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RESTORATIVE JUSTICE IN COLOMBIA: AN INSTITUTIONAL ANALYSIS*

Sara Sofía Carreño Neira**

Rodolfo Vergara Blanco***

ABSTRACT: This work explores the reasons why there is no significant use of restorative justice in Colombia. For that purpose, we resort to institutional theory as a heuristic strategy from which to build three explanatory variables. Through our field work, we identified that the decision-making process (behavior) of justice operators at Bogotá are strongly conditioned by rules and incentives derived from their duties, as well as by the characteristics of the administrative routines and procedures that are used in justice administration. However, the justice operators' "views of the world" are not relevant to explain the matter. Lastly, we propose some modifications of administrative rules and procedures that could facilitate a greater use of this procedural concept in ordinary criminal jurisdiction.

KEYWORDS: Institutionalism, restorative justice, retributive justice, justice administration policy in Colombia.

INTRODUCTION

The increase of the population of jail inmates in Colombia has surpassed the capacity of practically every imprisonment center in the country from 1993 to 2018. Just between 2006 and 2016, the jail inmate index went from 14.5% to 51.2%, respectively. In 2017, this index was reduced by almost six percentage points to 44.9%. However, said index closed 2018 with 47.7%. During the last thirty years in Colombia, jail overcrowding has been a problem on the rise.

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A common point of view among the actors that have positioned the matter of jail overcrowding in Colombia (UN, CRI, Constitutional Court and The Superior Council of Policy on Crime) is to understand it as a problem caused by the punitive approach of crime policy, which is based on the increase of sentences, in the creation of new types of crimes and the excessive use of deprivation of liberty as punishment.

In the last twenty years, the Colombian State has driven actions in public policy in order to face the problem of overcrowding in the country's jails, but now, not even the construction of new imprisonment centers (increase in capacity), nor the dispositions for regulating the measures of confinement for the deprivation of liberty (like being imprisonment inside your home, for example), nor the recommendations to change the punitive approach of crime policy have obtained the expected results.

To a lesser extent, actions have been taken in public policy for fostering the use of alternative mechanisms of justice in ordinary crime jurisdiction, which were defined in the Colombian regulations in 2004, when the Oral Accusatory Criminal System was installed through the Code of Criminal Procedures (Law 904).

Because of the aforementioned, in this work we propose an exploration of the decision-making moment of justice operators (judges, prosecutors and public defendants) to solve their cases in ordinary criminal jurisdiction through restorative or retributive justice. The goal is to answer the following question: why isn't restorative justice used in more cases in Colombia's ordinary criminal jurisdiction if the possibility to apply it exists within the country's regulatory framework?

This article is organized in the following manner: in the first section, we establish the differences between the traditional model of retributive justice against the alternative model of restorative justice, and we describe the regulatory framework of the application of this procedural concept in Colombia.

In the second section, we present the regulative, normative and cognitive versions of institutional theory used for exploring the problem at hand and we describe the arena of action as well as its key actors. Also, we present a brief explanation of the methodological design of our field work for gathering and analyzing information.

In the third section, we present the obtained results of our field work and show the empirical evidence gathered for explaining why the decision-making process of the actors is more inclined at retributive justice than restorative justice.

As a conclusion, we propose recommendations for increasing the use of restorative justice in the ordinary criminal jurisdiction. We are aware that these

results are exclusively limited to the application of restorative justice in the city of Bogotá. In the future, it would be interesting to see what would the situation be in different regions of Colombia.

I. RETRIBUTIVE JUSTICE AND RESTORATIVE JUSTICE

Retributive justice is the traditional model in which modern western societies have responded to crime. Restorative justice is an alternative that presents an approach to crime from a different point of view. While the first model is a justice system with the finality of regulating the relation between citizens and the State, setting regulative and normative criteria that would define a punishment and sentence for containing, preventing and controlling crime, the second model is a justice system with the finality of managing the conflict between the victim or community affected by the action of the aggressor for restoring the rights and satisfying the needs of said victim or community.

These two forms of justice administration are significantly different in their finality, but this does not imply that they are mutually exclusively or that restorative justice should substitute retributive justice. These two models of justice operate simultaneously in most of the judiciary systems of western countries. And even though retributive justice is the dominant model for administering justice, we should also acknowledge the rise of restorative justice in different branches of the law, like civil and labor, and that criminal cases would be a field of opportunity for applying this model.

1. Retributive justice

This model is based on the State's right for repressing and punishing, as well as the power it has over assigning liberty deprivation sentences and controlling the body of prison establishments. It finds its antecedents in the contractual theory, from Thomas Hobbes's famous Leviathan, to Jean Jacques Rousseau's Social Contract –the moment in which the ideas of the common good, the general will and, in short, the idea of the sovereign State were configured as the most sophisticated forms of organization that occupy the legitimate monopoly for administering justice. The State is the entity in charge of defining sentences and punishments for redirecting the conduct of those who deviate from what is socially agreed and legal –a process that is completed through the codification and the creation of complex legal catalogues (Barney, 2006).

As Foucault suggests it (1975), the Enlightenment was a time of great proliferation of penal codes directed towards the categorization of criminal conducts and the disciplining of convicts within prisons, in what has been

historically known as a process of the compilation and rational ordering of laws (Barney, 2006). Once the times of tortures at the town square were over as a common strategy for administering justice, by the end of the Middle Ages and the beginning of Modern Times, several catalogues of crimes were developed as well as procedures for reforming inappropriate conducts through discipline inside prisons. By coercion, society accepted the State as the party in charge of this work and that is how the most recognized model of justice administration today was configured, based on the retribution of damages through a liberty deprivation sentence, i.e. retributive justice.

This model summarizes the following factors: a) above all, that criminal conduct is against the State; b) that crime is socially categorized and recognized as an action that should be penalized and punished; c) that a sentence and punishment must be proportional to the damage caused; d) that the end intended with said sentence and punishment is to maintain social order; e) and that the victim and the aggressor must maintain a passive attitude during this process.

In this traditional form of justice administration, punishment should be proportional to the damage caused. This means that the assignment of the sentence to be carried out is directly related to the quantity and the kind of damage incurred, as a mechanism that can guarantee a retribution for the disturbance of the common good. This idea of a proportional punishment that pays back through a liberty deprivation sentence is admitted by society as a morally acceptable answer to a criminal action and is the main reference for administering justice.

One more element that characterizes this model is the goal it pursues in relation to sentences and punishments aimed at repressing the infringement of the law by preventing, containing and controlling crime. This is an abstract idea that indicates that, the greater the sentence and punishment, the greater impact it will have in the prevention and containment of crimes, since citizens will be afraid of committing said conducts because of the sentences that could be assigned to them.

The role of the victim and the aggressor in this traditional form of retributive justice administration has a passive character. Retributive justice emphasizes the aggressor and the penalty that should be paid for affecting the integrity of a particular individual –but particularly for having committed an action against the State as an entity that guarantees the common good and the full exercise of rights in a society made by individuals and regulated by a social contract (Britto, 2010). Since the main affected party by the crime that was committed is the State, this approach of retributive justice focuses its attention on the aggressor and reduces the role of the victim to that of a simple observer that, without further ado, is involved in the legal process only in the civil action

of assigning the sentence and, whenever the case is, in receiving a possible economic compensation (Duymovich, 2007).

2. Restorative justice

Restorative justice finds its antecedents in the criticism towards the repressive institutions of the State and in the strong questionings of the effectiveness of the rehabilitation that goes inside an imprisonment centers. Authors like Howard Zehr (1984), Tony Marshall (1999), Daniel Van Ness (1997), John Braithwait (2004) or Virginia Domingo (2010) are usually mentioned whenever this form of justice administration is discussed as an alternative to retributive justice. The heart of this form of justice administration lies in repairing damages and satisfying needs (victims, communities, aggressors), instead of repressing through sentences and punishments.

While crime is conceived as an attack against the State in retributive justice, in restorative justice, crime is a conflictive situation that affects individuals and communities alike. Justice administration falls mainly on them, depending on their degree of affectation. The aggressor, viewed as an offender but not as a criminal, is also included as a central actor during the whole process.

In restorative justice, crime is not reduced to committing a categorized felony. Above all, due to their conflictive nature, crimes are understood as susceptible conflicts of direct processing by whoever was affected. Here, the focus is on the victim's integral compensation and the satisfaction of his/her needs, as well as the fact that the aggressor recognizes his/her responsibility before the damages caused by his/her conduct and commits to make amends for it.

Sentences and punishments are not central aspects of restorative justice. In this approach, what is most important is repairing the harm done, the restoration of the rights and the reconstruction of the affected interpersonal relationships. What is essential in this approach is the interaction and dialogue process between the affected parties themselves due to the conflictive situation for satisfying their needs.

Restorative justice is not focused on sentences and punishments. The goal of this model is not to repress in order to exercise fear in society and to prevent, contain and control crime. Instead, its goal is to manage conflict in such a way that satisfying results can be achieved with a positive effect on the people, groups and communities involved and, therefore, with a positive impact also on society.

Of all of the aforementioned, then, the role of victims, aggressors and of the groups and communities involved are essential inasmuch that they actively participate in the management of a conflict, since its very beginning with the

damage’s affectation, until its conclusion with the satisfaction of the involved parties’ (specially the victim’s) needs.

In summary, restorative justice is characterized by: a) crime viewed as an act against specific people and communities and not against society as represented by the State in abstract; b) crime mainly recognized because of its conflictive nature, which is why there is no talk of crime but of conflict; no references to delinquents but to aggressors or offenders; c) talk of accepting responsibility and acquiring commitments, instead of sentences and punishments; d) a pursued goal that, through the recognition and the acceptance of the damaged caused, is the integral reparation of the victim, the reestablishment of the rights of all people involved in the conflict and the reconstruction of the interpersonal relationships that were broken; e) the passive attitudes of both the victim and the aggressor that become active during the whole process, from its beginning to its very end.

TABLE 1. DIFFERENCES BETWEEN RETRIBUTIVE AND RESTORATIVE JUSTICE

Retributive Justice	Restorative Justice
Above all, criminal conduct is considered as an act against the State.	Crime is an action against specific people or communities.
Crime is socially characterized and recognized as an action that must be sentenced and punished.	Crime is mainly recognized because of its conflictive nature, which is why it is referred to as conflict instead of a crime.
The sentence and the punishment must be proportional to the damaged caused.	Recognizing the aggressor’s responsibility, who acquires obligations and commitments for repairing the damage caused.
The goal of the sentence and punishment is to suppress for maintaining social order.	The pursued goal is to repair and reestablish rights, as well as to reconstruct relationships.
Passive attitude on behalf of the victim and the aggressor during the process.	Active attitude on behalf of the victim and the community during the whole process, from its beginning to its conclusion.

Source: Created by the authors based on document revisions. Britto, Duymovich, Howard.

3. *Legal framework of restorative justice in Colombia*

Restorative justice was incorporated into the Colombian legal code shortly after the Economic and Social Council of the United Nations submitted Resolution 2002/12. As Márquez (2010) points it out, the basic regulation that created Restorative Justice in Colombia is 2002’s Legislative Act 03, which is why Article 250 of the Political Constitution was reformed (p. 253). According to this author, the aforementioned “places the content of the fundamental principles of justice for crime victims within its context, adopted by the General Assembly of the United Nations” (Márquez, 2010, p. 253).

Article 250 of the Political Constitution of Colombia defines the obligations of the Nation’s General Prosecutor as the maximum authority in charge of exercising criminal proceedings. It refers to said organization as part of the judicial branch, but with an autonomous administration and budget—specially in its 7° number, which assigns and regulates the function of the Nation’s General Prosecutor and its obligation of watching over the protection of victims and all of those that participate in the criminal proceedings, in front of which it is established that the mechanisms of restorative justice will be set:

In exercising his/her functions, the Nation’s General prosecutor shall [...] 7. Oversee the protection of victims, jurors, witnesses and all other intervening parties in the criminal proceedings. The law will set the terms in which the victims will be able to intervene in the criminal proceedings and the mechanisms of restorative justice” (p. 68).

Through Legislative Act 03 of 2002, and particularly through the 7° number of Article 250 of its Political Constitution, the Colombian State then incorporated, in its supreme regulation, the constitutional bases for the elaboration of laws directed towards the application of the legal mechanisms of restorative justice in the country. In 2004, two years ahead, what would be summarized in the reform to the Code of Criminal Proceedings (Law 906 of 2004), which, among other dispositions, regulates Book VI of Restorative Justice, which sets the definitions of restorative justice, the general rules for its application, the conditions for the remission of the programs of restorative justice; and defines as restorative mechanisms any conciliation previous to the procedural; the conciliation in the case of integral reparation and arbitration.

The following table summarizes the relative regulations of restorative justice in this country.

TABLE 2.
REGULATION FRAMEWORK OF RESTORATIVE JUSTICE IN COLOMBIA

Regulation	Article	Subject
Resolution 2000/12 of the Economic and Social Council of the United Nations		Basic principles on the use of restorative justice programs in criminal matters.
Political Constitution of Colombia	Article 250 number 7	The functions of the Prosecutor’s Office are assigned and regulated as well as its obligation of overseeing the protection of victims and of all those involved in the process and establishes that the Law will set the mechanism of restorative justice.

Codes of Criminal Proceedings (Law 906 of 2004)	Article 518 and following	It defines the Program of Restorative Justice y restorative results. General Rules. Conditions for the remission of programs of restorative justice. Restorative mechanisms.
	Article 522	Conciliation in complaint felonies that could be exacerbated in sentences of less than five years.
	Article 523 and following	Arbitration. Origin. Solicitation. Effects of arbitration. Guidelines.
Code of Criminal Proceedings (Law 906 of 2004)	Article 321 and following	It defines the application of the opportunity principle; it sets the cancellation of the proceeding in trial in the context of restorative justice as one of its causes.

Source: Own elaboration based on regulation revisions.

4. Uses of restorative justice in Colombia

In order to track the use of restorative justice in the ordinary criminal jurisdiction of Colombia, it is necessary to observe the application of the opportunity principle in its 7^o cause, which refers to restorative justice.

The opportunity principle is defined in Title V of the Code of Criminal Proceedings (Law 906 of 2004). In it, the application and the causes that justify the opportunity principle are consecrated, as well as the characteristics of the cancellation of the proceedings on trial, the conditions that must be met during the proceeding on trial, the judicial control that must be carried out for its application, the participation of victims, its legal effects and, finally, its regulations.

The 7^o cause of the opportunity principle (restorative justice) indicates that a criminal proceeding can be solved through this avenue “whenever the cancellation of the proceedings on trial proceeds in the context of restorative justice and can be met with the imposed conditions as a consequence of this” (Code of Criminal Proceedings, 2004). This figure becomes operative during the phases of criminal proceedings phases of inquiry and investigation, through the solicitation that the prosecutors present before the judge of guarantee control¹.

In spite of the aforementioned, most of the hearings are carried out by the formulation of imputation, legalization of capture, imposition of measures of

¹ For this reason, special attention is paid on the role of the prosecutor as a central actor in the decision-making of solving a criminal matter through one of the two types of justice, restorative or retributive. This will be explained in detail in the following section.

seizure, among others. As an example, suffice to say that, in 2016, the Branch of Justice reported that 29% of the hearings were for formulating accusations, 24% for other types of solicitations, 21% for the legalization of seizures, 5% for legalization of probationary means, 4% for orders of seizures and only about 1% of hearings were carried out for applying the principle of opportunity. Of these latter types, there is no desegregated information about the quantity of cases that were resolved by the 7^o cause of restorative justice.

II. INSTITUTIONAL THEORY AS A HEURISTIC STRATEGY

As it was already mentioned, the objective of this work is to explain why a transformation or change process (from retributive justice to restorative justice) in the mechanisms of justice administration in Colombia doesn't happen in spite of good legal, economical and social reasons for it to take place. From the legal standpoint, the constitution presents a legal framework that establishes and regulates this new form of justice; from the economical perspective, this new form of justice would help reduce the huge costs related to prison maintenance; and from a social standpoint, it would help to diminish prison overcrowding, aside from the fact that there is evidence from other countries' experience (Duymovich, 2007), which suggests that it is a much more effective form of justice for obtaining a successful reinsertion of delinquents into society. Why, then, doesn't this change take place? Why it has turned out to be so complicated to drive the use of this new system of justice administration?

