

# Crowdsourcing a Constitution

An Engaged Cities Award case study created by Cities of Service in partnership with 2018 award finalist Mexico City, Mexico.

## Executive Summary

Mexico City was faced with a massive task: drafting a constitution. Mayor Miguel Ángel Mancera, who oversaw the drafting and adoption of the 212-page document, hoped to democratize the process. He appointed a drafting committee made up of city residents and turned to the Laboratório para la Ciudad (LabCDMX) to engage everyday citizens. LabCDMX conducted a comprehensive survey and employed the online platform Change.org to solicit ideas for the new constitution. Several petitioners without a legal or political background seized on the opportunity and made their voices heard with successful proposals on topics like green space, waterway recuperation, and LGBTI rights in a document that will have a lasting impact on Mexico City's governance.



## The Challenge

The modern Mexican state was created by the country's 1917 constitution, which designated Mexico City as a part of the national government, officially known as the Distrito Federal (Federal District), or DF for short. As a result, the city had no elected mayor or legislature and relied on the national Congress to make decisions about fiscal and social policy.

In the 1980s, democracy activists began agitating for reforms to the city's governance structure as part of a broader push to open up the country — although nominally a democracy, Mexico had one-party rule from 1929 to 2000. In 1987, the national government acquiesced to demands for more direct democracy and granted the city a legislature. It had limited powers, but the body was the first direct representation for chilangos (Mexico City residents) since 1928. The president continued to appoint the mayor until a second round of reforms in 1996 made the city executive an elected position as well.

On January 20, 2016, Mexico City took another step toward local autonomy when an amendment to the national constitution officially changed the capital's status from federal district to, simply, Ciudad de México (Mexico City, abbreviated CDMX). The renaming was the result of a compromise that began in 2013 when then newly elected president Enrique Peña Nieto struck a deal with his two rival political parties to endorse the Pacto por México, a series of energy, education, fiscal, and telecommunications reforms that had stalled for years. As part of the deal, Peña Nieto secured support from Mayor Mancera, who in turn negotiated for Peña Nieto to support proposed amendments to the Mexican constitution that would turn the DF into a more independent city, officially the 32nd federal entity, on par with a state.

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Among the new rights and responsibilities that Mexico City earned, the mayor can now appoint the city's attorney general and chief of police. The city executive also has more control over the budget and can rely less on congressional approval. The change prompted an administrative restructuring, subdividing the city into districts akin to London's boroughs. Residents of these districts — which range from a few hundred thousand to almost two million people — now elect a local mayor and council, creating a layer of government closer to citizens. Finally, since every state in Mexico has the constitution, one immediate result of the reform was that Mexico City could draft and adopt its own citywide constitution.

Drafting a constitution for a city of nine million with vibrant social movements and a penchant for street protests was no small task. “This was going to be the most ambitious participatory process in Latin America in a long while,” said Gabriella Gómez-Mont, founding director of Mexico City's Laboratório para la Ciudad (LabCDMX), which was tasked with collecting citizen input into the constitution. “We were going to have a dialogue and debate of what a constitution looks like socially and politically.”

While the transition from DF to CDMX was the culmination of several decades of political demands, the promise of a new constitution was not met with jubilation from the general public.

This reaction may have stemmed from pervasive lack of faith in public institutions. National polling data from Latinobarómetro, a regional consultancy, found that in the years leading up to the constitution process, Mexican trust in the government ranged from a low of 12 percent for congressional representatives to a high of only 28 percent in the federal government writ large. (The data was not disaggregated to the city or state level.)

In 2016, the city was blanketed with marketing materials declaring: “Adios DF, Hola CDMX.” Bernardo Rivera Muñozcano, former LabCDMX Open City Strategy Coordinator believes this highly publicized name change was a strategic error. “There was a popular culture around being defeño or chilango (from Mexico City), it was part of the cultural idiosyncrasy of the people living there,” he said. “All of a sudden you tell me I’m not living in the DF anymore?”

As a result, the drafting and adoption of the constitution came across as irrelevant to citizens’ everyday lives. “CDMX’s constitution was considered as something superficial,” Rivera explains. “That was part of our diagnosis from the very beginning: We knew people didn’t care and it was going to be difficult to communicate what a constitutional change meant for citizens’ daily lives.”

