

MEXICO'S PROFESSIONAL CAREER SERVICE LAW: GOVERNANCE, POLITICAL CULTURE AND PUBLIC ADMINISTRATIVE REFORM

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ABSTRACT

Less than three years after the historic election of President Vicente Fox in July 2000, Mexico passed a professional career service reform law (Ley de Servicio Profesional de Carrera, 2003) for national government ministries. This law, and the linked transformations in governance and political and administrative culture that underlie it, have stimulated public administrative reform at all levels of Mexican government – national, state and local. This paper: (1) presents a conceptual frame for the evolution of public personnel systems in developing countries, (2) describes Mexico's professional career service law (LSPC) and the historical conditions that led up to it, (3) places the LSPC in the context of underlying changes in Mexican governance, political culture and institutions, and (4) uses selected economic, social, political and administrative indicators to benchmark the impact of the LSPC and these related changes on public administrative reform in Mexico today.

EVOLVING PUBLIC PERSONNEL SYSTEMS IN DEVELOPING COUNTRIES: A CONCEPTUAL FRAME

The evolution of public management in developing countries appears relatively uniform because pressures for modernization and democratization tend to parallel though lag behind those in the Western world. While many of these administrative innovations are diffused by Western consultants or adopted due to exposure to the West (Adamolekun, 1990; Sabet and Klingner, 1993), Western lenders have also often mandated administrative reforms as a condition of continued credit (Klingner, 1996; Salgado, 1997).

During Stage I, elite leaders of successful independence movements establish new nations. The transition to Stage II (patronage) follows as these emergent nations strengthen the conditions in civil society that underlie effective government (such as education, political participation, economic growth, and social justice) by refining their constitutions, developing political parties, and creating public agencies. This transition is often difficult, particularly if the culture supports political leadership based on personalities rather than parties.

The transition to Stage III (merit) is marked by passage of a civil service law, creation of an oversight agency, and development of personnel policies and procedures. It is driven by internal pressures for modernization (efficiency) and democratization (human rights). International lenders often add external pressures for enhanced government capacity and macroeconomic development. Again, this transition may be difficult, or it

may not occur at all. Governments may be large and/or inefficient due to socialist traditions favoring autonomous agencies (e.g., railroads, airlines, petroleum, banking, health and hospitals, and insurance) that in developed countries are usually part of the private sector. Pressures for transparent, honest and efficient government may be thwarted by corruption, use of the public sector as the employer of last resort, or a “brain drain” to the private sector because of a politically vulnerable, underpaid and poorly qualified civil service.

If and when the transition to civil service occurs, developing countries then seek to balance conflicting values and personnel systems to achieve the contradictory objectives that characterize Stage IV (mature mixed) public personnel management: establishing an optimum level of public employment, maintaining administrative efficiency and protecting public employee rights, and achieving both uniformity and flexibility of personnel policies and procedures. As the economy develops, there is less pressure on the government to be the employer of last resort, and more support for government because professional public management is more effective at public service delivery desired services to the public. However, the opposite may occur just as easily – economic stagnation may generate political pressure to increase public employment. Colonial traditions and centralization tend to produce a uniformity that outweighs administrative flexibility and diversity. “Neo-liberal” economic policies (imposed by international lenders to promote economic development) do reduce external debt by cutting public employment and expenditures. But they may also increase unemployment, social injustice, and popular discontent with elected leaders or the entire political system.

Emergent systems do not supplant their predecessors, but instead conflict and combine with them. Thus, the evolutionary process described below in Figure 1 results in increasingly complex combinations and permutations of public human resource management (HRM) systems -- patronage, merit, market-based contracting and privatization, and others.

Figure 1: Evolution of Public Personnel Systems and Values in Developing Countries

STAGE OF EVOLUTION	DOMINANT VALUE(S)	DOMINANT SYSTEM(S)	PRESSURES FOR CHANGE
I – Elites	Responsiveness	“Government by elites”	Political parties + Patronage
II – Patronage	Responsiveness	Patronage	Modernization + Democratization
III – Merit	Efficiency + Individual rights	Civil service + Patronage	Responsiveness + Effective government
IV – Mature Mixed	Responsiveness + Efficiency + Limited government	Patronage + Civil service + Collective bargaining + Privatization	Dynamic equilibrium among pro- and anti-governmental values and systems

Source: Klingner, 1996; Klingner, 2000; Klingner and Nalbandian, 2001; Klingner and Pallavicini Campos, 2002; Klingner and Nalbandian, 2003.

But as was noted above, there is no guarantee that public HRM systems will progress automatically or steadily through these four evolutionary stages. Conditions may

dictate that a country remains “stuck” at some point, or regresses. A variety of political, social and economic factors serve as benchmarks for the progression from one stage of public human resource management to another. This conceptual model was originally presented in Klingner (1996), and has been explicated elsewhere (Klingner, 2000; Klingner and Nalbandian, 2001; Klingner and Pallavicini Campos, 2002; Klingner and Nalbandian, 2003).

Figure 2: Political Culture and Public Personnel Management Development

1. From Independence (Stage I) to Patronage (Stage II)

Indicator	-	+
Political Freedom (Speech and Media)		
Economic Growth and Development	Low	High
Racial and Ethnic Discrimination	Export-based	Balanced
Basis of Political Leadership	High	High
Electoral Process	Charismatic Inadequate	Issues, parties Functional

2. From Patronage (Stage II) to Civil Service (Stage III)

Indicator	-	+
Effective & Transparent Government	No	Yes
Administrative Formalism	High	Low
Patronage Influences	High	Low
A Civil Service Law has been passed	No	Yes
A central public personnel agency exists	No	Yes
Merit system procedures are in place	No	Yes
Unemployment or underemployment	High	Low
Public employee salaries and benefits	Inadequate	Adequate
Non-Merit Discrimination	High	Low
Role of the Military	Intrusive	Minimal
Source of Pressure for Reform	International	Domestic

3. From Civil Service (Stage III) to a Mature Mixed Model (Stage IV)

<i>Indicator</i>	-	+
Balanced Uniformity - Flexibility		
Balanced Centralization - Decentralization	No	Yes
Balanced Public - Private Employment	No	Yes
Balanced Employee - Management Rights	No	Yes
	No	Yes

Source: Klingner, 1996; Klingner, 2000; Klingner and Nalbandian, 2001; Klingner and Pallavicini Campos, 2002; Klingner and Nalbandian, 2003.

