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## Building enforcement capacity

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*Published in:*  
Public administration and development

*DOI:*  
[10.1002/pad.1701](https://doi.org/10.1002/pad.1701)

**IMPORTANT NOTE: You are advised to consult the publisher's version (publisher's PDF) if you wish to cite from it. Please check the document version below.**

*Document Version*  
Publisher's PDF, also known as Version of record

*Publication date:*  
2014

[Link to publication in University of Groningen/UMCG research database](#)

*Citation for published version (APA):*

Nieto Morales, F., Heyse, L., del Carmen Pardo, M., & Wittek, R. (2014). Building enforcement capacity: Evidence from the Mexican civil service reform. *Public administration and development*, 34(5), 389-405. <https://doi.org/10.1002/pad.1701>

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## BUILDING ENFORCEMENT CAPACITY: EVIDENCE FROM THE MEXICAN CIVIL SERVICE REFORM

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### SUMMARY

Building enforcement capacity, that is, attaining and sustaining control in order to implement changes, is crucial for the success of public management reforms. However, this aspect of public management reform does not receive much theoretical or empirical attention. This paper analyzes the process of building enforcement capacity for the case of the Mexican Professional Civil Service reform. Although this reform experienced several complications (e.g., limited support, resources, and credibility), important goals were attained and some control was achieved. We study how officials attained control over implementation through the adaptive management of combinations of different types of control strategies (regulatory, normative, and procedural). The case study, focused on the analysis of in-depth interviews with the highest officials involved in the implementation of this reform, finds evidence for three combinations of strategies next to a general pattern characterized by a trade-off between compliance and coordination. This trade-off shows that the process of building enforcement capacity may affect the goals of the reform, deviating from lawmakers' original intentions Copyright © 2014 John Wiley & Sons, Ltd.

KEY WORDS—administrative reform; civil service reform; enforcement capacity; implementation; Mexico

### INTRODUCTION

There has been much attention for public sector reform during the past decades (Pollitt and Bouckaert, 2004). In this paper, we aim to complement the ongoing debate with observations on two somewhat neglected issues. First, the issue of how reform enforcement capacity is built; that is, the process of attaining and sustaining control in order to implement changes (cf. Barzelay and Jacobsen, 2009). We argue that the success of a reform critically depends on implementers' ability to enforce the reform in the daily routines of the bureaucracy; that is, to build sustainable reform enforcement capacity. This issue is particularly relevant in the context of developing and newly industrialized countries where this capacity is limited or even nonexistent (Dayton-Johnson *et al.*, 2011). Second, New Public Management (NPM) has dominated many reform efforts in public administrations all over the world. Nevertheless, there is a sizeable proportion of reforms in which it is not NPM that provides the major template for reform (Pollitt, 2001), but the need to increase control over the public administration (Cejudo, 2007). The present article addresses these issues by analyzing how enforcement capacity was built in the context of the restructuring of the Mexican civil service as it took place between 2003 and 2012.

The *Servicio Profesional de Carrera* (SPC) reform introduced a meritocratic system of human resource management (HRM) into several organizations of the Mexican federal administration.<sup>1</sup> The goal was to modernize HRM policies and systems in order to guarantee equal opportunities for accessing and making a career in the federal

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<sup>1</sup>In principle, the SPC reform concerns all federal ministries and agencies. However, a number of organizations are excluded; namely, those related to national security and foreign policy (e.g., Ministry of Foreign Affairs), concrete autonomous organizations (e.g., Federal Electoral Institute or the National Commission of Human Rights), and the parastatal sector (e.g., state-owned companies).

government. The reform covered the top managerial echelons of the administration (approximately 36 000 positions). The SPC comprised new regulation regarding hiring, professional development, training, performance evaluation, and severance of federal officials. From a comparative perspective, the SPC shares features with civil service reforms in Uruguay, Colombia, and Venezuela, for example, weak system of personnel information (see succeeding text) and lack of a consistent remuneration strategy (Ramíó and Salvador, 2008).

Although influenced in its discourse by an NPM-like rhetoric (cf. Muñoz Gutiérrez, 2005), in reality, the SPC neither introduced market mechanisms nor reduced regulation or granted more autonomy to public managers. The SPC may be better conceived as a Neo-Weberian reform (Dunn and Miller, 2007) that attempted to improve central control and create homogenous rules (Cejudo, 2007). As in the cases of Brazil and Argentina (see Heredia and Schneider, 1998; Dayton-Johnson *et al.*, 2011), the reform of the civil service in Mexico is mainly characterized by a series of measures geared toward enhancing Weberian features and processes (e.g., meritocratic recruitment); however, in the Mexican case, reform was supported by a fragile alliance of modernizers and bureaucratic incumbents who traditionally enjoyed ample freedom in the management of their human resources,

Soon after the adoption of the SPC law, commentators raised concerns about its viability (Grindle, 2012). Main critiques included faulty design, inability to gather support, lack of resources, resistance to change, and persistence of patronage (Arellano Gault, 2006; Martínez Puón, 2006; OECD, 2011). Given these difficulties, the fact that the SPC reform and its implementation persisted is noteworthy; not only because reforms often do not reach their expected results but because implementers might not have enforcement capacity to implement changes in the first place (Bovens and 't Hart, 1996). Reforms often fail to reach their goals because lawmakers leave the “dirty work” of enforcement to public officials, who often have few organizational or institutional means to overcome resistance against reform. In the reform literature, at least three contingencies for successful enforcement are typically highlighted: commandment over resources, strong support, and effective rule-making (see, e.g., Caiden, 1991; Peters, 2001; or Patashnik, 2008).

Whereas the SPC was initiated in times of ample resources and political support, within a relatively short time, these favorable circumstances disappeared. Contrary to what the literature might predict, the reform survived all policy-making stages and two changes of administration, policy components remained operational, and important objectives were achieved. For example, since 2007, more than 29 000 vacancies have been filled through SPC procedures, 96% of the organizations covered by the SPC law developed training programs, the performance of approximately 22 000 federal employees became regularly evaluated, and 90% of the consolidation goals of the reform were reached by 2012 (SFP, 2012). This reform thus presents a puzzle: on the one hand, it has been a reform marked by severe complications and limited support. In fact, soon after its adoption, the SPC underwent an acute legitimacy crisis, in the sense that it experienced strong decline, low levels of acceptance, and strong resistance from federal agencies (cf. Alink *et al.*, 2001). On the other hand, there have been important accomplishments, starting with the fact that the SPC reform continued to be implemented in spite of many setbacks. How were implementers able to enforce change, despite lack of resources and political support? Are there broader lessons for public administration theory and in particular for reform enforcement capacity to be distilled from this case?