## **The Solution**

Mayor Mancera negotiated with his national counterparts — President Enrique Peña Nieto and congressional leaders — to arrive at a process for adopting the new constitution. That process entailed the temporary establishment of a 100-member constituent assembly (asamblea constituyente) that would negotiate and ultimately approve the document based on a draft provided by the mayor. Mexico City voters would elect 60 representatives and the other 40 would be designated, drawn from Congress, appointed by the mayor, or appointed by the president. The actual document that the assembly would negotiate and approve was Mayor Mancera’s responsibility to prepare. But the process to write a constitution came with no specific template other than the stipulation that Mexico City’s document not contradict the federal constitution.

Mayor Mancera could have drafted the document internally, but instead he appointed a 28-person drafting committee drawn from a range of Mexico City residents, who would be supported by a technical staff able to translate ideas into legal language. The drafting committee covered a wide range of backgrounds and expertise, including economists and legal scholars, a telenovela actor and Twitter star, and a gender activist and artist. In addition, the city created a parallel public input system managed by LabCDMX to generate broad public support and buy-in for the idea of a constitution, as well as provide specific proposals that would inform the text of the final document. This process would ultimately include a citywide survey and a partnership with Change.org.

The idea, according to Mancera, was to “bestow the constitution project with a democratic, progressive, inclusive, civic, and plural character.”

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Mayor Mancera instructed LabCDMX and the city's general counsel to come up with a way to channel the voices and ideas of citizens into useful information for the drafting committee.

"You need different types of input at different stages," argued Gómez-Mont. "Sometimes you need experts and sometimes you need wider citizen consensus."

During the first phase, LabCDMX experimented with several methods to engage citizens in the drafting process drawn from past experience with co-creating legislation. In 2015, LabCDMX helped coordinate the collaborative drafting of Mexico City's Open Government Law, which participants accomplished with a rudimentary tool: group editing on Google Docs. While that basic software was sufficient to reach a targeted group of activists with some working knowledge of laws and legal systems, it was inadequate to engage the general public on a project as large and complex as a constitution.

"There is so much noise around the constitution that we cannot open up participation just like that," Rivera remembered thinking at the time. "We would get a lot of negative input and useless information." For example, an earlier open source participatory initiative launched by a senator in the federal legislature led pranksters to orchestrate a change to the document calling for Mexico City to be renamed Gotham City.

LabCDMX had already been experimenting with the MIT Media Lab collaborative editing platform PubPub, an online interface that allows users to make real-time changes in both text and illustrations to documents. LabCDMX loaded an early working text of the constitution but quickly realized that even this tool would not work well because of the nature of a constitution, which includes large amounts of ceremonial and legal text, and the massive number of people they hoped to engage.

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"Imagine you are asked to participate in the constitution draft and the first thing you read is the preamble and all the legal jargon," Rivera said. "People would not even get past the first paragraph."

LabCDMX went back to the drawing board and realized that collaborative editing was not the right tool to begin to engage citizens. "What we wanted was to get a sense of what the people that live in the city want, what they imagine their city can be, and what they value most about living in CDMX," Rivera said. "We wanted to appeal to many levels of interest." That included both people who have an interest in the constitutional process and those who do not but still have ideas and hopes about their city.

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To solicit those ideas, LabCDMX came up with a digital platform and methodology that approached citizen engagement from a multilayered perspective. The different layers would appeal to different audiences, depending on their level of interest in public affairs, specialized knowledge in specific matters, and even availability of time to participate. The city strategy included two main components. First was a comprehensive survey called *Imagina tu Ciudad* (Imagine Your City) to gather resident's vision for the city. The second was a mechanism on the website *Change.org* allowing everyday citizens to petition for specific articles in the constitution with a guaranteed hearing in front of constitution drafters should their petition reach a certain number of signatories from the public.