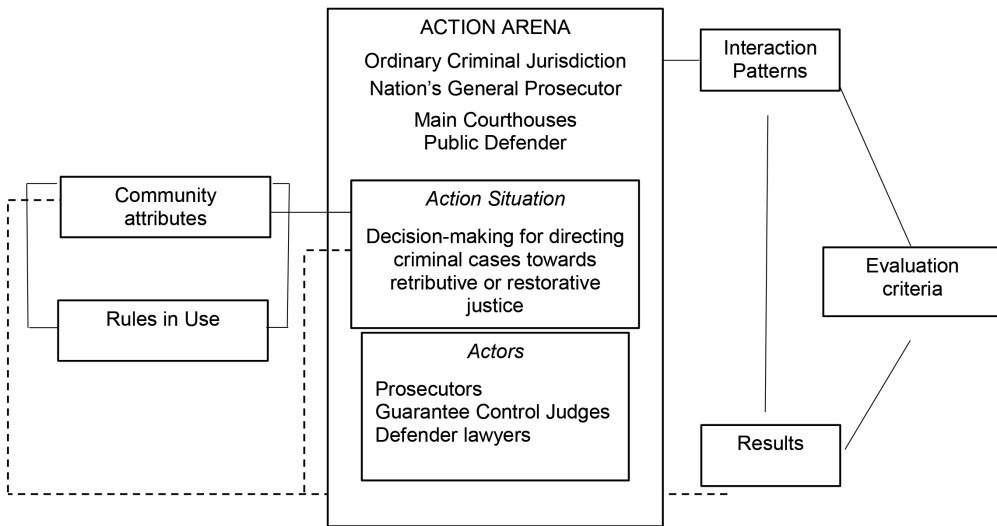
In trying to answer all of these questions, we resorted to institutional theory. Institutional theory emphasizes the stability of economical, political and social processes. From their perspective, the behavior of these actors can be explained by the characteristics of the institutional framework under which they operate. What is exactly understood by "institutional framework" will change with each version of institutionalism, as we will see further. However, we can generally say that an institutional framework consists of a group of rules, regulations, traditions, customs or collective ways of understanding the world that guide the action of its actors.

We consider it possible to conceptualize the passing from retributive to restorative justice as an institutional change of the Colombian justice administration that, for some reason, doesn't fully happen. Institutional theory would suggest that it is precisely some of the characteristics of the current institutional framework what complicates the change process. The relevant task would evidently be to identify which are these characteristics that are stopping

change. As it was mentioned earlier, each version of institutionalism places an emphasis in different elements of the central concepts that make up an institutional framework (Vergara, 1997), therefore, the research strategy used is to identify the central concepts of three versions of institutionalism and, upon them, to construct the instrument of empirical inquiry. Thus, institutional theory is used as a heuristic strategy for approaching the empirical world.

For making these concepts operational, we went to the Framework of Institutional Analysis proposed by Ostrom (1994). In this analysis framework, the main concept is the Arena of Action. The Arena of Action is the space where the behavior of social actors takes place and is heavily influenced by physical conditions and context materials, the attributes of the community in which it is located and the factual rules that operate within this community. As a result of the Arena of Action, we can find patterns of interaction among the actors involved from which the produced results in this arena come. Within the Arena of Action, we can find the Situation of Action, which is a specific decision-making moment for the actors participating in the process.

DIAGRAM 1. PROPOSAL'S ARENA OF ACTION



Source: Adapted from the Framework for Institutional Analysis and Development proposed by Ostrom (1994).

In the case at hand, the Arena of Action is Colombia's ordinary criminal jurisdiction (courts of first instance, defenders and prosecutors). The actors are the judges, prosecutors and defenders that participate in the process of justice administration. The Situation of Action is the procedural moment in which a prosecutor proposes that a determined case could be tried by retributive or restorative justice to a judge. The existence of this particular "moment of decision" was identified after a revision of the legal framework that governs the justice administration process: the prosecutor proposes the type of process to be followed if the judge approves it. However, although formally the prosecutor is in charge of the criminal action, we understand his/her decision as a result of an organizational process in which three actors participate: the prosecutor consults or agrees with the defender which model to follow and the judge approves it.

The inquiry was carried out from a field research exercise that looked for information on the characteristics of the Arena and the Situation of Action directly from the involved actors. At this point, it is relevant to clarify the criteria that allowed us to decide what to look for in our inquiry. The starting point were the three versions of institutional theory: Regulative or Economical Institutionalism, Normative or Politological Institutionalism and Cognitive or Sociological Institutionalism (Vergara, 1993; Scott, 1995). Each one of these versions of institutional theory emphasizes different forms for understanding an institutional framework. From these theories, we built three "families" of concepts that make up three explanatory variables. This explanatory variables allow us to identify the characteristics of the institutional framework that are an obstacle for adopting the process of restorative justice as an alternative criminal proceeding to retributive justice. Now, we will briefly present each version and identified the explanatory variables that guided the process of empirical inquiry.

1. Regulative Institutionalism

For Regulative Institutionalism, the central concepts that explain the behavior of certain actors are the group of *rules* under which they operate and the *incentives* that derive from it. From this interpretation, actors are reasonable individuals that calculate the consequences that the rules may have for them and adapt their behavior accordingly. Judges, prosecutors and public defenders are public servants subject to both incentives and reprimands derived from the bureaucratic rules of public service, thus subject to performance evaluations. This version of institutionalism suggests that, most probably, performance evaluation systems of public servants, as well as the group of rules and

bureaucratic procedures that govern the specific process, can be part of the explanation for applying restorative justice or not.

2. Normative Institutionalism

To identify which is the correct behavior of individuals within an organization can be problematic. Rules always leave ambiguous spaces where it is not clear if certain behavior is correct or not. From a normative institutionalism perspective, an organization's everyday functions and their routines can be the origin to specific behavior related to certain organizational roles or characters. These behaviors can be similar, or not, to the formal rules that govern an organization. What is relevant is that, as times passes, these behaviors are established as the "correct form of doing things"; the way to behave when facing specific situations, which is accepted and viewed as correct by every other member of the organization. These adequate behaviors relate organizational characters with certain situations and are important because they offer *certainty* to all involved on the way in which all other actors consider them; therefore, they are mechanisms that facilitate decisions and, above all, *coordination* among organizational actors. This form of deciding behavior is known by March and Olsen (1997) as "The Logic Of Appropriateness" and they compare it to the logic of consequences that would be more related to regulatory institutionalism.

From this perspective, the goal is to inquire if there are stable and clear interacting patterns in the necessary decisions, routines and procedures for administering restorative justice that are accepted by all actors as appropriate and as those that facilitate organizational coordination.

3. Cognitive Institutionalism

In its sociological version, institutional theory proposes that the behavior of individuals is determined by the symbols, traditions and customs that dominate the social space in which the action takes place. Social spaces are called "organizational fields" (Powell, DiMaggio, 1991) and can be defined as the organizational networks created for tending to a specific subject of social activity or government affair like, for example, health, justice administration, finances, culture, education, etc. The organizational fields have a "culture" or a certain way to look at the world; i.e., their members share values, symbols and traditions. It is precisely the cognitive process that takes place during the socialization process of individuals or organizations within organizational fields, what makes actors of a specific organizational field to have a shared way of understanding the world and behave in a consistent manner with the established forms and values that are accepted by all other participants.

Evidently, centers of professional training have a very important place in these processes of cognition and learning of the organizational fields conventions.

From this perspective, we consider the possibility that the actors of the justice administration could share a “traditional” form of understanding justice that discards restorative justice as an alternative worthy of being considered. Therefore, as a third alternative we inquired if the dominating “way of understanding the world” in the organizational field of justice administration is the cause of refusal for judges, prosecutors and defenders to use of restorative justice.

TABLE 3. CONCEPTUAL REFERENCES, ANALYSIS CATEGORIES AND EXPLANATORY VARIABLES

Conceptual references	Analysis categories	Variables for describing the action situation
Regulatory institutionalism	Rules and incentives that guide the action in decision-making for directing criminal cases to restorative justice.	Allowed actions for actors in decision-making.
		Incentives that guide the actions of actors.
		Level of control that each actor can have over the decision.
Normative-organizational institutionalism	Appropriate routines and behaviors that guide the action and give certainty in decision-making for directing criminal cases towards restorative justice.	Organizational interaction patterns that are stable and shared among actors (judges, prosecutors, public defendants).
		Standardized procedures in the action situation.
Cognitive institutionalism	Forms of looking at the world that guide the action in decision-making for solving criminal cases through restorative justice.	The actors' understanding of justice (judges, prosecutors, public defendants).

Source: Own elaboration based on document revisions.

4. Field work design

Our field work was carried out at the Judicial Complex of Paloquemao, in the Branch Headquarters of the Prosecutor and Branch Headquarters of the Public Defendant in the city of Bogotá. We managed to interview ten guarantee control judges, five prosecutors of the Local Unit (property felonies), six prosecutors of the Life Unit (homicides) and five prosecutors of the Family Violence Unit. Also, we gathered information from two of the three unit coordinators of the prosecutor's office with which we had contact. As for the public defendants,

we interviewed twelve of them and we had group conversations with others that contributed information on the decision-making process.

Interviews were transcribed, we organized information according to the explanatory categories and, lastly, we analyzed the results that we present below.

III. RESULTS BY EXPLANATORY VARIABLES

Results indicate that the decision-making process of judges, prosecutors and public defendants at the moment of directing criminal cases towards restorative justice is influenced by the rules (regulative institutionalism), the routines and procedures (normative institutionalism), but not so because their “view of the world” (cognitive institutionalism).

1. *Regulative*

By exploring the regulations of the process of justice administration in the ordinary criminal jurisdiction we found three concrete aspects that explain why the decision of the justice operators are so overwhelmingly directed towards retributive justice:

- a) the performance evaluation system of public servants.
- b) the increase of crime sentences in which the use of restorative justice would be relevant.
- c) the bureaucratic complexity at the time of applying restorative justice.

a) *Performance evaluation*

Results indicate that performance evaluations of judges, prosecutors and public defendants create incentives for solving matters by the normal course of criminal proceedings, i.e. by making condemnatory imputations, accusations and rulings until reaching the stage of the oral trial (retributive justice) while inhibiting the use of restorative justice. In broad terms, the system of evaluation of justice operators does not register or award activities related to restorative justice. For understanding this point, it is necessary to keep in mind that a case’s legal and administrative prosecution by retributive justice is completely different than solving it through restorative justice. Succinctly said, restorative justice implies the negotiation of an agreement between victim and aggressor and the fulfillment of said agreement in a certain period of time that could be as long as three years. The whole process should be directed and supervised by the prosecutor and approved by a judge.

Now, we detail the most important elements of the performance evaluation for each of the actors:

Judges

The performance evaluation of judges is based on the amount of hearings that they perform in a month and the time they dedicate to each of them. Judges must specify the amount of processes they solve each month and the time they award each of them. There is no consideration for the affairs that have been solved by restorative justice. Broadly said, a judge's main objective is to settle the files (cases) that they receive per month and somehow manage not to have them pile up. Solving matters quickly is a priority. Therefore, the long time it takes for restorative justice processes is a negative incentive for them.

Prosecutors

The performance evaluation of prosecutors is based on the amount of imputations, accusations, files, condemnatory rulings and opportunity principles that they can resolve per month. Although, in the case of prosecutors, the use of the opportunity principle does register, the proportion that is required is quite reduced in comparison with the amount of cases solved by the traditional channels (24 to 2 per semester). And, as it was explained before, restorative justice is just one cause of the many that configure the opportunity principle. Thus, the emphasis for the development of the professional career of a prosecutor (continuity and promotions) lies in making imputations, accusations and obtaining condemnatory rulings.

Also, prosecutors receive informal bonuses that act as incentives for opting for retributive justice: if they comply with certain number of accusations, imputations or sentences per month, there is a custom of awarding them with days off².

Public Defenders

Unlike judges and prosecutors, public defenders are not part of a career professional service; they are hired as professional services providers and their normal contract time goes from six months to a year. However, the most important criterion for renewing a contract is the amount of absolving sentences that they managed to obtain during a certain period. Affairs solved by restorative justice are not taken into account.

2 This information was provided by the Coordinator of one of the units of the Prosecutor Branch of Bogotá who indicated that this was a way to stimulate their work team and which is an authorized guideline by the Branch Management. It was also corroborated by the interviewed public defenders, which indicated that, if their goal was to always benefit the defendant, what was most required from them in team meetings was to solve cases by acquittals, i.e. to prove the innocence of the accused by not having enough evidence to condemn him/her.

b) *Increase in sentences*

The field of application of restorative justice³ is crimes with maximum sentences of five years. Recently, the crimes that would be more appropriate for exercising restorative justice –like stealing cell phones, family violence, fraud, scams or violence against a public servant– have suffered an increase in sentence time that excludes them from the five-year limit. Judges, prosecutors and public defenders agree that, in many cases that involve these types of crimes, it would be adequate to apply restorative justice. These are cases in which victims have no interest in sending the aggressor to jail, but do wish him/her to carry out certain conditions to solve or diminish the conflict. For example, family violence crimes and neglected food support or theft cases that only require the accused to give back whatever he/she stole and to recognize his/her offense and a commitment no to repeat this type of conduct ever again.

c) *Bureaucratic complexity*

The last aspect to explain why the decision-making of operators drifts towards retributive justice is the huge bureaucratic complexity within the administrative procedures of restorative justice. Whereas a process of retributive justice concludes with the verdict and the sentence, a process of restorative justice keeps open until all the activities for repairing the damage are concluded and proven, which could take up to three years. For justice administration operators, to have a suspended process during a period on trial, while guaranteeing the effective compliance of the agreements for restoring the damage, the reestablishment and repair of the victim's rights, implies a group of administrative activities that they do not have the capacity to carry out.

These procedures are particularly strenuous for prosecutors. On the one hand, they have to deal with the bureaucratic complexity of the Code of Criminal Proceedings that defines the process's suspension while agreements and commitments are met, with prosecutors being responsible for monitoring and following up until its final fulfillment. On the other hand, there are the internal regulations of the Public Prosecutor's Office that regulate the use of restorative justice and demand several procedures and additional internal documents to retributive justice. For example, the prosecutor has the need to legally contend why a certain affair should be solved following this path –a requisite that doesn't exist in retributive justice.

In short, restorative justice implies a much longer, more complex and difficult bureaucratic process than the one for retributive justice. The afore-

3 Keep in mind that the Colombian Code of Criminal Proceedings indicates that, when sentences surpass five years of incarceration, it is not possible to solve the criminal affair in question by the mechanisms of restorative justice (Law 904 Criminal Proceedings Code 2004).

mentioned, added to already swamped prosecutor's offices, with scarce support personnel, explains why prosecutors rarely ask a judge to solve their affairs through this alternative way.

2. Normative

From the perspective of normative institutionalism, we found uncertainty among the actors in regards to which are the “appropriate behaviors” in the legal-administrative process of restorative justice. The formal rules cannot specify every detail of the process. The lack of a specialized bureaucratic structure in restorative justice and who is responsible for formalities and procedures have stopped the creation of routines and shared criteria among actors to solve the matters of restorative justice. There is –for example– uncertainty in regard to which should be adequate probationary material that cosigns the fulfillment of agreements and commitments on behalf of the accused and which are the public or private organizations that can issue them.

In this context it is extremely uncertain for a prosecutor to go into a public hearing with a record from the local parish or a non-government organization that certifies the community service or that a certain course about addictions was taken or that a psychological treatment for preventing violent behaviors was received. The prosecutor probationary material runs the risk of being rejected by the judge. The judge, on his/her part, also faces the same uncertainty in regard to the consequences of accepting or rejecting certain type of probationary material for his/her professional reputation. By the same token, there is ambiguity in regard to what would be the probationary materials that certify the will of the victim to submit to a process of restorative justice. Some judges simply accept a signed letter by the victim, others demand the victim's appearance in a public hearing and their verbal agreement.

