

Mexico City, October 23, 2020

Open Government Partnership (OGP) Steering Committee

Since the beginning of the Open Government Partnership (OGP), as civil society organizations (CSOs), we have actively participated in implementing the commitments that Mexico has recognized, facing challenges in the interest of opening governments and proactive transparency. Within this framework, OGP Mexico's Coordination Committee has driven the process for co-creating the open government commitments through an agenda of dialogue and multilateral agreements between public authorities and CSOs.

Regarding commitment No. 9, '[Transparency for monitoring and vigilance of trusts](#)', of the Open Government Partnership in Mexico's 4th Action Plan, beginning in November 2019, a task force was formed that is made up of the Ministry of Public Administration (SFP, for its Spanish initials), as the authority that is responsible for implementation, and the organizations Fundar Centro de Análisis e Investigación A.C. (Fundar Center for Analysis and Research), México Evalúa Centro de Análisis de Políticas Públicas A.C. (Center for Public Policy Analysis), and Ethos Laboratorio de Política Públicas A.C. (Ethos Public Policy Lab), in which other authorities like the Secretariat of Finance and Public Credit (SHCP, for its Spanish initials) and the National Institute for Transparency, Access to Information, and Data Protection (INAI, for its Spanish initials) also participated.

Despite the adverse context and the complexity of the issue that is found within their analysis and discussion, the shared conviction of the values of open government and an alignment with the partnership's principles unites us. These are the principal motivations behind the joint definition of a roadmap,¹ which addresses the following steps: i) the development of a robust diagnostic evaluation that allows for identifying improvement areas, ii) issuing recommendations for the functioning, transparency, and accountability of these instruments, and iii) implementing the recommendations through a monitoring and vigilance mechanism.

Up until the month of April, we were in the follow-up process of this roadmap in spite of the unusual circumstances caused by the COVID-19 pandemic. However, the progress and continuation of the commitment was substantially affected after April 2020 with the federal executive branch's publication of the [decree ordering to begin the termination of public trusts, public mandates, and analogous figures](#). This presidential decree marked a watershed for the implementation of the roadmap, published on December 10, 2019, as well as for the development of the diagnostic evaluation on the situation of trusts, and after this the co-responsible organizations decided to rethink its objectives and scope for the context that was presenting itself.

¹ The commitment's roadmap is available in Spanish at: <https://tablero.gobabiertomx.org/compromiso/fideicomisos>

Despite the low levels of certainty and the lack of information offered by authorities about the resolution to eliminate public trusts, the decision was made to continue with the efforts and finalize the development of the diagnostic evaluation and the subsequent presentation of its results and recommendations to the task force.

It is necessary to point out that, following the situation described above, the relationship with the authorities that are responsible for the commitment, particularly with the Ministry of Public Administration, was weakened due to there being little interest in transitioning toward an effective and timely opening or in offering access to the information that is necessary for analysis and decision-making beyond the public information that is available on the internet. We also noticed a disinclination toward holding work sessions with the regularity that the commitment demanded. This has been documented in the 2019–2021 Design Report for Mexico of the Independent Reporting Mechanism (IRM).

With the understanding that the ultimate aim of CSOs' participation process in this exercise is not only to create a roadmap but also to establish a co-creation scheme for decision making that allows for implementing the recommendations for improving the transparency, accountability, monitoring, and citizen vigilance of the trusts, the stance of the federal government went against the previously established agreements. The government has constantly promoted the elimination of trusts, not only through presidential decree but also through legislative means, without analysis and without informing CSOs about the measures, which we interpret as unilateral decisions that have truncated the efforts that organizations have undertaken, leaving the route that had commenced without material and undermining the trust in achieving collaborative progress on the agenda.

In addition to it not fulfilling the agreement of objectives set out by the commitment, as CSOs, we do not agree with the measure to massively eliminate trusts, especially without previous analysis of these figures. Therefore, we are informing you that the co-responsible organizations and the Core Group of Civil Society organizations have unanimously concluded that the conditions for true co-creation, dialogue, and implementation of the agreements of this commitment are non-existent, which is why they will not continue to participate in commitment 9 of the 4th Action Plan.

As CSOs, we are not, in any way, against the anti-corruption fight. Our main interest has been, and will continue to be, to promote transparency and make progress in the consolidation of an open government. The present disappointment and frustration that we have expressed in this letter are not an abrupt reaction but rather a decision analyzed in the face of the political context and the federal government's limited availability for making joint decisions on the trusts agenda. Therefore, with the aim to continue promoting this agenda and supporting other local and subnational organizations, we will seek the appropriate channel for presenting new and more solid strategies so that, in the future, the presentation of the subsequent action plans can be successfully implemented. Likewise, we

express our full willingness to continue working with the OGP regionally and internationally.

As the Core Group of Civil Society (NOSC, for its Spanish initials), we recognize that there are different levels of development and progress in the commitments that comprise the 4th Action Plan. We back the stance and decision of Ethos, Fundar, and México Evalúa to withdraw their participation from the commitment as the obstacles, which were imposed by the federal public administration itself, hinder the achievement of a successful implementation.

S I N C E R E L Y

**CORE GROUP OF CIVIL SOCIETY ORGANIZATIONS
OF THE OPEN GOVERNMENT PARTNERSHIP IN MEXICO**

ARTICLE 19 office for Mexico and Central America; Contraloría Ciudadana para la Rendición de Cuentas, A.C. (Citizen Comptroller for Accountability); Causa Natura, A.C. (Natural Cause); EQUIS Justicia para las Mujeres, A.C. (EQUIS Justice for Women); Fundar Centro de Análisis e Investigación, A.C. (Fundar Center of Analysis and Research); GESOC, Agencia para el Desarrollo A.C. (GESOC, Development Agency); Instituto de Liderazgo Simone de Beauvoir, A.C. (Simone de Beauvoir Leadership Institute); Instituto Mexicano para la Competitividad, A.C. (Mexican Institute for Competitiveness); México Evalúa Centro de Análisis de Políticas Públicas A.C. (México Evalúa Center for Public Policy Analysis); Observatorio Ciudadano de Seguridad, Justicia y Legalidad, A.C. (Citizen Observatory for Security, Justice, and Legality); SocialTIC, A.C., and Transparencia Mexicana, A.C. (Mexican Transparency)

ORGANIZATIONS:

Ethos Public Policy Lab (ETHOS);