of the initiative's founding member countries, having recently served as chair of the Steering Committee and having been the host of the 2015 global summit.

And yet, just as we have argued for the Open Government Partnership globally, what might appear superficially to be a straightforward case of policy failure actually offers far more insight if one looks beneath the surface. The Mexican case exemplifies the paradoxical character of multistakeholder governance in open government reform where democratic and accountability setbacks still occur, despite attempts to operate in a climate of greater openness and integrity. Beyond the national-level processes of consultation,

commitment-making, and implementation, however, broader dynamics had been set in motion—and these continued despite the formal breakdown of official Open Government Partnership mechanisms.

The Open Government Partnership had empowered new actors, serving as “steroids for civil society” (according to one participant [CSO 1]) by giving them a seat at the table and tools for bringing outside pressure.² Reformers inside the government were also able to draw on new resources and opportunities to pursue their own agendas within the bureaucracy. New norms of open government and cocreation had taken root, and the Open Government Partnership’s model of multisector collaboration was being applied in new policy settings, including a new subnational initiative incorporating both local civil society actors and state governors across political parties. The Open Government Partnership had also established new links with transnational and international actors and helped forge a new coalition of ideologically diverse civil society actors that had little previous experience collaborating with one another. These processes together had also helped to establish a cross-partisan appeal of open government, laying the groundwork for the Open Government Partnership process to be restarted in early 2019, after a new president had taken office. Importantly, these factors combined to contribute to several major legislative achievements, including landmark reforms to Mexico’s access to information law and a new national anticorruption system.

While these developments do not necessarily reflect a measurable *quantitative* change in open government policy outcomes, they do reflect the effects of the indirect pathway through the institutionalization of reform dynamics and a *qualitative* change in the nature of interactions between relevant actors in the government and in society. Understanding and taking these developments seriously are essential for both scholars and policymakers of governance reform and international institutions.

This chapter highlights and demonstrates several main themes of our book. We show that in Mexico, the impact of the Open Government Partnership through a direct commitment-and-compliance pathway of change has been limited at best. Commitments were generally narrow or superficial, and some were implemented only partially, not at all, or did not endure

following the close of a given National Action Plan cycle. Even star commitments generally reflected policy output without policy outcomes, representing piecemeal reforms that might be useful for specific goals but not for broad-based transformations. However, there were some opportunities for learning and improvement over time through repeated iterations of the National Action Plan–Independent Reporting Mechanism cycle. We thus demonstrate that an indirect pathway of change shows much more potential for more holistic changes and broader processes of institutionalization.

In this chapter, we trace the history of Mexico’s membership in the Open Government Partnership through multiple rounds of National Action Plans and three different presidencies through early 2019. We pay close attention to evidence for impact—both of commitments themselves and of the Open Government Partnership’s iterative and participatory processes. We proceed chronologically but step back at the end of the chapter to review important legislative and subnational developments that occurred alongside other events and that demonstrate key themes. At the close of the chapter, we assess the overall evidence pertaining to both the direct pathway (compliance-based) and indirect pathway (process-driven mechanisms) of change.

METHODOLOGY AND CASE SELECTION

This case study was carried out through an extensive review of official Open Government Partnership documents, third-party reports, Mexican news media, and in-depth interviews conducted either in Mexico City or remotely. The interviews relevant in this chapter include five representatives of different civil society groups in Mexico, four current or former government officials, and two representatives of the Open Government Partnership globally. The interviews with civil society and government officials were conducted in Mexico City in April 2018 and in August 2018. The authors also attended the 2015 Open Government Partnership Global Summit in Mexico City and several other global summits and other events either individually or collectively. Where referenced in this chapter, interviews conducted by the authors are denoted by organization type (either GO for government official, CSO for civil society organization representative, or OGP for Open

Government Partnership representative) in order to preserve the anonymity of individuals and enable them to speak more freely.

Although our methodological approach in this chapter is generally akin to one of process tracing (Gerring, 2011), it is not strictly focused on testing between rival explanations of an outcome. Rather, our focus is twofold. First, we seek to evaluate the extent to which the Open Government Partnership affected governance reform in Mexico. Second, and more importantly, we seek to test between two rival interpretations of the drivers and salient features of those effects—a direct pathway (emphasizing compliance-based mechanisms) and an indirect pathway (emphasizing process-driven mechanisms) of change. These two rival hypotheses of interest that we seek to test between are thus:

H₁: To the extent that Open Government Partnership membership had impacts on governance reform in Mexico, this impact was driven by formal commitments and their implementation.

H₂: To the extent that Open Government Partnership membership had impacts on governance reform in Mexico, this impact was driven by iterative and participatory processes.

Of course, much depends on how one defines *impacts* in this setting. Our understanding here is relative, given that reform efforts over short- or medium-term timeframes are so rarely *ever* found to have transformative and measurable impacts on governance (Fox, 2015; Michener, 2019). In the Mexican case, we specifically define the outcome of interest as encompassing both the extent to which public sector governance is transparent, participatory, and accountable, as well as the strategies and tactics by which governmental and nongovernmental actors seek to shape public sector governance. These may thus encompass qualitative as well as quantitative changes, such as shifts in the nature of interactions, the processes of decision making, or the types of policies being pursued.

Our case selection of Mexico is motivated by its status as a highly likely case for direct compliance-based pathways to operate relative to other Open Government Partnership members. Mexico was among the founding countries of the Open Government Partnership and so had played a role in

designing the system of rules around National Action Plans and commitments. It was a new democracy, often highlighted as a key factor in shaping compliance. It had a reform reputation to uphold, given its widely hailed 2002 access to information law. It also featured an active civil society in areas of transparency, corruption, and human rights. All these factors suggest a high water mark for compliance mechanisms to be operating relative to other Open Government Partnership members. Yet, instead, we still see limited compliance, making Mexico an important case to assess for evidence of alternative mechanisms at work.

BACKGROUND AND CONTEXT

Mexico was governed for decades by the single-party rule of the Partido Revolucionario Institucional, known as the “perfect dictatorship” for its use of uncompetitive elections as part of a sophisticated strategy to maintain sustained political control (e.g., Magaloni, 2006). However, the 1980s and 1990s saw some gradual increases in democratization and decentralization, particularly with the increasing competitiveness of opposition parties, turnover in party control in some subnational units, and the creation of nascent accountability institutions like the electoral commission (e.g., Eisenstadt, 2004). The crucial transition to democracy took place in 2000 with the presidential election of Vicente Fox Quesada of the opposition Partido Acción Nacional. Although the 2006 election was disputed and marked by widespread protest, the Partido Acción Nacional maintained control under the presidency of Felipe Calderón Hinojosa, with the Partido Revolucionario Institucional then returning to power with the election of Enrique Peña Nieto in 2012.

Although adoption of an access to information law had been a Partido Acción Nacional campaign promise, the initially drafted legislation was relatively weak. In response, a coalition of newspaper editors and academics known as the Grupo Oaxaca raised the profile of the issue, demanded stronger legislation, and were largely successful in shaping the ultimately adopted 2002 law (Michener, 2011a). Coming into effect in 2003, this law was hailed around the world for the strength of its legal design, the

independent information commission it created (IFAI—Instituto Federal de Acceso a la Información y Protección de Datos), and the innovative online platform it deployed to manage requests and responses (Bookman & Guerrero Amparán, 2009; Berliner, Bagozzi, & Palmer-Rubin, 2018). Mexico was thus seen as a leading open government champion by many in global reform communities, including those responsible for the founding of the Open Government Partnership.

However, despite the access to information law and an active civil society focusing on issues of transparency, corruption, and human rights, Mexico also faced many challenges for open government reforms to thrive, including high levels of corruption and economic inequality, and ongoing violence and human rights abuses (especially after the launch of President Calderon's drug war after his election in 2006). A civil service reform was initiated in 2003, but it remained highly limited and incomplete, leaving nearly all substantive positions as political appointees (Dussauge Laguna, 2011). Even the widely hailed access to information law was shaped by political considerations, both in its extension to the subnational level (Berliner & Erlich, 2015) and in how officials responded to individual requests (Bagozzi, Berliner, & Almquist, 2019; Berliner et al., 2020).

In 2011, Mexico scored only thirty out of one hundred points on Transparency International's Corruption Perceptions Index (with one hundred being least corrupt)—although this was tied with fellow Open Government Partnership founding country Indonesia and ahead of another founding member, the Philippines. Although Mexico's score then rose over the next few years, reaching thirty-five in 2014 and 2015, it subsequently fell again. However, this drop should be largely attributed to the revelations of corruption scandals associated with President Enrique Peña Nieto and their effect on international perceptions of corruption. A prominent critique of such perception-based measures of corruption is that the publicity of scandals can drive negative shifts in perceptions, even if, in reality, their true effects on corruption are uncertain or even positive (Petersen, 2020).

Thus, although Mexico featured many characteristics that would situate it as a likely case for traditional compliance-based mechanisms with

international commitments, these myriad challenges also shaped and limited its potential for open government reform successes.