The aforementioned shows that the appropriate routines and behaviors have not been set for the application of restorative justice in the ordinary criminal jurisdiction of Bogotá. Justice operators –and particularly prosecutors– avoid choosing restorative justice because they are not certain of how a case might turn out following this model. They are not sure of what is right and what is wrong therefore, they cannot predict the behavior of other participant actors. Organizational coordination becomes difficult.

3. Cognitive

Cognitive institutionalism suggests that justice operators could have a “conservative” view of the world that guides its decision-making towards retributive justice. However, no evidence was found that their way of understanding the world had any influence on the scarce use of restorative justice. Quite

the opposite, justice operators have the disposition to solve more affairs of ordinary criminal jurisdiction by restorative justice. For example, judges, prosecutors and public defenders agree that between 40% and 60% of the cases on their desks could be solved by the opportunity principle in restorative justice. They refer to crimes such as aggravated and qualified theft (when committed for the first time); carrying and trafficking drugs and weapons; crimes related with family violence like food support neglect; crimes of life fraud, scams and blackmailing; or falsifying public documents and assaulting public servants.

Justice operators are clear on which is the normative framework of restorative justice and which are the resolutions that rule the application of the opportunity principle in the 7^o cause of restorative justice. They point that it would be convenient to resort to this figure of anticipated termination of the criminal proceeding for not swamping justice administration, so they can concentrate on more urgent and serious matters.

In short, there is disposition on behalf of justice operators to solve much more matters through restorative justice, but they argue that the complexity of administrative regulations and procedures involved, prevent them of solving matters through this way.

CONCLUSIONS

In conclusion, the change from retributive to restorative justice is complicated due to the characteristics of the institutional framework of justice administration in the ordinary criminal jurisdiction.

From a regulative institutionalism perspective, we identified that the rules that govern the justice administration process create incentives for justice operators to keep working under retributive justice and inhibit the change towards restorative justice. This is mainly expressed in the performance evaluation of the public servants involved, in the formal rules contained in the Criminal Code and in the bureaucratic and administrative complexity that restorative justice requires.

Regarding the accepted routines and procedures (normative institutionalism), the lack of a specialized bureaucratic-administrative structure to follow up the restorative process of the damage done, added to the scarce use of this legal alternative, have as a consequence the lack of “appropriate” procedures and behaviors that accepted by all justice operators. The aforementioned creates uncertainty among the actors at key moments of the process –the public hearing– in regard to what is “correct” or “appropriate” to do. Therefore, it is very difficult to predict the behavior of other organizational actors, creating

risks of confrontations and conflicts. Rather than facing the uncertainty related to restorative justice, it is much easier for justice operators to choose the known and certain path of retributive justice.

In regards to the views of the world, (cognitive institutionalism), our results show that justice operators' views of the world are not a relevant obstacle to choose restorative justice.

RECOMMENDATIONS

The first recommendation would be to include some sections in the performance evaluation system for considering the activities of judges, prosecutors and public defenders in relation with restorative justice as positive. The second would be to extend the horizon of restorative justice in such a way that it could be applied in cases that imply sentences larger than 5 years. The third one would be to simplify the administrative procedure of restorative justice. We have indicated that this form of justice administration is administratively more complex by its very nature, however it is possible to simplify some bureaucratic requisites of the process, like, for example, prosecutors not having to elaborate an additional document of legal argumentation for justifying the application of this figure.

Lastly, in order to solve many more matters by way of restorative justice, it would be necessary to create a Specialized Technical Unit in Restorative Justice to offer support to the public prosecutors' office. This unit would deal with the supervision and follow up of the whole process, from the beginning of the procedure's suspension on trial until the fulfillment of the agreements, commitments and satisfaction of all of the involved parties' needs. This procedure must not be an everyday burden for the prosecutor's office. Besides, this unit would help create general criteria and certainty in regard to what is appropriate in ambiguous circumstances such as the recognition of probationary channels in public hearings.

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ORGANIZATIONS AND REGIONALIZATION IN TIMES OF INSTITUTIONAL CHANGE: EVOLUTIONARY PROCESS OR BREAKUP?

Carlos Riojas*

ABSTRACT: This article aims to recognize some of the organizations that influence the process of regionalization in the context of institutional transformation. We were inspired by the *Refoundation* driven by Enrique Alfaro Ramírez, the governor of Jalisco, as a process of change with a regional impact. Therefore, this text is divided in four sections. First, it details the concept of organization in the context of a regionalization process going through a scenario of institutional change; secondly, it describes the organizations involved in this particular process, beginning with the public sector; thirdly, it analyzes the firms (the private sector); and lastly, it notes the articulations that are established with the community.

INTRODUCTION

If we understand regionalization as a process of gradual and irreversible institutional change, organizations would then be one of its key elements. We consider institutions as an ensemble of regulations and codes of conduct created by a certain society, while we understand organizations as forms of cooperation and coordination taken upon by people for reducing uncertainty, achieving common goals and maximizing their benefits based on the opportunities given by a certain institutional matrix. From this perspective, organizations are understood as a structure supported by cooperation and coordination agreements for human interactions. The aforementioned, for example, includes political, economical, social, educational and cultural agreements. Therefore, organizations are groups of people related by some common goal that they

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intend to achieve through cooperation. Through the combination of a formal analysis, but solidly supported by empirical evidence of the dynamics of organizations, it is quite feasible to analyze the structures that govern them, their learning capabilities and their evolutionary processes which, ultimately, feedback each other with the institutional matrix in which they are inserted.

Therefore, the goal of the present contribution is to recognize the main organizations that influence a regionalization process, as well as the type of connections that are established with the strategies derived from public policies of regional character within a context of institutional transformation which, in the case of Jalisco, has been categorized by its current governor, Enrique Alfaro Ramírez, as a *Refoundation*. To achieve this, we have divided this text in four parts. First, we detail the concept of organization in the context of a regionalization process going through a scenario of institutional change; second, we describe some of the organizations involved in this particular process, beginning with the public sector, which originates a collection of public policies that look for articulations and cooperations with society as a whole so that these organizations can achieve the goals that were established in the first place; then, we analyze the firms (the private sector) that, at certain moments, become key actors within the processes of institutional changes with regional character; and lastly, we point out the articulations that are established with the community which, at the limit, becomes a key actor that cristalyzes a series of social conflicts or, alternatively, works as an element of social cohesion that will strengthen the process of institutional change. The text then concludes with some final considerations.

1. REGIONAL ORGANIZATIONS WITHIN CONTEXTS OF INSTITUTIONAL TRANSFORMATION

We understand regionalization as an abstract division of space based on the inherent dynamics of territories. If this division is accompanied by some change or the creation of a new legal framework (such as laws or decrees, for example), it is feasible to understand said initiative as a process of formal institutional change. An empirical evidence of the aforementioned can be found in the state of Jalisco. Since governor Enrique Alfaro Ramírez took power on December 6, 2018, he has suggested a *Refoundation* of the state as a guiding project of his administration in several occasions¹. For this purpose, there are

¹ One of the most emblematic statements among the many in this regard was found in Alfaro Ramírez Enrique, 2019, “Master Talk ‘The Refoundation of Jalisco’”, *5° Winter Colloquium of the Network of Public Policies of the University of Guadalajara*, <https://enriquealfaro.mx/blog/la-refundacion-de-jalisco-conferencia-magistral> (thanks to René Valencia and Carlos González Martínez for recommending the present reference).

talks of a Constitutional Congress that, on a given moment and in a mandatory fashion, would impact the regionalization policy of this entity that, by the way, has a very solid background. In spite of this, at the moment of this writing, it is not yet clear in this strategy what would be the refoundational regionalization policy. The furthest they have moved in this direction is recruiting a series of initiatives named *Strategic Projects: Master Plans for Regional Development in Jalisco* without a convincing relation with the diverse territorial dynamics of each of these plans with their respective hinterland. These initiatives even repeat one of the most rooted vices of the last decades in Jalisco's regional policies: adding municipalities for subsequently denominating them as "regions", without the respective justification that articulates the diverse spaces over which they span. What, then, does all of the aforementioned imply from the perspective of an institutional change?

Since 1997, during the state's administration of Alberto Cárdenas Jiménez, and up until 2018, with the ending of Jorge Aristóteles Sandoval Díaz's term as governor, an explicit policy of regionalization was implemented in Jalisco, by dividing the state into twelve administrative "regions", which in turn was manifested in the *Regional Plans of Development*. One of the key actors of said process of institutional change were supposed to be the organizations that would be part of this public policy in relation to each of the abstract divisions of the space, which, in their formal context, aimed to change the territorial dynamics of the whole state. By the same token, all organizations related to this process were supposed to act in relation to the institutional matrix in which they were inserted.

Based on the proposals of Douglas C. North (1993, p. 93 and 1994, p. 572), in this contribution we understand institutions as the formal and informal limitations created by human beings for giving meaning to their interactions while, at the same time, offering a group of relatively clear signs that work as an incentive or disincentive for economical, political and cultural exchanges, if that is the case; that is to say that institutions are the collection of standards and codes of conduct created by a certain society, which playfully are referred to as "the rules of the game". Whereas we understand organizations as those forms of cooperation and coordination taken on by human beings with the purpose of reducing uncertainty, achieving certain common goals and maximizing their benefits in terms of the opportunities presented by a previously established institutional matrix².

2 Among the many theoretical currents that allude to institutions, there are many other definitions of the word; an alternative to the one presented here, that includes behavioral elements and is articulated tightly with the notion of organization, can be found in Hodgson (2000) and Hodgson (2007, pp. 67-68). In spite of that, following the arguments and goals we aim to reach in this work, North's definition seemed sufficient.

Among the organizations that are capable of influencing regionalization, for example, we include –in a generic manner and without pretending to be exhaustive– the strategies of political coordination that aim to reach power (through political parties, depending on the case), the initiatives of economic cooperation for profit (where the interventions of entrepreneurial chambers are common), the articulated social actions that aim to increase the quality of life (community help centers), the cultural practices that express particular manifestations (such as musical groups or other artistic associations) or the educational endeavors whose main purpose is to cultivate knowledge (here is where universities stand out). Thus, modeling organizations implies the analysis of their structures of government and of their capabilities, as well as of the practices that they carry out to learn and develop within a certain institutional matrix.

We now ask ourselves, what type of organizations can be created and how do these evolve through time? It is important, then, to consider the functionings of the institutional matrix in which these specific organizations are inserted with the purpose of finding answers. Therefore, institutional change reflects, to a large degree, the way in which societies are transformed through time using a series of mechanisms that are implemented for such purposes –a situation that is essential to understand a historical process of transformation. If this historical process acquires an irreversible character, then we can talk about evolution. However, there could be a momentary rupture with certain aspects of change but without managing to completely achieve its evolutionary essence, so there is the possibility of going back from a rupture to the same starting point but in worse conditions which, in a strictly historical sense, would not be the same point of origin, but more of an institutional relapse instead –an event or possibility which is not frequently dealt with by traditional theories of institutional change (i.e., new institutionalism and evolutionary economics). In this contribution, we are interested in exposing the role that organizations play in the process of regionalization, here understood as an abstract division of space through a particular institutional design that is directly impacted by a territory's inherent dynamics and by a phenomenon of institutional change, even when it is not completely spelled out that way; as has been the case called *Refoundation or Fourth Transformation*, as it has been presented in Mexico, for example.

On the other hand, an inherent element to the studies on development that sometimes is pointed out explicitly and sometimes implicitly has been geography. The aforementioned becomes even more evident when the subject of regional development in general and, particularly, the process of regionali-

zation are tackled on. Likewise, it is quite common to find references to the influence of geography in the patterns of development as something that is unchanging. However, through studies of regional development and its equivalents in economic history, it has been proven that the institutional matrix of a concrete society has the capability of influencing geographic factors in a positive way, with the purpose of driving specific initiatives towards improving the quality of life of people and their respective organizations (Topik, Marichal and Frank, 2017). The interconnections between geography and development do not move in one-way only, but in multiple directions; also, they have the capability of redirecting previously drawn strategies. In no way do we consider geography as an insurmountable determinism or as an ever-unchanging scenario. What is more, experience shows us that it is feasible to achieve an harmonic relation between regionalization policies and geography thanks to the participation of the different organizations that are involved in a concrete space (Luke Gallup, Gaviria and Lora, 2003, pp. 117, 124 and 127). Now, we present different types of organizations that intervene in regionalization processes within contexts of institutional change.

2. THE PUBLIC SECTOR

We understand the public sector as the group of organizations with a fundamentally administrative and jurisdictional character that are directly related to the State. In the Mexican case, three levels of government come from this group of organizations, i.e.: federal, state and municipal. Therefore, a series of organizations derive from the public sector and are essential to delineate the nature of the process of regionalization through time. One of the main functions that come from this organizational framework lies in setting the rules of the game that work as a base for the interaction among different spheres of society. To achieve such ends, the public sector relies on a series of legal instruments that give meaning to its institutional matrix; that is to say that, from a formal point of view, written rules, procedures, regulations, legislations, rule books, codes and laws in general stand out. At the same time, there are informal institutions that intervene such as codes of conduct, practices, non-written rules, verbal agreements and customs, for example. The combination of all of the aforementioned can be a parameter and an incentive for other organizations at the time of making decisions and carrying out concrete actions that, in our case study, have a fundamentally regional impact. By the same token, said organizational structure of public character is a key element for the development of endogenous factors of the regions that, at its limits, seek to

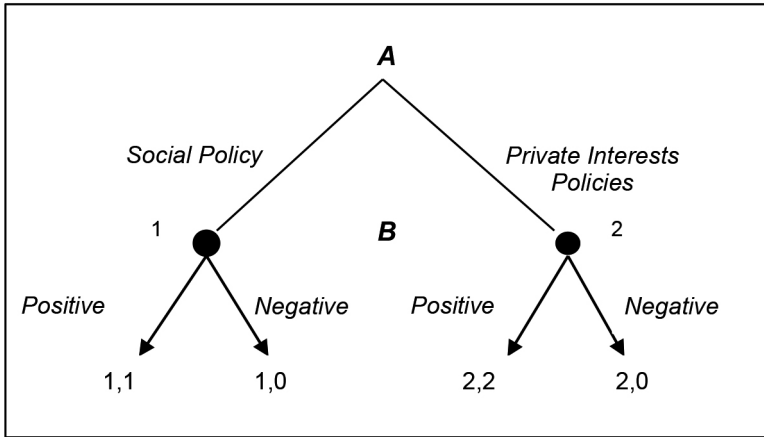
articulate main strategies or a group of regional initiatives that tend to promote the economic performance first, and the regional development second. Also, these are useful to drive a relatively armonious decision-making framework that is held together by common interest goals like sustainability, justice, equality, efficiency, human development or metropolitan coordination, just to mention some examples (Le Heron, 2009, p. 95; Stimson and Stough, 2009, p. 187; Northover, 2005, p. 4).

If the aforementioned is considered from a formal perspective, one could refer those organizations that come from the public sector as government, and all the rest as non-government organizations, from the private sector to the community in general. All of them are key actors in the practice of regional policies. The government's strategy would then reside in knowing how to implement certain specific policies in a concrete space, where the participation of different organizations is also taken into account. For this reason, it is possible to suppose the existence of two types of policies: one of private interests (directly related to the private sector that tends to grant incentives) and another one of social policies (related to what we have called non-government organizations and communities in general). The strategy of this last type of organizations would lie in adopting, respecting, helping to make more efficient and suggesting (positive attitude) or otherwise rejecting (negative attitude) the public policies proposed by the government from different perspectives³.

So, according to the government's policies, organizations can choose between a positive and a negative attitude, that is, to add or subtract according to their strategy without considering any other value judgement. Therefore, the dynamic of the information being generated is important for understading how do a government acts in relation to non-government organizations, the private sector and the community in general. In this scheme, we suppose that only two types of public policies exist (see Figure 1). A probable sequence of actions derived from a public policy would be if governments (A) act in the first place, followed by all other organizations (B), which would choose their own strategy after observing the strategies of (A). The probable combinations of the aforementioned would be the following: the social policy and the policy of private interests are accepted (1,1; 2,2); social policy and the policies of private interests are rejected (1,0; 2,0) or one of these is rejected otherwise (1,1; 2,0) and/or (1,0; 2,2).