MEXICO'S PROFESSIONAL CAREER SERVICE LAW IN HISTORICAL CONTEXT

Although Mexico is nominally a federal republic, political power by tradition and Constitutional provisions is centralized in the executive branch of the national government. From 1929 until 2000, Mexico was a one-party democracy dominated by the Institutional Revolutionary Party (PRI, for its Spanish acronym). Following widespread allegations of electoral fraud in 1988, Mexico developed a professional civil service system for its newly created Federal Electoral Institute (IFE) (Estatuto, 1999; Méndez Martínez, 2000). This organization – designed to increase the validity and accountability of national elections by instituting rational and transparent procedures for voting, tabulation, and reporting of ballot results – played a pivotal role in the transition to multi-party democracy. PRI lost control of the national legislature for the first time in 1996. In July 2000, following a hotly contested campaign, the opposition PAN (National Action Party) Presidential candidate Vicente Fox won the Presidency. Most Mexicans and international observers credited IFE with a pivotal role in the outcome. Its head, José Luis Méndez, became a key advisor to President Fox.

In April 2003, the Mexican national legislature approved a Professional Career Service Law (Ley de Servicio Profesional de Carrera [LSPC]), providing for the implementation of a career civil service system in the national government ministries directed through the office of the President (Ley, 2003). Mexico had previously established several career service systems for certain occupations within some national government agencies (e.g., the Ministry of Foreign Relations [1922], the National Institute of Statistics, Geography and Informatics [1994], the National Water Commission [1995], teachers within the Ministry of Education [1992], the Internal Revenue Systems [2000] and the Federal Electoral Institute [1992, reformed in 1999] (Uvalle Berrones, 2000; Méndez Martínez, 2000). Yet given Mexico's authoritarian political culture and the relative prior scarcity of merit systems in the national government, the LSPC represents a significant and ambitious "sea change" in Mexican governance. It requires that within two years each Ministry will establish an advisory committee to develop and administer its own SPC, with the entire process coordinated by a Civil Service Agency within the Ministry of Public Function (Secretaría de la Función Pública [SFP]) (Acuerdo, 2003). The LSPC has three sections: an introduction, a statement of the rights and responsibilities of career service employees, and a description of the system's structure. Most of the law comprises the third section, with seven subsections focused on planning, the national HR register, recruitment, professional development, training and certification, performance evaluation, and separation.

The national register (registro) maintained centrally by the SFP, collects data to allow matching employees and applicants with existing and new positions. It is the basis for career development and training. Objective performance evaluation systems, and the possibility of discharge for poor performance based on them, are innovations in a culture that is not accustomed to distinguishing between evaluating persons and performance. While it is privately recognized that complete implementation within two years is not possible, it is expected that Ministries will develop elements of the system, share "best practices," and move incrementally but steadily toward a national professional career service model.

Passage of the LSPC was followed by approval of similar laws in many of Mexico's 31 states, including the Federal District (DF), Sinaloa, Guanajuato, Mexico (the State that surrounds the DF on three sides), and Quintana Roo (Ley, 2002). This is extraordinary, given that Mexican public administration is highly centralized and that the LSPC applied only to federal ministries. It is as if the regime change in 2000, passage of the LSPC in 2003, and related transformations in political administrative culture gave state and local governments implicit permission to make similar advances (Mejía Lira, 2001; Moreno Espinosa, 2001; and Moreno Espinosa, 2002; Cabrero Mendoza and García Vázquez, 2002).

Even more remarkably, the LSPC has led to an outpouring of professional, academic and popular writing on Mexico's professional public service and its relation to more rational and democratic government. Contributors include experts from public universities (e.g., Uvalle Berrones, 2004); public-private "think tanks" (e.g., Arellano Gault, 2004), non-governmental associations such as the Mexican Network for Professional Service (Red Mexicana de Servicio Profesional) (Martínez Puón and López Cruz, 2004; Aguilera and Bohórquez, 2004), Presidential advisors (e.g., Méndez Martínez, 2004, Pérez González, 2004); national government ministries (Mesta Delgado, 2004; Herrera Macías, 2004; Fócil Ortega, 2004; Muñoz García, 2004); the Federal District (Cedillo Hernández, 2004), and local governments (Acosta Arévalo, 2004). For example, one of this article's authors is a visiting professor at the National Autonomous University of Mexico (UNAM) who has taught an intensive course there each summer since 1999 on "Professionalizing public human resource management: A comparative US – Mexican perspective" (based on Klingner and Nalbandian, 2001). Since 2002, he has taught similar courses and made related conference presentations (in the DF, Toluca, Culiacan, Chetumal, and internationally) on Mexican civil service reform (Klingner, 2003; Klingner, 2004).

A cadre of professional public administrators, academicians, and civic reformers – many of them these authors' colleagues and protégées – have founded, published and written for professional public administration journals that describe, assess and contextualize these reforms (e.g., transparent government, corruption, non-governmental organizations, and decentralization and career service systems) within the context of ongoing political, social and economic transformations. These include *Prospectiva* (published by the Agrupación Política Nueva) and *Gestión y Política Pública* (published by CIDE). While Mexico's prestigious National Public Administration Institute (INAP) has remained relatively apart from these advances because some within the Fox administration consider it a stronghold of PRI loyalists, similar state institutes conduct research, training and technical assistance (e.g., in Guanajuato, the Federal District [DF], Quintana Roo and Sinaloa) (Almada López, 2001).

Causality is complex. It is likely that these civic organizations, journals and public administration institutes arose simultaneously, spurred by many factors. Section 3 will take a closer look at these reforms and the underlying culture of governance and politics in Mexico.

GOVERNANCE, POLITICAL CULTURE AND ADMINISTRATIVE REFORM IN MEXICO

Until the historic regime change in 2000, Mexico's political system was dominated by a powerful and authoritarian party that controlled the bureaucracy through a "quasi-spoils system" (Arellano Gault, 2003: 169) that combined syndicalism, professionalism and patronage. Lower-level (de base) laborers were – and still are – protected by a corporatist system that accords powerful industrial unions the constitutional rights to represent this political constituency and protect it through employment contracts (Arellano Gault and Guerrero Amparán, 2003: 154). Technicians, professionals and managers were employed "at will" through a nomination process that combined political and personal loyalty (patronaje). This ensured bureaucratic responsiveness, if not individual merit or societal accountability.

Civil service is an indispensable democratic institution. Neutral professional agencies enable government to respond to elected and appointed officials' policy agendas, while protecting long-term policies and programs and avoiding the social costs of politicians being able to manipulate administrative agencies with impunity. But civil service systems do not necessarily make government more efficient or effective. Nor are they costless (Frant, 1993). They affect the way political systems behave (Moe and Campbell, 1994; Ackerman, 2000), in that the price for avoiding a "spoils system" is the creation of a powerful class of civil servants insulated from political influence by rigid rules for hiring, promotion and firing.

Because of this, the Fox administration's decision to propose the LSPC was not made easily. Many of his supporters advocated – at least privately – reducing the power of unions and avoiding the negative implications of civil service by progressing directly from patronage to performance contracting. But in the end, though it was acknowledged that it would limit the flexibility of his administration to control the administration's reform agenda, the benefits of a professional and politically insulated federal bureaucracy prevailed. Congress passed the bill without much opposition, and implementation began immediately.