MEXICO'S OPEN GOVERNMENT PARTNERSHIP MEMBERSHIP: INITIAL PHASES

Mexico was one of the Open Government Partnership's founding members, involved as early as the January 2011 meeting in Washington, DC, where IFAI commissioner María Marván and Juan Pardinas from the civil society group, IMCO (Instituto Mexicano para la Competitividad—Mexican Institute for Competitiveness) were in attendance. Mexico was seen as a global leader in transparency reforms, particularly in terms of its 2002 access to information law, its highly active information commission, and the innovative online information request platform INFOMEX. Interestingly, Mexico's participation in the Open Government Partnership began with IFAI—a formally independent body—and not with a ministry headed by a politically appointed secretary.

As one of the founding members, it was the responsibility of the Mexican government to prepare an action plan of commitments in time for the September 2011 meeting at the United Nations General Assembly when the Open Government Partnership would be formally launched. As with most of the other founding members, this resulted in a process that was widely acknowledged as rushed and generally yielding commitments that were superficial or already underway (Arreola, 2013; Open Government Partnership, 2012c, 15; Gerson & Nieto, 2016, 7–8; GO 2).

One civil society participant wrote that “the initial government approach to OGP was ‘business as usual’: consultations with CSOs were carried out but at the end of the day the CSO's input was largely ignored” (Arreola, 2013). Meanwhile, a government participant noted that, given the brand-new process and limited timeframe, “it wasn't clear what was the format, what we had to do, what was included” (GO 2).

This process was criticized by civil society groups for its rushed timeframe, limited nature of commitments, and the fact that only one civil society

proposal had been incorporated (GO 1). Gerson and Nieto (2016, 8) wrote that “immediately after, CSOs questioned the legitimacy of the plan and threatened to leave and denounce the partnership.”

However, unique among the founding members, Mexico’s government then embarked on an after-the-fact expansion of its first National Action Plan in a new process initiated in December 2011 (Alianza para el Gobierno Abierto, 2012, 1; Open Government Partnership, 2013c, 34; Arreola, 2013). A new “expanded action plan” was released in May 2012 and “featured a wider set of commitments, each with a unique co-governance structure between civil society and government” (Open Government Partnership, 2013c, 3). Many of these thirty-seven new commitments corresponded directly to specific policy goals of civil society groups in Mexico (Arreola, 2013).

The process of designing the extended action plan was particularly open to civil society groups, who took advantage of the government’s initial missteps to ensure that the process yielded concrete steps on specific goals. However, many participants in this process later noted its limitations—the “asks” of the civil society groups were relatively narrow, discrete, and related to their already existing programs of work (GO 2). One civil society participant wrote:

Ambition of this new set of 37 commitments was low. . . . Hence, the low hanging fruits of open government were prioritized. Most commitments were built over preexisting work either from CSOs or government (Arreola, 2013).

The Independent Reporting Mechanism report monitoring Mexico’s 2011–2013 plan noted:

The eight organizations consulted for the elaboration of the Action Plan decided to propose proposals that meet their specific information needs to advance their work agenda. This was largely due to the haste with which the process was organized, and the need to move forward on proposals that could be translated into concrete commitments, in the short term and exclusively in reference to the executive branch. But it is also due to a restricted view on the part of some of the organizations about their own work, and to a certain degree of ignorance of the logic of work and the limitations of public management. (Open Government Partnership, 2013c, 115–116, translated by the authors)

Nonetheless, it was noteworthy that a majority of the commitments were ultimately fully or substantially completed, comparing favorably with many other countries where early implementation gaps were much larger. We can assess the implementation of these commitments using the report prepared by the Open Government Partnership's Independent Reporting Mechanism researcher. At this stage, the Independent Reporting Mechanism did not yet conduct end-of-term assessments of commitment completion, so we can only rely on the midterm assessment, bearing in mind that some commitments may have been completed afterward. Nonetheless, even partway through the first (extended) action plan's timeline, sixteen out of thirty-six reviewed commitments were recorded as completed, nine more as substantially completed, seven as limited, and four as not started (Open Government Partnership, 2013c, 4–8).³

One example from the extended action plan was a commitment to publicly disclose media advertising spending by government bodies. This had been a major goal of several civil society organizations for many years, particularly Article 19 and FUNDAR, the two groups responsible for the commitment. Such official publicity spending is often criticized in Mexico for being used to shape news coverage and limit the financial independence of media entities. This commitment did not even require the collection of new information, as an internal database already existed and was managed by the Secretaría de Función Pública (Ministry of Public Administration). Yet the commitment was faced with resistance, especially as approval was required from the Interior Ministry, but no approval was forthcoming. One monitoring report reflected that “if there is not any kind of technical or budgetary problem what appears to have been an obstacle is the lack of political will” (Open Government Partnership, 2012d, 9).

Facing this resistance and with a new presidential administration incoming in December 2012, outgoing officials in the Secretaría de Función Pública unilaterally made the existing internal database public, thereby at least partially fulfilling the commitment (Open Government Partnership, 2012c, 9). Interviewees suggested that this incident reflected the importance of reform-minded bureaucrats taking advantage of the Open Government Partnership process to help break through entrenched resistance to transparency (CSO 2;

CSO 5). The resulting official publicity spending database remained publicly available and updated (though with delays and some limitations) even many years later, and it laid a groundwork for continued investigative reporting and analysis by journalists and civil society organizations (Artículo 19, 2015) as well as continued mobilization for increased transparency and regulations of this form of spending.

The Tripartite Technical Secretariat

In the process of developing this expanded action plan, government and civil society groups jointly formed the tripartite STT (Secretariado Técnico Tripartita or Tripartite Technical Secretariat), comprising representatives of civil society organizations, the federal government (represented by the Secretaría de Función Pública), and the independent information commission, IFAI. The goal of this body was to “act as a permanent and institutionalized space for decision-making, consultation, monitoring compliance with the commitments established in OGP, as well as communication between government actors and civil society” (Alianza para el Gobierno Abierto, 2012, 2, translated by authors). Each sector—civil society, the federal government, and the independent information commission—would have one vote on this body.

This multisectoral representation was a response to what was seen as unwieldy initial efforts to coordinate and collaborate among representatives from dozens of different government ministries, IFAI, and multiple civil society groups. One participant noted that these efforts were “not working,” “not moving fast enough,” and required a smaller group to “streamline coordination” (GO 2). The STT also helped resolve some early tension between IFAI and the Secretaría de Función Pública over who owned the transparency and open government agenda within government by consolidating the latter as the representative of the federal government, with IFAI as the more independent third party between government and civil society.

IFAI’s role was interesting, as a government entity yet largely independent (its constitutional autonomy was not guaranteed until a 2014 constitutional reform that also resulted in its name being changed from IFAI to INAI, standing for Instituto Nacional de Acceso a la Información). Traditionally, IFAI had been seen as a champion of transparency reform and an

ally to civil society groups, while some in government had tended to see it as a “foreign body” (CSO 1). On the STT, it managed to play a role as a broker, keeping the trust of both civil society and government officials (Gerson & Nieto, 2016, 4; CSO 1).

The civil society members of this body initially included eight organizations, with two more joining a few years later. The coalition formed by these organizations was known as the Núcleo de la Sociedad Civil (Civil Society Core Group). Notably, these eight groups, many that had not previously worked together, included a relatively wide array of ideological and issue focuses.⁴

Some, like CIDAC (Centro de Investigación para el Desarrollo, A.C.), were generally nonpartisan think tanks engaged primarily in research. Artículo 19, the local chapter of the global freedom of expression organization Article 19, focused on human rights issues and was generally more confrontational toward the government. On the other hand, IMCO (Instituto Mexicano para la Competitividad) focused on promoting more business-friendly policy developments.⁵ GESOC (Gestión Social y Cooperación) was seen by some as a nonpartisan think tank but by others as right-leaning like IMCO. Cultura Ecológica was an environmental group, while SocialTic (previously called CitiVox) focused primarily on technology and open data. Like Artículo 19, Transparencia Mexicana was also the local chapter of a well-known international nongovernmental organization, Transparency International. FUNDAR engaged in both research and advocacy and focused on a relatively broad range of issues, including human rights and corruption and transparency.

Many stakeholders involved in the Open Government Partnership process in Mexico highlighted the importance of bringing together this relatively diverse array of groups into the same collaborative process, suggesting that they had not previously been used to working in concert on shared goals or processes that crossed the boundaries of their individual issue areas. One civil society participant said that they “used to be in silos” but “now are working together more, across human rights, transparency, digital” (CSO 3). Another said that “civil society organizations in Mexico had been very separated, individualistic” and noted that while transparency organizations in particular had been working together for many years, “the OGP helped create the

environment to get together with other organizations” from beyond a narrow transparency agenda (CSO 4).

Even a government official agreed, saying:

Something that was not very present before is that civil society got conscious that they have to build partnerships and collaboration within themselves. Before, there were some civil society [organizations] with specific expertise in some areas, but they did not dialogue with the organizations with other specialties. So, I think that what has happened with open government is that they have become conscious that if they are partners, they can demand more from the authorities. (GO 1)

Although previous civil society coalitions had operated on issues of transparency, no enduring coalitions had been this broad.⁶ In some cases, these organizations had been previously reticent to work directly with the government, preferring more confrontational modes of engagement. These new forms of collaboration were distinct from older patterns of corporatism in Mexico, wherein groups in society were incorporated into ruling party structures or directly controlled (Collier & Collier, 1979).