As discussed later, a contingency framework on the basis of the role of resources, coalitions, and rule-making seems insufficient to explain the fact that SPC implementers managed to attain some control over implementation. We therefore propose an alternative process-argument on the basis of the adaptive combination of control strategies. There are various reasons for this. First, extant research has been mostly characterized by descriptive and prescriptive accounts, mainly focused on doctrinal, rhetorical, and design aspects of reforming (Barzelay and Gallego, 2006). By contrast, there is limited work that unpacks dynamic relations between micro-strategies of implementers and (macro) reform outcomes. Second, previous research has mainly focused on the role of policy-makers (e.g., Ingraham, 1997; Pollitt and Bouckaert, 2004). The role of top bureaucrats in charge of implementation has been somewhat neglected. We argue that strategies devised and pursued by implementers in order to gain control over implementation are an important aspect of reform success. Third, the bulk of research on public management and policy reform is devoted to Western cases. The Mexican case broadens the scope of research on enforcement capacity, and also has implications for general debates on government capacity and development (Grindle and Hilderbrand, 1995; Andrews, 2013).

This study makes two distinct contributions. Theoretically, we develop a framework for studying enforcement capacity building. In particular, we propose that implementers' control strategies are context-dependent and that they constantly need to be repaired in order to regain, maintain, or increase legitimacy. Thereby, (re)combination of control strategies has different outcomes in terms of coordination and compliance, both relevant conditions for reform enforcement. Empirically, the opportunity to conduct interviews with top officials directly involved in the execution and enforcement of the SPC provides unique empirical insights into the black box of high-level bureaucratic strategic management. More specifically, this study systematically traces the evolution of the implementation process of a large-scale reform.

The remainder of this paper is structured as follows. We first present the general characteristics, objectives, and implementation setbacks of the SPC reform. Section on Building enforcement capacity presents our theoretical framework and discusses three different control strategies that can be used to build up enforcement capacity. Section on The SPC case presents the case study. Section on Discussion and conclusion concludes.

### REFORM SURVIVAL IN CONDITIONS OF ADVERSITY

#### *Meager resources, lack of support, and faulty rules*

The SPC became an important part of the modernization agenda during the 2000–2006 administration. Resources poured into its implementation, especially during the first 2 years: a new department was created (the Unit of Civil Service and Human Resources, later renamed Unit of Human Resources Policy, UHRP), funds were budgeted, and President Vicente Fox (2000–2006) backed the reform in a number of statements (Dussauge Laguna, 2005, 2011). Hence, important contingencies for reform success were present right from the start.

However, complications arose quickly. As it also happened in other cases (notably Cardoso's reforms in Brazil; Heredia and Schneider, 1998) and in previous efforts of reform of the civil service in Mexico (Pardo, 2005), problems primarily sprung from the fact that the reform directly threatened patronage practices, deeply entrenched in the Mexican administrative system (Merino, 2006). In particular, the SPC significantly changed the way public organizations recruited and administered their managerial core. Thus, "stakes" for actors involved in this reform were high (Pardo, 2005; Klingner and Arellano Gault, 2006; for a recent discussion on patronage, see Grindle, 2012).

In addition, lawmakers were vague on the quantity and quality of control mechanisms available to the enforcing ministry. As in most Latin American presidential systems (Dayton-Johnson *et al.*, 2011: 18–9), in Mexico, after law enactment, the executive branch creates rules for implementation of new legislation (bylaws and other regulations). This means that implementers have room for maneuvering after enactment, limited by the law itself and the President. This was also the case for the SPC: most regulatory details were left to a bylaw, and several parts of the law remained open to broad interpretation (Fócil Arteaga, 2009). For example, although the law is strict about which positions must be occupied by tenured officials, it also established ambiguous criteria for exceptions:

In exceptional cases and when the social order, public services, sanitation, safety or environment of any area or region of the country become endangered as a result of disasters caused by natural phenomena, by accident or force majeure, the head of the agency or the chief administrative officer[...] may authorize the temporary appointment to a vacancy[...], without subjecting to the recruitment and selection procedures of this law (*Ley del Servicio Profesional de Carrera en la Administración Pública Federal*, Art. 34).

The reform clearly aimed at a decentralized system; however, the first bylaw (2004) created the bases for a centralized operation. Although this resulted in strong regulatory powers of the enforcing agency, the rules it produced were unsuccessful in lessening imprecisions and mitigating operative problems. Moreover, centralization created additional problems and "warning signs" (CIDE, 2007; Fócil Arteaga, 2009). First, there were indicators that the reform was not generating the desired effects. For instance, tenured positions covered by the civil service law reduced by 12.5% from 2005 to 2011 (cf. Presidencia, 2011; ASF, 2012). There were substantial variations between hierarchical levels too. From 2006 to 2010, the number of directors general subject to the SPC dropped almost by a quarter of the original universe contemplated in the law, whereas for heads of department, the numbers declined by

11.9% in the same period (CIDE, 2007). In addition, in at least two organizations, reform was openly blocked, and in many agencies, operation remained precarious (ASF, 2012). Further, some HRM components (notably professional development) had been inoperative since the enactment of the law. Also, exceptions to the system (e.g., Art. 34) were abused, and, in some cases, administrative procedures and rules were circumvented by organizations (OECD, 2011).

Second, important contingencies for reform success changed: there was a drop in the availability of resources,<sup>2</sup> a very constrained time frame for implementation was decided on, and there was disagreement on policy objectives (Dussauge Laguna, 2011). A large number of stakeholders and a bulk of dependence relationships further complicated matters. Consequently, political and bureaucratic support quickly declined after 2003, dropped sharply by the end of the administration and became critical in the beginning of President Felipe Calderón's administration (2006–2012). Meanwhile, the authority of the enforcing ministry remained open to challenge from other agencies, and the civil service reform stayed low on the electorate's and politician's priorities (OECD, 2011).

Thus, the SPC experienced a seemingly fatal route of implementation; characterized by unsuccessful operation, a major reconfiguration, diminishing resources, and the inability to fire up support and attain compliance with the new system. As a response, a second bylaw was adopted (2007) with the explicit purpose of correcting some of the aforementioned inadequacies by drastically shifting toward a decentralized model.

### *Reform survival*

The account earlier echoes insights from the literature in that reforms are problematic, difficult, and sometimes nearly impossible (see Pressman and Wildavsky, 1973; Bannink and Resodihardjo, 2006). It also shows that, in the case of the SPC, contingencies like sufficient command over resources, support, and effective rules were unsatisfactorily met.