³ The usage of terms like positive attitude and negative attitude must not be interpreted from a moral perspective but rather as strategies that can add or subtract from a variety of government strategies, without considering the overly subjective criteria between correct and incorrect.

FIGURE 1. EXTENSIVE GAMES BETWEEN THE GOVERNMENT (A) AND ORGANIZATIONS (B)



Any of these described circumstances implies the use of economic and human resources by governments, whose gains would vary in function of the acceptance, the rejection and the very same influence of the policy in question. The ideal scenario would be one in which the strategies turn into the best answer in each of the cited groups that contain their respective information on the side of their counterpart and stop an opposing initiative from being favored through the use of another strategy, which, at its limit, won't be the better answer from the perspective of the usage of government resources. Thus, in this simple example, the better answer would be social and private interest policies combined with an acceptance attitude from non-governmental organizations, the private sectors and the community in general.

From this optic, then, the main challenge for governments would precisely consist in negotiating every obstacle that could contradict the achievement of their established goals or specific projects; that is, to stimulate a positive attitude in regard to public policies which, in our case, would be the one of regionalization or, in the language of the state of Jalisco's government, (2018-2024), the *Master Plans of Regional Development*. But examples can be multiplied to a much wider universe, as could be the case of the *Refoundation* itself –which organizations from the public sector wish to implement in an efficient manner. The presented example on Figure 1 is crucial for understanding that a determinant factor lies on the level of understanding among the diverse actors involved in the dynamics of regional development (i.e., governments and the rest of the other organizations); from all of this comes the effectiveness of the adopted measures. That is why it is suggested to start a decentralized decision-making system capable of setting the appropriate

liaisons of communication and coordination with a clear idea of the role that each of the actors would play, since large part of the decisions taken by governments have a direct effect on the private sector, communities in general and on a wide spectre of non-government organizations.

In this sense, the behavior shown by the organizations of the public sector will transmit trust (or mistrust) towards different organizations while encouraging (or discouraging) cooperative conducts in a repetitive manner. Another important function of the government is the encouragement of specific articulations among diverse sectors of society. For example, the creation of institutional mechanisms from channeling the main functions of universities (education, research and spreading knowledge) towards diverse aspects of public life, where larger social benefits could be obtained; to impact a group of particular companies or to share knowledge and experiences with the community in general are vital (Luger, 2009, pp. 119 and 120; Dalziel, Saunders and Kaye-Blake, 2009, p. 200). Furthermore, to take advantage of the know-what and know-how of universities in the decision-making processes in the governmental sphere. This needs the construction of an environment of trust, cooperation and dialogue in which benefits are shared among every organization.

The global scale institutional transformations driven forward during the last two decades of the XX Century and the first decade of the present century have been crucial for the performance of organizations related to the public sector, particularly concerning municipalities, federated states and, in some cases, some federal governmental structures of territorial or regional nature. From this, the action of local governments has become more visible, with bureaucracies going from planners to promoters in some cases and even some considering that their performance should equal that of the private sector. But aside from the postures that could come from bureaucratic strategies, there is a consensus on the pressure that must be applied to public authorities for increasing their efficiency as well as for driving and backing development at different scales (Andrew, 1989, p. 259). It is quite known that these principles were driven at a global scale by international agencies like the World Bank or the International Monetary Fund, in such a way that they had a direct impact on public organizations. In broad terms, measures like deregulation, privatization of public services and generalized liberalization were proposed.

In the case of Mexico, these measures had an effect on diverse areas of governmental chores with questionable results. The implementation of water policy comes to attention because of its regional nature that, during the eighties, was gradually decentralized from the hands of the State towards the private sector, based on allegations related to efficiency, competitiveness

and decentralization. Ever since 1917, the Mexican State had assumed the responsibility of supplying said services but, by the end of the XX Century, an organizational structure was created for gradually moving government agencies towards supplying and purifying water with a free market philosophy. However, the results derived from this last institutional matrix have been controversial in such a way that, in some contexts, it has been necessary to look for hybrid modalities between the public and the private sector. These forms of emerging cooperation in the purveyance of goods, like in sanitation and drinking water services, for example, use public infrastructure operated with private capital. The relevance of this organizational structure is its relation with local communities and their potential contribution to improve the quality of life of the respective territories where these interactions take place (Castro, 2005, p. 34; Blakely, 2009, p. 58). This situation has yet to be achieved and entails a rethinking of a new institutional structure that, in the case of Jalisco, would find its base on the *Refoundation*, of which we know very little from the standpoint of regional public policies or, otherwise, which would be the refoundation strategies of the so-called priority “regions” pointed out in the *Master Plans of Regional Development*, based on the supposition that these areas of Jalisco are indeed regions...

3. THE PRIVATE SECTOR

The coalition between the subset that includes society’s private sector and its equal in the public sector (which we have denominated as government) have the potential to become one of the key engines of the regionalization process in particular and of the *Refoundation* in general. In this order of ideas, it is important to recognize two areas of action that are different but complementary to each other. In the first place, there is the wide spectre of activities related to the private sector that are visible from one or many organizations in particular, which in general terms we recognize as companies, which include those of agricultural or industrial character as well as a vast array of services like newspapers, the media, cultural initiatives for recreation or the promotion of knowledge, among many others. These firms interconnect in a complex network of relations through a continuous or discontinuous space, aside from permanently establishing contacts with different levels of national, state or municipal public administration. Whereas, on the other hand, those palpable initiatives of individual character that stand out through the practices of entrepreneurs –understanding them as the group of people that are willing to initiate concrete actions to provide a certain service to their societies,

not always looking for an economic benefit, but certainly determined to have a definite influence in multiple directions on the development of their surroundings (Pittaway, 2009, p. 213; Rowe, 2009, p. 305).

If we recognize companies as organizations, we are also emphasizing their capability to integrate work teams for increasing their endogenous performance. By the same token, companies help to coordinate productive chains, to encourage specialized services through purveyors, to increase efficiency through competition or cooperation, as well as organizing external structures, thanks to their association with other productive units that carry out similar activities or have activities in common such as entrepreneurial chambers, non-government organizations and communities in general. Traditionally, the articulation between these entrepreneurial organizations have a fundamental role in the development of local socio-economic structures; their voices and interests influence the design and implementation of regional policies in particular, as well as initiatives of institutional change of larger magnitude, just like the *Refoundation* would be.

Also, companies are connected to centers of labor training, educational institutions or research institutes in order to accumulate or to spread knowledge that will be used by other organizations or people to achieve their goals (Luger, 2009, p. 121; Goldstein, 2009, p. 242). The aforementioned is important for the encouragement of regional activities due to the formation of a virtuous circle related to organizational and territorial dynamics, generating a kind of regional public good in which companies, government agencies and communities intervene, as well as a whole series of non government organizations that interact in said environment. However, it is important to point out that companies with tendencies towards research and development are not part of the network known as open science, since the generation of new knowledge in their facilities has a commercial end or an economic benefit that, by definition, excludes other users. In spite of that, this kind of companies generally try to relate with networks that feed the open science such as universities, technological parks or applied scientific research public institutes where, on the one hand, agglomeration economies can be benefitted by maintaining relations with other researchers involved in the open science circuits and, on the other hand, to find the workforce that is fundamentally specialized in an economy of knowledge –a situation that, in the end, would be favorable for a regional performance thanks to the characteristic spiral of these processes (Dalziel, Saunders and Kaye-Blake, 2009, p. 196).

4. THE COMMUNITY

Communities contain another group of organizations with a key influence at a regional level. Its manifestations in this field are quite diverse. To think the *Refoundation* without the real integration of the community would hardly make this process of institutional change reach an evolutionary character –i.e. irreversible–; it would only be a rupture with the past, with results that would be equally uncertain at best. Many forms of cooperation established with other organizations (in the public and private sectors as well as with non government organizations) are based on the proximity and cohesion among them in the local and regional sphere. Even the lack of understanding by community representatives or with communities in general can be a potential generator of conflicts for the public sector and the rest of the organizational structure of regional nature. One of the most important functions of organizational structure is the legitimization of the design, the application and, in their case, the evaluation of regional public policies. The degree and type of communitary participation constitutes a good parameter for understanding the articulation that forms around the organizational structure of different regions (Page, 1989, p. 90).

We can find interesting evidence of this in Mexico, where one of the main characteristics of communities is that they are as diverse as the territories where these reside. Through time, several geographical and institutional factors that inform us on the persistence or rupture of communitary behaviors have become manifest; based on the aforementioned, it is possible to detect the influence of economical, political and social variables that have molded communitary performance. In this same order of ideas, it is possible to relate said behavior with the inequality between and within regions. For example, in the central region of Mexico, during the XIX Century, several legal pleas inform us of the use, the appropriation and, in their case, exploitation of forests by well-connected entrepreneurs, and reflect the unconformity manifested by indigenous people and communities by seeing their common law rights become restricted. At the beginning of the XXI Century, this historical appropriation of natural resources (land, forests and water, among others) marginated indigenous groups and peasants in general from the usufruct or conservation of them –these facts are not only palpable in Mexico but in many Latin American nations as well, which translates in a permanent risk for local communities in the face of increasing poverty, as well as economical and social inequalities, while elites increase their power thanks to their relations with different associations with other organizations outside the region to exploit different natural resources in a broader way with a free market’s efficientist rethoric (Tortolero,

2008, p. 33; Luke Gallup, Gaviria and Lora, 2003, p. 77; Finley-Brook, 2007, p. 106; Castro, 2005, p. 1).

The aforementioned situation constitutes a complex evidence where social, political, economical, legal, geographical and cultural elements and forms of cooperation (or the lack of it) that in large measure explain the disparity between several organizations that form a regional community and, at the same time, offer information on the path dependency of the organizational structure of different regions. The *Refoundation* would then imply a positive impact on the historical trajectory of many of Jalisco's regions, where a conflicting coexistence has been quite evident among different organizations of the institutional matrix (Eufrazio, 2016). However, in the *Master Plans of Regional Development*, by not being able to cover Jalisco's whole territory, the regional liaisons seem to be ignored by the isolation of the designated priority regions, which contributes to increase the risk of territorial polarization and lack of harmonic cohesion in the territory.

The elements we have mentioned so far are decisive for understanding the configuration of a dense social network where community organizations intervene. The evolution of their interactions with other organizations of regional character set the bases for encouraging (or stopping if that is the case) institutional innovation (*Refoundation*), the creativity or the synergies that drive a solid economy where knowledge can become one of the main public goods that could have an impact on the community as well as on private companies, consultants and human resources in general. The kind of relations that communities establish with other organizational structures, to a large degree, reflects their performance at a regional level. The community's participation in the regionalization processes is important since it will give meaning to the territorial dynamic and, at the same time, it is one of the main actors in the legitimation of a process of institutional change, since its identification with the main initiatives would strengthen them or, in case of the contrary, there is a risk of bureaucratizing regional policy, of eradicating it from the main actors and encouraging a regionalization in Jalisco that is quite fragmented in itself in the face of the inefficiency of previous experiences of public policy in the matter. In short, to understand the nature of the construction of institutional capabilities through time, as a sort of regional public good (Goldstein, 2009, p. 249), it would be useful for the diagnoses and the possible strategies to follow, particularly on the process of regionalization, and of the *Refoundation* in general. Because behind this structure or regional and territorial dynamic exists an evolutionary trajectory that influences the design and implementation of public policies in a decisive manner, i.e., the path dependency matters.

FINAL CONSIDERATIONS

Just as we've seen throughout our contribution, in the regional sphere there is a wide spectre of public, private, communitary and non-profit organizations that intervene in the functioning of the organizational structure, which is an essential element in any process of institutional change which, in our case, is related with the *Refoundation*. In spite of that, we are interested in stressing out that those organizations related with the generation, accumulation and dissemination of knowledge –which has become a key good for encouraging the regionalization process. In this order of ideas, we conceive knowledge from a double perspective. On the one hand, it is viewed as an asset for different organizations, specially to those related with the business world that spread it through their market practices, like intelectual property, for example. On the other hand, it has the attribute of becoming a regional public good through open science, based on practices outside the market, fundamentally driven by universities. In the case of companies, the *Coasian* maxim applies, i.e., if the market does not supply a certain good, companies invest on it to create a productive structure that can generate it, assuming the costs of this implication, but restricting its exclusive use for the goals pursued by the company that imply an economic benefit for it (McCann, 2009, p. 132). Another form of acquiring knowledge is to cooperate with the organizations related with its creation, accumulation and dissemination. Obviously, this is much less costly and gives the cognitive process a greater certainty, but also implies a specific logic that holds its own complications.

Universities are precisely the type of organization that carries out a basic function in the creation, accumulation and dissemination of knowledge, by implementing at least three routines that contribute directly to it: the production of new knowledge that have an effect on the economic growth through a virtuous circle that impacts both the companies and the region where they are located; education for the acquisition of advanced knowledge by educating people with a wide variety of professionally competences; and finally, the reactivation of the region. Some sectors of economic activity attract knowledge of exogenous character (for example, the immigration of an innovative and qualified workforce), but also encourage the interaction with local government agencies, entrepreneurial groups, and community organizations or drive the nodes of regional innovation. To that, one can add the economic spill that comes with the employment offered by universities and with their substantial activities that favor the regional economic dynamism. However, the use of these types of knowledge for private companies and for the public sector do not turn out to be as evident as it seems to be at first glance, since the knowledge is generated first in an independent manner or with a great dispersal, in such

a way that it would be quite complicated to exploit it immediately as a raw material. I believe this to be an essential topic that should be taken into account in the *Refoundation*. Therefore, cooperation becomes essential for running the use of said knowledge, with a larger degree of certainty, as well as the process of institutional change in general. That is why universities exert a powerful attraction over other organizations, especially if the institutional matrix encourages exchanges among them.

Once the innovative potential of universities is recognized, or that of their annex research institutes, a process of feedback is created that drives an economy based on the creation of knowledge. Also, the same performance of the innovation centers that traditionally can be found inserted within dynamic urban areas, attract highly qualified and innovative people. On the other hand, this generation, accumulation and spreading of knowledge has a transversal character, since it would not only be used by a municipality or government agency, but it transcends the borders of both the public and private sector, as well as of the community in its ensemble, in such a way that universities or specialized research institutes become ingrained in the territory and in the regional dynamic (Marin, 2009, p. 160; Luger, 2009, p. 116; Goldstein, 2009, pp. 245, 252; Dalziel, Saunders and Kaye-Blake, 2009, pp. 193, 194, 204, 207).

In this same order of ideas, universities have the capacity to conceive and invest on study programs; to incubate companies or research projects directly related with the basic science that can later evolve into key analysis instruments to solve problems of regional character at any given time. An example of this are the programs related with the environment that have an integrating vision of the area and of useful knowledge, where they can practically benefit every organization established in the regional sphere. This type of knowledge has awakened the interest in the private and public sectors, contributing to establish these exchanges in an institutional matrix, to understand and –in their case– solve common problems thanks to its potential to transform the perspective of the diverse organizations that interact in the regional context. Additionally, it implies a process of permanent education, thanks to the conformation of specialized work teams that can spread their knowledge to society in general, based on methodologies and innovative approaches (Geli de Ciurana and Leal Filho, 2006, pp. 82, 92; Dalziel, Saunders and Kaye-Blake, 2009, p. 197).

The organizations related with the generation, the accumulation and the production of knowledge become a key factor to drive the endogenous growth of the regions. In the context of the *Refoundation*, we consider that this would be a key topic of discussion to rethink Jalisco within this process of institutional change. It is quite complicated to precisely measure what is the economic spill that results from the diverse activities carried out by universities or specialized

research centers. It is much easier to detect their absence in the regional dynamics before the degree of dependence towards different spaces that rely on a more solid and diversified organizational structure, where universities and specialized research institutes are direct contributors to the regional dynamic through the diverse types of knowledge that they generate and foster.

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MOBILE GOVERNMENT AND ELECTRONIC GOVERNMENT: COMPLEMENT OR SUPPLEMENT?

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ABSTRACT: The definition and scope of e-government have advanced as technology increases its impact on public administration and the relationship channels between governments and users. One of said channels are wireless technologies, which have become so important, along with their contributions, that their use came to be known as “mobile government”. This definition has turned out to be difficult, since the literature places them in two categories, both as a complement and as a supplement to electronic government.