Yet successful implementation of the LSPC faces resistance from some powerful appointed officials, some managers and many union leaders. This in turn reflects underlying political, social and cultural conditions that will make implementation slow, tortuous and problematic. First, there is a need to change the political culture of absolutist political control and administrative formalism, while still allowing political leadership and centralized policy direction to function effectively. (In this context, absolutism is the centralization of political, economic and social authority in the executive office of the President; and administrative formalism is the sub rosa functioning of absolute political authority under the trappings of a political and administrative system that, on paper, is decentralized and participative.) This cultural change requires strong political support from the President and his Ministers. Yet some appointed officials who realize that the LSPC threatens their power are responding in ways that maintain it. For example, because 2 out of 3 positions on the technical committees responsible for civil service implementation in each Ministry are appointed (per article 74 of the LSPC), some senior officials are resisting or blocking efforts to install strong technical committees. Civil service reform is not a paramount priority for the Fox Administration. So as a partial solution to this dilemma, it continues to promote

a managerial culture of innovation and rational decision-making, without directly confronting underlying barriers of political culture and structural resistance.

Second, there is a need to develop a professional public administrative culture that clearly differentiates between political appointees and senior civil servants. Historically, the culture and practice of absolute political control made it difficult to hold individuals accountable. The result was a heavily politicized bureaucracy within which political appointees and professional administrators were almost indistinguishable, and could not be held individually accountable (Guerrero Amparán, 1999). Ambitious administrators were accustomed to using their positions to build political careers. However, a civil service system differentiates these two roles. Even political appointees are held accountable for their ministries' performance, given that these agencies have a public purpose beyond advancing the political careers of their appointed heads. Some political appointees will seek to develop administrative systems that on their face resemble civil service, but in reality leave intact the traditional hierarchical culture personal and legal authority (caudillismo) a Secretary and his or her leadership team used to enjoy in their Ministry. Once again, Presidential support is crucial, as is support from public officials, media and society in general, for transforming these historically linked political and administrative systems.

The third dilemma is how to make the professional career service system legitimate (strong and effective), but still responsive to needs for managerial flexibility and political oversight. This requires careful balancing of administrative and political perspectives, recognizing that each value, carried to extremes, will subvert the intent of the system. The danger, of course, is that political resistance will lead to weak or poorly resourced Ministerial committees, and thus to limited implementation. Reformers who force the process will face resistance. But if they allow some Ministries to implement weak committees, the reform process may become a charade (i.e., administrative formalism).

Fourth, strong oversight over civil service reform implementation of the civil service is crucial if Mexico is to face some of these challenges. Per article 70 of the LSPC, the oversight agency (the Civil Service Advisory Committee) is composed of political and administrative appointees: nine from the SFP, one from the technical committees of each of the other Ministries (about 15), three from the Ministries of Labor, Treasury and the Interior, and one representative from academic, private and social sectors. Thus, only 3 of about 30 members are not direct representatives of a particular Ministry and its political leadership. Without the opportunity for open participation from groups and citizens with a more generalized interest in a professional public service, it is likely that the Advisory Board will be "captured" by more particular agency interests, weakening its autonomy and ability to exercise independent oversight over the system.

Fifth, the creation in law of a class of professional public managers by no means guarantees that they will develop the values or behaviors appropriate to effective and transparent management. In Mexico as in other countries, administrative processes that are rational and transparent "on paper" frequently mask an authoritarian political culture. While passage of the LSPC and creation of an oversight Committee is of course necessary for reform, it does not in itself promote managerial flexibility or professionalism (Knott and Miller, 1987; Pacheco, 2003: 44). An oversight Committee focused on values of political neutrality and Ministerial accountability for performance

might succeed in implementing a limited civil service system that meets legal requirements. But building a system that objectively evaluates individual performance evaluation requires time and the political will to adjust administrative structures, make people confident of the application of the rules, learn the difficulties of measuring performance in hundreds of different positions, and develop the skills needed to manage a decentralized system with several different specialized entities (ministries, offices and agencies). Simply promoting managerial discourse around these concepts or issues does not ensure that managers will learn and practice the complex behaviors required for the system to operate effectively. Separating evaluations of employee performance from evaluations of employee as persons is a difficult change to implement. But it is part of the business culture, and will become more part of the public culture as business values spread, and as the professional public administration culture becoming more widespread. The most probable outcome is that by the end of the Fox administration's term of office in December 2006, Mexico will have a limited version of the system, dominated by top-level appointed officials, and minimally accountable to outside interests, with limited performance evaluation capability due to lack of time and expertise.

Sixth, civil service reformers must confront the reality of corruption as part of Mexico's political culture. The SFP – also the lead agency charged with fighting corruption – is not noted for its success in this area (Rosenberg, 2003). But it is noted for its tendency toward hierarchical decision-making based on rigid compliance with rules and procedures. Whether this culture can nurture the managerial flexibility and risk-taking required for implementing a performance-based personnel system remains to be seen. Seventh, implementation of the LSPC highlights the power struggle between the Executive and Legislative branches in Mexican national politics. Legislative oversight is critical to effective implementation, particularly if the change in administration that will take place in December 2006 (Mexican presidents serve a six-year term and may not succeed themselves) is not to result in the loss of professional administrative capacity and organizational memory. But Mexico has a history of a strong Executive and a weak Legislative branch. Congress was not actively involved in developing the LSPC, and the Executive branch did not seek its involvement.

Eighth, the LSPC applies to only about 40,000 mid-level federal managers and professionals. Its coverage needs to be extended to the rest of the 2.5 million federal public employees. About 1 million of these are teachers with their own politically powerful union and relatively inflexible labor rules; about 600,000 are nurses and other medical professionals. Others (known as *de base* workers) are protected by membership in a politically powerful federation of unions (the FSTSE, or Federation of State Workers Unions) that, under Mexican law, is their only legitimate contractual representative and bargaining agent. Creating a general civil service system for all federal employees will require changes in at least two federal laws: the Federal Law for State Workers (to allow merit-based evaluations) and the Federal Work Law (to recognize productivity as a legitimate basis for employee evaluation). The first is unlikely given the FSTSE's opposition. The second remains possible, but it is not clear whether the current political situation will allow the Fox administration to successfully propose these reforms to Congress.

In sum, there are clear signs of progress: an ambitious law, flexible and decentralized administrative control under a centralized oversight agency, clear action items and

implementation deadlines, and a dedicated implementation team with a clear vision beyond bureaucratic or managerial “business as usual” (no routine copying of “best practices” or “buzzwords” from the private sector). However, the challenges are high and support from society and civil servants is crucial if a true career system, flexible and capable of adapting to new situations, is to be successfully implemented. Because resistance by powerful and entrenched interests is great, the forces that overcome resistance must be equally powerful and determined. While Mexicans may agree that civil service reform is crucial to the transformation of Mexico into a more accountable and legitimate democracy, few have a clear conception of the road ahead or the dangers to be faced.