Nevertheless, aside from the manifold complications (see also Klingner and Arellano Gault, 2006; or Pardo, 2010), accomplishments are equally noteworthy. One could even argue that the implementation of the SPC continued *despite complications*. For example, an evaluation by the Mexican Congress concluded:

After seven years since the enactment of the Professional Civil Service Act and four years since it was supposed to be integrated fully,<sup>3</sup> the Ministry of the Public Service together with the organizations of the federal administration, by 2010, established and implemented bases so that hiring of public servants is done in equality of opportunities [...]. It was also verified that out of the seven subsystems of the SPC, five[...] operate in the terms of applicable rules (ASF, 2012: 15).

In addition, several operational goals were reached, and (partial) control over operation of the SPC has been documented. For instance, since 2004, implementers enacted 135 regulations, from which about half remained fully enforceable by 2010. Successful implementation of the SPC was achieved in a critical 27% of the organizations that form part of the SPC, which represents 68.7% of all tenured positions (ASF, 2012: 5–16). Further, important routines were developed for hiring and recruitment but also for information management and most noticeably, for performance evaluation (OECD, 2011; SFP, 2012).

We do not imply that the SPC has achieved its substantive goals. Recent studies by the OECD (2011) and by Grindle (2012) cast doubt on whether the future of Mexico's civil service is secured and on whether Neo-Weberian reforms such as the SPC have had the desired effects, particularly in terms of increased central control over public agencies and less discretionary power of bureaucratic leaders. However, any serious analysis of the available evidence must also recognize that the SPC reform survived, if not well, since the enactment of the law in 2003 even in the face of scarcity of resources, weak support, and faulty rules. As evidence from other cases shows, these

<sup>2</sup>Budget (adjusted for inflation) allocated to the UHRP dropped by 42.9% from 2005 to 2006 and then again by 34.8% the next year. In 2008 and 2011, there were increments in comparison with 2007 and 2010: 16.8% and 72.9%, respectively. However, on average, UHRP budget declined yearly by 8.9% for the 2005–2012 period (data from Secretaría de Hacienda y Crédito Público, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012).

<sup>3</sup>The SPC Law established that the government had 180 days to decree a bylaw (trans. Art. 1) and that the "system must operate fully in a period that will not exceed three years after the enactment of this law" (trans. Art. 4).

conditions have crippled other efforts of change in Mexico (Pardo, 2010) and elsewhere (Bovens and 't Hart, 1996), and are antecedents of reforms going wrong (Caiden, 1999). What explains then the survival of the SPC given unfavorable contingencies? We pose that part of the answer lays on the implementers' ability to redirect strategies to (re)gain control over implementation, both in response to failure of previous strategies and to contingencies.

## BUILDING ENFORCEMENT CAPACITY

### *Achieving compliance and coordination under uncertainty*

We take a processual stand on enforcement capacity by studying control strategies available to and applied by implementers through time at the microlevel, and the overall pattern of (reform) enforcement that emerges from their application. We argue that achieving and sustaining enforcement capacity implies balancing a combination of goal congruence (compliance) and coordination among implementers and reform recipients. Once implementers devise and apply strategies, they are capable of evaluating whether compliance and/or coordination has been achieved (Steur and Wittek, 2005). Implementers evaluate problems resulting from previous interventions and accordingly adjust their strategies.

Ours contrasts with an approach to reform implementation in which reforms are studied as outcomes of linear processes, and where successful enforcement requires basically sufficient investments in time and resources to set up efficient incentive, monitoring, and control structures (Van de Ven and Hargrave, 2004). We deem attention to the nonlinear nature of reforming of at least, equal importance. By this, we mean that implementation is attempted under uncertainty and interdependence conditions, streaming from a complex and dynamic politico-administrative environment (cf. Steur and Wittek, 2005). This includes not only legal pressures and formal relations of dependence but also changing political conditions, practical restrictions, and administrative traditions (Grafton *et al.*, 2011). For example, default settings (established by lawmakers) affect bureaucrats' room for maneuvering (Patashnik, 2008); also, changes made at one level of the reform may trigger or require further changes at other levels (Brunsson and Olsen, 1993; Toonen, 2003). Further, given interdependence with the receptors of the reform (e.g., agencies and ministries), implementers will only gradually acquire information about the impact of their control strategies. Building enforcement capacity then refers to a branch process in that implementers' strategy results from a progression of limited comparisons (Lindblom, 1959; see also Thoenig, 2003), and where the goal is to attain and sustain compliance and coordination in order to successfully implement a reform. This process requires context-dependent adaptation to changing circumstances: if certain strategies produce negative effects (e.g., opposition by powerful groups) or are perceived as a failure, they will quickly lose legitimacy. As a result, control strategies need to be repaired or adjusted, in order to regain, maintain, or increase legitimacy.

### *Three strategy types*

We expect implementers to proactively or reactively develop strategies that they deem legitimate means to enforce an enacted reform. In order to study these control strategies in the case of the SPC, we grouped them into three ideal-typical sets (cf. Scott, 2008): regulatory, normative, and procedural control strategies. We assume that implementers adaptively use combinations of these strategy sets and that multiple combinations may emerge within a given process of reform.

### *Regulatory strategies*

Reforms involve rules, laws, standards, and other formal constraints. Implementers can use strategies on the basis of these formal rules, thereby using the power of formal legitimation, coercion, and sanctioning (DiMaggio and Powell, 1983; Powell, 1996). Addressing formal constraints, for example, in the form of legal expediency, enables legitimacy (Dowling and Pfeffer, 1975). Regulation guides implementation of a reform and may confer legitimacy to control to the extent that it is carried out according to legal mandate. Regulatory strategies enable implementers' action by conferring them special powers and licenses (Scott, 2008). Implementers accordingly make decisions and exert control based on the assumption of formal legitimation (Ouchi, 1979). Regulatory strategies are characterized

by *commanding* action. These strategies rely on expediency, verticality, and compulsion, and include actions such as rule-making and formal contracting. Hupe and Klaasen (2000) draw the analogy to a CEO: implementers attempt to enforce a reform atop of the authoritative foundations provided by rules, laws, and formal powers, and establish mechanisms of control accordingly (e.g., sanction systems or control panels).