KEYWORDS: ICT, mobile technology, public administration.

INTRODUCTION

When the first generation of tablets was launched in 2010, Steve Jobs (1955-2011), the founder and CEO of Apple, said that “PCs will become like trucks, they will continue to exist but only a small part of the population will need them” (García, 2012). According to the entrepreneur, the post-PC era had begun, one in which, theoretically, the use of mobile devices would surpass (without completely substituting) desk or wired devices, offering users of these technologies a type of freedom that, according to (Castells; Fernández-Ardèvol; Linchuan Qiu; Sey, 2007) would break the limitations of time, space and even cultural and social norms.

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This takes us the concept of ubiquity, which, according to (Islas, 2008, p. 5) was inspired by the speech given by Kunio Nakamura¹ in 2004, during a conference called “Creating an Ubiquitous Society in Japan, A Nation Built On Technology”, and can be summarized in “anytime, anywhere, anyone communication”, i.e. “space is no longer sized by a geographical situation, but determined by connection capabilities of new technologies such as Skype, social networks, *streaming* and chats”.

Based on these ideas, in the Post-PC era, the personal or desktop computers that forced users to remain in a fixed location, close to electronic cables, internet connections or ports for printers, have been partially or completely replaced by devices that can be used anywhere, can be easily transported (even in your own pockets), and do not need cables (wireless) for certain functions such as connecting to the internet or sending documents to a printer, thus taking full advantage of mobile connectivity (WiFi, 3G or 4G).

The Post-PC era is a phenomenon in which people, organizations and governments have become immersed, willingly or unwillingly, to satisfy the needs of clients or users.

Thus, companies and governments launch mobile web sites, apps with specific purposes and mobile services that complement the traditional uses of the Internet through a PC or in-person.

Statistics show growth in the use of mobile devices, against “wired” devices, i.e. landline telephones and desktop computers. According to data from the International Union of Telecommunications (UIT)², in its report *Measuring the Information Society* (2017), landline telephone subscriptions have gone from 1.26 thousand million in 2006 to 1 thousand million in 2016 and an estimate of 972 millions in 2017, which was complemented by pointing out that the growth of mobile phone subscriptions has been accompanied by a diminution in the number of subscribers to landline telephones.

However, some time after Jobs’s prediction was made, desktop computers are still used by a large part of the population, even if in a minor degree, in comparison with mobile devices. A post-PC era? Not completely yet, but the dominance of mobile over desktop devices is undeniable.

Kopomaa (2000), quoted in Oksman (2010), argues that there is such a thing as a mobile information society in which mobile technologies take on a central role in aspects such as information, communication, health, finances, commerce, entertainment and government –the main interest of this article.

Almost unavoidably, fashion technologies have become part of government chores, thus creating electronic government (e-government), and the

¹ President of *Matsushita Electric Industrial*.

² UIT is the specialized organism of the United Nations for Information and Communication Technologies-ICT.

importance of mobile devices has been such that the term “mobile government” has also come up. It is noteworthy that, if e-government can be defined by the use of ICT by public administration, and mobile technologies are among them, why to give their use a special name?

The purpose of this work is then to establish the relation between electronic government and mobile government, answering the questions: what is mobile government exactly? Does it complement or substitute e-government? Can m-government and e-government be separated? The method is essentially qualitative, executed with the technique of document revision.

In the first section, a theoretical revision is made of the literature about the contribution of technology to organizations and the working of public administration, using the theory of bureaucracy and the new public management as references. We also take on the element of multichannels as a form for explaining the co-existence between e-government and m-government.

Thus, we move onto the next section where we revise what has been written about the relation between electronic and mobile government in order to understand if the second term is the complement or the supplement of the first one.

In another section, we describe the tools of mobile government, such as apps, mobile sites, social networks, text messages and what are the contributions of each of these tools to a government’s administrative function. We also explain the challenges or areas of opportunity in which work must be done for consolidating mobile government as a reality. Lastly, we offer conclusions as well pending tasks regarding the research on mobile government.

1. THEORETICAL FRAMEWORK. MOBILE GOVERNMENT WITHIN THEORIES OF PUBLIC MANAGEMENT

Before fully entering the topic of what is mobile government, we considered important to do a theoretical contextualization about the need for using technologies on behalf of governments and their public administration.

The incorporation of technology on behalf of the public sector is nothing new. Criado, Ramilo and Salvador (2002) note that since the 1960s public administrations have been frequent users of technology, although in limited ways. The information technology function was understood as a separate activity within a department or agency, run by experts, but made operational in similar fashion to the use they used to give typewriters.

The objectives of using ICT have been the simplification and administrative modernization and/or administrative reform (Pardo; 2006; 2010; 2015)

(Sánchez; 2010; 2014) (Pichardo, 2004) (Dussauge, 2009), (Bonina, 2005) and, in more complex dimensions, for democracy and governance (Criado, 2009), as well as for the open government (Sandoval-Almazán, 2015).

To further sustain the importance of technology in government, we will resort to administrative theories.

For a long time, the public sector was organized and functioned based on a bureaucratic model idealized by Max Weber, with the justification of achieving a professional administration in line with legality, formal procedures and the principle of authority. At the time, bureaucracy as a form of organization was seen not only as “one more organizational option, but as the normative model of organizational rationality; as an organizational form or configuration that was undoubtedly superior in terms of effectiveness and efficiency” (Prats, s/f, p. 3). However, reality surpassed the idealized model and, in practice, faults began to show, as well as the so-called “bureau-pathologies”, i.e. “the dysfunctional behaviors of organizational structures” Thomson (1961), as cited in Merlo (2014).

The contextual changes, new economical models, new technologies and more active societies that claimed for a more active role in government action surpassed the bureaucratic model and –as Aguilar (2009) mentioned it– did so for being able to guide society towards more acceptable goals of development, wellbeing and social security, as well as for giving answers to the problems that its society was facing for achieving the desired life conditions or as it was demanded by the Constitution.

In order to exceed the model’s failures, and in conjuncture with the breaking and stressing of the benefactor-interventionist State (Aguilera, 2012) and the tendency to its reduction, administrative reforms began being implemented, opening the door to new paradigms called managerial, which aimed to leave traditional bureaucratic values and principles behind in order to transit towards a government that is organized and works on corporate principles aimed at achieving results (Barzelay, 1998), and also incorporating ICT for achieving its objectives (Bonina, 2005), (Hood, 1991).

In this way, the use of ICT began taking a more important role for the public sector and, from 1999 and on, received the title of electronic government, which has been used to define, in broad terms, the use of ICT by public administration, a categorization that has evolved through time.

The main, and most popular tool, of electronic government has been the web sites, defined as “an access portal integrated to the government’s web site providing, to both external entities and government personnel alike, a single online point of entry for the State’s resources and information” (Gant, Ganty & Johnson, 2002).

However, the quick and constant evolution of technology has given place to new channels of action for electronic government, i.e. the means through which government relates with the users of its services. These channels for providing public services and citizen assistance have also evolved (for example, the web has evolved from 1.0 to 2.0, 3.0 and on), as well as some new contact channels between the government and the users (companies, citizens, organizations, employees and other governments), that co-exist, given way to multichannels, understood as “the provision of public services through different means but in an integrated and coordinated manner” (ONU, 2014, p. 96).

The channels did not substitute each other but coexisted, giving users the opportunity to select which was the most adequate for their needs and capabilities, as well as which of the channel’s advantages served them best; advantages that –as the European Commission (DG Enterprise and Industry Homepage (2004)) points out– can be flexibility, security, accessibility and the channel’s quality. Multichannels also allow users to exercise their right “to employ, or not, electronic means, which can mean that, in a single file or in a single group of relationships, many interested parties may coincide, with those that wish to relate through electronic media and those who doesn’t. This would push to recognize the right of both and to allow the concurrence of different access modalities” (CLAD, 2007, p. 16).

For the United Nations, UN (2012), multichannels are a necessary element for the consolidation of electronic government that also offers the benefit of a larger penetration of electronic government, by increasing the efficiency and effectiveness of public services and contributing to sustainable development, while also “adding value through a positive user experience or, along the same line, subtracting it by a negative experience for the user” (ONU, 2014, p. 97).

In its study on electronic government of 2014³, the UN enlisted the following channels that make the provision of electronic government services possible:

1. Counter service (in-person)
2. Telephone service (voice) and call-centers
3. Web sites
4. E-mail
5. SMS and other text messaging services
6. Mobile web site
7. Apps
8. Social networks

³ In the UN studies on electronic government of 2012 and 2014, is where multichannels and mobile government are given a greater emphasis.

9. Kiosks
10. Intermediaries through public-private associations

2. MOBILE GOVERNMENT IN THE ELECTRONIC GOVERNMENT LITERATURE. A COMPLEMENT OR A SUPPLEMENT?

The present section is a theoretical revision that would allow us to answer the following questions: what is mobile government exactly? Does it complement or substitute electronic government? Can electronic and mobile government be separated?

Electronic government is understood as an evolving concept that, in broad terms, is defined as the use of ICT by public administration. On this, there have been a series of categorizations –which are not the purpose of this book–, which is why we will focus on the mobile aspect.

For Abdelghaffar and Magdy (2012), the literature on ICT in the public sector focuses its attention on the adoption of electronic government, but not on mobile government –an argument that is reinforced by Criado and Gil-García (2013), who consider their study to be in the agenda of pending research projects on electronic government, a field with a great future; as well as Antovski and Gusev (2005), who affirm that mobile government is in its beginning stages of development, an argument that is also supported by Carrol (2006), who points out that mobile government is at a very early stage and still faces great challenges in order to become a reality.

The revision of this literature shows an expectation on mobile government that is mostly positive or optimistic, since it is considered as an emerging field as well as a very fertile one. Authors like M. Jae Moon (2004) find that mobile government could revolutionize citizen access to digital services and will alter the ways in which public servants have traditionally carried out essential tasks; even Kuscu, Kushchu and Yu, (2007) affirm that mobile government is something inevitable.

In a similar manner to the way in which electronic government was defined, mobile government can be defined as the provision of electronic public services through mobile interfaces such as cell phones, *smartphones* and *tablets*, looking for the “expansion of the government’s capabilities delivering services focused on citizens and companies” (OECD/UIT, 2011, p. 26). However, these definitions are more complex than they seem at first glance. To explain what is mobile government, based on our revision of said literature, there are two offshoots: to view it as a complement of electronic government or as a supplement of electronic government.

– ***Offshoot 1. A complement of electronic government***

In this offshoot, we will include the arguments of authors that have pointed out that mobile government complements electronic government, i.e. they consider it to be more a channel for the relation between a government and its users, as well as an electronic purveyor of services.

In this stance, mobile government is addressed as a channel for providing electronic services, which does not substitute electronic government. All of these definitions of traditional e-government are set to characterize or reach a definition of mobile government. Then, it is said that “mobile government services are replicas of the services of electronic government but on mobile platforms” (Kushchu; Kuscu, 2003, p. 6). These authors also add that mobile services cannot be seen as a substitute of electronic government; i.e. web sites will continue to predominate and coexist with kiosks, electronic signatures, interoperability and social networks, among other technologies, Kushchu; Kuscu (2003). Jain and Ranawat (2017) point out that mobile government complements electronic government due to the limitations and incapability of mobile phones (even the most sophisticated ones) for transmitting the large information flows that desktop computers can handle.

Social Intelligence Unit (SIU), a consultancy firm and nonprofit organization focused on the use of ICT for the development of societies, considers mobile government as “a complement of electronic government (e-government), that allows the establishment of a new access channel to the digital public space” (SIU, 2015, p. 2).

The Organization of American States (OAS) defines mobile government as “the combination of knowledge and apps of electronic government on mobile platforms” (OEA, 2012, p. 2).

However, there are more complete definitions. For Kushchu; Kuscu (2003, p. 2), mobile government “can be defined as a strategy whose implementation implies the use of all kinds of wireless and mobile technologies, services, apps and devices for improving the benefits of all parties involved in electronic government, including citizens, companies and different government units”.

If some say (perhaps in a precipitated manner) that mobile devices will replace wired or desk devices, could we think that mobile government will replace or could be capable of replacing electronic government? The aforementioned authors’ answers seems to be no.

Studies made by the UN, particularly from 2012 to 2018, allow us to reach the conclusion that large part of the experiences that accompany mobile government also accompany those of electronic government and are indeed more connected to multichannel strategies, in which the web sites and social

networks that can be found in desktop devices and mobile offers such as apps or mobile versions of a government web site can coexist.

– *Offshoot 2. A supplement of electronic government*

In this offshoot, authors point out that it is possible to set a separation between mobile and electronic government. Thus, it would be possible to design strategies from mobile technologies, without having passed through traditional web sites or other tools.

Following this offshoot, Sotelo and López (2005) consider that mobile government surpasses the current limitations of electronic government, supported by characteristics such as mobility, accessibility and ubiquity. Raja and Melhem (2012) consider mobile government to be of value or added advantage over electronic government because of the mobility it offers, freeing its users of all physical limitations or of those related to a fixed location and inherent to the provision of conventional services that are part of electronic government's traditional services.

For his part, Hellström (2009) argues that the definitions of mobile government have the weakness of considering electronic government as indispensable for mobile government due to the infrastructure of servers and networks.

The research of Al-khamayseh (2009) on whether electronic government is an indispensable requisite for mobile government is quite interesting. This argument relates to the fact that the Internet and mobile devices have a larger penetration than fixed devices do (as they were mentioned in the first section) –a discernment backed by statistics. The methodology was a survey of several well-versed experts on the subject and their opinion over the importance of e-government over m-government. Among the survey's many answers and opinions, the following stand out:

- E-government is internet-based solutions; m-government is the same thing, but using wireless technologies.
- In order to use mobile government, it is necessary for the population to become familiar with electronic government.
- The administration of e-government programs contributes to a good design of m-government programs.
- Electronic government is a key facilitator of mobile government.
- Mobile government and electronic government are not mutually required as a pre-requisite.

- Not all services can be provided by mobile technologies, so mobile government without electronic government is possible but in a limited fashion.
- Electronic government and mobile government will always be together.

The author concludes that the existence of e-government is a pre-requisite for m-government, based on the level of functionality of the m-government's services and defines m-government as:

A strategic system that extends the static systems of electronic government by allowing the interoperability between wireless technology and a mobile heterogeneous one through apps for different sectors (government, employees, companies, citizens, etc.). This allows them to interact with or within the government or with other governments without time and location becoming a factor, improving the provision of services to support the role of governments and decision-making processes, as well as supporting relations with the government (AI-khamayseh, 2009, p. 145).

It should be said that the mobile government's approach as a supplement of electronic government is more feasible at a local level, in small and well-defined spaces with more homogenous characteristics. At a national level, countries count on the diversity of channels for electronic government, just as the UN studies show. However, at a local level, conditions are not always met for this to be possible, like for example, in rural areas where citizens cannot access a desktop PC and lack finances and digital abilities (Costopoulou, Karetsos, & Ntaliani, 2005), i.e. within the limitations of certain regions, there are also areas of opportunity for mobile government.

A close case in which mobile technologies would be a better option to wired technologies is at the rural municipality of Santiago Nuyoo, in the state of Oaxaca, 240 km away from the capital of Mexico, where there are no telephone operators, and the population was forced to travel across large distances to pay or collect personal payments or from government support. In 2013, Telecom, a public company, allied with other mobile telephone companies and the banking sector for implementing a pilot program of "mobile payments" with the objective of financially including rural communities that are far away from financial operators and telecommunications. The program worked through handing phones and debit cards among the people of those communities. "Thanks to the appropriation of mobile phones, they were able to achieve strategies for communicating with their inner markets without the

need to make expensive transactions for labors such as taking orders, aside from eliminating transferences and mobile recollection of money” (Mariscal and Martínez, 2014, p. 30).

FOR “CONCLUDING” THE DEBATE

After these revisions of the available literature and statistical tendencies on the use of mobile devices, we move to answering the initial questions of this section.

To what does the term mobile government refers to?

After revising the literature, the definition that is considered to be more pertinent is that mobile government refers to taking advantage of mobile technologies for the re-design of the administrative function of the State, the relation between government and society and the opening-up of the government.