BENCHMARKING PUBLIC ADMINISTRATIVE REFORM IN MEXICO TODAY

Broadly speaking, public administration reform means the same thing in Mexico as in the US. Its fundamental objective is to create a more innovative, flexible, problem solving, and entrepreneurial culture within public agencies (Barzelay, 1992; Kettl, 1997; Rosenbloom, 1998; Kettl, 2000; and Brudney et al., 2000). This means improving the transparency of government by emphasizing citizen participation and decentralization; and the rationality of government by emphasizing innovation, entrepreneurial leadership, and customer service. In Mexico, it also means replacing traditional, hierarchical and process-oriented public administration with a more results-oriented, customer-driven, market-based approach.

The Mexican national government introduced a broad series of public administrative reforms during the administration of President Ernesto Zedillo (1994-2000). Politically, these reforms were designed to reinforce the dominant political party’s (PRI’s) position that fundamental change was possible within what was essentially a centralized, hierarchical one-party system. Administratively, they were designed to make agencies more effective by increasing the efficiency, transparency, and customer service and market orientation of what traditionally had been a relatively inefficient, non-transparent, corrupt, politicized, and self-serving federal bureaucracy.

These reforms had some success. Based on more than ten years of research on decentralized municipal governance throughout Mexico, Cabrero Mendoza (2000) identified four general types of innovation – new leadership styles, new mechanisms for broader citizen participation, strengthened intergovernmental relations, and new management systems. For him, the potential conflict between the business culture underlying public administrative reforms and the political-administrative culture underlying traditional public administration presents public administrators with a dilemma. Reforms may have made public programs more efficient and rational, but only by maintaining hierarchical control at the expense of broader citizen and community participation. Arellano Gault (2002) addressed the classic conflict between top-down and bottom-up change strategies. How is government supposed to make the Draconian changes in organizational climate and political culture required to achieve decentralized, effective and efficient customer service? How can Mexicans make any fundamental changes in municipal government where public employment, revenue

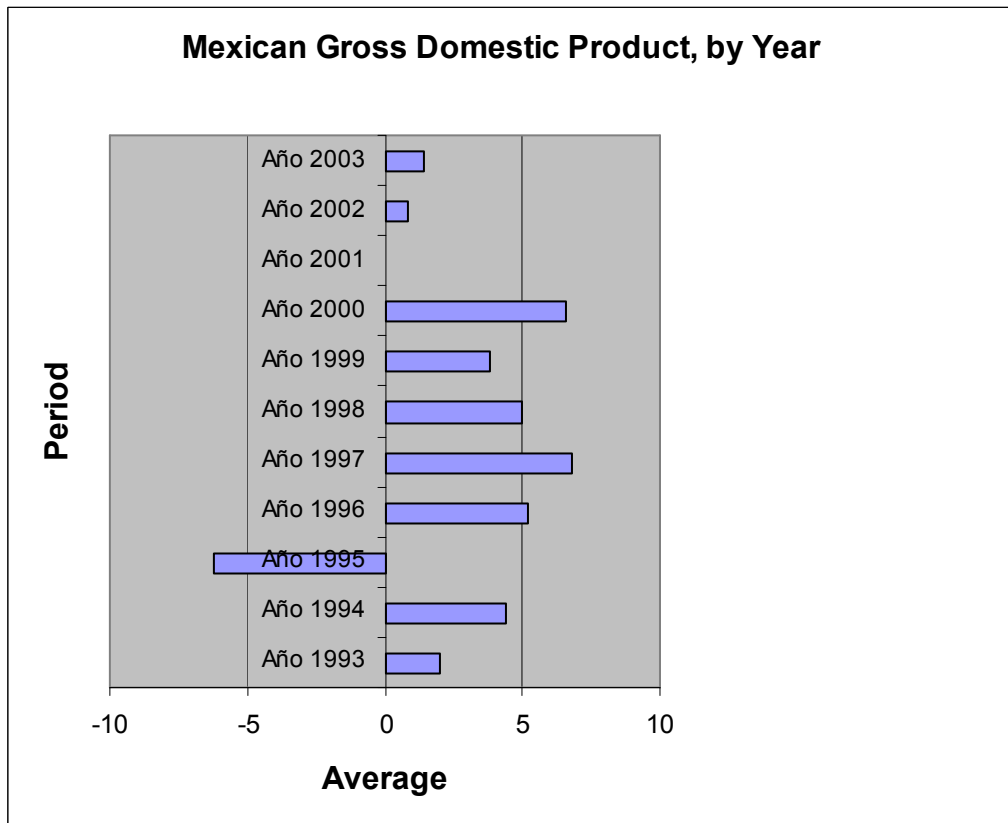
collection, and service delivery are all controlled by a national government that is heavily politicized, bitterly partisan, and fundamentally hierarchical and conservative?

Thus, any long-term assessment of the effectiveness of public administration reforms in Mexico must take place within a larger discussion of the critical economic, social, and political and administrative issues this country now faces. And it should be benchmarked using available objective metrics to assess change in each of these areas.

Economic Reform Indicators

The trade liberalization and economic development intended through NAFTA may have stimulated economic growth in Mexico. The economy did not crash precipitously in 2001, as it did in 1995 following the corruption- and devaluation-plagued Salinas de Gotari Administration (1988-1994). On the other hand, Mexico's rate of economic growth has exceed 6% annually only twice in the past decade (see Table 3).

Table 3: Mexican Gross Domestic Product, by Year (1993-2003)