### **Nuts and Bolts: How it Works**

#### ***Imagina tu Ciudad***

The *Imagina tu Ciudad* survey took about 15 minutes and asked a series of questions designed to stimulate creative thinking about the citizen's relationship to and vision of Mexico City. Sample questions asked, for example: "What are the three words that come to mind when you think about CDMX?" The top answer was insecurity, followed by contamination, corruption, traffic, and culture. "What future do you imagine for CDMX in 20 years?" Many talked of water, with buried rivers flowing again. There were also more traditional questions like "What is CDMX's biggest challenge?" Corruption topped the list followed by employment, mobility, water, quality education, and poverty. In response to a question asking for Mexico City's best qualities,



#### ***A Citywide Survey***

The city surveyed 26,000 Mexico City residents from more than 1,400 neighborhoods. The questions they answered included, "What are the three words that come to mind when you think about CDMX?" "What future do you imagine for CDMX in 20 years?" "What is CDMX's biggest challenge?" "What have you done about what you don't like in the city?"



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respondents named culture, education, green space, and water. (Water was a recurring theme as a challenge, a quality, and a future vision.)

In addition to making the survey available online, LabCDMX recruited 200 student volunteers from a prestigious public high school. They were armed with tablets and went out to public markets, busy street corners, entrances to subway stations, parks, and other public spaces. LabCDMX also installed kiosks where passersby could answer the questions on a tablet without a volunteer present. The tablet technology was not foolproof, so LabCDMX created a paper survey as a backup that volunteers could administer and tabulate by hand. In the end, 26,000 Mexico City residents fully answered the survey, comprising 82 percent of total respondents (the remainder reside in greater Mexico City or elsewhere in Mexico). The responses captured perspectives from 1,474 neighborhoods, a feat accomplished with no specified budget. LabCDMX used tablets borrowed from another city department and the cheapest available computer code for the survey.

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Rivera believes one question summed up the genius of the survey: “What have you done about what you don’t like in the city?” He says that question encouraged self-reflection and took the longest to answer. “It’s very easy to always blame problems on the government and not always that easy to ask how can I solve that citywide problem or demand better solutions?” he said. “In Mexico, citizen participation in public affairs tends to be limited to election day, so we get a say once every three years and that’s it. This question was all part of a wider theory of change that the Laboratório has been trying to promote.”

When the users finished the survey, a unique identifier was generated, allowing them to access their answers and drafts already made public online. This was intended to close the citizen feedback loop and link the citizens’ concerns and passions with the specific constitutional articles meant to address them.

At the beginning of constitutional drafting committee’s weekly sessions, LabCDMX provided an updated analysis of the survey, which included charts and graphs summarizing the results and accompanied by an in-person report from the general counsel and other staff members. These reports guided the group’s discussions. The analysis was sensitive enough to reflect changing trends in public responses — for example when “pollution” and “environment” spiked in the survey’s answers during an air pollution crisis in the city.

Additionally, the city created an online tool to register citizen-led discussions about the constitution on a public calendar. Event organizers could then upload their conclusions and outcomes, which were channeled to the drafting group. Residents registered more than 100 events.

**Change.org**

While the survey stimulated broad ideas about Mexico City that the constitution might address, it was not a tool for generating specific proposals for the constitution. That method of engagement developed on Change.org, a website for drafting and circulating online petitions. Change.org proved to be the ideal platform for citizens to submit ideas for the constitution that could be translated into legal text.

Quite simply, anyone could suggest an idea for the constitution, but a certain threshold of online supporters was required to advance the proposal into contention for the drafting committee. This method gave petitioners an incentive to promote their ideas and encourage support. Those earning at least 5,000 signatures had their ideas sent to the drafting committee's legal experts for review. Those with 10,000 or more signatures won the chance to formally present their ideas to the drafting committee. And 50,000 signatures netted an audience with Mayor Mancera.



**280,000 people signed on to 357 different proposals for the constitution via Change.org.**

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Change.org promoted promising ideas on the site and to its mailing list and met with the petition writers to help them refine their ideas. Eight petitions exceeded the 10,000 threshold: LGBTI rights, extending paternity and maternity leave, disability rights, river and lake revitalization, digital rights and universal internet access, guaranteeing a minimum amount of green space per resident, and smart city principles. Four exceeded the 50,000 threshold: a petition guaranteeing the protection of animals, another regarding digital rights and smart city strategies, a petition for the recognition of the “right to a good governance,” and a transparency principle known as 3de3, whereby public officials disclose personal assets, possible conflicts of interest, and taxes.

In the end, 500,000 users viewed the proposals and 280,000 people signed on to 357 different petitions. “Perhaps Change.org was the most successful in terms of a mass audience because it was already a citizen-appropriated platform, more trustworthy than any similar tool the government could have come up with,” Rivera said.