Several interviewees thus credited the Open Government Partnership with introducing a new culture of collaboration both among civil society groups and between those groups and the government (Gerson & Nieto, 2016; GO 1; CSO 2; CSO 3; CSO 4). One participant even suggested that the most important impact of the Open Government Partnership in Mexico had been in shaping the activities of civil society groups themselves in engaging with government (CSO 2).

On the other hand, despite ideological and issue diversity, this coalition remained quite narrow in other ways. In terms of representation, it incorporated only a small slice of civil society groups operating in Mexico, even of those working on related topics, and was a relatively elite group centered in the capital city. One participant called them “the usual suspects” (GO 2).

Nonetheless, many observers suggested that the STT reflected a new mode of operation for policymaking in Mexico. The announcement of the expanded action plan highlighted that civil society groups and government

officials worked together “as peers” on the STT, enabling greater mutual understanding and trust between them (Alianza para el Gobierno Abierto, 2012, 2). The Independent Reporting Mechanism monitoring report of the plan’s implementation said, “The establishment of the Tripartite Technical Secretariat (STT) is the most remarkable aspect of the process to promote the Alliance for Open Government in Mexico” (Open Government Partnership, 2013c, 26, translated). In April 2013, Haydeé Pérez of FUNDAR called the STT “a model of co-government” (Pérez, 2013).

In giving civil society groups a seat at the table, the STT also empowered them in both direct and indirect ways. Directly, they were able to contribute to the design of National Action Plan commitments, thereby gaining new ways to achieve their existing policy goals. Civil society’s decision-making role at times even went beyond commitments, such as during the planning of the global summit hosted in Mexico City in 2015. One government official involved said that every decision involved in planning still went through the STT, requiring the agreement of both IFAI and civil society representatives (GO 3).⁷

The STT also brought new indirect forms of influence for civil society groups. They were able to forge new links with bureaucrats in relevant ministries, particularly reformers who shared their goals or interests. And participation in the Open Government Partnership could also help bring pressure to bear on more resistant bureaucrats. One government official described how civil society would interact with government officials over the implementation of commitments:

It was persuasion. It was kind of: Listen, if you don’t do that, the cost . . . it will be very high. Because right now civil society is conscious of their rights. They are doing some pressure. But at the same time, it is a priority. You have to play with the power that you have, and speak the name of the president and everything, to try to persuade and eliminate all the resistance that is natural in terms of bureaucracy. (GO 1)

As will be discussed later in this chapter, participation in the Open Government Partnership also brought the ability to leverage international influence,

particularly in shaping new legislation and in bringing pressure to bear in preventing rollbacks. Finally, membership in the STT also gave civil society groups a new form of structural power from their implicit threat of exit, which would delegitimize the government's Open Government Partnership participation. One civil society participant said:

I mean, having and being involved in the process and being recognized by the government as a legitimate partner, it creates liabilities for the government if they decide to behave badly. . . . [Civil society can] leave, and then they're going to suffer from their legitimacy nationally and globally. That's a credible threat for the governments. (CSO 2)

Participants themselves saw these new forms of influence as some of the most important aspects of the Open Government Partnership. One said that “having a policy-building space with government at a high level—this was a change from before” (CSO 3). Another even said that the Open Government Partnership was “like steroids for civil society,” noting it enabled them to “pressure government from the inside and the outside” (CSO 1). A government official agreed, saying:

The first steps that we made with OGP gave a lot of power to civil society, and they gained a lot of legitimacy to put some pressure on the authorities, that they cannot in the subsequent actions take decisions on their own, that they have to be co-constructed, co-created, with the specialization and the knowledge that civil society has. (GO 1)

Notably, at the time the STT was established, no other country had a formal, permanent multistakeholder body to coordinate the domestic Open Government Partnership process (Alianza para el Gobierno Abierto, 2012). Instead, this development reflected the adoption and institutionalization, at the domestic level, of a collaborative and multistakeholder model inspired by the Partnership itself. Mexico's STT would come to be seen as a model to be emulated by many other countries, including those in the Global North. Ultimately, the Open Government Partnership developed new guidelines formally encouraging and ultimately requiring member countries to institute similar formal coordinating bodies (Open Government Partnership, 2018c).

Transition to Peña Nieto Administration

On July 1, 2012, Mexican voters elected Enrique Peña Nieto to the presidency, returning to power the Partido Revolucionario Institucional that had governed for decades until 2000. This was a very fraught period for democracy in Mexico, particularly as the Partido Revolucionario Institucional had been the party of authoritarianism and secrecy—although it now sought to project an image of reform and efficiency.

For the Open Government Partnership, Mexico was the first of the founding members to undergo an executive leadership transition. The new administration could have been hostile towards this initiative of its predecessor and chosen to abandon or neglect it. There was substantial uncertainty, particularly as the Peña Nieto campaign had promised to abolish the Secretaría de Función Pública (Gómez, 2012). Ultimately, this did not take place.

Instead, the transition proceeded smoothly, as the new administration found reasons to embrace the Open Government Partnership, both linking it with its own existing agenda and using it as a way of signaling continuity and commitment to reform (CSO 1; GO 1; GO 2). Gerson and Nieto (2016, 9) note that “Peña’s package of institutional reforms . . . included explicit commitments to increase transparency, curb corruption, and improve the regulation of financial contributions during electoral campaigns.” One government official said that the new administration was “very smart . . . they took it as an opportunity to show the world the commitment that the administration will have” (GO 1).

Further, Mexico was selected as the next lead government chair of the Partnership’s Steering Committee, a role it would hold for one year, beginning in October 2014 and culminating in its hosting of the global summit in Mexico City at the end of October 2015. This role also brought substantial international attention to Mexico’s government, including awards (Notimex, 2014b) and praise from world leaders (Notimex, 2014a).

One important change that was made was the replacement of the Secretaría de Función Pública on the STT. In its place would be the Coordinación de Estrategia Digital Nacional (Digital Strategy National Coordinating Office) in the Office of the President, which was additionally tasked with monitoring the compliance of Open Government Partnership commitments

across government. In general, this move was seen as a positive step, helping to signal the stronger commitment to and involvement of the executive in the partnership process. The domestic Open Government Partnership process also received additional resources dedicated specifically toward the implementation of commitments (Ocejo Rojo, 2016, 1–2).

Commitments in Action? Mexico's Second and Third National Action Plans

While Mexico's first National Action Plan had offered civil society groups a novel opportunity to achieve their policy goals, many came to see it as having been too narrowly focused on the disclosure of specific types of information linked with existing civil society advocacy efforts (Arreola, 2013; Open Government Partnership, 2013c, 116; GO 1). The process had also been difficult, with the original iteration criticized as ignoring civil society contributions, but the process led to the revised, extended action plan, which was seen as going too far in the other direction. One government official said that “there had been a bit of trauma about the hundreds of meetings,” placing a considerable burden on both officials and civil society organizations (GO 2).

Thus, the STT adopted a new mode of consultation organized around thematic working groups for the design of the second National Action Plan in 2013. Each group would bring together relevant government officials, academic experts, and civil society groups in order to cocreate commitments within that thematic issue area, but without all actors needing to be involved for all commitments, while also promoting commitments broader than the goals of any single civil society organization.

Each working group included roughly fifteen to twenty-five people, with over two hundred individuals involved overall, making the process more broadly consultative than either version of the first National Action Plan had been. The nine themes were: “public purchasing,” “digital agenda,” “competitiveness and economic growth,” “social policy,” “environment and climate change,” “infrastructure,” “budget and fiscal transparency,” “justice and security,” and “extractive industries” (Alianza para el Gobierno Abierto, 2014).

One official involved said that between the first and second National Action Plans, “there was a ton of learning,” because:

In the first, you could say “this is a commitment of FUNDAR, this is from GESOC [Gestión Social y Cooperación], etc.” In the second, you could say “this was from everyone; a meeting of CSOs and government and experts.” (GO 2)

In some thematic areas, this collaborative process of developing commitments went relatively smoothly, but in others, it was much more difficult. One participant noted that the “toughest” discussion was for the security-related theme, particularly relating to a database of disappeared persons:

That one they were fighting for each of the words in the commitment, they were fighting for commas. . . . It was really co-created word for word. (GO 2)

Ultimately, seventeen commitments resulted from this collaborative process. Nine more commitments were selected by the STT out of proposals made by government bodies. Collaboration continued through the implementation process, as each commitment (of those collaboratively produced) was assigned three civil society groups responsible for monitoring progress, with a timeline of follow-up meetings with the relevant ministries (Ocejo Rojo, 2016). The Coordinación de Estrategia Digital Nacional office even produced an online dashboard to enable both participants and the public to track implementation progress, with each commitment color-coded for progress and any status updates made by officials requiring both uploaded evidence and agreement from the involved civil society groups (GO 3).