#### *Normative strategies*

Norms specify valid forms of action and legitimate means (Scott, 2008). Adapting to prevalent norms legitimates control and creates implementation opportunities; for example, by showing that a reform is desirable, ethical, or compelling. Reforms build on normative ideas and guiding principles that infuse administrative changes with meaning (Selznick, 1948; Hood and Jackson, 1991; Peters, 2001; Christensen and Lægreid, 2003). Hood and Jackson (1991) showed that different “doctrines” (e.g., free selection of suppliers) provide normative bases for specific policy components (e.g., voucher systems). However, conflict between a reform and contextual norms may trigger resistance, tokenism, or open confrontation. In such cases, achieving control becomes problematic unless implementers are able to adapt to or influence norms. Normative strategies are characterized by some form of *persuasion* (Ouchi, 1979; Majone, 1989). This includes strategies such as endorsement, certification, accreditation, dissuasion, and interpretation (Thoenig, 2003). These strategies rely on appropriateness and inducement. Again, using Hupe and Klaasen’s (2000) analogies, implementers can be seen in this case as chairmen using persuasive tactics such as argumentation and conflict avoidance in order to enforce and implement change.

#### *Procedural strategies*

The final set relates to the influence of administrative practices and routines. Routines are patterns of activities realized customarily as taken-for-granted ways to accomplish organizational goals. The power of routines resides in their practical legitimacy: they are recurrent practices adopted by organizations (Suchman, 1995; Feldman and Pentland, 2003). Addressing them legitimizes control, for example, by integrating new procedures to old ones or by devising solutions that allow for homegrown routines to coexist with a reform. Conversely, failure to address routines increases the chances of paralysis and incomprehension. In general, strategies legitimized by practices and routines acquire the form of *integrative* actions. Here, the analogy could be of implementers as engineers: enforcement capacity is achieved on the bases of practical validity and the construction of solutions that allow reform recipients to perform. This includes control strategies such as integration of prevalent techniques and process-reengineering. Table 1 summarizes this three-way heuristic on strategies that allow implementers to build and sustain enforcement capacity.

## THE SPC CASE

### *Method*

In order to unravel the process of building enforcement capacity, we opted for a qualitative case-study design. This allows for process tracing (Beach and Brun Pedersen, 2013) while retaining meaningful details of real-life events (Yin, 2003; George and Bennett, 2005).

Table 1. Control strategies

|            | Foundation  | Actions   | Analogy                   |
|------------|---|---|---------------------------|
| Regulatory | On the basis of rules, formal sanctions, and default design | Commanding: creating or modifying rules                         | Implementers as CEOs      |
| Normative  | On the basis of norms and values                            | Persuading: avoiding conflict, adapting to and exploiting norms | Implementers as chairmen  |
| Procedural | On the basis of routines and prevalent techniques           | Integrating: assimilating homegrown routines                    | Implementers as engineers |

Research was conducted in Mexico City, between February and August 2012. Main methods of data collection were interviewing and document analysis. Ten in-depth interviews with the highest officials of the Unit of Human Resources Policy (UHRP) of the Ministry of the Public Service were held (Table 2), on the basis of their experience as implementers of the SPC between 2003 and 2012. Researchers contacted UHRP officials in September 2011. After the goals and procedures were presented, officials of the UHRP agreed to participate in the study. Interviews were conducted *in situ* and in Spanish, and lasted on average 67 min each. In addition to interview data, we collected and consulted policy and legal documents that shed additional information and helped contextualizing informants' accounts (Table 3).

Interviews were recorded, transcribed, and anonymized. Subsequently, two researchers coded transcripts using Atlas.ti (v.6.2). Although interview data are necessarily perceptual, we aimed at identifying common themes and connections by relating the interviews to our heuristic (see previous section). This assisted us in integrating different events and experiences in a coherent analysis. Coding of interviews focused on indexing at the quotation level and identifying (regulatory, normative, and/or procedural) strategies, as well as the context in which these were conceived and executed. The main goal of our analysis was to reconstruct the general history of enforcement of the SPC. Systematic comparisons allowed us identifying "critical stories" that we report in the next section (for a detailed methodological discussion, see Porrás, 1987). We found evidence for three phases of enforcement capacity building for the SPC case (2003–2012).

### *Phase 1: rules and locks*

The first combination of strategies emerged in a context of high expectations and promising conditions for implementation. The new law granted room for maneuvering to create procedures and mechanisms of control. However, the law was also vague in its definitions, and it established challenging deadlines for implementation. Notwithstanding this, in the beginning, implementers enjoyed support from President Fox as well as external stakeholders (e.g., public intellectuals). The reform was integrated into the "Good Government Agenda" (*Agenda Presidencial de Buen Gobierno*), which was the main modernization project of the administration (Pardo, 2010). This gathered support around the reform and facilitated enforcement:

In the beginning there was much expectation. I believe that in general, the institutions expected something much more digestible[...]. I mean, in the beginning there was good synergy, a good dynamic, and they [the institutions] hoped they could deal with the challenge. I believe that we created many allies for the project. But then we made some mistakes... we created too many locks in order to start up the project and we lost allies because we demanded more than what was possible (Director General, 6 years with the UHRP).

Table 2. Overview interviews

|     | Gender | Age | Hierarchical position          | Years working for the UHRP (2012) | Years working for the public sector | Member of the SPC (tenured) |
|-----|--------|-----|--------------------------------|-----------------------------------|-------------------------------------|-----------------------------|
| 1.  | M      | 44  | Director General               | 2                                 | 18                                  | No                          |
| 2.  | M      | 57  | Director General               | 2                                 | 25                                  | No                          |
| 3.  | F      | 49  | Dep. Dir. General <sup>a</sup> | 8                                 | 26                                  | Yes                         |
| 4.  | M      | 45  | Director General               | 6                                 | 6                                   | Yes                         |
| 5.  | M      | 35  | Dep. Dir. General <sup>a</sup> | 6                                 | 6                                   | Yes                         |
| 6.  | M      | 45  | Director                       | 8                                 | 16                                  | Yes                         |
| 7.  | M      | 62  | Director                       | 9                                 | 25                                  | Yes                         |
| 8.  | M      | 38  | Director                       | 9                                 | 13                                  | Yes                         |
| 9.  | M      | 57  | Director                       | 7                                 | 35                                  | Yes                         |
| 10. | M      | 48  | Director                       | 9                                 | 10                                  | Yes                         |

UHRP, Unit of Human Resources Policy; SPC, *Servicio Profesional de Carrera*.

<sup>a</sup>Deputy Director General.