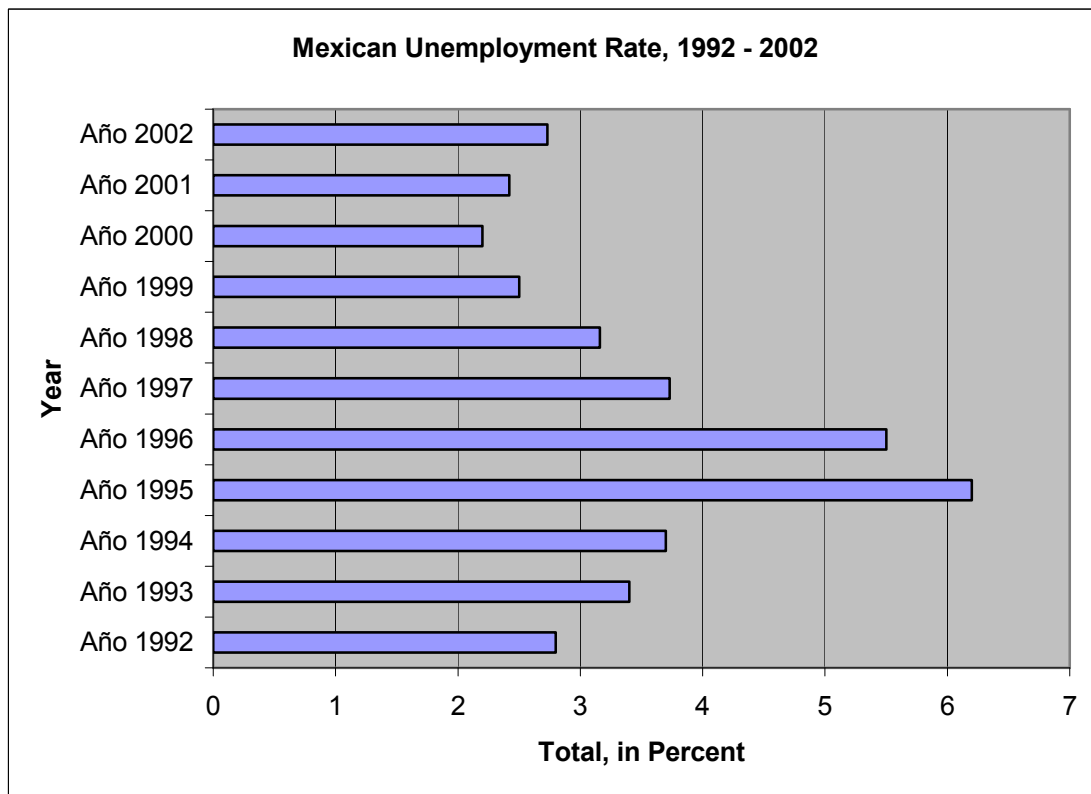


Source: Instituto Nacional de Estadística Geografía e Informática (INEGI). Sistema de Cuentas Nacionales de México. Cuentas de Bienes y Servicios 1988-1997. Tomo II. México 1999. Estadísticas Económicas. Productos Interno Bruto Trimestral de 1999. INEGI. México 1999.

<http://www.inegi.gob.mx/est/contenidos/español/tematicos/mediano/med.asp?t=cuna16&c=163> (March 2005)

Employment statistics can be questioned in a country plagued by chronic employee migration (internal and external) and underemployment, but there is evidence that Mexico has experienced sufficient job creation to meet population growth and avoid social and political instability. Unemployment has hovered between 2% and 4% every year between 1992 and 2002, except for 2005 when it crested at 6.5% (see Table 4).

Table 4: Mexican Unemployment Rate (1992-2002)



Source: Encuesta Nacional de Empleo Urbano. <http://dgnesyp.INEGI.gob.mx/cgi-win/bdieinti.exe/Consultar>. (March 2005)

Optimists report an increased willingness to address divisive political issues like privatization (including such “sacred cows” as petroleum and electric power. For example, Rubio (2004) concludes that autonomous agencies like oil production and refining (PEMEX), telecommunications (CFE) and power and light (Luz y Fuerza) have become impediments to the development of newer and more efficient energy source. However, the recent negative experiences of Brazil and Argentina with neo-liberal reforms make their negative reception in Mexico understandable, particularly among more conservative, populist and nationalist PRI politicians (Entrevista, 2005). Therefore, most Mexican commentators think that their country is successfully steering a course between the contrasting values of neo-liberalism and social welfare, including

reforms that require PEMEX to work with foreign oil companies to increase production and refining capacity (Cervantes, 2004).

Finally, Mexican legal reforms since 1991 reflect continued strengthening of laws related to enforcement of business contracts, debt collection, land registries, and other provisions facilitative of economic growth and external investment (see Tables 5-7).

Table 5: Laws to Promote National Economic Development and Foreign Investment

Year	Law, Regulation or Executive Order
1991	Ley de la Propiedad Industrial (Industrial Property Law)
1993	Acuerdo por el que se crea la Comisión Intersecretarial para la Vigilancia y Salvaguarda de los Derechos de propiedad intelectual (Agreement to create an Inter-Ministerial Commission for the Recognition and Protection of Intellectual Property Rights)
2000	Acuerdo por el que se determinan la organización, funciones y Circunscripción de las Oficinas Regionales del Instituto Mexicano de la Propiedad Industrial (Agreement to Establish the Structure, Functions and Authority of Regional Offices of the Mexican Institute for Industrial Property)

Source: Instituto Mexicano de la Propiedad Industrial. (IMPI)

http://www.impi.gob.mx/impi/jsp/indice_all.jsp?OpenFile=docs/marco_j/3w002100.htm. (March 2005)

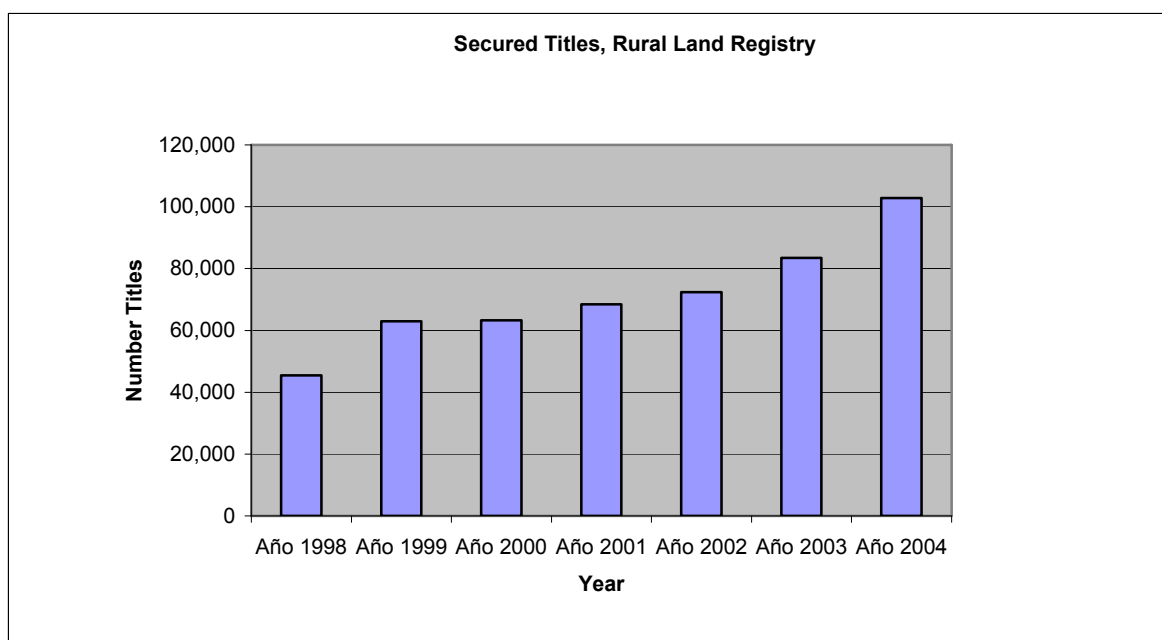
Table 6: New Mexican Laws to Promote Social and Economic Development

