

The Open Government Partnership
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United States of America

14 June 2017

RE: Letter in Solidarity with Núcleo de la Sociedad Civil para el Gobierno Abierto en México

We, the undersigned civil society organisations (CSOs) write this letter to offer support and encouragement to our Mexican counterparts. We are dismayed to learn of ongoing “government-led, top-end technology purchases and illegal surveillance against activists, civil society and journalists”¹. Under such conditions, we understand and sympathise with the decision by Mexican civil society representatives on the Tripartite Technical Secretariat of the OGP to suspend their engagement within their national Steering Committee.

In a [letter](#) dated 23 May 2017 to the OGP Steering Committee, the *Núcleo de la Sociedad Civil para el Gobierno Abierto en México* outline the historical reasons behind this decision. At the core is a breakdown in trust between the members of the Secretariat. This is a non-negotiable element for success of the co-creation and collaboration process as called for by the OGP declaration.² Amongst the concerns raised by the *Núcleo de la Sociedad Civil* is evidence of high-tech surveillance of Mexican CSOs, lack of participation of the Mexican government in the work of the Secretariat and attempts by the executive to decrease the scope of their OGP commitments.

We call on all OGP members to recall and respect the founding OGP Declaration on the participation of civil society, and the Tshwane principles which outline the need for establishing checks and balances on the scope of state powers of surveillance.³

In addition to committing to the principles enshrined in the Universal Declaration of Human Rights and the United Nations Convention against Corruption, OGP members also commit to upholding the principles of openness when engaging with the public and increasing the availability of information about government activities.

¹ 23 May 2017. Open Letter: Mexican Civil Society Statement for OGP Steering Committee:
https://www.opengovpartnership.org/sites/default/files/Mexican_Letter_Civil-Society_May23-2017.pdf

² Refer to detailed [Open Government Declaration](#)

³ 12 June 2013 The Global Principles on National Security and the Right to Information (Tshwane Principles):
<https://www.opensocietyfoundations.org/sites/default/files/global-principles-national-security-10232013.pdf>

We are alarmed by what appears to be a growing trend of state-CSO surveillance in direct opposition to these principles despite membership of the OGP.

This moment calls for honest reflection not only on the serious human rights infringements imposed on Mexican activists but on the contexts of compromised trust in both our countries.

In May 2016, a coalition of South African activists raised concerns about the commitment of the South African government to facilitate South African civil society co-creation on the OGP, and called for the establishment of Multi-Stakeholder Public Dialogue Mechanism. This mechanism is yet to be permanently established. Prior to this, in July 2015, South African CSOs; the Right 2 Know Campaign, Afesis-corplan and the Public Service Accountability Monitor raised concerns around increased state surveillance despite the South African government's commitments to principles of transparency and openness as an OGP member. These were raised in an open letter, urging the South African government to *"...either demonstrate a commitment to the realization of a genuine state-civil society partnership that takes the OGP seriously, or to withdraw from the OGP"*. We further stated that if these concerns were not addressed, CSOs would *"explore the option of submitting an official complaint to the (OGP) steering committee"*.⁴

The political contexts in both Mexico and South Africa necessitate deep reflection and action from partners within the OGP. The actions taken by Mexican CSOs in reaction to the alarming developments in state surveillance activities warrant frank, open discussions within the OGP network. This must occur within national steering committee structures and across the OGP secretariat.

The undermining of the core tenets of the OGP (mutual trust, openness and partnership) is a direct threat to the integrity of what we all believe to be an important and unique international initiative.

Alongside our many counterparts of the OGP community – we have invested time and energy in supporting and promoting the principles in South Africa - often under trying conditions. This is because we sincerely believe in the principles upheld in the OGP declaration. We believe in the transformative potential of joint participation in the OGP. We, like other OGP members are hopeful that our membership in the OGP has the potential of transforming public service delivery and governance in our country. We are hopeful that our work in promoting open government reform - and reformers - will help us find new, innovative solutions to societal challenges such as corruption.