Table 3. Overview consulted documents (case study)

|     | Title <sup>a</sup>   | Author/source                        | Year              |
|-----|--|--------------------------------------|-------------------|
| 1.  | <i>Ley del Servicio Profesional de Carrera en la Administración Pública Federal</i>  | Congress                             | 2003 <sup>b</sup> |
| 2.  | <i>Oficio SSFP USPC/412/007/2004</i>   | Ministry of the Public Service (MPP) | 2004              |
| 3.  | <i>Reglamento de la Ley del Servicio Profesional de Carrera en la Administración Pública Federal</i>   | MPP                                  | 2005              |
| 4.  | <i>Oficio SSFP USPRH/408/022/2005</i>  | MPP                                  | 2005              |
| 5.  | <i>Oficio SSFP USPRH/408/015/2005</i>  | MPP                                  | 2005              |
| 6.  | <i>Programa para el Servicio Profesional de Carrera en la Administración Pública Federal 2004–2006</i>   | MPP                                  | 2005              |
| 7.  | <i>Auditoría de desempeño 05-0-27100-07-130</i>  | Congressional auditing bureau        | 2006              |
| 8.  | <i>Reglamento de la Ley del Servicio Profesional de Carrera en la Administración Pública Federal</i>   | MPP                                  | 2007              |
| 9.  | <i>Acuerdo por el que se da a conocer el Programa Operativo Anual del Sistema de Servicio Profesional de Carrera en la Administración Pública Federal Centralizada para el año 2007</i>  | MPP                                  | 2007              |
| 10. | <i>Oficio SSFP/408/008/2009</i>  | MPP                                  | 2009              |
| 11. | <i>Acuerdo por el que se levanta la suspensión de los plazos y términos relativos a la operación de todos los subsistemas del Servicio Profesional de Carrera, incluidos los términos y plazos correspondientes a las designaciones realizadas conforme a lo dispuesto por el artículo 34 de la Ley del Servicio Profesional de Carrera en la Administración Pública Federal</i> | MPP                                  | 2009              |
| 12. | <i>Oficio SSFP/408/SPC/014/2009</i>  | MPP                                  | 2009              |
| 13. | <i>Reglamento Interior de la Secretaría de la Función Pública</i>  | MPP                                  | 2009 <sup>c</sup> |
| 14. | <i>Manual administrativo de aplicación general en materia de recursos humanos y organización</i>   | MPP                                  | 2010 <sup>d</sup> |
| 15. | <i>Oficio SSFP/408/003/2010</i>  | MPP                                  | 2010              |
| 16. | <i>Auditoría de desempeño 10-0-27100-07-0102</i>   | Congressional auditing bureau        | 2012              |

<sup>a</sup>All documents are public and available from the following official websites: [www.normateca.gob.mx](http://www.normateca.gob.mx), [www.diputados.gob.mx](http://www.diputados.gob.mx), [www.funcionpublica.gob.mx](http://www.funcionpublica.gob.mx), and [www.asf.gob.mx](http://www.asf.gob.mx)

<sup>b</sup>Last reform published 09/01/2006.

<sup>c</sup>Last reform published 03/08/2011.

<sup>d</sup>Last reform published 06/09/2012.

Implementers opted for control strategies based primarily on rule-making and standardization; that is, regulatory strategies. In particular, there was strong emphasis on creating “locks”; that is, inflexible and complex rules that in the implementers’ eye would secure control and minimize slippages. First, rules (established in the first bylaw) concentrated authority and operation in the UHRP, which became not only policy coordinator but also a globalizing bureau that designed procedures, operated them, and monitored their application across organizations. A second strategy was the creation of a human resource information system called “RHnet.” This system standardized SPC procedures and was designed as a single-entry portal in which every organization would load information about its human resources and operation of the SPC. External consultants designed the system, and implementers attempted to exploit this as a form of endorsement. However, design and construction of RHnet started before operative rules were completed. Thus, many of the SPC components were not in effect contemplated in the RHnet system. Resulting from the gap between new rules and information system, implementers devised a third strategy based not on information actively provided by institutions but on the verifiable administrative record. This strategy known as *Modelo Integral de Evaluación del Servicio Profesional de Carrera* (MIdESPC) consisted in a series of indicators that help monitoring the execution of the SPC in each organization. It allowed implementers to oversee implementation of components and to compare performance. However, in order to be effective, it relied on a network of auditors verifying compliance, which added in complexity and costs.

After the adoption of the first bylaw, several problems arose. Great expectations were not met. Ministries and agencies, suddenly confronted with new and complex rules, resisted implementation. In particular, some maintained old practices by taking advantage of regulatory imprecisions, or, in other cases, organizations made only perfunctory efforts to comply with the new rules (e.g., by simulating open competitions to occupy vacancies, but in fact securing the hiring of preselected candidates). Support declined, both from administrative and political leaders. This situation worsened after the change of administrations in 2006:

The Unit and the SPC used to be regarded as the thing that was going to transform everything, you know?[...] In the beginning all the resources were placed in the Unit. It was a bit like *the* Unit, right? At that time we had fancy offices and all the resources[...]. But then when it [the SPC] stopped being priority and the problems began overflowing us, bam! You have no fancy office anymore, you have to move, and you have to lay off personnel[...] (Director General, 6 years with the UHRP).

Phase 1, characterized by reliance on regulatory strategies (centralizing rules and standardization within a single operative framework), was effective in minimizing coordination problems to the extent that it homogenized procedures. However, it did not succeed in assuring compliance: although organizations formally adopted similar policy tools and procedures, goals did not converge and resistance against reform intensified. Further, when support and resources for the reform began decreasing, centralization backfired: rules could not be enforced effectively, and complex processes that demanded personnel and money began to pile up in the UHRP.

Despite other alternatives were in principle available to implementers (e.g., more flexible regulation or even procedural integration), it seems that in the beginning, they mostly relied on the assumption that strict regulation was a necessary and sufficient condition to enforce the reform. The effects of phase 1 included the loss of allies and a very complex operative system that “stressed” federal organizations. Also, emphasis on locks decreased room for maneuvering for implementers themselves. Further, the gap between rules and information system as well as large costs of development created a need for constant repairs of RHnet, effectively creating a “policy lock-in effect” (Bannink and Resodihardjo, 2006):

When the construction of RHnet was already ongoing, it was pointed out that we had no rules yet. And then, suddenly, after we had a very expensive system[...], we needed to start making all sorts of adaptations to the system [...]. In fact, as a joke, people started calling it ‘patch-net’ (Director, 8 years with the UHRP).