Regarding the redesign of the State’s administrative function, there are references of new ways of carrying out the government’s objectives through the administrative apparatus. Omar Guerrero (2004) divides these activities of public administration in functional and institutional. As it was mentioned, for a long time, public administration was organized and functioned in a manner that was bureaucratic, vertical, centralized, based on paperwork, procedure manuals and time and place restrictions –all of which we can call government 1.0. The surge of electronic government allowed governments to become more agile, efficient, horizontal, immediate and interactive –a government 2.0 that breaks the barriers of time and place with the use of web sites, kiosks and interoperability, but still using an element of “wired or desktop” technologies, to which you can also add mobile devices that make them more ubiquitous (without wire restrictions), accessible (the low costs of mobile devices) and easy to use. By the same token, this represents an opportunity for dematerializing the administrative function, saving costs in running expenses and eliminating redundant procedures. This can be achieved through procedures that do not require any physical interaction, thus even reducing the opportunity for corruption practices (Roseth, Reyes and Santiso, 2018).

On the relation between government and users, large part of the success of all strategies of technology implementation depend on knowing the target user, his/her needs and capabilities, and even their technological habits as well –which several theories have tried to explain, such as the Model of Technology Acceptance (Davis, 1989) that tries to explain the reasons why a certain technology is accepted by users and, subsequently, its use as an everyday

part of their lives. For this, it centers on two factors: its perceived usefulness, defined as the degree to which an user considers that a certain technology will improve their performance at some task; and its ease of use, understood as the degree in which an user supposes that the use of a certain technology will free him/her from performing physical and mental efforts.

Many criticisms of the State's administrative performance were due to its "bureaucratic" performance, which was far from the users' needs –as Villoria (2009) explains it–, did not consider human needs and presented a series of barriers that, beyond the perception of a bad service, had effects on "the right and the effective access to services and public goods" (Peeters, 2018, p. 9).

The use of ICT (including mobile technologies) by public administrations belongs to administrative paradigms that seek an approach centered on the user, where the only worries are not financial savings and increases in efficiency but also considers the easiness in which users can relate with the administration (Berntzen, 2013). This would imply a redesign of administrative apparatus, i.e. "a re-engineering of processes and the creation of an environment of transparency and accountability" (Banco Mundial, 2012, p. 89), i.e. the government opening-up and mobile technologies offer an opportunity to carry out the objectives that lead to an open government.

Finally, this re-design and opening-up would also require a change of mindset for public servants who are used to certain ways of working and to organizations in which corruption cultures are well rooted, and are well attached to certain procedures and shares of power.

Just as in electronic government, different relations can take place in mobile government, but in this case, it is through mobile channels. Each user or group of users will have different interests, needs, capabilities and expectations when interacting with the government through mobile means. OECD and the ITU (2011) identify the following:

- m-government to citizen (mG2C, m-government-to-citizen)
- m-government to businesses (mG2B, m-government-to-business)
- m-government to government (mG2G, m-government-to-government)
- m-government to employee (mG2E, m-government-to-employee)

Table 1 exemplifies how do relations take place within mobile government, pointing out the needs of each type of user and how do these relations happen in traditional bureaucratic scenarios and in mobile government.

TABLE 1. CHANNELS AND ATTENTION EXPECTATIONS BETWEEN GOVERNMENTS AND USERS

User	Needs	Traditional bureaucratic expectations	Motivations for using the mobile channel	Possible restrictions for using mobile channels
Citizens	Information, procedures, services, support, payments, documents, political participation, open government, relief in emergencies and disasters.	Short lines, fast and kind service, to have complete requisites, public servants not requesting bribes, that information accesses are not denied, receiving printed information.	Performing procedures, payments and obtaining documents notwithstanding time and place, to avoid lines and visiting offices, not having to offer bribes for “speeding procedures”, mobile notifications through apps or SMS.	Information security, legal backup of mobile channel, web site incompatibility with the device used for accessing.
Companies	Payments, permits, social security, information, acquisitions and government purchases.	Clear information, rapid responses from the administration, to avoid corrupt practices.	Carry out procedures, payments and obtaining documents notwithstanding time and place, to avoid lines and visiting offices, not having to offer bribes for “speeding procedures”, mobile notifications through apps or SMS.	Information security, legal backup of mobile channel.
Governments	Communicate information, share databases, files, documents, inside documents, acquisitions, relief in emergencies and disasters, maps.	Coordination, avoiding redundancy in functions, uniformity in information.	Rapid communications, take advantage of the ubiquity and portability of mobile devices.	Large information volumes that cannot be supported by mobile devices.
Employees	Coordination at communications and work in quick and direct fashion.	Avoid redundant functions, information understanding in uniform ways.	Rapid communications, ubiquity, portability.	Legal backup of mobile channel, paperwork culture, resistance to change.

Source: Elaborated by the author.

On the questions of mobile government as a complement or substitute of electronic government and if mobile government and electronic government can be separated, literature shows examples where there is coexistence between e-government and m-government, as well as examples in which they exist separately.

In the case of coexistence, we have already mentioned multichannels and the way in which they offer users more opportunities and government services through tools such as web sites, kiosks, landline telephones, faxes, social networks, in-person attention, traditional mail and, of course, the mobile option, not only as a more efficient channel, but also as a means “to reach disadvantaged and vulnerable groups and to find more intelligent ways to increase use of online services” (ONU, 2014).

On the other hand, the fact that the use of mobile telephones surpasses the use of fixed location or desktop devices is an opportunity to consider ICT strategies in which the main channel –or even the only channel– is the mobile one.

We can conclude that both channels are not excluding, they can concur or exist separately, which would depend on aspects such as infrastructure, regulatory framework, ICT user access, skills for handling technologies, i.e. the abilities and knowledge not only of technological devices, but also of the objectives of the structure of a digital government (Khan, Moon & Rho, 2010); as well as the strategy launched by the government; that the objectives of incorporating the ICT are clear.

On this regard, the UN (2014) points out that it is necessary to draw a user profile, to know their needs and limitations, for example, in the case of vulnerable groups. For his part, Donner, Verclas and Toyama (2008), recommend that the following questions should be answered:

- Who is the target user?
- What kind of technology do they use?

Considering an approach from a public policy standpoint, to these questions one might add in which cases is mobile government a supplement or a complement for the transversal facilitators, here understood as “the fundamental elements that allow the deployment of a policy’s components and have the objective of developing capabilities in each entity with the purpose of the implementation of said policy” (Ministerio de Tecnologías de la Información y las Comunicaciones, 2018, p. 40). In Mexico, the National Digital Strategy from 2013 to 2018 considered these facilitators as “the necessary conditions

for reaching the goals of the strategy and, in that sense, they are tools directly related to the lines of action”. We propose the following:

- What is the region’s infrastructure? To initiate a mobile government policy, it is considered as key to know what is the available telecommunication infrastructure, which includes hardware and software (operative systems); connectivity and security (Alghamdi, 2011).
- What is the demand of electronic services? A principle of these types of policies and derived projects is that their approach is focused on the user, i.e. the services delivered in electronic ways (mobile) are appropriate to the needs and desires of the potential user (Berntzen, 2013).
- What digital skills on electronic or mobile services do the potential users have? Another key factor of these policies is the capability of users to take advantage of the benefits of electronic services (including mobile ones). These skills are understood as “the ensemble of knowledge, concepts and capabilities for accessing, understanding, operating, handling and evaluating electronic government initiatives at their different stages” (Sali, 2011), according to the UIT (2018), since the more advanced are someone’s digital skills, the more benefit he/she will be able to take from the progress of technologies and digital devices.

THE CONTRIBUTIONS OF MOBILE TECHNOLOGIES TO PUBLIC ADMINISTRATION. TOOLS, ADVANTAGES AND AREAS OF OPPORTUNITY

The incorporation of technologies to public administration is not a matter only related to technical aspects. As aforementioned, it involves an entire process that modifies the way in which public administration organizes itself and functions, but also in the way society demands it and participates in it –also, it changes the relation between government, society and companies.

The Ibero-American Electronic Government Charter itself points the public administration guidelines to be followed in the implementation of electronic systems. It also recommends actions such as: establishing adjustment programs so that public servants can adapt to new electronic government systems, adjusting procedures to new electronic communications and new management models, continuous improvements and innovations –all categories that fit the incorporation of the new technologies that make mobile government possible.

This implies an adoption and adaptation process of the new channels for providing public services like, for example, Borucki, Ibrahim and Kushchu

(2005), consider necessary to take measures for training and acquiring abilities for handling these new devices, considering the age and experience level of the users.

The tools that will make mobile government possible can be adapted (to the ones that electronic government already has) or adopted, i.e. exclusively mobile. Some of these tools are:

Mobile web sites: As aforementioned, web sites are the most common means for providing electronic government services. Governments have web sites that can be accessed from a computer and, at the beginning, “were designed for providing fixed and robust services that ruled the world of computers; the concept of ubiquity did not represent the importance in the obtained services, through the Internet” (Espinosa J. A., 2003, p. 13).

The transformation of a desktop computer web site to a mobile one happens through an “adaptable web design” (or adaptive), known as a RWD (Responsive Web Design). Thanks to this process “dynamic changes in the appearance of a web site, depending on the size of the screen and the orientation of the device that is used to see. In lieu of having to construct a special mobile version of a web site, that often requires the writing of a new code from scratch, this technique solves the problem of designing for the customers’ multitude of available mobile devices” (ONU, 2016, p. 95).

According to this report of the UN, for 2016, 99 countries use the RWD technology for their national web sites (22 of Africa, 21 of America, 26 of Asia, 24 of Europe and 6 of Oceania). Image 3 shows, in schematic manner, how RWD should be, adapting contents to the specific characteristics of certain devices.

IMAGE 1. RESPONSIVE WEB DESIGN (RWD) SCHEME



Source: <https://digital.gov/2014/07/18/solving-a-mobilegov-mystery-using-open-source-cms-to-implement-responsive-web-design/>

SMS Messenger: Short Message Services provide the exchange of information, files, or even, to carry out monetary transactions. They are short messages because they allow up to 250 characters. The SMS extends the functionality of landline telephones that only used to be useful for voice calls. In 1992, “Neil Papworth, an engineer from Sema Group, wrote ‘Merry Christmas’, from a network. Subsequently, in 1999, Nokia incorporated this function into their cell phones, in their model 2110. According to ITU (2010), 20,000 messages per second were already being sent during that year.

From 2012, the UN focused its studies on the way in which governments use this tool, with 27 countries being the ones that already had some interactions with this medium, 34 in 2014, and 83 in 2018. Other messaging services are WhatsApp and Facebook Messenger, which allow the exchange of text messages, video, audio and multimedia contents. These are the messaging services with the largest number of users. According to *statista.com*⁴, in 2019 the registry of 1600 million users in WhatsApp and 1300 million users in Facebook Messenger globally.

Mobile websites: These are monetary transactions carried out through a mobile device like a cell phone or a smartphone, which are backed by banking intermediaries. *Transactionality* is an advanced stage of electronic government, according to Sandoval and Gil-García (2009, p. 89), is also one of the most complex, and includes the possibility of receiving and paying a public service. In this phase, it is important to think about transaction security, data protection, electronic signature, authentication procedures and a legislation that can back them up and provide trust to this type of transactions. Mobile payments encompass a tool with “the potential to bank all unbanked and train poor people through a better access to finances and lesser transaction costs generates a growing enthusiasm. When all of these are there, the mature mobile money systems often have generated products and innovative services in insurance, credits and savings” (Kelly & Minges, 2012, p. 6).

According to the UN (2016), 34 countries offer the online payment of fines and other 63 countries offer the online payment of public services, even though they do not specify if it is through websites for desktop computers or through any mobile mean, but does stand out that developing countries (particularly in Africa) have so much expectations of this tool, and for the OECD (2011) mobile technologies are training citizens that before presented difficulties for processing cash transferences, deposits, withdrawals and other banking activities in secure forms.




⁴ <https://www.statista.com/statistics/272014/global-social-networks-ranked-by-number-of-users/>, consulted on August 24, 2018.

Applications (Apps): These are software programs that can be downloaded to a smartphone or mobile device like a tablet or phablet with a particular objective. They may have a cost, or not, as well as being compatible with some other operative system or with every one of them (IOS, Android, Windows, Blackberry). Companies and governments launch their own applications for delivering services or acquiring their products. Ganapati (2015) identifies two types of Apps, which are centered on the inner use for employees, and those directed towards the users of government services.

The study of electronic government by the UN (2012), points out that 29 countries used mobile applications as a channel for delivering services, and even, to improve the quality of life of the poorest people, placing greater importance on topics such as health, education, well-being, environment and work. For 2018, 83 countries offer some kind of mobile service through a short message service (SMS), mobile applications or their equivalent (ONU, 2018).


Some governments have taken apps seriously as a means of delivering services, providing information or interacting with citizens, and have created a repository of applications with diverse objectives, as it is shown on Table 2.

TABLE 2. REPOSITORY OF APPS⁵ OF NATIONAL GOVERNMENTS

Country/web address	Subjects tended by the app	Operating System
Chile http://apps.gob.cl/ 	Health Sports Economy Transport	Android/IOS
United States https://www.usa.gov/mobile-apps 	Education Culture Business National Defense Health Border	Android IOS Windows Blackberry
India http://apps.nic.in/ 	Health Government Communication Finances Transport Telecommunications	Not specified

⁵ Consulted on August 24, 2019.

Continued Table 2.

<p>Mexico https://www.gob.mx/apps </p>	<p>Health GeoSpatial Information Security and Justice Education Economy Culture Tourism Finances</p>	<p>Android/IOS</p>
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Source: Elaborated by the author with information of the repository web sites.

Social networks: Social networks have come to revolutionize the way in which people and organizations communicate, exchange ideas, transfer knowledge, work and take part in public life. They are the result of the evolution of web 2.0 and allows the interaction among a web site’s administrator and users who, according to Alonzo (2013), thanks to these types of social networks (Facebook, Instagram, YouTube, Blogs, among others) can become presumers that are able to share and transmit contents without the need to learn a deep knowledge on information technology. For the ONU (2016), the advantages of social networks are that they are relatively accessible, have no great cost, and constitute a channel for interaction between the government and the audience. According to the UN (2016), 87% of the 190 countries considered in the study of electronic government have some sort of channel of social network.

These socialization virtual spaces started being for desktop computers, but are presented as an opportunity for the mobile government, since mobile devices have become positioned as the number one device for browsing the Internet and also, as it is pointed out (Gómez Roa, 2016), they offer the ubiquity factor that allows a permanent connection.

Also, social networks have developed their own application, mobile web sites or some are for the exclusive use of mobile devices such as *Instagram*.

According to Criado and Rojas (2013), the most common social networks in the public sector can be divided in *broadcasting*, such as *YouTube*, *Instagram* or *Flickr*; networks for social relations such as *Twitter* and *Facebook*; and networks of working relations, like *Linkedin* and *Novagob*. Table 3 shows an outlook of the use of networks such as this by governments and governors.

TABLE 3. MOST USED SOCIAL NETWORKS BY GOVERNMENTS

Social network	World users	Governmental users
Facebook	2,320 million	181 countries
Twitter	330	179 countries
YouTube	1,900	154 countries
Instagram	1,000	154 countries

Source: Own elaboration with information from <http://twiplomacy.com/> and www.es.statista.com/estadistica/600712/ranking-mundial-de-redes-sociales-por-numero-de-usuarios/

Multimedia: This type of files contains images, sound and videos. The most advanced cell phones (*smartphones*) and devices such as *tablets*, allow the creation of this type of contents. A camera can shoot video or photographs that the user can send directly to public administration, for reporting a criminal action, a traffic incident or infrastructural problems. For Sandoval and Gil-García (2009, p. 16), “it is primordial that users are able to quickly find the information they are interested in and this information that used to be presented only in text and image form, can now be presented in multimedia formats using video and audio as complementary alternatives to texts; in fact, this element is part of the new tools of web 2.0”.