While a small percentage of the city’s population participated via Change.org, that level of citizen engagement far exceeded the city’s targets according to Alberto Herrera Aragón,

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Mexico director of Change.org. “We created a dynamic that was completely new — we hadn’t done anything similar before,” he said.

“What helped guide the process to success is that we always had real and limited expectations of what the outcome could be,” Rivera said. “We never promised petitioners that their proposal would end up in the constitution. We were also clear about what kind of proposals the mayor would take into consideration: We would not accept any proposal that represented a limitation on human rights or social liberties already recognized in Mexico City.”

Allowing citizens to present to the drafting committee, and in some cases the mayor, was a risky experiment. “Neither of the parties were used to having this type of discussion,” Aragón said. “My perception was that both parties were very nervous.”

After the first presentation, it was clear the risks had paid off, as the drafters welcomed the opportunity to hear from impassioned citizens and the petitioners came to believe their voices were truly being heard.

“We thought participation was about making citizens learn about the process, but it was also about making senior officials learn that nothing bad will happen if you have the right rules and expectations in place,” Rivera said. “Participation goes both ways; it’s a pedagogical process.”

“We were writing and we were listening to what people were saying,” said Carlos Cruz, a juvenile justice activist and member of the drafting committee.

Similar to the updates of the survey, the petitions were presented to the drafting group on a weekly basis, and its growth rates were monitored daily by LabCDMX’s team. Once a petition surpassed the 10,000 threshold, the group was notified, and up to three volunteers were asked to meet with the petitioners. After this initial meeting, citizens met an average of two additional times with the legal advisers to follow up on the drafting process of their proposals. Before the draft was publicly presented to the constituent assembly, all 14 petitioners were consulted about the final wording of the constitutional articles related to their proposals. All but one petitioner approved the final text and declared their online petition as a “victory.”

While all the petition ideas that surpassed the 10,000-signature threshold were incorporated into the constitution draft, the two-step constitutional process created hurdles for this experiment in co-creation. Although Mayor Mancera was able to mandate that the drafting committee listen to the successful petitioners, he did not have authority over the 100-member constituent assembly once a draft text was released to them for negotiation and ratification. As a result, petitioners had less input during this stage.

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— CARLOS CRUZ, JUVENILE JUSTICE ACTIVIST AND MEMBER OF THE DRAFTING COMMITTEE

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Unlike the civic experimentation encouraged during the drafting phase, the constituent assembly's elected and political nature was not designed to engage in civic participation. For example, the assembly lacked a functioning website to release updated documents, and it hosted town halls where 200 to 300 people could each speak only for a few minutes at a time. While LabCDMX cautioned petitioners about the two-step process and made it clear that the constituent assembly was free to edit the constitution as it wished, some petitioners were discouraged that they were shut out of the final decision-making process.

However, they had allies on the assembly who fought for their proposals. "We had to defend one by one each of the topics at the constituent assembly," said Lol Kin Castañeda, an LGBTI activist elected to the constituent assembly. "It was like an auction from both right and left."

The constituent assembly was in session from September 15, 2016, to January 31, 2017, with a hard deadline to approve a final draft of the constitution. In the end, 14 of 15 petition ideas that exceeded 5,000 signatures were incorporated into the finished document.

The constitution was formally approved in February 2017 and came into effect in September 2018. It is still early to draw strong conclusions about the constitution's effectiveness and how significant the planks proposed by everyday citizens will ultimately prove in the city's policymaking. However, LabCDMX is largely pleased with the outcome and is optimistic about the document's long-term prospects.

"It will be a couple years until the dust settles from election," Rivera said, "but citizen participation was a contributing factor in broad-based political buy-in."



Mayor Claudia Sheinbaum Pardo has responded to the constitution's transparency requirements for herself and her cabinet and **the rights of transgender people have been strengthened.**

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There are already some examples of how the crowdsourced components of the constitution have influenced policy discussion. A candidate in the 2018 mayor's race outlined an animal protection plan during her campaign, inspired by the animal rights article in the constitution. Mayor Mancera also authorized the construction of a second veterinary hospital and several veterinary clinics, which some view as a response to this popular demand. Mayor Claudia Sheinbaum Pardo, who was elected in July 2018, has already responded to some of the constitution's provisions, such as the 3de3 transparency plank, by posting the requisite information about herself and her cabinet. Mexico City is the only state that permits transgender people to change the gender on their official documents without having to go

through a judicial process, another right enshrined by the crowdsourced LGBTI provision that will now be harder to take away should a socially conservative government enter power.