Lack of understanding of new regulations created a “battle of definitions and translations” that gave room to deviations from the original intentions of implementers, next to open resistance and tokenism (e.g., regarding new hiring rules or the exception criteria established in Art. 34 of the SPC Law). According to interviewees, organizations interpreted rigid regulation with suspicion and as imposition over their internal procedures.<sup>4</sup> However, phase 1 set the bases for formal mechanisms of control on the basis of outcomes and not on procedures (e.g., MIDESPC), created a system of information that later helped contained centrifugal pressures arising from delegation, and moreover, it showed the limits of regulatory strategies:

Setting rules is like cooking with a pressure cooker: if you take it to the limit and you haven’t really established other mechanisms of control and relief valves, well, it’s going to explode, even if you had the best intentions (Deputy Director General, 8 years with the UHRP).

### *Phase 2: adapted rules*

Phase 2 begins with the adoption of a new bylaw in the context of a discredited implementation, lack of support, limited resources, a new administration skeptical about the reform, and a new UHRP leadership that lacked experience and commitment with the reform:

<sup>4</sup>At the time some interviewees worked in federal agencies covered by the SPC and thus experienced this model of enforcement as “reform recipients”.

I believe that to the extent that politicians began understanding the new institution[...], less commitment and security were given to the reform[...]. And on the other hand, bad implementation led to frustration. Because if you create new strict structures and you pass them on to the organizations... I mean, human resource management is already complex and then you impose another model, the SPC, then you create two structures, you generate two areas, two forms of management, two objectives, and so on, rules expand and what was already complex becomes even more complex (Director, 9 years with the UHRP).

Firstly and as a response to resistance and rule imprecisions, implementers devised a new strategy based, as before, on regulatory changes. However, whereas emphasis of phase 1 was on centralization, in phase 2, control was attempted by means of delegation. At the center of the strategy was the enactment of a new bylaw (2007). In it, new rules transferred most of the operation to ministries and agencies, whereas the UHRP pulled back into a supervisory role (retaining regulatory powers). Delegation, however, did not mean much flexibility: many procedures remained uniformed to a significant degree. Although there were significant changes (e.g., hiring rules), some SPC procedures established in the first bylaw were consolidated in the second one (e.g., performance evaluation). The difference, however, was that in the new bylaw, several operational details and their implementation were delegated to organizations, especially regarding hiring and recruitment.

There was an important movement toward flexibility. This strategy involved making the exclusion criteria of the law (Art. 34) and hiring procedures more lenient. Since the enactment of the law, SPC hiring procedures had been the most controversial part of the reform. According to interviewees, organizations saw with concern standardized hiring procedures, which both reduced their discretion and did not take into account differences in the kind of personnel needed in each organization. The new strategy was intended to regain support from the agencies by yielding to customary discretion that each agency had enjoyed over their hiring procedures. Implementers' strategy consisted in adapting to strong administrative traditions regarding control over hiring, and avoiding conflict by delegating design and operation of operative routines to the ministries and agencies, and instead focusing on monitoring outcomes. Similarly, implementers developed a new control and evaluation strategy on the basis of "control panels." It recovered lessons learnt from the MIDESPC system in that emphasis was placed on outcomes, but it not only relied on monitoring by auditors or on the administrative record, instead, it also exploited information that organizations regularly reported to the UHRP. Nonetheless, lack of organizational capabilities, bad timing,<sup>5</sup> and new obligations (e.g., design of assessment tools for hiring) contained centrifugal movements triggered by the new control strategies:

You have to relativize this whole issue of decentralization[...]. Ultimately, what really happened was that institutions did not complain that much about centralization; although, now many agencies demand that we centralize some tools because otherwise they cannot handle operation (Deputy Director General, 8 years with the UHRP).

Phase 2 echoed the emphasis of phase 1 on regulatory strategies. However, phase 2 also included strategies of conflict avoidance and, in comparison with phase 1, privileged voluntary compliance over sanctioning. This movement toward normative strategies and the avoidance of conflict also implied that long-term goals of the reform (e.g., hiring on the bases of professional merit) became subject to a logic that privileged short-term goals (e.g., the creation of new tools for hiring and assessment of candidates). Although compliance improved only slightly according to interviewees, pulling back allowed implementers to notice specific differences among the organizations that participated in the reform, as well as the need for integration of particular organizational needs. Differentiation, however, led to diminished coordination.

### *Phase 3: persuading and integrating*

The third and final phase occurred during the last years of the administration of President Felipe Calderón, mainly driven by a new UHRP leadership interested in revitalizing the SPC. Political support and resources remained low,

<sup>5</sup>The enactment of the new bylaw took place once the federal budget had been already approved; thus, federal agencies did not have additional resources to deal with their new responsibilities.

but much had been learnt in the previous years. Phase 3 was characterized by a shift in emphasis from regulatory strategies toward normative and procedural ones. This shift can be seen also as resultant from previous phases; in particular, previous regulatory strategies and large investments in policy tools (e.g., RHnet) limited implementers' freedom in the phase 3:

When I came here I expected to make fundamental changes[...], and I found that the room, my degree of freedom was very limited, and that in fact my job was mostly to oversee informational flows[...] and the informational system. I realized that in reality I had bumped into a wall (Director General, 2 years with the UHRP).

A new bundle of control strategies consisted in taking emphasis away from changing and enforcing rules and instead achieving control by persuading organizations and building coalition. Strategies built on the decentralized system already in place. This meant that implementers reinterpreted the role of the UHRP from a one-sided regulatory approach to a reciprocal client–supplier scheme, in which organizations were responsible for the operation and the development of specific procedures, and the UHRP monitored performance and suggested improvements:

What we are doing now is only discretionary, really[...]. Trying to redirect the SPC towards a different model, well, is only a proposal that the agencies can or not adopt; it is not really mandatory (Director General, 2 years with the UHRP).

The approach now is more focused on... on our clients. [Changes] have allowed us, on one hand, to have more knowledge, internally, but also about the institutions. And it's also a way of addressing the needs of the institutions, because instead of asking us, they go directly to the website and consult themselves. It's like the fable of the fisherman. You know it? You don't need to give them the fish. Instead you tell them: 'look here are all the fish, which one you want?' What we are doing now is to improve the pond (Director, 9 years with the UHRP).