THE CHALLENGES OF MOBILE GOVERNMENT

As in every technological process, the incorporation of these mobile technologies into government present some critical factors that can limit or boost their development and success. According to the Pacific Council on International Policy (2002), if these factors are not taken into account, resources can be wasted, promises of the delivery of useful services can be unkept and, therefore, increase public frustration with governments. That is why technological strategies of the developing countries must include certain conditions, needs and unique obstacles.

Security and Regulations:

On the securities of activities on mobile phones, these should be backed or regulated by a legal framework in aspects such as financial transactions, procedures and products (documents, certificates, digital signatures, receipts) that are generated electronically. For Gil-García and Pardo (2005, p. 195), it is important to boost legal changes in order to facilitate or to habilitate the adoption of emerging technologies.

Relying on legal and institutional frameworks in the topic of communications (including mobile ones) is not a matter of “many countries within the Organization for the Economic Cooperation and Development (OECD) have implemented a series of reforms, not only directed to modifying the public sector with the purpose of providing better services to citizens, but also aimed at transforming the industrial design through the establishment of independent regulatory organisms” (Culebro and González, 2013, p. 45).

On the other hand, the existence of legal and regulatory frameworks becomes essential, like the case of “cyber laws for providing a legal framework that supports the objectives of policies and projects of e-government” (Pacific Council on International Policy, 2002, p. 17) that provide certainty or legal security, the same that offers the trust to use these types of services to the user.

Quality of services and purveyors: The quality of the services being offered by the market of purveyors is related to regulations. Each country has different purveyors of mobile services and particular markets. There is a relation between the competition among purveyors and the quality of the services, since the fact that there is in fact competition “allows purveyors to be increasingly efficient and to offer a larger array of products and services for lower prices” (Intven, Oliver and Sepúlveda, 2000, p. 195). According to the OECD (2012), a poor competition has brought a scarce penetration as result. Therefore, the challenge is to rely on competitive markets that are affordable and of good quality, that allow the use the advantages of mobile technologies in aspects such as financial, health, education and governmental inclusion.

Political aspects: Countries have agendas and institutions for the technological development, inclusion and strategies of electronic government. The greatest problem is that the continuity of these agendas or projects is not guaranteed; for Barros (2012), there are aspects that condition the success of a technological project in the public sector, like the political climates and the changes of a government’s priorities. For the Economic Commission for Latin America and the Caribbean (ECLAC), the challenge is that:

Several countries still give a low priority to digital topics in public policies, there are no clear institutional leaderships, intergovernmental coordination presents frauds, the budgets destined to these areas are insufficient, policies are discontinued quickly or there are large differences between the suggested objectives in policy documents and their actual implementation, and national supports for digital agendas in the sub-national realm are deficient” (CEPAL, 2013, p. 45).

However, e-government and m-government policies should be viewed as State's policies that transcend government periods, partisan stamps or ideological inclinations.

CONCLUSIONS

Government has reached the era of mobile technologies. Just as it is in electronic government, there is no sole definition of what must be understood as mobile government. If, in very general terms, you can say that the use of mobile technologies by public administrations is not quite clear yet, then what are the reaches of m-government, even though its use is by now a reality, with the increase in use of mobile technologies in its favor, which is superior to the use of desktop devices, as well as those of tools that belong to these devices, such as apps and adaptable web sites. In the present article, we discussed mobile government from the standpoint of its contribution to public administration, considering the contribution of ICT to the functioning of the public sector, supported by bureaucratic and post-bureaucratic theories. In this sense, mobile technologies contribute to objectives such as efficiency, rapid and direct communications between a government and its users.

On the relation between electronic government and mobile government, which is the main topic of this work, the revision of the available literature showed that there are two offshoots to explain this relation: mobile technologies as a complement for electronic government or as a supplement to aid technologies. As a complement, mobile technologies are part of the strategy of electronic government, simultaneously combining diverse communication channels and provision of services, such as web sites, kiosks, open data, social networks and a mobile channel, which is known as multichannels. As a supplement, mobile government can be the main, or even the only, technological channel available.

It would be too risky to assume a conclusive position in determining if m-government complements or supplements e-government, since in some cases the decision of which approach is the most convenient will depend of the context in which the public policy in question is developed.

In this regard, both offshoots are considered valid, since there is no exclusion between the mobile government and the electronic government since these will depend of the circumstances of the place in which they are implemented, their objectives and of the characteristics of the users. The implementation of mobile payments policies such as the Digital Charging (CODI) on behalf of the Bank of Mexico is favorable for mobile technologies to be present, like the

charging system functions through mobile phones, as it was done in the case of Santiago Nuyoo, in which, due to its geographic characteristics, mobile technologies were the best option.

In the year of 2007, 21 countries signed the Iberoamerican Charter of Electronic Government, promoted by the CLAD (Latin American Administration Center for Development, by its Spanish acronym) in which the mobile element is quite scarce, since it is only mentioned as part of the technological adaptation, and the use of SMS messages is recommended for communications and procedures. It is important to mention that in the year in which this charter was signed, cell phones were used for voice calls, and sending texts. In fact, that was the year of the beginning of the smartphone era, when Apple launched the Iphone (Anh, 2016); which is why it would be recommended to perform an actualization of said international agreement, in which the current role of said technologies in the public sector and their related public policies is recognized, and that general guidelines are pointed out by national, sub-national and local governments.

A guideline for the development of mobile governments would be to reinforce legislations, so this tool can be more secure for the user. According to the World Index of Cybersecurity published by the UIT, of the 165 considered countries, only half of them counted on cybersecurity strategies and 25% with a legislation on this regard. According to the UN (2018), governments must work on this for guaranteeing more resilient e-government systems, and therefore also for mobile government, considering that this is the most used means for browsing through cyberspace.

Although mobile government is not entirely new, their study is still pending. Some of the proposed subjects for continuing the research on m-government have to do with the adoption and adaptation processes of the users of mobile government, thus using theories such as the Promulgated Theories, the Technology Acceptance Model, the New Institutionalism, the Theory of Innovation Diffusion. We also propose to know more of the role that mobile technologies take on the processes of open government and the cycle of public policies; the opportunity of mobile technologies in regard to closing the digital breach; instruments such as the Iberoamerican Charter of Electronic Government could be updated in regard to the role of mobile technologies; other topics could be the role of mobile technologies on the management of natural disasters such as earthquakes or floods, since, even due to technical aspects, m-government becomes more viable than e-government.

Finally, we probably won't be able to reach a sole consensus on whether m-government is a complement or a supplement of e-government, which can be seen as an area of opportunity to keep studying both concepts and this

can be reflected in public policies that improve the quality of life of a certain population.

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RISK GOVERNANCE: ENVIRONMENTAL TOOL TO FACE CLIMATE CHANGE

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Gustavo Cruz-Bello**

INTRODUCTION

Governance has become a benchmark for the various Social Sciences. Concept approached from multiple perspectives, which discuss each other with the intention of becoming the axis of theoretical-practical discussions and application of policies in various orders. In the early 1990s, governance was studied as a result of a decrease in state power and the emergence of various social actors, including multinationals, civil society organizations, and international organizations.

Governance covered various angles of public life and addressed different issues and visions. It was understood as a process that sets priorities and defines objectives (Weiss, 1999; Reinicke, 1998; Pierre and Peters 1998, Sandholtz and Stone, 1998); but also as a concept that can explain phenomena as different as network policy (Rhodes, 1997) public management (Hood, 1990) the coordination of various sectors of the economy (Hollingsworth, 1994) public-private partnerships (Pierre and Peters, 1998), corporate governance (Williamson, 1996), as well as the so-called “good governance”, a project promoted by the World Bank and the International Monetary Fund (Leftwich, 1994). In all these approaches, governance functions as a structure, as a process of coordination and directionality and involves a series of arrangements and pacts among multiple social actors where stakeholder participation and deliberation give meaning to social action.

From the Latin American perspective, authors such as Fernando Mayorga and Eduardo Córdoba (2007) stand out; they argue that in this region there is a dispersion in the management of the notion of governance. There is no Latin

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American bibliographic production that synthesizes and systematizes the use of this concept since there are many variations in both approaches and topics addressed. Thus, we can find topics ranging from public policies, health and citizen participation (Celedón and Orellana, 2003), the territorial logic of public policy at the local level (Jolly, 2003), or water resources in the Andean region (Minga Program, IDRC, 2003). Also, environmental governance is addressed in rural communities affected by mining exploitation (Decoster, 2003), urban governance (Stren, 2000), local governance and the fight against poverty (Román and Retolaza, 2001), as well as the relationship between governance and the fight against corruption in public administration (Campero, 2003), and even, governance is addressed as a possibility of regional integration under governance guidelines (Cimadamore, 2007) and an inter-Atlantic governance against social exclusion is also proposed (Fraerman, 2004). Therefore, definitions of the term vary depending on the subject.

On the other hand, and in this same context, the contributions of Luis Aguilar Villanueva (2006) stand out in the field of public administration study. This author considers how the creation of a “new public management” and/or the “new government/governance” allows on one side, the balance of the fiscal and administrative malformations of governments and, on the other, enables a greater capacity for governmental response to the social and economic transformations that contemporary societies experience. This conception of the administration in charge of the State seeks to promote the legitimization of the public exercise, through democratic and socially inclusive practices in the construction of consensus for the resolution of specific conflicts.

From our point of view governance functions as a structure, but also as a process of coordination and directionality. Therefore, it implies a series of arrangements, of agreements between various sociopolitical actors. We agree with Sousa Santos (2007), who conceives governance as a matrix because it is both an absorbent and basic structure and an environment that generates an interconnected network of pragmatic ideas and cooperative patterns of behavior, shared by a determined group of actors and their interests.

Under this logic, this article analyzes how risk governance can be a tool against hydro-meteorological disasters caused by Climate Change (CC) in Mexico. We show how, from various participatory methodologies, we addressed decision-making where multiple social actors intervene. Our analysis focuses on social interactions, the results reflected in extensive deliberations and community actions that are suggested to contain climate variability in the face of cyclones, floods, and droughts in six communities in the country. These approaches will lead us to deepen the importance of social participation

and deliberation in the decision-making on a territory. The central key of this paper is to highlight risk governance as a process of making and elaboration of policies, where the emphasis is on the deliberation and agreements made by a multiplicity of actors, as well as the process of construction and decision-making over their territory.

The first part of the article deals with theoretical aspects of governance and the use that various actors have made of it. Subsequently, we will address the concept of risk governance and analyze from this the connections between territory and environment. Last but not least, we will point out how, based on concrete and specific methodologies, the problems of risk and vulnerability to climate change have been developed and addressed in six communities in Mexico and how risk governance can be an important tool in the prevention of vulnerability to CC that occurs in various territories of the country.

I. THE SCOPE OF GOVERNANCE: NEW ENVIRONMENTAL POLICY INSTRUMENT

Governance can be thought of as the construction of new institutions and agencies to solve the problems facing society, but also as social interactions processes between multiple actors where the formulation of debates, deliberation and arrangements takes on a nodal role. It is then about trying to provide directionality to society and the economy. Various positions have applied governance from their vision, their political mission and their interests, highlighting four positions: a) the hierarchical, b) the market, c) the networks and; d) the one that refers to the communities. Each of them responds to undeniable sociopolitical problems, but undoubtedly none of them function as a single panacea, nor a magical solution in complex and heterogeneous societies (Pierre and Peters, 2000). For the interest of this article we will deal with the last two, which may give light to the so-called risk governance.

- a) Governance as a hierarchy implies a verticality integrated by state structures and public bureaucracy. The State is conceived as the high point of collective interest, separated from the rest of society and claimed under legal and legitimate precepts. Decisions are made from top to bottom and the State is the center of legal authority. Today, the theoretical and political discussion has abandoned the perspective of hierarchical governance, the emphasis is centered on small scales, the possibility of making channels more flexible, diversifying actors and encouraging informal exchanges, as

well as sharing power between the State and the market and blur and soften the differences between public and private (Pierre and Peters, 2000)¹.

- b) The market as a governance mechanism is in vogue and is thought of as the solution to infinite problems, in many cases it is given an omnipotent character beyond its real effectiveness. Under this logic, the rulers chosen by the citizens, must meet their demands and comply with the product offered, so consumers-citizens demand efficiency and quality. In terms of governance, the market is seen as a mechanism for locating resources, as a monetary criterion for measuring efficiency also as an arena for economic actors (Hollingsworth, 1994).
- c) One of the best-known ways of addressing contemporary governance is from network policy. This form of organization comprises countless actors and its scope varies considerably according to the degree of cohesion. Their demands cover a range that goes from community policies to single-problem solutions. It ensures that the network policy facilitates coordination between public and private interests and, therefore, can guarantee the efficiency of public policies. The interesting thing about these networks is that they have become a concentrated and cohesive sector that resists state attacks (Marsh and Rhodes, 1992). Even though hierarchical governance continues to play an important role in the political and institutional organization of the advanced western democracies, the new circumstances favor the opening in decision-making to horizontal networks that have co-opted both analytical and practical spaces and relevance. In the same vein, cities and regions acquire an effective weight in their decisions and express autonomy, product of the processes of decentralization and subsidiarity (Kettl, 1993).

The networks and the new governance regulate and coordinate political sectors according to the preferences of the actors involved. Public policy is the result of the self-referenced interests of the actors in the network, rather than the collective interest. In sum, while networks efficiently control sectoral policies, citizens monitor the state of accounts of what is happening in that sector (Messner, 1997; Evans, 1998; Rhodes, 1997 and Natera Peral, 2005).

Relations between the networks and the State can be described as mutual dependence. From the state orbit, the networks involve a considerable number of experts. They are the core of an important representation of very valid interests in political processes. The transformation of government

¹ Governance conducted by and through hierarchical mechanisms integrates state structures and public bureaucracy. It has become an ideal decision making model *top-down*.

to governance –the diminishing importance of formal-legal powers– has clearly strengthened the position of network policy.

- d) Meanwhile, the vision of community governance has generated a heated debate in the social sciences in the last decade, is based on a socio-economic homogeneity and common interests, which characterize small communities. From this perspective, the key question is whether a government is necessary to resolve its own issues. The general idea is that the community can and should solve its own problems with very limited participation of the State. Community governance is built based on a consensual image about the community and the positive involvement of its members in collective affairs. The State –local government– is from this perspective too large and extremely bureaucratic to deal with these issues. For the community vision, the government generates, at least, the same problems it solves. The community solution to this is to organize governance without government. Authors such as Etzioni, Golden and Weld (1995), argue how a community that acts in a humane, concentrated and enlightened manner can achieve its proposed ends.

From these four perspectives, governance allows us to understand the role of various actors in formulating intricate policies, dealing with various conflicts and producing decisions. Therefore, governance is directly linked to the making of policies (*policy-making*) and to the formulation of policies (*policy formulation*), a process where decisions adopt a deliberative, consensual, cooperative and creative perspective (Farinos Dasí, 2008, p. 13).

Several European authors (Kohler-Koch and Eising, 2007; Hewson and Sinclair 2009; Benz and Eberlain, 2000; Weizz 2012, among others) establish how the government is less and less powerful and this gives rise to alternative visions. The central argument is that society and the market have developed their own autonomy, their self-organization to avoid any attempt by the government to control them. Intense socio-political processes are then generated, where the government has moved from a conventional corporatism to a recognition of the social interests represented by networks and groups (Kickert, 1994).

Whilst in Latin America, the normative dimension and the analytical dimension of governance tend to be distinguished. The first refers to “must be” and therefore to “good governance” and, the second, to a “new way of addressing politics” away from classical perceptions strongly focused on the political and legal analysis of the State. This expresses the need to consider that the State is not the only one, nor the main development actor. Next to it is the market (represented by the company, institutions, and individuals, consumers

and producers) and the role of the so-called civil society, which encompasses non-governmental organizations (NGOs), cooperatives, mutual societies, and unions and community-based organizations, foundations, social and sports clubs, among others. It can then be argued that from the Latin American vision the four currents raised at the beginning of this section are represented: both the hierarchical vision, as well as the market, the networks and the community, with their own characteristics and accents, since it is noteworthy as the history, geography, culture, among others, give a bias to the conception and use of the concept and its implementation

Thus, governance is an instrument of directionality, with a State that coordinates from a distance. The social and economic actors are autonomous and establish and recreate a framework for action to achieve their goals. A strengthening of self-organization and autonomy that makes it possible to swell democratic processes in decision-making, and at the same time, achieve the effectiveness of the demands raised.