“Current generations will benefit from what we have written and what’s been approved,” said Cruz. “Children who are five years old now will have a completely different city when they are 15.”

### ***Citizen Story: Patricio Pérez Castillo***

Patricio was just 16 when he took the Imagina tu Ciudad survey, a citywide survey to inform the constitution, at a kiosk near his bus stop. This led him to submit a petition via Change.org.

A daily witness to the deteriorating state of the rivers in his home borough of Magdalena Contreras, he started a petition asking the city to include the cleansing and rescue of Mexico City’s rivers in the constitution.

“I asked myself what I could do to change my city,” he said. “I achieved 100 signatures.” He could hardly believe it when city staff invited him to meet to refine his proposal. Like many Mexican citizens, he had a negative view of the government, but this process changed his perspective. “It was hard to imagine the city as the advocate for the people. This approach was completely extraordinary.

Patricio was not old enough at the time to cast a vote for the assembly that ultimately approved the constitution, but his voice was heard. After eventually receiving the support of more than 17,000 people, Patricio’s proposal made it to the final text of the constitution, and it was fundamental in the 20-year programmatic strategy Mexico City has now set forward toward the recovery of its rivers and other bodies of water.

### **Keys to Success**

Gómez-Mont believes the constitution — both its crowdsourced proposals and its internally drafted provisions — serves an important role in solidifying some of Mexico City’s progressive social policies, such as its early adoption of legal same-sex marriage, abortion, euthanasia, and medical marijuana.

“Laws don’t always make for identical social realities,” she said. “Having them in our master document gives them much more weight ethically, legally, and conceptually. Our DNA is inscribed in our constitution.”

Moreover, the constitution operates under the principle of progressivity: Rights that have been granted cannot be taken away.

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While a single participatory process may not have created a sea change in public attitudes, Gómez-Mont defends the importance of the document and the effort behind it. “The constitution is supposed to be both a blueprint for the city and aspirational,” Gómez-Mont said. “It holds its ground on both fronts.”

A concrete example came in November 2018 when 7,000 Central American migrants passed through the city in a caravan. Under the constitutionally guaranteed sanctuary city provision by which all people, even noncitizens, have rights when they are in the city limits, the migrants were given services such as food and medical care by the Mexico City government.

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As for what other cities who are not drafting constitutions can learn from Mexico City’s process, Gómez-Mont believes the civic vision embodied in the constitution is a valuable exercise for any city to go beyond the quotidian aspects of city government, as is the case with Boston’s Imagine 2030, in order to understand a city’s shared values. “Until now it’s been enough for government to be provider of services, a receiver of complaints, and a keeper of the peace,” she said. “We need to rethink the role of government. Maybe government’s role is to catalyze citizen talent and better involve citizens in a vision.”

Gómez-Mont likens the soul-searching that such a process entailed as capturing the ancient Greek ideal of the polis, a city-state composed of engaged citizens.

“So many paradigms of urban governance are based on the idea that efficient services are all we need from government,” she said. “That is why democracy is taking such a huge hit. In the end, politics should be a society going back to first principles and asking how they want to live together.”

The constitutional process in Mexico City was a way for the city government and citizens to go back to those first principles together.

***Citizen Story: Francisco Fontano Patán***

In May 2016, travel agent Francisco Fontano Patán approached Mexico City's 500-year-old government palace. The ornate building's gold facade does not suggest a place of democratic exchange between political leaders and everyday citizens, but rather a seat of power that dictates the rules.

"I felt small," Fontano recalled as he entered the imposing building. Fontano had no political experience or history as an activist, but he arrived that day with a carefully researched presentation about parks and their potential to combat air pollution.

"I believe climate change is the most serious challenge that we face," Fontano said. "And one way of fighting that at the local level is by increasing the amount of green areas and guaranteeing that we don't lose the ones we have."