The UHRP did not give up its regulatory powers, and strategies conceived in phase 2 continued to be implemented in phase 3 (e.g., control panels were consolidated and improved). However, changes in phase 3 did imply, firstly, a movement from specific emphasis on the SPC to a more general concern with "professionalization of the public service." For instance, the publication of a *General Administrative Manual on Human Resources and Organization* in 2010 (*Manual Administrativo de Aplicación General en Materia de Recursos Humanos y Organización*) is a direct result from this change in approach. After the enactment of the manual, operation of the SPC became part of a more general HRM framework, with regulations that apply not only to tenured officials in some organizations but to all federal personnel. Change from specific SPC regulation toward more general regulations applicable to all federal agencies allowed for simplifying rules and lessening redundancies (e.g., by creating common definitions, as well as clarifying general responsibilities of HRM departments) and also to integrate prevalent HRM procedures under the legal umbrella provided by the manual. Finally, some in-house routines changed. In particular, new procedures for data management and client support were developed. These also echoed an approach that highlighted specific HRM needs of each organization, as well as voluntary compliance instead of sanction and coercive control. But it also meant that new repairs needed to be done to the information system. Overall, it seems that these strategies paid in improved compliance:

Even though the desired procedures have not been established completely, at least the institutions are thinking in a different way[...]. They are thinking about this [the SPC]. Now, they know that things cannot be done as they please but that they need to have some control, and that's important (Director, 8 years with the UHRP).

Persuading agencies to comply with SPC procedures took also the form of informal talks with resisters and the symbolic management of accomplishments and accreditations. In particular, a new strategy made use of incoming information, reframing it in order to encourage "best practices" and achievements of the agencies in order to advance the reform:

Another issue is that we realized that we needed to promote short-term achievements of the institutions[...]. One must cackle the eggs [sic], otherwise results go unnoticed. Because change can take long time[...], but creating awareness of short-term achievements helps maintaining a sort of inertia towards change (Deputy Director General, 6 years with the UHRP).

In addition, the UHRP attempted to compensate lack of support from political leaders, by looking for tenured civil servants' endorsement. New allies were found in international organizations too (World Bank and Organization for Economic Co-operation and Development). This permitted to increase credibility, whereas international commitments legitimized the continuity of the enforcement strategy. Although new strategies paid in increased compliance, they also led to important coordination problems. Procedural strategies on the basis of autonomy implied that many specific demands needed to be brought together into an already complex system. Thus, some problems remained unsolved: integration created a need for constant repairs of ongoing processes (particularly for data management), and mismatches between UHRP's expectations and agencies' operations—although legal and in line with the goals of the SPC:

Now the problem, the challenge is to create more coordination options with the organizations. We were left like, like very disconnected, not... I mean when we call them, they come, and we tell them how to operate and that's it, but we could work better if we were all, well, better coordinated (Director, 8 years with the UHRP).

#### *General patterns: patching and diversification*

From the account earlier, we observe two general patterns. First, throughout the period, implementers needed to make constant adjustments to costly control systems (e.g., RHnet). "Patching" became more prominent when regulation changed in phase 2 and continued to be an issue after implementers opted for procedural strategies on the basis of integration. Financial investments in policy tools and past regulatory decisions constrained implementers' capacities in later phases. Patching seems to be driven by this form of path-dependence and policy lock-in (Knill, 1999; Bannink and Resodihardjo, 2006).

Second, altogether, we observe *strategy diversification*. When conditions for implementation were promising (i.e. implementers had support and resources) and despite imprecisions in the law, implementers mostly relied on control strategies on the basis of rule-making. In a later phase, when regulatory strategies stopped working and thus enforcement capacity and legitimacy diminished, implementers also used rule-making, but the emphasis changed from central regulation to delegation. Additionally, yielding to some norms (e.g., hiring) reduced conflict and resistance. In phase 3, implementers retained some of the regulatory strategies (e.g., delegation) but decreased their relative importance (e.g., by promoting deregulation). Also, normative strategies on the basis of persuasion and endorsement and procedural strategies on the basis of integration of homegrown routines and demands became more prominent. Thus, the repertoire of strategies expands throughout the period, both quantitatively (number of strategies) and qualitatively (type of strategies). Some strategies are abandoned (e.g., first bylaw), but in general, we observe that to the extent that implementers presumably acquired more experience, previous strategies became complemented with new ones.

Diversification reflects both limitations and opportunities for building enforcement capacity. For instance, throughout implementation of the SPC, a number of veto points appeared (e.g., agencies opposing implementation), presenting opportunities for strategy modification (e.g., a new bylaw). Whereas in the beginning, implementers relied mostly on strict and centralizing regulatory strategies, later when veto points became abundant, implementers explored additional strategies.

This pattern further highlights a trade-off between compliance and coordination. When regulatory strategies "took the forestage" (especially standardizing rules), costs associated with coordination dropped. To the extent that homogenizing rules were adopted, implementers needed to invest little on coordination efforts. However, the same emphasis on common rules and "locks" increased the costs of (securing) compliance; namely, because general mechanisms of monitoring and control were needed to assure that reform recipients would comply with the rules.

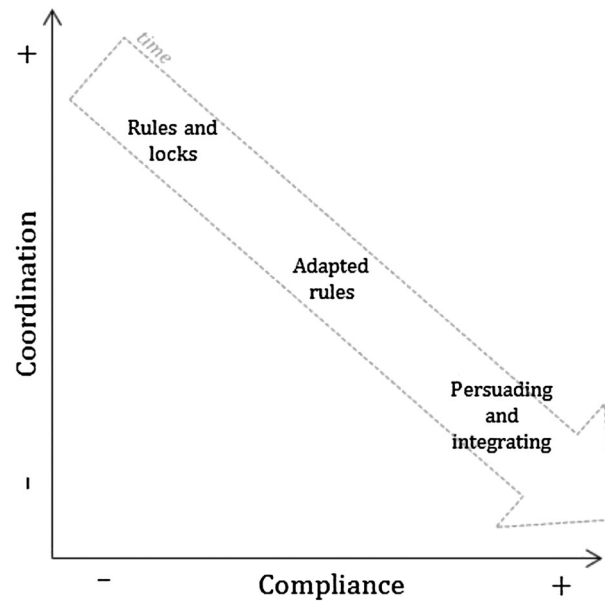


Figure 1. Trade-off between coordination and compliance over time.

Conversely, when enforcement moved toward integrative and normative strategies, the cost of securing compliance reduced. This reflects interdependence and transfer of responsibilities from the enforcing agency to the recipients of the reform. Compliance in this case is secured by integrating multiple demands and by making rules flexible. However, this movement also implied that implementers needed to spend more in coordinating very different (and often contradictory) demands. That is, in the studied period, costs associated with coordination increased at the expense of obtaining compliance (Figure 1).