There were also other tensions in this collaborative process. In particular, not all the civil society groups involved agreed on the best way to manage their interactions with government bodies, particularly when they previously had largely adversarial interactions with them. Some organizations preferred to refrain from outright criticism of government entities that they were officially collaborating with, while others were less comfortable in that position. One civil society participant noted that in this period, “one of the biggest fights” was between Article 19—generally preferring a more confrontational approach—and the other civil society organizations over precisely this tension (CSO 4).

Despite this collaborative process, none of the resulting commitments was ultimately assessed by the Independent Reporting Mechanism researcher

as having “transformative” potential impact, and only six were rated as having “moderate” potential impact (Ocejo Rojo, 2016). These six were an “open and participatory entrepreneurship fund,” a “detainees register,” a “missing persons database,” a program to “democratize scholarships for aid and education,” an “open data policy,” and “participative protection of the environment” (Ocejo Rojo, 2016). Some of these were sector-specific and represented the diffusion and application of open government ideas into new policy areas. Others were more general, particularly the open data policy, which was closely linked to President Peña Nieto’s open data agenda.

The Mexican government made implementation a particularly high priority for the second National Action Plan, in large part because of its role in the global spotlight as country chair of the Open Government Partnership Steering Committee and host of the 2015 global summit (CSO 5; GO 3). Ultimately this effort yielded one of the highest completion rates of any National Action Plan. According to the Independent Reporting Mechanism report on the second plan, twenty-four of twenty-six commitments were fully completed, with only two assessed as “limited” completion (Ocejo Rojo, 2016). Interestingly, while some earlier commitments were criticized as one-off disclosures that were never repeated or updated, this was not the case for many commitments from the second plan. A follow-up study several years later found that fourteen of the twenty-six commitments had resulted in websites, platforms, or databases that were still in existence and still being updated (CSO 3).

For Mexico’s third National Action Plan, developed over 2015–2016 and planned to be implemented from 2016 to 2018, the STT sought to fine-tune the consultation and design processes. These steps came in response to both the experiences in Mexico of the first two plans and to feedback from the Partnership’s global Independent Reporting Mechanism unit based on the experiences of other countries.

First, the process would be more diverse and representative, in part based on concerns that the civil society groups on the STT represented a narrow and elite set of interests. This led to the inclusion of two additional civil society organizations on the STT (Contraloría Ciudadana [Citizen Control] and Observatorio Nacional Ciudadano [National Citizens’ Observatory]),

the use of an online participatory platform to solicit ideas from the public for commitments, and the involvement of over 350 individuals—government, civil society, experts, and academics—in consultations and workshops (Nava Campos, 2018).

Second, the third National Action Plan would have fewer commitments. In part, this responded to feedback from the Independent Reporting Mechanism, which emphasized a less-is-more approach based on concerns that action plans with too many commitments might ultimately see worse implementation (OGP 1). The third National Action Plan ultimately contained only eleven commitments, aiming for “fewer but stronger and more long-term commitments” (GO 3).

Finally, the third National Action Plan was thematically focused less on access to information, accountability, or anticorruption and instead more on participation and sustainable development. In fact, the action plan was explicitly organized around themes linked to the UN’s Sustainable Development Goals. Commitments particularly focused on “information essential for decision-making and monitoring of government actions in areas such as combating poverty, investigation of disappearances, the management of drinking water and the risks associated with climate change,” using “inclusive and highly participatory mechanisms or bodies” (Nava Campos, 2018, 19, translated by authors).

Participants praised the plan for both its participatory process (GO 3) and the increased focus on broader social needs (CSO 5). Yet the Independent Reporting Mechanism researcher’s midterm report assessed none of the eleven commitments as having a potentially transformative impact—although eight were assessed as moderate potential impact. As of the Independent Reporting Mechanism researcher’s midterm report, none of the eleven commitments were assessed as being either substantially or fully complete. Even by the time of the end-of-term report, notably following the turmoil to be detailed below, only five of eleven had reached that status.

Mexico in the Global Spotlight: Steering Committee Chair and Global Summit Host

During the period of these National Action Plans, several other important events were also taking place. We focus on these events to highlight both

other, more process-oriented developments that the Open Government Partnership was contributing to, as well as mounting concerns on the part of civil society groups over their participation.

Although Mexico had already been slated to serve as country cochair of the Open Government Partnership Steering Committee, taking over for Indonesia after the 2014–2015 term, this needed to be confirmed with the new presidency taking office in December 2012 (Open Government Partnership, 2012c, 12). The new government's agreement was symbolically important, as it reflected Mexico's continued embrace of the Partnership agenda even after the change in the presidential administration. Mexico would also host the Open Government Partnership's global summit in October 2015, giving the government an important opportunity to showcase its actions on the world stage at an event with a high-level diplomatic presence, including several world leaders. This was particularly important, as the government had made digital government and open data a major part of its agenda.

This spotlight effect proved very important. As already noted, it contributed to the government's focus on achieving a high implementation rate of commitments from its second National Action Plan. One government official noted that the government "made a big effort to do something very important, to bring together all the stakeholders and make this important internationally" (GO 3).

Reformers both inside the government and in civil society made strategic use of Mexico's leadership role and the spotlight it created. They took advantage of these opportunities to pursue reform agendas even beyond the formal scope of the National Action Plan.

In the *Coordinación de Estrategia Digital Nacional* office's open data team, officials "took a lot of advantage from that moment, for the open government and open data agenda nationally" (GO 3). Although the open data agenda was a priority of the president, it also faced difficulty getting attention, resources, and overcoming resistance from other parts of the bureaucracy. The summit helped give them space on the policy agenda and the opportunity to gain high-level commitments to support their efforts. Officials focused on emphasizing key goals in the draft of Peña Nieto's speech at the summit, hoping that this public commitment would ensure follow-through. One official said:

They made the President commit to them there, in an international forum, so that there was no way back, they had to implement them. . . . Projects that are now very important, and will continue into the next administration, because there's now no way back, they have the support from many stakeholders. (GO 3)

Similarly, another official reflected on the summit's emphasis on open data issues, saying that the open data team “wanted to push something and they found the right tool to do it” (GO 2).

Importantly, many of these commitments were *not* part of the National Action Plan at the time but rather separate initiatives being promoted from inside the government. These included a commitment to publish all contracts involved in the construction of Mexico City's new airport according to the new Open Contracting Data Standard, a pilot program for body cameras by the Federal Police, and the creation of a new online public participation platform by the Interior Ministry (Reforma, 2015b).

The airport commitment deserves particular attention. While this might seem like a limited setting for transparency, it is notable for the size of the project—one of the largest infrastructure projects in the world—and for its ultimate political consequences, as corruption allegations became a major criticism of the Peña Nieto administration and a campaign emphasis of leftist challenger Andrés Manuel López Obrador in 2018, who even called it a “bottomless barrel of corruption” (Montes, 2018). For the Open Contracting Data Standard, this was an important early step in its diffusion both in Mexico and globally. Mexico has gone on to become one of the leading countries around the world in applying this standard to public procurement more broadly (Open Contracting Partnership, 2019).

Civil Society Leverage and the General Law on Transparency

Civil society groups made further strategic use of the opportunities presented by Mexico's leadership role in the Open Government Partnership, again pertaining to matters outside the formal scope of the National Action Plan at the time. A legislative drafting process was underway for a General Law on Transparency, updating Mexico's access to information framework in light of constitutional reforms made in 2014. The drafting process itself

was open and collaborative in unprecedented ways, as detailed later in this chapter, and resulted in a draft considered very strong by many civil society groups and experts.

However, in early 2015, the presidency announced eighty-one last-minute changes to the bill (Reforma, 2015a). Advocates saw these provisions as amounting to a weakening of Mexico's access to information regime, particularly in terms of limiting the independence and authority of IFAI, reducing the breadth of proactive disclosure provisions, increasing the scope for secrecy and classification, and even creating the possibility of sanctioning officials for disclosing information (Transparencia Mexicana, 2015b; Montalvo, 2014).

Mexico's transparency advocacy coalition sprang into action to highlight the changes in both domestic and international media and put pressure on the government to reverse them. Importantly, many of these efforts explicitly contrasted the reversals contained in the president's new version of the bill with Mexico's claim of global leadership in the open government agenda. For example, one civil society representative wrote:

Therefore, I wonder how Mexico can still be the leader of the OGP if there is no willingness from the President's Office to make a change and effectively guarantee RTI [right to information] to all their citizens. (Ruelas, 2015)

Another said, "what worries us, in particular, is that the government that presides over the initiative today is running the risk of not preaching by example" (Mural, 2015, translated by authors).

Civil society groups also sought to leverage Open Government Partnership structures and the global partnership community to apply external pressure. The Mexican Open Government Partnership civil society coalition wrote a formal letter to the STT requesting that the changes be withdrawn (Transparencia Mexicana, 2015a). *Transparencia Mexicana* distributed a statement calling for support within the global Open Government Partnership community (Transparencia Mexicana, 2015b).