It is with this in mind that we make this call in support of our Mexican counterparts but also in reinforcing the call to action in our own country to further strengthen open government reform by engaging in difficult conversations.

⁴ The [open letter](#) was addressed to the Deputy Minister of Public Service and Administration, Minister Ayanda Dlodlo in her capacity as the Special Envoy of the lead department of the OGP in South Africa (the Department of Public Service and Administration)

On 26 April 2016, South African CSOs released a joint statement supporting the United Nations Human Rights Committee’s condemnation of the country’s surveillance capabilities.⁵ The following observations further resonate with the Mexican context;

“South Africa’s communications surveillance capabilities are untransparent, open to abuse, and a major threat to human rights.... Evidence is mounting that these surveillance capabilities have been used to target investigative journalists, political activists, unionists, and interfere in South Africa’s politics and public life.”⁶

Increased surveillance of activists by South African intelligence services is a concern that has been raised by several researchers and CSOs since then.⁷

To this end – we call on both the South African and Mexican government partners to review their commitments to the OGP and to uphold these without fear or favour.

Our Call to the Mexican government

Mexico – like South Africa – possesses important supporting legislative frameworks, institutional systems and a strong civil society. The lessons gleaned from Mexico’s OGP experience provide important opportunities for emerging reformers and countries looking to join the partnership.

We urge the government partners in the Mexican OGP Secretariat not only to take careful stock of the country’s progress to date but to consider their fundamental role in living up to the ‘P’ in the OGP. Mexico has, for instance, made important strides in valuable open government reform as evidenced in the increased levels of fiscal transparency.⁸

Further we urge the Mexican government to provide clear responses on the statements and pleas made by their CSO partners. The partnership is not sustainable without mutual trust.

Our Call to the OGP Community

We welcome the [OGP statement](#) on 25 May 2017 emphasizing the important role played by Mexico within the open government space thus far and we reiterate the wish that the relationship is re-established. We note too the OGP’s commitment to ensuring civil society participation, reflected in the OGP Criteria and Standards Sub-Committee’s Response Policy on preserving civic space in partner countries.

⁵ The statement was issued in relation to the law intended to regulate South Africa’s surveillance environment known as the Regulation of Interception of Communications and Communication-Related Information Act (RICA).

⁶ 26 April 2017. Press Release: Sonke Gender Justice: Stand Against Surveillance: Fix South Africa Now! Available Online:

<http://www.genderjustice.org.za/news-item/stand-surveillance-fix-africa-now/>

⁷ https://za.boell.org/sites/default/files/perspectives_oct_2016_web.pdf

<http://bigbrother.r2k.org.za/wp-content/uploads/Big-Brother-Exposed-R2K-handbook-on-surveillance-web.pdf>

⁸ http://www.fiscaltransparency.net/eng/resource_open_public.php?IdToOpen=20150831127

We call on the OGP to show more robust, decisive leadership in the matter by facilitating dialogue not only in relation to the events in Mexico but across the global OGP community.

We call for a frank interrogation of the collective role of civil society and government in ensuring that the threats to openness and transparency posed by reported surveillance activity in Mexico and our own country are effectively and explicitly addressed, particularly as they relate to diminishing the civic space.

We join the *Núcleo de la Sociedad Civil para el Gobierno Abierto en México* in requesting that these issues are addressed at the next gathering of the OGP Committees.

Further - we are encouraged by the clear statement by Mexican CSOs of their intention to persevere in their work *“fostering the open government agenda in Mexico”* and to *“build stronger strategies so that an ambitious 4th Action Plan can be successfully co-created”*.

We reaffirm our continued commitment to the Open Government Partnership in the pursuit of transparency, open government reform and social justice.

Yours in Solidarity,

SUPPORTING ORGANISATIONS:

- Afesis-corplan
- Black Sash
- Change Agents South Africa
- Election Monitoring Network
- Freedom of Expression Institute (FXI)
- Mobile Social Accountability Monitoring (MobiSAM)
- Open Democracy Advice Centre (ODAC)
- Sustainable Livelihoods Foundation
- The Public Service Accountability Monitor (PSAM)