Ley de Ascensos de la Armada de México (25/06/2004)
Ley de Asistencia Social (02/09/2004)
Ley de Cámaras Empresariales y sus Confederaciones (20/01/2005)
Ley de Derechos Indígenas (21/05/2003)
Ley de Desarrollo Rural
Ley de Desarrollo Social (20/01/2004)
Ley de Fiscalización Superior de la Federación (29/12/2000)

Ley de Ingresos de la Federación para el Ejercicio Fiscal 2005 (24/11/2004)
Ley de Seguridad Nacional (31/01/2005)
Ley de Servicio Público Civil de Carrera
Ley de Registro Público Vehicular (31/01/2005)
Ley en contra de la Discriminación
Ley Federal de Responsabilidad Patrimonial de Estado (31/12/04)
Ley Federal de Transparencia y Acceso a la Información (11/06/2004)
Ley Federal de Transparencia y Ordenamiento de los Servicios Financieros (26/01/2004)
Ley General de Bienes Nacionales (20/05/2004)

Source: Cámara de Diputados. Congreso de la Unión. www.cddhcu.gob.mx/leyinfo

Table 7: Secured Titles, Rural Land Registry (1998-2004)



Source: Registro Agrario Nacional.

<http://www.ran.gob.mx/archivos/estadisticas/constancias.pdf>. (March 2005)

Socio-Political Reform Indicators

To allow economic growth and social equity, the trend toward decentralized policy direction, broad-based political participation, and decentralized and flexible administrative implementation should continue.

Table 8 provides some evidence of this, based on increased income transfers from the national government to the DF from 2001-2003.

Table 8: Government Income and Expenses, DF (2001-2003)

Item	2001 (Thousands of pesos)	2002 (Thousands of pesos)	2003 (Thousands of pesos)
Gross Government income (excludes the Federal District)	451,916 636	494,251 765	561, 029 979
Gross Governmental Expenditures	451, 916 637	494, 251 765	561, 029 979
Gross Revenue (D.F.)	62, 171 150	68, 486 239	69, 945 789
Gross Expenditures (D.F.)	62, 171 150	68, 486 239	69, 945 789

Source: INEGI. Estadística Anual de las Finanzas Públicas Estatales.

<http://www.inegi.gob.mx/est/contenidos/español/tematicos/mediano/med.asp?t=fipu09&c=5028>. (March 2005)

As is typical of countries at the onset of a democratic reform process, Mexico supports the rapid expansion of democracy but has not yet developed the institutions necessary to preserve it. This means that traditional hierarchies will need to be replaced by new patterns of authority appropriate to the coming knowledge-based era. These patterns will need to be decentralized (rather than centralized), achieved (rather than ascribed), and participative (based on trust, performance and competence rather than dominance). Building democracy also requires basic changes in society, politics and public administration. For public administration, it means rational and transparent budgeting, meaningful program planning and evaluation, and a merit-based civil service capable of either providing quality public services or effectively overseeing a rational and public service-oriented contracting and privatization process (Siegel, 1999). It means professional, transparent, rational, decentralized, and participative administrative processes that are in turn tied to objective performance measures and citizen accountability (Kettl, 1997). Public administrative reform implementation in Mexico is fundamentally similar in some respects (e.g., the common focus on building a public management that is rational, transparent, effective, participative, and customer-focused) to its US counterpart. But it is also fundamentally different, particularly with respect to things we take for granted: an effective multi-party political system, functionally decentralized state and local governments, a professional civil service, and administrative processes that are relatively open, responsive, and subject to the rule of law.

There is some evidence that Mexican politics is becoming more decentralized and transparent. A study recently completed by the National Legislature concluded that between 1997 and 2000 the legislature had become a more effective counterweight to

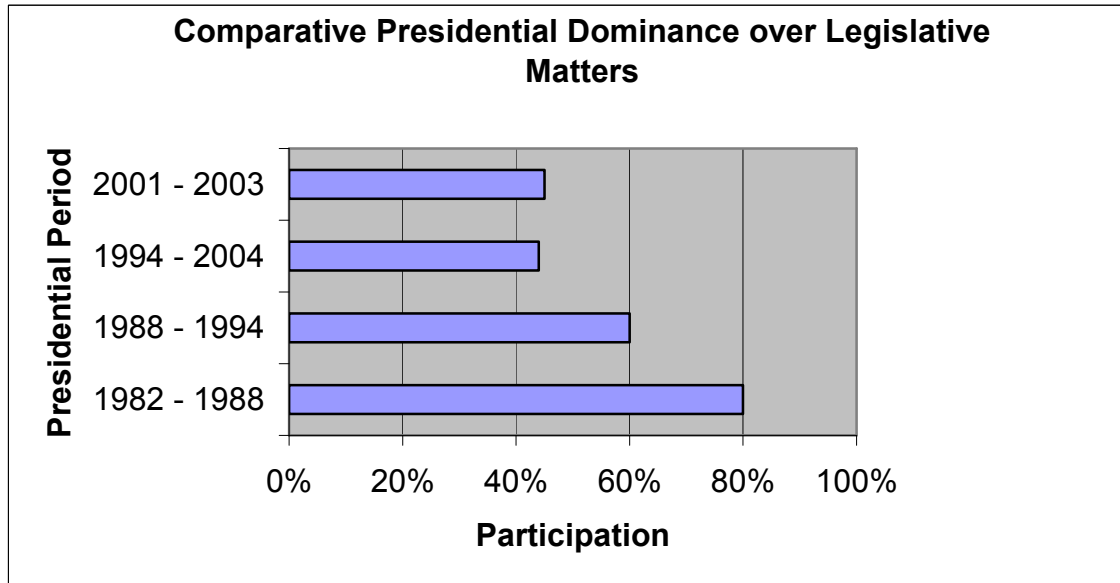
executive power, and evaluated the relative transparency of 43 legislative commissions (see Table 9). Presidential dominance over legislative activity declined from 80% in 1982-1988, to 60% in 1988-1994, and 44-45% thereafter (see Table 10). PRI lost its absolute majority in the Legislative Assembly in 1996, and political pluralism has increases since then (see Table 11). Political decentralization continues, transferring more functions to state or local government and providing adequate financial resources and autonomy to allow state and municipal managers to manage to budget and to results (see Table 8, presented previously).