Weeks prior, Fontano had written that sentiment down on Change.org and published the idea of a guaranteed minimum of 9 square meters of green space per person as a petition for the Mexico City constitution based on World Health Organization guidelines. He had entered the idea after reading about the public call for petitions in the newspaper. A previous email directly to the drafting committee had not elicited a response, so he did not have high hopes that the Change.org petition would yield results.

"I thought it was a silly idea and nothing would happen," Fontano said. "I decided why not, I'll submit a proposal; but I was still very skeptical."

His proposal quickly climbed to 14,000 signatures, triggering an automatic bid to present the idea to the drafting committee. "I didn't expect to have such an impact," he said.

On the day of his presentation, he said, "I was very nervous because I was representing 14,000 people." He was concerned about his lack of formal expertise on the topic, but LabCDMX helped him shape the petition into language appropriate for the constitution. And little did he know, but the three members of the drafting committee were also nervous — it was the first time they had heard directly from a citizen in person.

"The general counsel [who oversaw the drafting process] was as nervous as the petitioner," Rivera said. The idea of opening up a government meeting to a person that had direct communication with 14,000 citizens was not a common thing for this senior official.

The mutual nervousness eased, and Fontano's presentation and petition made its way into the draft constitution. "They listened to me," Fontano recalled. "I thought we had a government that didn't pay attention to anything."

Though the constituent assembly altered his parks proposal, Fontano is happy to see that the constitution notes the importance of adding and maintaining "green spaces" to the city. The language might not be there if he had not suggested it. "It's important," he says, "for people to get involved in creating the city they want."

**Online Petitions that Surpassed 10,000 Signatures**

Online Petition	Petition-maker	Number of signatures	Final text of the constitution
Transparency of tax records and declaration of conflicts of interest and properties owned by public servants (Ley 3de3)	Alejandro Ortega Salinas	63,508	Art. 64, 2
Right to a good public administration (anti-corruption)	Alejandra Núñez	50,386	Art. 2, 3. Art. 7, A; Título Sexto
To make Mexico City a smart city – #SmartCDMX	Nicolás Ávila Pineda	50,664	Art. 7, 8-C Art. 24
Guardianship and constitutional protection for animals	Nydia Cervera	54,157	Art. 13, B
Guarantee minimum areas of green spaces per inhabitant	Francisco Fontano Patán	39,182	Art. 16, 3
Sustainable mobility for Mexico City	Alejandro Posadas Zumaya	29,382	Art. 12, E Art. 16, H
Digital rights and free and universal internet access in Mexico City	José Alberto Escorcía Giordano	21,270	Art. 8, C
An inclusive constitution for Mexico City (measures for people with disabilities)	Juventino Jiménez Martínez	16,803	Art. 11, G
Rescue Mexico City's rivers! Mexico City needs a comprehensive water policy	Carlo Patricio Pérez Castillo	17,306	Art. 16, A, 3, 4, B
Rights for all women	María Fátima Moneta Arce	14,889	Art. 4, B, 4 Art. 6, E Art. 11, C
Maternity and paternity leave for all	Sonia Lopezcastro	15,010	X
LGBTI rights	Alianza Ciudadana LGBTI Roberto Pérez Baeza	11,322	Art. 11, H.



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**Cities of Service** is an independent nonprofit organization that helps mayors and city leaders tap the knowledge, creativity, and service of citizens to solve public problems and create vibrant cities. We work with cities to build city-led, citizen-powered initiatives that target specific needs, achieve long-term and measurable outcomes, improve the quality of life for residents, and build stronger cities. Founded in 2009 by New York City Mayor Michael R. Bloomberg, Cities of Service supports a coalition of more than 250 cities, representing more than 73 million people across the Americas and Europe.



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### THE ENGAGED CITIES AWARD

The Cities of Service Engaged Cities Award shines a light on cities that are collaborating with citizens to meet pressing local challenges in diverse and creative ways. Mexico City, Mexico was one of ten finalists for the inaugural Engaged Cities Award in 2018.

Each year, Cities of Service recognizes cities that are effectively involving their citizens to do things like reduce community violence,

produce better budgets, create safer streets, and build stronger communities. The strategies of the Engaged Cities Award winners and finalists are models for other cities around the world to learn from, adapt, and improve upon. Cities of Service works with winners and finalists to develop resources to share with other cities so they can implement similar programs in their own communities.