Civil society groups also sought a response from the global level of the Open Government Partnership, although the Steering Committee had, thus far, been highly reticent to become involved in domestic matters falling outside of the formal National Action Plan process elsewhere. In this case,

however, the civil society cochairs of the Steering Committee wrote a statement explicitly on their own behalf but published it on the Partnership's website and distributed it through partnership channels. This statement praised the collaborative process that had produced the earlier, stronger draft but highlighted the criticisms of the proposed changes, concluding by drawing a contrast with Mexico's leadership position:

As Civil Society Co-chairs of the Open Government Partnership, we share these concerns. We encourage the Mexican Government and Congress to seize this opportunity to re-confirm their proven record and commitment towards transparency, access to information and co-creation processes with civil society, as appropriate to their leadership of the OGP. (Kaimal & González Arreola, 2015)

One observer noted how unusual this statement was, given that “the OGP Steering Committee, and its civil society members, has avoiding [*sic*] public criticism of member governments except in a few instances” (FreedomInfo.org, 2015a). However, despite explicitly not being a statement of the Steering Committee as a whole, it was generally covered in domestic media attention at the time as an international rebuke, which further contrasted the reversals to the draft legislation with Mexico's global leadership position (El Norte, 2015; Mural, 2015).

In the end, this campaign was largely successful, as most of the reversals were dropped, and the final bill “does not include 77 of the 81 last-minute amendments urged by the government which had aroused strenuous objections” (FreedomInfo.org, 2015b). The reforms as ultimately passed did indeed reflect most of the gains of the earlier collaborative process. While this was broadly a success of advocacy and activism by civil society groups, the media, and reformers in Mexico, the process highlights important leverage offered by the Partnership, particularly in conjunction with Mexico's role as chair and upcoming host of the global summit. One civil society participant, reflecting on this legislative process, said:

We used the Open Government Partnership as leverage. . . . They came out with a statement . . . and it was a very soft; the Steering Committee is very soft. But it was still strong for them. And so, the discussions opened up again and we finally got a very good law. But I think it was leverage from the OGP. (CSO 4)

GOVERNMENT SURVEILLANCE AND CIVIL SOCIETY WITHDRAWAL

There was also a darker side to Mexico's year as Open Government Partnership chair. In September 2014, forty-three students disappeared in Ayotzinapa with alleged government involvement, sparking outrage nationally and globally over continued impunity for human rights abuses in Mexico. In November 2014, investigative journalists broke the Casa Blanca scandal—named after the first lady's mansion, purchased from a favored government contractor (Aristegui Noticias, 2014). Peña Nieto was increasingly unpopular, with polls in September 2015 showing only a 35 percent approval rating (Partlow & Martinez, 2015).

Ahead of the October 2015 summit, civil society groups were torn over how best to approach the event. Some felt the obligation to recognize the government for genuine progress in the second National Action Plan, both in its design and high rate of implementation. But others were less comfortable in such a position of praising the government in light of the broader situation outside of the National Action Plan. One participant said:

For us, it's also complicated because we can't be applauding this kind of government. The problem is that the commitments are not so ambitious . . . it's easy for the government to achieve these commitments. And we are in a very delicate position. So, I think the danger is the image of an organization, and then it's also the political legitimacy we give to a government, but we can't sustain that. (CSO 2)

Ultimately, the civil society coalition released a statement calling for the government to strengthen the rule of law and to focus more of the Open Government Partnership process on human rights and civic space (FUNDAR, 2015). This statement was signed by over 190 organizations across multiple different issue networks (SocialTIC, 2015). At the summit, activists circulated stickers reading “¿Gobierno Abierto & 43 + 26,000 Desaparecidos?” (Open government & 43 + 26,000 missing?), highlighting the forty-three missing students from Ayotzinapa as well as the total number of reported missing persons.⁸ Protests were held in streets near the event (Howard, 2015), and at

one point, activists even took to the main stage of the summit holding placards bearing pictures of skulls. One participant even noted that this mixed approach of civil society groups to the summit was “a little schizophrenic” (CSO 5). Many international observers were similarly critical, contrasting Mexico’s focus on open data with the broader context of deteriorating press freedom and human rights (Howard, 2015).

Following the 2015 Open Government Partnership summit, the situation began to deteriorate further. Many participants suggested that the government “lost interest” in the Partnership, with the exception of its open data agenda (CSO 3; CSO 4). One government official even agreed that after the summit, “it was natural that the boom of open government diminished a bit” (GO 3). The Open Government Partnership coordinating role inside the government was shifted back to the Secretaría de Función Pública, away from the digital strategy unit in the president’s office, reflecting a deprioritization of the agenda (CSO 3). The Peña Nieto administration became increasingly unpopular and burdened with proliferating scandals of corruption and impunity. For both the government and civil society groups involved in the Open Government Partnership process, concerns mounted over the possibilities and consequences of continued collaboration.

Civil society groups were becoming increasingly concerned over the disconnect between the discrete open government projects being pursued within the scope of the National Action Plan process and the broader context of declining openness nationally. In this context, some felt that they were being taken advantage of to burnish the international image of the Mexican government, and some participants grew more concerned about their organizations’ reputations. One participant reflected on “the president hosting the summit, making statements, building its brand outside Mexico,” while at the same time, “nationally, there has been deep incongruency” in terms of “criminal investigations . . . and freedom of expression” (CSO 3). Another noted that the Open Government Partnership had “became more hard to believe” (CSO 1). Another participant said:

After Ayotzinapa, it was very hard for us to maintain the position sitting with government at the negotiating table. . . . We didn’t want to sit at the table for just little commitments or administrative processes (CSO 5).

Yet the government also became increasingly disillusioned, concerned that civil society groups would criticize them no matter what they did. One civil society participant said, “As time passed, they knew civil society was not going to be happy anyway, so they ‘threw the towel away,’ and political will went away” (CSO 4). It was in this setting that a surveillance scandal led to the ultimate collapse of the national-level collaborative process in Mexico, proving to be, in the words of one participant, “the final drop of water” (CSO 5).

In August 2016, the Toronto-based group Citizen Lab published its first investigation of Pegasus, a “government-exclusive ‘lawful intercept’ spyware” software sold by the Israeli company NSO Group to governments around the world (Marczak & Scott-Railton, 2016). This initial investigation focused primarily on its use in the United Arab Emirates but noted evidence of sales to other countries, including Mexico. Following this, Citizen Lab was contacted by several Mexican civil society groups, including SocialTIC of the partnership coalition, who “assisted Citizen Lab researchers in collecting suspicious messages from a range of Mexican targets” (Scott-Railton et al., 2017a).

This subsequent investigation, first published on February 11, 2017, by Citizen Lab and the *New York Times*, found evidence of digital surveillance of a range of actors in Mexico, particularly those involved in a campaign for a soda tax (Scott-Railton et al., 2017a; Perloth, 2017). Subsequent investigations found similar spyware on the phones of a wide range of actors, including journalists, politicians, and human rights and anticorruption activists (Scott-Railton et al., 2017b). Among the targets identified were staff of the partnership coalition member IMCO, including its head (and former global Steering Committee member) Juan Pardinás (Scott-Railton et al., 2017b).

According to Citizen Lab:

The targets received SMS messages that included links to NSO exploits paired with troubling personal and sexual taunts, messages impersonating official communications by the Embassy of the United States in Mexico, fake AMBER Alerts, warnings of kidnappings, and other threats. . . . To remotely compromise phones, NSO’s government customers trick targets to click on a link. When the link is clicked, the phone visits a server that checks the handset model (iPhone, Android, etc.) and then sends the phone a remote exploit for its operating system. (Scott-Railton et al., 2017b)

For example, one of the malicious messages received by Juan Pardinás of IMCO read:

hey, there is a van outside your house with 2 armed dudes, I took pictures look at them and take care: [malicious link]. (Scott-Railton et al., 2017b)

Civil society groups immediately began debating how to respond. They first worked internally through the STT, sending a letter demanding action. The federal government was represented on the STT at this time by the Secretaría de Función Pública, not the presidency. Yet the matter of surveillance clearly went beyond the scope of public administration alone. One government official said that “in the SFP [Secretaría de Función Pública] they tried to promote it. The Minister of Public Administration sat with them several times and asked what they could do” (GO 3). This official even agreed that the civil society groups “had [a] very valid point on bringing these issues to the table” but protested that the STT was not the right platform for these demands:

We had a specific level of things we could do, which was not much. We brought it to other authorities, but we ourselves didn't have the tools to investigate what happened. . . . That was all we could do in that space. (GO 3)

Adding to the concern of civil society groups were the government's efforts to water down some of the commitments in the third National Action Plan, reducing their scope or ambition from what had already been agreed (CSO 3; CSO 5).

The civil society coalition debated for three months over what course of action to take and whether or not to withdraw from the STT. One participant suggested that “one side wanted to stay . . . it was very important for them to listen to each other and make agreements first” (CSO 5). But another participant suggested that all members of the coalition “agreed mostly to step away, but disagreed how.” Yet all were concerned that—in the words of the same participant—“if we continue, and let them get away with undermining the process, we will be part of a huge simulation” (CSO 3).

Finally, all members agreed on the difficult necessity of leaving and published a letter on May 23, 2017, concluding that “there are no longer conditions for truthful co-creation and honest dialogue within the Secretariat.”