## DISCUSSION AND CONCLUSION

In this study, we asked how implementers managed to build enforcement capacity for the SPC case. Our analysis of the evidence leads us to the following conclusions. First, although the distinction between regulatory, normative, and procedural strategies *a priori* says little about their relative effectiveness (in terms of enforcement capacity), the case study does show an overall combinatory process by which strategies are repaired or adjusted in order to regain, maintain, or increase legitimacy. To the extent that resources and political support were plentiful, control was sought through commanding. When these strategies stopped working, implementers were forced to devise alternatives that reflected a better balance between direct control and interdependence. As seen in the case study, control strategies in the beginning fell short of balancing demands for autonomy (coming from resisters). This explains some of the problems reported in the interviews such as tokenism and simulation; for example, in applying new recruitment procedures (CIDE, 2007). Phase 3 reflects a different approach on attaining control, on the basis of increased autonomy and flexibility. Thus, the process of building enforcement capacity in this case shows a movement from control attempted through commanding alone toward a model on the basis of persuading and integrating. This movement reduced the cost of (securing) compliance, whereas increased the cost of achieving coordination. In the case of the SPC, lack of coordination was the price for compliance and thus key to reform survival. Although integrating local demands into the system seemed the most effective solution in terms of control (given decreasing support), it was a solution that created coordination diseconomies because of interdependence and flexibility. This trade-off further helps explaining why, as noted by Grindle (2012), the SPC reform did not appear to curb discretionary powers of local bureaucratic leaders: overcoming resistance against reform demanded the preservation of some norms and practices that allowed agencies to reclaim turf (particularly regarding hiring

and recruitment). In this sense, the process of building enforcement capacity affected the outcome of the reform, deviating thus from lawmakers' original intentions, which aimed at the creation of stable cadres of tenured officials. Instead, integration of local demands provided organizations with the opportunity to set policy exceptions and limit the influence of the enforcing ministry on certain HRM processes, such as hiring.

Second, the case study shows that the effectiveness of *regulatory* strategies may depend on the one hand on the availability of resources and political leverage. Once these conditions weaken, enforcement through regulatory strategies in isolation becomes problematic (cf. Meyer and Rowan, 1977). On the other hand, it suggests that implementation that is based solely on regulatory strategies is likely to be less effective, given interdependence with reform recipients and uncertainty about their performance. That is, effectiveness of regulation depends on reform recipients' willingness to comply and to convey information about their behavior and performance. Without additional measures directed to increase compliance or the quality of information reaching implementers, reform enforcement becomes ineffective. However, regulatory strategies remain important for reform enforcement. As seen in the SPC case, implementers did not give up on their regulatory powers, and regulation was a necessary precondition for other strategies. For example, changes in rules during phase 2 served as basis for integration in phase 3. By allowing delegation, rules also gave implementers an opportunity to legitimately integrate local demands into the SPC. This also stresses the point that rules tend to breed path-dependencies (Peters, 2001).

Third, our study highlights the importance of integrative and persuasive strategies for enforcement capacity, particularly when resources and leverage of the enforcing agency are low. Strategies that addressed prevalent traditions and preexisting routines seemed to increase compliance with the reform. Conversely, actions that ignored these normative and procedural nuances reduced compliance in that they increased goal misalignment and resistance. This further supports Grindle and Hilderbrand's (1995) observation that better performance is more often driven by effective communication and cooperation than it is by rules and regulations. This issue, in particular, may be useful to understand implementation fiascos and reforms that end up as "letra muerta" in Latin America and elsewhere (e.g., see Dayton-Johnson *et al.*, 2011).

Before concluding, three limitations need to be acknowledged. First, the study mostly relied on interview data and implementers' recollections. We wanted to reconstruct the process of enforcement, and thus, we needed to rely on insider information. Our informants were selected because they were the main actors in this process. However, this methodological choice implies that our observations are subject to bias in the interviewees' accounts. We tried to control bias by contrasting our observations with documents and records. A related issue is that we did not collect interview data on the side of the reform recipients. Because we were mainly interested in the strategies devised by *implementers*, we limited our analyses to their side of the story, which means that reform recipients' strategies of resistance or acquiescence were interpreted mainly through the mirror provided by implementers' accounts.

Second, the case has important particularities that are important to recognize. On the one hand, the SPC reform concerns a whole range of governmental organizations. Transversal implementation implies that successful reform does not only depend on the efficacy of the enforcing agency (and therefore on its enforcing capacity) but on the actions of a bundle of stakeholders (Hill and Hupe, 2002). This also implies specific reform contingencies. For instance, existence of large number of actors with veto capacity implies a relative more complex and risky reform execution (Knill, 1999; Merino, 2006). On the other hand, the reform was implemented in the Mexican administrative system, which although resembles other Latin American and Eastern European systems in its legalism, centralized-vertical structure, and little separation between political and top bureaucratic roles, it differs considerably from other cases (e.g., Asian and African parliamentary systems). In strict sense, our conclusions are restricted to the Mexican case. However, we aimed at deriving conclusions that could be further tested. For instance, our observation on the trade-off between compliance and coordination in the context of building enforcement capacity could be tested in other cases. Also, other cases may be used to illustrate different combinatory processes and, most interesting, processes that lead to high compliance and high coordination, a combination not identified in the SPC case.

Finally, in the SPC case, there is a tension between reform design and enforcement (e.g., contradictions between decentralized rules and centralized operation). Put differently, the case lends itself to the study of enforcement

capacity but it succumbs to the problems of reform design. For instance, from the analysis of the interviews, one might speculate whether implementers would have had less complications if the law would have contemplated permissible time frames or if imprecisions would have been resolved in advance. Another interesting possibility would be to compare processes of implementation (and the strategies used to build enforcement capacity) across time. For example, one may ask to what extent current efforts to build enforcement capacity reproduce recipes that worked in the past (on this, see Pardo, 2005). Future research on the SPC and other reforms could address these additional questions.

Notwithstanding limitations, our study does suggest important lessons. Our findings highlight the relevance of studying combinations of strategies in understanding how implementers achieve coordination and compliance after enactment of a reform act. We showed that attaining control for the SPC case was characterized by patching and strategy diversification, that the use of regulatory strategies in isolation was ineffective, and that the use of normative and procedural strategies reduced costs of compliance but intensified coordination costs. These findings support the underlying idea that although laws may bestow reform implementers with formal capacity to punish those who do not comply or support changes, in practice, this power may be ineffective and thus needs to be enhanced and maintained. Furthermore, this may lead to alterations to lawmakers' envisioned reform path, which helps explaining on the one hand some degree of reform success and on the other lack of results and adverse outcomes.

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