Table 9: Comparative Transparency and Effectiveness (1997-2000) of the 43 Commissions Established by the National Legislature

<p>Most Transparent</p> <p>(As measured by the content and quality of their reports)</p>	<p>Gobernación (Administration)</p> <p>Comisión de Ciencia y TECNOLOGÍA (Commission on Science and Technology)</p> <p>Salud (Health)</p> <p>Radio, Televisión y cinematografía, (Radio, television and film)</p> <p>Secretaría de Hacienda y Crédito Público (Ministry of Labor and Public Finance)</p>
<p>Least Transparent</p>	<p>Participación Ciudadana</p> <p>Presupuesto y Cuenta Pública</p> <p>Economía</p> <p>Energía</p> <p>Seguridad Pública</p> <p>DF y Cultura</p> <p>Reforma del Estado</p> <p>Café</p>
<p>Most Successful</p> <p>(As measured by meeting their performance standards)</p>	<p>Recursos Hidráulicos</p> <p>Participación Ciudadana</p> <p>Presupuesto y Cuenta Pública</p> <p>Equidad y Género</p> <p>Economía</p> <p>Secretaría de Hacienda y Crédito Público</p> <p>Energía y Seguridad Social (tied)</p> <p>Medio Ambiente y Defensa Nacional (tied)</p> <p>Salud</p> <p>Gobernación</p> <p>Puntos Constitucionales</p> <p>Justicia</p>

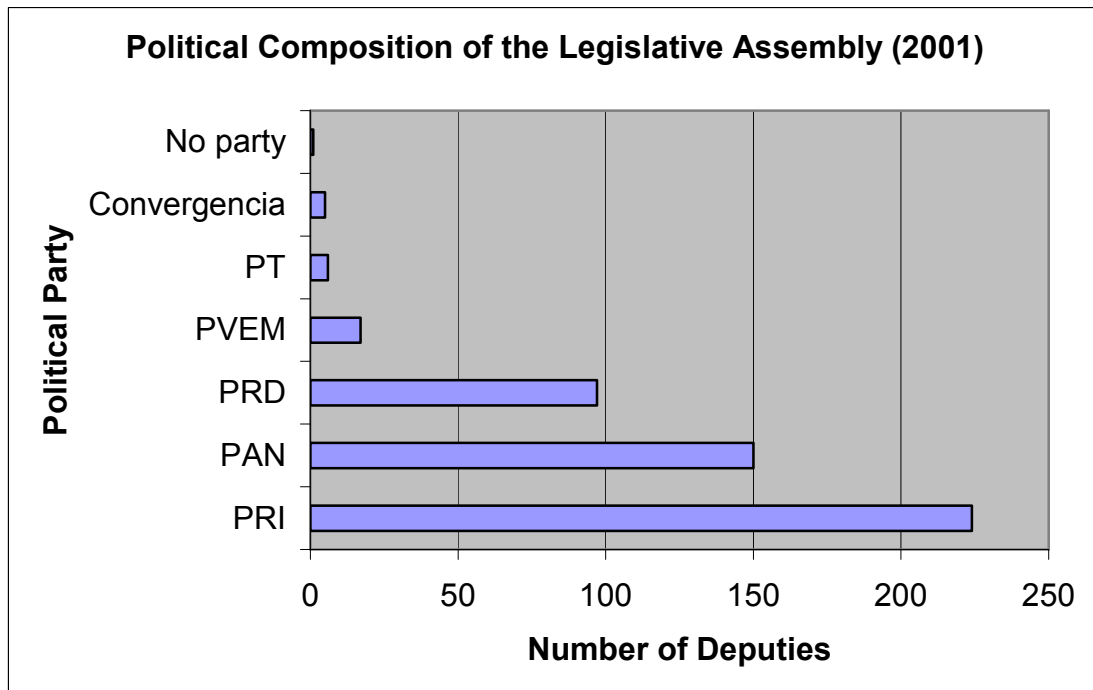
Source: “Desempeño Legislativo: Diputados Rezagados.”. Reforma, June 27, 2004.

Table 10: Comparative Presidential Dominance over Legislative Matters (1982-2003)



Source: Ibarra, David. Estado de Derecho, Constitución e Instituciones. En Proceso, Mexico, May 31, 2004.

Table II: Political Composition of the Legislative Assembly (2001)



Source: <http://www.cddheu.gob.mx>. (March 2005)

Public Administrative Reform Indicators

The criteria (e.g., customer service, citizen access, and agency performance) used to assess the effectiveness of public administrative reform implementation in the US, Western Europe, Australia, and New Zealand (Kettl, 1997; and Kettl, 2000) can also be used with respect to Mexico. But reform outcomes will be different, and must be evaluated in the Mexican context (Mazarr, 1999: 140-142).

Some evidence – primarily the rapid growth of public administration institutes and professional associations – supports the conclusion that governors of all parties are turning increasingly to professionals to staff their administrations, particularly in those key positions tied to economic development, public service delivery, finance and budgeting, management information systems, and human resource management. The public sector is growing at a relatively small rate, certainly less than the economy or the population as a whole (see Table 12). Increased utilization of governmental complaint procedures evidences a slight but notable growth in confidence in governmental institutions (see Table 13, and Appendix A).

Table 12: Annual Variation in Public Sector Gross Domestic Product (1993-2003)

Category	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Total	1.9	2.7	1.7	0.2	1.9	0.0	1.4	1.4	0.5	-0.2	-0.5
General Government	2.7	1.7	1.1	-0.1	1.7	1.2	1.9	1.1	-1.2	-0.6	-1.7
Public Enterprises	0.7	4.6	2.7	0.7	2.2	-1.7	0.5	1.7	3.4	0.4	1.2
Under direct control	7.6	4.2	2.3	1.5	-0.3	-3.4	-0.2	1.3	0.7	-0.8	1.3
Under indirect control	-13.1	5.6	3.6	-1.2	8.4	2.2	2.0	2.7	9.1	2.8	1.1
Non-Financial	-8.2	6.1	-0.5	-2.3	11.0	1.6	-1.5	2.2	8.8	-3.0	2.6
Financial	-16.8	5.1	7.2	-0.2	6.4	2.6	4.8	3.1	9.3	7.2	0.2

Source: INEGI. Sistema de Cuentas Nacionales de México. “Indicadores macroeconómicos del Sector Público”. <http://www.inegi.gob.mx/est/contenidos/espanol/tematicos/mediano/med.asp?t=cuna23&c=1674>. (March 2005)

Table 13: Requests for Public Information (2003-2004)

Requests Received	Responses Completed	Requests in Process	Electronic Requests	<i>Other Requests</i>
485	468	17	475	10
100%	96.49%	3.50%	97.93%	2.06%

Source: Informe de Labores del Instituto Federal de Acceso a la Información Pública 2003 – 2004 [Report of the Federal Institute for Public Information Access] p. 23. <http://www.ifai.org.mx/informe/indice.htm>. (Marzo 2005)

CONCLUSION

Mexico is a fascinating place to study public administrative reforms in that these contextual differences (compared to the US and other developed countries) shed new light on fundamental concerns that European and US scholars have also addressed. The use of economic, social, political and administrative metrics can provide objective criteria to measure the progress of public administrative reforms over time.