They warned the broader Open Government Partnership community that “systematic actions in Mexico should worry all OGP members since illegal and disproportionate digital surveillance is increasingly becoming a characteristic of authoritarian, undemocratic, and opaque governments” (Núcleo de la Sociedad Civil para el Gobierno Abierto en México, 2017a).

The withdrawal was front-page news in Mexico (Reforma, 2017). The Open Government Partnership Support Unit initially published a short statement offering that “we stand ready to offer all our resources, energy and solidarity to Mexican actors to come together and find a way forward” and “sincerely hope that the Mexican government and civil society will be able to re-establish a working relationship in the future built on trust, transparency and accountability” (Open Government Partnership, 2017b). A few weeks later, the global Open Government Partnership Steering Committee cochairs—the governments of France and Georgia and the leaders of two civil society organizations—issued a formal statement promising to discuss the matter at the next Steering Committee meeting and to “reach out to Mexican government officials as well as civil society organizations in advance of the meeting to offer our full support” (Open Government Partnership, 2017c).

At that meeting, the Open Government Partnership Steering Committee “expressed its support for all Mexican stakeholders” and called for two Steering Committee members—one from government and one from civil society—to serve as envoys to visit Mexico on a fact-finding mission (Open Government Partnership, 2017d). These envoys met with stakeholders from the government, the information commission, and civil society groups but issued a largely neutral report that reflected the positions of each side.

Civil society members were generally disappointed by the Partnership’s response. One said, “there is no balance between civil society and government. The Open Government Partnership always takes the side of government. They came to Mexico for the mission but the report was terrible” (CSO 4). Another said, “We are playing by the OGP’s rules, but from the civil society view, they should take a more political view towards governments. . . . The main ask is to have a sense of the political role beyond procedures . . . it is very slow” (CSO 3).

Reflecting on the civil society coalition's withdrawal, one government official noted the tensions between open government *inside* and *outside* the formal National Action Plan process:

They made a decision. I respect that, but they unilaterally closed communications channels with the government. . . . The space for the open government agenda was not respected. They brought in a national context. . . . In every country they have these issues that could be brought up by civil society, that could break the dialogue and be a breaking point. You have to balance, as government and as civil society organizations, how much to bring out bigger contextual issues. (GO 3)

In September 2017, the civil society coalition sent a letter to the global Steering Committee requesting that the Mexican government recuse itself and asking for the activation of the Open Government Partnership's response mechanism (Núcleo de la Sociedad Civil para el Gobierno Abierto en México, 2017b). Although the Partnership's response policy entails a lengthy process with many steps, it can ultimately result in a government being declared inactive.

Despite the fact that the July 2018 presidential elections were won by Andrés Manuel López Obrador's new Morena party, handing the incumbent party a resounding defeat, the civil society coalition stuck to their demands for the time being—that the government fully address the problem of surveillance and commit to fulfilling the cocreation process (CSO 3). Many members of the civil society coalition were skeptical that the new administration would seek to renew collaboration, given Obrador's often negative comments about civil society groups as unrepresentative (see, e.g., Proceso, 2018). Although one might see such renewal as low-hanging fruit for the new president, this was not a foregone conclusion given his desire to demonstrate clear breaks from the policies of his predecessors of both parties and ultimate resistance to independent accountability institutions (Webber, 2019).

However, on March 5, 2019, Mexico announced the resumption of collaboration between the Civil Society Core Group, the information commission, and the Secretaría de Función Pública to begin working on both a fourth National Action Plan and to address the surveillance issue, beginning

with an agreement “on a roadmap to avoid cases like Pegasus from ever happening” (Open Government Partnership, 2019b).

SUBNATIONAL AND LEGISLATIVE DEVELOPMENTS

The tripartite STT had been widely regarded and often emulated across the global open government community as an exemplar of collaboration between civil society and government officials. The withdrawal of the Mexican civil society coalition and the broader context of corruption and impunity thus could easily have been seen as indicating the failure of this flexible, multistakeholder, transnational approach to governance reform. Indeed, the process had collapsed.

Yet this view would ignore the substantial institutionalization of open government reforms in Mexico, particularly beyond the executive level, and the role of the Open Government Partnership in driving and shaping that institutionalization. This section thus considers two additional, broader effects of the Partnership in Mexico that took place beyond the executive and outside the formal National Action Plan process. First was at the subnational level, in a new mini-partnership modeled after the multistakeholder and iterative structure of the global initiative and focusing on similar values. Second was in the legislative branch, as the Partnership’s “culture of collaboration” helped shape the development of important reforms. However, we also carefully consider the causal processes by which these reform efforts proceeded and the extent to which it can be said that the Partnership was at least partially responsible.

Subnational Open Government

First, a new subnational open government initiative was launched in 2015, promoted by the information commission (now renamed INAI). This mini-partnership has its own tripartite structure in every participating state and developed action plans comprising individual commitments. Yet crucially, this structure has nothing to do with the global Open Government Partnership, which has its own distinct subnational pilot program (Jalisco state is the one entity in Mexico that is a member of both).

The initiative began with just twelve states signing on to a Joint Declaration for the Implementation of Actions for an Open Government (Proceso, 2016), and it soon became referred to as “Gobierno Abierto: Cocreación desde lo local,” or “Open Government: Co-creation from the local” (Clemente, 2016).

This effort was consistent with Mexico’s emphasis on subnational open government as part of its thematic agenda while cochair of the global Open Government Partnership, which led to the Partnership’s subnational pilot program. However, that pilot program explicitly pursued a slow-growth strategy, first launching in 2016 with a cohort of fifteen subnational entities.

The INAI-led subnational initiative, however, had grown by 2016 to encompass twenty-three of Mexico’s thirty-two states (including the Federal District) and twenty-six by 2018 (Clemente, 2016; Notimex, 2018). Notably, these included states governed by all three traditional major parties across the political left, right, and center. This cross-ideological appeal demonstrates an example of the Open Government Partnership contributing to the building of new coalitions, drawing in political allies that might have previously been more skeptical of this government reform movement.

The core elements of the initiative were the creation of local technical secretariats and the creation and implementation of local action plans. The local technical secretariats were clearly modeled after the national STT, with a tripartite structure comprising the governor’s administration, local civil society groups, and the state-level information commission. By the end of 2018, the initiative had expanded to eighteen states with local technical secretariats, which had produced twelve local action plans comprising over seventy commitments (Rodea 2019). Thus, while the follow-through was slower than the rapid wave of states signing on to the initiative, at least some states were indeed taking concrete actions through the designated process.

This structure of collaboration between government and civil society groups was even more novel—and in some ways more challenging—at the subnational level than it had been nationally. Analysts have long noted that reform efforts at the state level in Mexico lag far behind those nationally (e.g., Beer, 2001; Berliner & Erlich, 2015). One civil society representative noted that “in the states, there is much less tradition of sitting at the table

with government,” and that “it’s a completely different way of working, and very hard for civil society to sit at the table with government” (CSO 5). As with the experience of the global Open Government Partnership, the commitments included in these state-level action plans covered a wide variety of issues and levels of ambition.

Initially, the civil society groups participating in the national STT were suspicious of this initiative, particularly concerned about its autonomy from local politics (Alianza para el Gobierno Abierto, 2015; Terrazas, 2015). Some groups were concerned that governors would be able to manipulate the process by selecting which civil society groups could participate (GO 3). However, later on, the national civil society coalition became more involved, particularly in holding workshops to strengthen the capacity of local organizations and offering strategic advice on how to make the best of the multistakeholder structure (CSO 2; CSO 3; CSO 5).

Importantly, this initiative has continued to move forward despite the collapse of national-level collaboration. If anything, national-level civil society groups have even become more invested, working to support local organizations to participate in their own local technical secretariats. One participant even explicitly framed the subnational initiative as an attempt to “institutionalize open government, so as not to depend so much on the presidency” (GO 1).

To what extent can this initiative be considered an impact of the Open Government Partnership via indirect impact? On the one hand, Mexican officials might have pursued some kind of subnational reform initiative even in a counterfactual world with no partnership. Yet, on the other hand, the structure, process, and goals of the subnational initiative are closely and explicitly modeled after those of the Open Government Partnership itself. The timing also closely aligns with the Partnership’s own shift to emphasize subnational members.

Indeed, early discussions explicitly saw the initiative as “replicating the national work model” (Terrazas, 2015, translated by the authors). One of the officials involved with the initiative wrote in 2015 that “the starting point of the initiative promoted by INAI is precisely the Mexican experience in the OGP” (Álvarez Córdoba, 2016, 195, translated by the authors). One

former government official noted that although the subnational initiative was separate from the Partnership, it was spearheaded by “people who were involved in OGP” and “knew OGP very well,” and that the idea had “come from the Mexican experience of the OGP” (GO 2).

Thus, it is relatively straightforward to conclude, in this case, that Mexico’s subnational open government initiative would not have existed in anything close to the form or the time in which it took shape if not for the Open Government Partnership itself.

Legislative Collaboration

A second form of institutionalization of the Open Government Partnership is in its “culture of collaboration” taking root in other branches of government and in other policy processes beyond the scope of formal National Action Plan commitments.

Foremost among these was an unprecedented form of multisectoral cocreation in the legislative process that designed the 2015 *Ley General de Transparencia* that ultimately strengthened Mexico’s access to information regime. Earlier in this chapter, we detailed the role of the Open Government Partnership in providing leverage to ensure that the legislation was not weakened at the last minute. Here, we focus on an earlier stage—the process that yielded the original, stronger draft.

In February 2014, Mexico adopted a constitutional reform that greatly strengthened the status and applicability of both the right to information and the information commission itself (Ruelas, 2015). However, this necessitated specific implementing legislation that would update the existing access to information law first adopted in 2002. This new legislation would be known as the *Ley General de Transparencia y Acceso a la Información Pública* (General Law on Transparency and Access to Public Information).

Initial plans for the drafting of the new law would incorporate consultation with outside experts, but civil society groups instead sought a higher degree of openness and “direct participation in the process” (Ruelas & Mora, 2015). This claim was made particularly in the context of Mexico’s leadership role in the global Open Government Partnership and Enrique Peña Nieto’s stated commitment to transparency. As one participant put it, “We said if

you are going to do this reform . . . you have to do it openly. If you want to actually be an open government, you have to open the parliament during the process of discussion” (CSO 4).

The Mexican Senate was responsive to these demands, creating a collaborative drafting group including representatives of each major political party and civil society members of three different coalitions, several also including members of the Civil Society Core Group working with the STT. Ruelas Serna called this “an unprecedented exercise” that posed new challenges to the participants:

Those of us who were sitting at the table had no idea of the scope of a drafting group and we did not know if the result would be respected by the other Senators and Deputies, but we were willing to defend our work, what we knew, and what we believed. (2016, 9, translated by the authors)

The drafting group’s rules aimed for unanimous agreement on each article of the law but, if necessary, provided for voting with equal representation of each of the three major political parties and each of the three civil society networks—thereby placing the governmental and nongovernmental participants on remarkably even footing, at least in principle. Ostensibly, legislators outside the drafting group would only be able to make unapproved changes where the group members had deadlocked (Ruelas Serna, 2016, 10). The group would also solicit input widely from outside experts and international standards.

This process continued from October to December 2014, involving “200 hours of work and the observations of 20 experts from academia and civil society organizations.” The resulting draft was hailed as “ground-breaking,” as it strengthened the independence of the information commission, limited the use of exemptions, and expanded the scope of the access to information law to apply across levels of government and even to political parties and unions. However, the draft did contain “two modifications that were not approved by the civil society working group,” indicating that the participatory rules of the drafting body were not entirely followed (Ruelas, 2015). Yet it was only later, in February 2015, that the intervention of the president’s office resulted in the far weaker draft that sparked civil society

mobilization and, ultimately, international condemnation—which, in turn, resulted in a return to the original, stronger draft produced by the drafting group.

The bill that finally passed into law, the *Ley General de Transparencia*, reflected the success of civil society groups working in the collaborative drafting group. On the global Right to Information Rating assessed by international legal experts, Mexico's score moved up from 120 to 136, making it the strongest such law in the world. The collaborative process was praised by both observers and participants. García (2016, 3) wrote that “Mexico's current General Transparency Law is an example of how international norms together with civil society empowerment can yield significant and tangible improvements in access to information regulations.”

Ana Cristina Ruelas Serna (2016) from the civil society group (and STT civil society core group member) *Artículo 19* writes that “the process showed how collective work between government and society can mean an important change for the protection of human rights” (12) and that “this unprecedented exercise of co-creation and dialogue allowed us to have a framework that significantly extends the guarantee of the right of access to information” (13).

A similar collaborative legislative process took place regarding Mexico's new *Sistema Nacional Anticorrupción* (National Anticorruption System), which ultimately created a series of new anticorruption mechanisms spanning all levels of government, introducing new penalties and enforcement mechanisms and incorporating significant elements of transparency and citizen participation. Although its implementation was later criticized, even critics praised the reforms as “a watershed moment in Mexico” (Ahmed, 2017), “a major step forward in terms of increasing accountability for corrupt public officials” (Meyer & Hinojosa, 2018), and “one of the most important breakthroughs for Mexico's civil society since democratization began in the late nineties” (Ríos, 2017).

Newly collaborative legislative procedures were evident both in the drafting of the constitutional reform creating the *Sistema Nacional Anticorrupción*, approved in February 2015, and in the implementing laws, approved in July 2016.

Responding to civil society demands for greater inclusion in the process and public skepticism of initial proposals, legislators agreed to a substantial role for outside organizations and experts in the process of drafting the constitutional reform. Observers noted that it “includes proposals made by civil society organizations that accompanied the entire legislative process” (Roldán, 2015, translated by the authors).

However, the constitutional reform still required several new laws to be passed for implementation. In an effort to shape these laws, civil society groups (including several members of the STT core group) launched a public campaign for Ley 3 de 3, referring to requirements that politicians disclose three key pieces of information—assets, conflicts of interest, and tax payments. This campaign took advantage of a 2012 constitutional amendment allowing legislative proposals by direct citizen initiative, relying heavily on social media in a petition drive that ultimately collected over six hundred thousand signatures (Ríos, 2016).

The final drafting of the relevant pieces of legislation was done using procedures widely referred to as *parlamento abierto*—open parliament—meaning not just detailed collaboration with civil society organizations and experts (Transparencia Mexicana, 2016) but also the publication of all drafts and live broadcast of all debates both on television and online (Ríos, 2016; D’Artigues, 2016).

Many participants and observers called the process “unprecedented” (D’Artigues, 2016; FUNDAR, 2016) and reflected on the novelty of the experience:

It was something unprecedented, we could see the discomfort of several actors of the legislative and executive powers to have to interact with civil society, in an open parliamentary scheme. (Enrique Díaz-Infante Chapa, quoted in Universidad Panamericana, 2016, translated by the authors)

Together, these developments reflect an ongoing shift in the *process* of decision making toward increased participation and collaboration, taking place well beyond the formal boundaries of the Open Government Partnership process. Of course, in evaluating the causal role of the Partnership, we must consider that these developments may well have taken place even without

it—due to either bottom-up demands of civil society groups themselves or top-down attempts to improve government legitimacy.

On the other hand, many of Mexico's legislative openness efforts have roots in initiatives launched through Open Government Partnership efforts either globally (del Carmen Nava, 2014) or in Mexico (FUNDAR, 2014). More importantly, participants themselves suggested links between their experiences in the collaborative setting of the STT and these later efforts. One civil society representative, reflecting on the overall experience of the Open Government Partnership in Mexico, said:

I think the biggest accomplishment of OGP in Mexico has happened not within the OGP formal National Action Plans, but with the influence that it has had in the culture of how civil society now engages with government, with congress, with the media; even using terminology that we didn't have in Mexico before. (CSO 2)

And speaking specifically about the involvement of civil society in the new access to information law and the Sistema Nacional Anticorrupción, this representative said:

That's new: co-creating between civil society and government, using open parliament approaches to develop bills and institutions. I think that's why. And the same organizations that were leading both changes were at the same time having key roles in OGP. . . . Let me put it like this: It didn't start with OGP, but OGP provided us with the framework that we really needed, even the same words—co-creation, open parliament—all these kinds of things were picked from the OGP discourse. . . . We were the same organizations that were pushing in these different areas for those reforms, at the same time as we were working in OGP. We didn't want to bring those kinds of discussions within the OGP sphere in Mexico; they needed to happen in a parallel dimension but using the same model. It was not an accident, we decided to do that. (CSO 2)

SUMMARY AND EVALUATION OF THE DIRECT AND INDIRECT PATHWAYS OF CHANGE

In this section, we look back over Mexico's experience as a member of the Open Government Partnership and evaluate the relative contributions made

by both the direct (compliance-based mechanisms) and indirect (process-driven mechanisms) pathways of change.

How much of a contribution to governance reform was made by Mexico's three rounds of National Action Plans? Here we assess the contributions, concluding that commitments themselves have generally been narrow, discrete, and often superficial.

From a global perspective, Mexico's National Action Plan performance appears relatively strong, as shown in table 5.1. Its consultative procedures actually became a model for many other countries, and it implemented (substantially or in full) the majority of its commitments—at least in the first and second action plans. Many of these commitments, however, were not particularly ambitious. In its second action plan, twenty commitments were assessed by the Independent Reporting Mechanism reviewer as having a minor potential impact and six as moderate. In its third action plan, a stronger eight of eleven were scored as having a moderate potential impact. However, no commitment in either plan was evaluated as having a transformative potential impact, compared with 17 percent of all Open Government Partnership's commitments globally. Mexico's first action plan was reviewed before these criteria were in place and thus cannot be compared on this metric. The number of commitments declined over time, although this was partially in response to guidance from the global Independent Reporting Mechanism unit, which began encouraging countries to pursue plans with fewer—but presumably more meaningful—commitments.