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APPENDIX A:

Employment Statistics

1. Federal Public Employees

	1992	1993	1994	1995	1996	1997	1998/P	1999/P	2000
Total for the Economy				27,347,482	28,270,286	29,346,956	30,635,319	31,406,543	
Total Public Sector	4,533,410	4,477,065	4,557,432	4,595,218	4,626,535	4,727,178	4,804,973	4,810,586	0
Total government	3,907,091	3,937,328	4,030,713	4,076,703	4,109,105	4,216,997	4,307,065	4,331,341	0
Central Government	2,434,901	1,399,977	1,431,289	1,428,964	1,419,434	1,357,000	1,382,370	1,369,195	0
Federal Government	2,065,859	1,028,105	1,055,348	1,046,473	1,033,613	960,567	966,778	952,905	
Federal District Government	146,493	149,318	151,468	153,444	156,741	159,960	175,388	176,940	
Decentralized agencies	222,549	222,554	224,473	229,047	229,080	236,473	240,204	239,350	
Local Government	1,049,535	2,110,569	2,168,616	2,210,246	2,256,573	2,419,675	2,480,934	2,508,133	0

State Government	817,718	1,873,278	1,925,291	1,963,958	2,005,605	2,161,170	2,218,794	2,240,872	
Municipalities	231,817	237,291	243,325	246,288	250,968	258,505	262,140	267,261	
Social Security	422,655	426,782	430,808	437,493	433,098	440,322	443,761	454,013	
Public Enterprises	626,319	539,737	526,719	518,515	517,430	510,181	497,908	479,245	0
Directly controlled	343,429	291,309	279,693	280,195	283,098	270,424	256,983	238,124	
Indirectly controlled	282,890	248,428	247,026	238,320	234,332	239,757	240,925	241,121	0
Non-Financial	226,087	210,725	211,177	203,607	202,251	210,969	212,457	215,068	
Financial	56,803	37,703	35,849	34,713	32,081	28,788	28,468	26,053	

Source: Income and Public Expenditures in Mexico [INEGI – Ingreso y el Gasto Público en México]. Several Years

Note: These data represent not the number of persons employed in each activity, but the average number of positions required for production processes. Consequently, the same person could be occupying two or more positions in one or several economic activities at the same time, as do basic education teachers.

2. Federal Ministry Employees, by Agency and Level

Administrative agency level	1992	1993	1994	1995	1996	1997	1998/P	1999/P	2000/P
Total National Level				27,347,482	28,270,286	29,346,956	30,635,319	31,406,543	

Administrative agency level	1992	1993	1994	1995	1996	1997	1998/P	1999/P	2000/P
Total	0	0	910,036	898,054	918,449	2,077,530	1,710,853	1,303,593	892,508
Government Branches and Electoral bodies	0	0	66,211	33,761	39,691	60,072	45,619	48,130	52,635
Legislative			4,773	4,807	4,807	6,559	6,563	5,604	5,691
Judicial			14,955	15,626	16,876	19,557	19,483	21,475	27,756
Electoral Bodies a/			45,287	11,122	15,794	31,644	16,902	18,118	13,868
Agrarian Court			1,196	1,347	1,336	1,348	1,520	1,527	1,528
Federal Fiscal Courts			-	859	878	964	1,151	1,406	1,709
Superior Federal Fiscalization body									1,272
Human Rights National Commission									811
Central Administration	0	0	843,825	864,293	878,758	2,017,458	1,665,234	1,255,463	839,873
PRESIDENCIA			2,359	2,565	2,123	2,247	2,224	2,172	2,061
SEGOB			15,267	15,812	18,161	18,244	18,107	18,479	29,036

Administrative agency level	1992	1993	1994	1995	1996	1997	1998/P	1999/P	2000/P
SER			3,703	3,716	3,690	3,747	3,912	3,912	3,957
SHCP			33,550	45,267	47,446	10,423	10,818	9,625	9,466
DEFENSA			169,689	172,072	163,638	177,018	183,788	181,708	181,944
SAGARPA			60,509	35,001	33,852	31,762	29,525	26,901	30,292
SCT /b			44,115	42,350	75,335	1,337,572	1,013,720	709,396	298,682
SECOFI			6,042	6,204	5,535	5,407	5,308	5,121	5,071
SEP			243,975	241,566	250,234	251,847	255,444	156,032	129,153
SALUD			160,488	163,915	143,858	20,752	11,812	13,615	19,905
MARINA			48,170	53,128	53,128	54,247	53,566	54,972	55,223
STPS			6,107	6,033	5,984	5,882	7,057	6,079	6,102
SRA			11,245	11,436	11,571	10,158	3,189	2,662	2,655
SEMARNAP			4,436	34,150	34,681	58,741	36,469	36,028	36,923
PGR			14,201	15,839	15,132	15,573	15,806	15,753	14,538
ENERGIA			2,245	1,669	1,447	1,092	1,140	1,029	1,056
SEDESOL			13,601	9,404	8,608	8,345	8,336	7,239	9,307
SECTUR			2,373	2,410	2,271	2,321	2,338	2,249	2,212
SECODAM			1,750	1,756	2,064	2,080	2,675	2,491	2,290

a/ Since 1998, IFE is the only electoral body reported. The Electoral Court was separated and incorporated into the Supreme Court of Justice

b/ since 1997 includes the Temporal Employment Program

Source: Public Federal Treasury Accounts (Different Years)

3. Federal Public Salary Expenses (“Personal Services”)

	1995	1996	1997	1998	1999	2000
NET FEDERAL PUBLIC SECTOR EXPENDITURES	451,299.90	603,703.50	769,780.30	848,404.30	1,041,548.70	1,271,160.80
Personal Services	68,635.60	90,789.20	120,183.10	139,946.10	181,145.10	199,535.30
FEDERAL GOVERNMENT	322,955.30	423,247.60	563,711.80	630,077.20	789,600.50	974,024.00
Personal Services	34,374.60	46,526.40	47,634.40	57,049.20	69,691.10	84,375.60
GOVERNMENT ENTERPRISES	128,344.60	180,455.90	206,068.50	218,327.10	251,948.20	297,136.80
Personal Services	34,261.00	44,262.80	72,548.70	82,896.90	111,454.00	115,159.70
AS A PERCENTAGE OF TOTAL EXPENDITURES						
NET FEDERAL PUBLIC SECTOR EXPENDITURES	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Personal Services	15.21%	15.04%	15.61%	16.50%	17.39%	15.70%
FEDERAL GOVERNMENT	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Personal Services	10.64%	10.99%	8.45%	9.05%	8.83%	8.66%

GOVERNMENT ENTERPRISES	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Personal Services	26.69%	24.53%	35.21%	37.97%	44.24%	38.76%

Source: Public Federal Treasury Accounts, Different Years (Pesos, in current terms)

ABOUT IPMR	
IPMR	<p>The International Public Management Review (IPMR) is the electronic journal of the International Public Management Network (IPMN). All work published in IPMR is double blind reviewed according to standard academic journal procedures.</p> <p>The purpose of the International Public Management Review is to publish manuscripts reporting original, creative research in the field of public management. Theoretical, empirical and applied work including case studies of individual nations and governments, and comparative studies are given equal weight for publication consideration.</p>
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