More substantively, some of Mexico's Open Government Partnership commitments have indeed played important roles in broader reform

Plan no.	Years	Consultation score (global avg.: 3/6)	No. of commitments	Prop. of high ambition commitments (global avg.: 0.542)	Prop. of completed commitments (global avg.: 0.676)
1	2011–13	Not Rated	36 ⁹	Not Rated	0.694 (midterm only)
2	2013–15	5/6	26	0.231	0.923 (0.731 at midterm)
3	2016–18	4/6	11	0.727	0.455 (0 at midterm)

processes. One example was the commitment to publicly disclose advertising spending by government bodies from the extended version of Mexico's first action plan, discussed earlier in this chapter. But many other commitments were clearly narrow in scope, such as publishing datasets pertaining to higher education or a national catalog of social programs. Others offered relatively loose frameworks for consulting with stakeholders in order to open particular types of data but were lacking in definitive deliverables. Some were clearly flouted, such as the use of consultations in appointment processes or a strategy to prevent conflicts of interest with industry regarding child obesity (CSO 3). Many others, often representing disclosures or data portals in specific sectors or issue areas, were indeed completed but then never updated again after the close of the review process.

Many stakeholders involved in the Open Government Partnership process reflected on their disappointment with the broader impact of commitments or even with the Independent Reporting Mechanism review process. One civil society representative said, "We didn't do well in terms of putting forward commitments that were transformative" (CSO 2). Another said that commitments were "not a good way to go. They are valuable, but often are not updated afterwards . . . they have not changed the culture in institutions" (CSO 4). And another said that "The IRM was useless . . . always six months or a year too late for learning or accountability . . . nobody mentions it" (CSO 3).

Process-Driven Mechanisms of Change

The disappointing nature of most Open Government Partnership commitments in Mexico is precisely as most direct compliance-based approaches to international institutions would predict. Given the Partnership's relatively weak enforcement provisions regarding commitments and their completion, an opportunistic government could easily propose only window-dressing commitments and devote little effort to implementation. Many governments worldwide also faced greater difficulty than expected in devoting the necessary resources, capacity, and intergovernmental coordination towards implementing their partnership commitments (Falla, 2017).

And yet, the direct pathway does not include the full breadth of the Open Government Partnership's potential impacts. Turning to the indirect

pathway, emphasizing process-driven mechanisms of change, we do see important impacts of the iterative and participatory processes associated with Open Government Partnership membership in Mexico.

The participatory nature of Mexico's multistakeholder process gave reformers, inside and outside of government, a seat at the table and created new opportunities for them to influence the policy process. It created new forms of formal, informal, and structural power for civil society groups. It brought different organizations together in new coalitions while also demonstrating new models of collaborative policymaking between governmental and nongovernmental actors. While Mexico's formalized multistakeholder forum was, at first, unique among Open Government Partnership member countries, it was quickly emulated by others and was ultimately promoted by new standards and guidelines developed by the Partnership's Support Unit. Globally, the participatory nature of the Open Government Partnership Steering Committee also created new opportunities for leverage, allowing Mexican civil society groups to gain outside support at key moments.

The Open Government Partnership process in Mexico was not only participatory but also iterative. The requirement to develop a new National Action Plan every two years ensured that the political opportunities and resources brought by the cocreation process would be repeated again and again, even across political transitions, and created opportunities for learning from experience both domestically and internationally. The government's need to present new policy commitments in each action plan spurred the demand for new policy ideas and thus furthered opportunities for domestic and international policy entrepreneurs. Notably, although the Partnership rules carry little potential for sanction over poor design or implementation of commitments, they *do* contain sanctions for violation of process requirements. Members must develop new National Action Plans that at least meet basic standards for consultation and cocreation or else can be referred to the Steering Committee.

Together, these Open Government Partnership processes drove several different mechanisms of change that do not fall neatly into a framework of the commitment-and-compliance approach of the direct pathway. These are norms and policy models, resources and opportunities for reformers,

Table 5.2 Summary of evidence from Mexican case for process-driven mechanisms	
Mechanism	Evidence
Norms and policy models	<ul style="list-style-type: none"> • Generic spread of idea and value of open government • Use of models of cocreation in settings beyond National Action Plans: access to information law and anticorruption law • Model of multistakeholder open government promotion: applied in subnational program • Transmission vector for transnational policy models like open data and open contracting standards
Resources and opportunities	<ul style="list-style-type: none"> • New forms of power for civil society: formal seat at the table, informal influence, structural threat of exit • Space on agenda for open government reforms, ability to get bureaucrats' and politicians' attention (for reformers both in and outside of government) • Outside pressure from international level (as was applied during access to information law)
Linkages and coalitions	<ul style="list-style-type: none"> • Brought together civil society organization coalition across ideological divides and issue silos • Civil society organizations more willing to collaborate with government • Cross-partisan appeal of open government at both national and subnational levels • International and regional links for reformers in and outside government

and linkages and coalitions. Table 5.2 reviews the key evidence for these mechanisms drawn from the preceding case study.

These mechanisms are also exemplified by the 2019 reemergence of Mexico's national-level collaborative Open Government Partnership process early in the presidency of Andrés Manuel López Obrador, with the government reaffirming its membership commitments and agreeing to develop new policies to prevent surveillance abuses. This development reflected the empowerment of the transnationally linked civil society coalition, the continued cross-ideological appeal of the open government agenda, and the ability of the Partnership to offer useful policy ideas and expertise to support the new government in following through on its own anticorruption platform.

Potential Alternative Explanations

We do not argue that all of these developments—new forms of influence and collaboration among civil society groups, new opportunities for reformers in

government, specific legislative developments, and a subnational multistakeholder reform initiative—are solely attributable to the Open Government Partnership. Each was also shaped by other ongoing domestic and transnational dimensions of the politics and ideas of good governance reform. However, our evidence has highlighted key moments, actions, and outcomes that would not have happened without the new resources, opportunities, models, and linkages created by the Open Government Partnership. While some of the developments reviewed above might have occurred in a world with no partnership, the centrality of Open Government Partnership structures and models evidenced suggest that many would not—at least not in the same form and with the same results. This is highlighted, for instance, in the coalitions of civil society groups that had not previously worked together until their collaboration on the tripartite STT, in the procedural and institutional lineage apparent in Mexico’s subnational open government program, and in key actors’ own explicit understanding of the Open Government Partnership as a political and symbolic resource for reform efforts both inside and outside of government.

Evidence from the case of Mexico is also inconsistent with several possible alternative explanations for these same developments, emphasizing other international or domestic factors. None of these developments were commitments to or requirements of either the Partnership or any other international body. No other international or transnational entities offered Mexican civil society groups the same opportunities for participation and influence. Nor can changes in government partisanship account for the timelines of these developments, given their continuity from Partido Acción Nacional to Partido Revolucionario Institucional governments in 2012 and the renewed Open Government Partnership process under the new left-wing government after 2018. Importantly, processes of transnational policy learning and norm diffusion played out over this period alongside the Open Government Partnership as well as within and through it, so one possibility is that partnership processes simply rode the wave of developments that would have happened anyway. However, we have demonstrated key process evidence of developments that were inseparable from the Open Government Partnership as a transmission belt (for norms of collaborative policymaking), institutional

model (the subnational initiative), specific policymaking venue (the STT), focusing event (National Action Plan rounds and global summits), or source of external leverage (first action plan and transparency law reforms).

CONCLUSION

Mexico's experience as a member of the Open Government Partnership thus demonstrates serious limits to the direct pathway of impact but highlights the utility of an indirect approach in shedding light on broader mechanisms of impact that might otherwise be obscured. In Mexico, formal Open Government Partnership commitments were mixed in their ambition and implementation, often relatively narrow and sometimes without any subsequent updating. Yet a focus on commitments alone would both qualitatively and quantitatively understate the impacts of Mexico's partnership membership. The Open Government Partnership played a role in spreading new ideas and policy models and engendering a culture of collaboration that took root beyond the formal National Action Plan process. It offered new resources and political opportunities to reformers both inside and outside of government. Finally, it established new linkages and coalitions both between different factions of civil society and across ideological divides in ways that made it easier for reform agendas to survive political transitions.

Overall, the evidence from this case study offers much greater support for hypothesis 2 than for hypothesis 1. That is, we see evidence of broader mechanisms of impact consistent with an indirect pathway of change but inconsistent with a world in which the effects of membership in international organizations flow only through a direct pathway. This evidence, from a specific case of one country but addressed in substantial detail, complements the broader cross-country evidence in the preceding chapters.

Of course, there are limitations to proving a causal role of the Open Government Partnership with full certitude. Some of the developments reviewed in this case study might have taken place even in a world with no partnership or in a world with an Open Government Partnership but without Mexico as a member. However, the centrality of the partnership structures and models to these processes suggest that many of them could

not have occurred otherwise—at least not in the same form nor with the same outcomes.

Although the Obrador presidency has presented new challenges for open government advocates in Mexico—as each new presidency has done, in turn—the Open Government Partnership continues to present opportunities for reformers and linkages both among civil society groups, between civil society groups and government officials, and with transnational actors and ideas. Whoever the next president of Mexico is following the 2024 election—as presidents are constitutionally limited to a single term—the evidence presented in this chapter suggests that the Open Government Partnership will continue to offer valuable linkages, resources, and ideas regardless of political party and ideology. It will continue to shape reform efforts not only through formal commitments but through indirect mechanisms as well.

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Reconsidering Multistakeholder Governance Reform

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