II. RISK GOVERNANCE

So, governance implies coordination and process management. Construction of policies based on deliberation and negotiation; formulation of consensus based on cooperation in order to avoid conflict and promote the social agenda. Autonomy and self-organization of projects from the society that reinforce the potential to influence political decisions, renewed state management, as well as decentralized and flexible management. Therefore, new channels of dialogue between government and civil society are opened. Dialogue and joint action under agreement. Fluid, flexible and participatory political management, a long-range process. Interactions between State and society to solve specific problems and seize opportunities. A process by which decisions are made and the terms of participation are established (actors involved and scope of their proposals). Dissemination of power at the sub-national, supra-national level and the self-organization and autonomy of multiple social actors (networks, communities and private sector) with the intention of making and formulating public policies.

In this same logic, risk governance implies the implementation of forms of planning and management of socio-spatial dynamics in the face of phenomena that can cause disasters in socially vulnerable communities. Actions shared among multiple actors that give rise to innovative policies with environmental and territorial repercussions. Negotiations between multilevel *stakeholders*, in the search for consensus against environmental changes and climatic

phenomena of serious consequences. Participatory, deliberative and negotiation processes at the local level, where environmental policy is reinvented and top-down decisions are combined, along with those issued bottom-up, to give rise to consensus formulated side by side.

For Renn (2008) and Klinke and Renn (2006), one of the most serious problems regarding risk and its management is that its study is perceived as a fortuitous and determined event and prevents a comprehensive and preventive vision. For this reason, risk governance becomes relevant, which attempts to develop an analytical-conceptual framework that includes both the effective participation of interested parties and decisions against risks. This analytical framework has been developed under the direction of the International Risk Governance Council (IRGC) and published as IRGC White Paper (2005). Thus, the concept of risk governance includes a broad view of it that not only includes what has been called “risk management” or “risk analysis”, but also analyzes how decision making takes place, how a variety of actors are involved, who coordinates the actions and communication between roles, perspectives, goals and activities. This vision is innovative because it includes both the social context (structure and interaction of the different actors that deal with risks, their perception and concerns of probable consequences) and a new categorization of risk-related knowledge (simple, complex, uncertain or ambiguous). Classification directly related to the cause-effect between risk and the consequences, the reliability of this relationship and the degree of controversy that can be generated in those affected (Renn and Klinke, 2013). Renn (2008) y Klinke y Renn (2006).

Risk governance is a tool that refers to both the institutional structure and the policies that guide the actions of society, the State and the international community for optimal risk management and strengthening resilience to disasters. Risk governance has changed its hierarchical and centralized vision to a structure that encourages the participation of multiple actors. Therefore, for Renn (2008), risk assessment faces three challenges: complexity, uncertainty, and ambiguity. The risks are related to the quality of available knowledge, mental constructs that depend on the accuracy and validity of the predictions, which will lead to certain policies.

For Vesurri (2009), complexity refers to the difficulty of identifying and classifying causal links among a multitude of potential agents and observed effects. Uncertainty refers to cause-effect modeling, and always incomplete recognition of human knowledge and, therefore, the lack of clarity. While ambiguity is the result of divergent or competitive regulatory perspectives. It is proposed as one of the outputs to these serious questions, the so-called precautionary principle.

In Latin America, authors such as Ramírez (2015), return to Kooiman (2004) and Mc. Ginnis and Ostrom (2014) to indicate how risk governance must include both the socio-political system (SSP) vision that identifies structures, interdependencies and interrelations and articulations between multiple actors, both public and private; as well as the understanding of the complexity of the territory as a socio-ecological system (SSE) that makes it possible to see the relationships between social processes, the form and use of natural resources and the ecosystems that sustain them. For Latin Americanists, it is about planning and managing both systems on a territorial scale that allows risk governance to be put into practice. This commitment is based on the governance of networks that can articulate important relations between the State and Civil Society from the increase in legitimacy and trust.

Authors such as Carabine, Chesterman, and Wilkinson (2016) go further and establish how risk governance should include institutional arrangements and political processes at the local level that consider disaster financing, climate awareness and SSE care that cushion, provision and regulate the weather. These three elements function as a strong structure to promote the equitable and resilient development of communities by identifying five characteristics of significant risk governance systems to develop resilience: diversity; polycentricity in institutional agreements and connectivity; decentralization and flexibility; community participation and commitment; and finally learning and innovation.

Then, talking about risk governance implies developing and increasing resilience and recognizing the complexity of the dynamics of social interactions at different scales; people adaptation decisions; individual and collective preferences, perceptions and norms; social processes at local and global level; geography and history and local knowledge and culture, among many others, all resulting from the extensive literature on socio-ecological resilience (Bedoya Prado and Ruiz, 2008).

Therefore, increasingly, those responsible for making decisions recognize that multilevel governance is required to manage the range of risks faced by communities in developing countries. These risks do not relate solely to climate change and disasters, but also attack its consequences: conflict, environmental degradation, land-use change, food insecurity, migration and human displacement (Hunter and Lorentz, 2017).

To summarize, we can point out that risk governance offers two important innovations: the inclusion of the social context and risk-related knowledge (Renn and Klinke, 2013). In relation to social inclusion, in addition to the generic elements of risk assessment, risk management and communication,

the importance of contextual aspects that include the structure and interaction of different actors, their perceptions and concerns regarding the probable consequences, their organization, roles and the capacity for an effective risk governance.

Regarding knowledge related to risk, a risk classification is proposed, distinguishing between simple, complex, uncertain and ambiguous risk problems. The characterization of a particular risk depends on the degree of difficulty in establishing the cause-effect relationship between a risk agent and its possible consequences, the reliability of this relationship and the degree of controversy regarding what risk really means for those affected. Authors such as Sector, Sellke and Renn (2009) suggest the implementation of a) pre-evaluation or test, b) risk assessment, c) tolerance criteria and d) acceptance and risk management.

- a) The pre-evaluation allows capturing the variety of stakeholders' opinions about a given risk. Existing indicators, routines and conventions that can be reduced prematurely or act as a filter to prevent risk. The truth is that risk may be different for different groups of actors. The first step of the pre-assessment implies the need for all stakeholders to share a common understanding of the risk issues addressed.
- b) Risk assessment is to provide knowledge for risk decision making and if so, to ask how risk can be reduced or contained. Therefore, the risk assessment includes a scientific evaluation of both the risk and the questions that stakeholders may have about its social and economic implications. Depending on the attainable state and the quality of knowledge, risk assessment faces three main challenges mentioned above: complexity, uncertainty and ambiguity.
- c) The most controversial phase of risk management is to judge the acceptability and/or tolerability of risk. A risk that is considered acceptable is usually limited in terms of negative consequences, so it is accepted without mitigation or reduction measures. Meanwhile, a risk that is considered tolerable links the performance of an activity, which is considered valuable for the added value or benefit it provides, with specific measures to reduce and limit the probable adverse consequences. This trial is based on two distinct, but closely related, efforts; collect and compile the necessary knowledge that must support the mitigation and risk reduction measures required.
- d) The risk management phase designs and implements actions and solutions necessary to address the risks in order to avoid, reduce, transfer or retain

them. Therefore, it is based on a sequence of four steps that facilitates systematic decision making, namely: the knowledge acquired in the risk assessment phase; acceptability and/or tolerability; the range of possible options and the evaluation of criteria such as effectiveness, efficiency, minimization of external side effects and the implementation of sustainable processes.

This route allows us to point out that today there is a series of highly interesting contributions regarding risk governance, knowledge, context and challenges. All of them provide a new research context where network and community governance management play an important role; SSPs and SSEs find intersections that allow resilience to be pointed out as a normative objective in risk management systems of highly uncertain events or processes. The connection between the inclusion of risk governance (based on the participation of multiple stakeholders), and the need to improve resilience (understood as the ability of a socio-technical system to deal with events that are uncertain and ambiguous) allows to generate processes of adaptation, coping and deliberation against increasingly frequent risks.

No one has all the answers to such complex phenomena as Climate Change. However, this conceptualization allows the creation and devise of appropriate methodologies for each context to face variability and promote economic, social, political and environmental adaptation increasingly urgent in underdeveloped communities. Thus, three principles should be assumed: a) an approach focused on concrete and tangible problems; b) the co-participation of the common citizen affected by certain problems and the authorities involved, and c) the deliberative development for the search for common solutions. These three principles modify the political practice by returning authority to the locality, by creating formal links of citizen responsibility and by distributing resources and information to articulate the various actors among themselves and with the authorities.

From this perspective, today new civic environmentalism is generated based on the protection of the environment, with bottom-up actions, from side to side and approaches where the territory occupies a key role. Risk governance models imply less hierarchy and more collaborative forms of government to solve environmental dilemmas (Hegger, *et. al.*, 2016).

III. CASE STUDIES

Based on the research project called “Análisis de la Vulnerabilidad y Resiliencia al Cambio Climático en Zonas Periurbanas” funded by SEMARNAT/CONACYT (2016-2018), we had the opportunity to test the validity of risk governance in six communities throughout the national territory. Fundamentally, we worked in an interdisciplinary way and it was decided to work three hydro-meteorological phenomena: cyclones, floods and droughts and develop various participatory methodologies in peri-urban areas, where the community had a key role in the generation of information, but above all emphasize the solutions that the population itself developed in the face of disaster risk, caused by the CC.

At first we decided to use the CONANP-GIZ method (2014), to understand the perceptions about climate change of the inhabitants of Progreso (Yucatán), San Pedro, El Saucito (Hermosillo), Las Pargas (Aguascalientes), Las Golondrinas (Delegation Álvaro Obregón, CDMX) and Esterito and Chametla (La Paz) and establish how they had used risk governance against the recognition of vulnerability to climate change.

One of the most important elements found in the six communities visited is the role played by the family in the event of a disaster. It was reported how family or neighbors support and house people or families in conditions of disaster and loss of housing. On several occasions, the aid consists of material goods, food, and clothing. In the different workshops on social perceptions of disaster risk, the existence of some religious missions that supported construction materials and food to refugees was mentioned. In all cases, it is recognized that government assistance is scarce, reduced, inefficient and inadequate in disaster situations. Risk management by governments is slow and the need to strengthen civil protection programs and creation of risk maps is recognized by the community.

The community perceives apathy among them to organize and establish strong and permanent networks in the face of their various problems. There are several figures that act as intermediaries between the community and the government, in our cases, block chiefs, commissariats and *ejidatarios* were registered. They all meet with public officials to address local problems. It is interesting that workshop attendees recognize that this information between authorities and delegates does not reach all the neighbors and often stays within the helms.

It can be said that the culture of prevention is a process under construction in which the authorities have an important role. Prevention has been triggered by experiences such as the arrival of cyclones, floods, and droughts. It is

from these events that communities “learn” to live with the phenomenon. The information and forecast of the weather and early warnings or alerts are prevention tools that must be maintained and perfected, as they give the community an opportunity to face, in the best way, disaster risk.

There is little social organization, although in the case of hurricanes, early warning has had important successes, especially in populations such as Progreso in Yucatán and Esterito and Chametla in La Paz. In the rest of the cases, it is women’s organizations related to government programs such as “Prospera” of the Ministry of Social Development and some neighborhood organizations that lead the way in the social organization. In the workshops on the perception of climate change, the need to strengthen networks and community organization was evident. Alliances, not only to deal with disasters but also as a tool to exchange knowledge and experiences and consolidate common interests to improve their living conditions. In all cases, the communities aspire to the community organization as the means to manage the options or actions they consider necessary to address their condition of vulnerability. This element is reinforced by the constitution of social networks with exchanges of information and work with government institutions close to the management of impacts that are associated with the CC. It is about developing adaptation strategies in line with the conservation of natural resources and their environmental services.

Adaptation of these peri-urban areas is based on their own ecosystems, to the extent that they potentiate access to natural resources for their conservation, maintenance and recovery, although many of them have undergone radical changes, forcing the population to adapt to new economic activities. Fundamentally, the primary sector (agriculture, livestock, and fisheries) is the one that presents the greatest impacts by CC, forcing residents to modify their jobs, but also to stop producing and consuming typical products of their region (badgers, rabbits, Cactus, maguey, etc.). There are expectations that range from reforestation as an option to retain soils and avoid flooding, dig deeper wells to recover water due to high temperatures, implement renewable energy actions and/or undertake sustainable tourism businesses, as well as the built of artificial reefs. There is a conviction in the various visited communities that CC is a reality, the need to adapt to it, the conviction that the monitoring of the SSE is vital to allow to continue taking advantage of resources for the community, as well as the modification of productive activities that strengthen the economic capacity of families. These communities manifested themselves for the sustainable use of water and its use, as well as soil management. In addition, they were interested in creating demonstrative spaces to exchange experiences on clean technologies and food production in urban or home

gardens. However, there is no permanent and constant social organization against disaster risk, most are reactive actions against disaster risk, there are no cohesion relations with various social organizations or expert knowledge (local and federal universities) that is the SSP structure. It is weak, if we measure it in these aspects and if we consider the community's dependence on state agencies in disaster-risk situations (Table 1).

TABLE 1. GOVERNANCE

Peri-urban Zone	Actions and relations	Governance Topics
Progreso, Mérida	<p>Neighborhood Solidarity. Support to neighbors in unfavorable situations.</p> <p>The state government is perceived as a close and collaborative entity.</p> <p>Relationship of some community leaders with the government to obtain construction materials and domestic sanitary service and evacuation in case of floods.</p>	<p>Coordination and process management.</p> <p>New channels for dialogue between the government and civil society to solve problems.</p> <p>Decentralized and flexible political management.</p>
Las Golondrinas, CDMX	<p>Help from neighbors and relatives when the home is at risk.</p> <p>High risk of housing collapse leads to relocation with support from the Delegation.</p> <p>Block Chief, first filter to contact the delegation government.</p>	<p>Coordination and process management.</p> <p>New channels for dialogue between the government and civil society to solve problems.</p> <p>Decentralized and flexible political management.</p>
Esterito y Chametla, La Paz	<p>In light of floods there are missions by religious communities, such as the Mormon, who provide support and distribute materials.</p> <p>The neighbors who live in the canal area are supported with material and clothing.</p> <p>Government support is reduced and inadequate. It provides insufficient or inefficient materials.</p> <p>Recognition to CFE for its work in the face of hurricane "Odille".</p> <p>There are representatives of apples that make agreements with public officials.</p>	<p>Coordination and process management.</p> <p>New channels for dialogue between the government and civil society to solve problems.</p> <p>Decentralized and flexible political management.</p>

Continued Table 1.

<p>Los Pargos, Aguascalientes</p>	<p>In the town hall, there is an operational structure with delegations that work at the community level.</p> <p>Organized groups of women to follow up on government programs such as PROSPERA.</p>	<p>New channels for dialogue between the government and civil society to solve problems.</p> <p>Decentralized and flexible political management.</p>
<p>San Pedro, El Saucito, Hermosillo</p>	<p>Important social organization from the ejido.</p> <p>Government support is granted to those who have resources and not to those who need it.</p> <p>Government programs do not fit your needs. Bribes to get help.</p> <p>SEDESOL and SAGARPA, provide social support and informative talks.</p> <p>CONAFOR's work in the management of forest fires is recognized, it is a close instance to the community.</p> <p>Union of breeders and former farmers.</p>	<p>Coordination and process management.</p> <p>New channels for dialogue between the government and civil society to solve problems.</p> <p>Decentralized and flexible political management.</p>

Source: Own elaboration with the data collected in the participatory workshops.

As a second moment of the investigation, we developed an analysis to cross-link social perceptions with hard data obtained from various scientific sources. The central point was to understand how close or distant the perceptions of the communities are against data obtained by “scientific sources, in order to interweave possible action strategies based on these two matrices to build actions between the current state and the objective and finally determine the plans and actions required to achieve the desired status.

For example, we found that the “Declaratorias de Emergencias y Desastres” issued by CENAPRED (organ directly linked to the Ministry of the Interior, 2006) and economic, social and environmental variables of the study areas, showed no statistical evidence of a linear relationship between the number of deaths by natural factors or the total number of Declarations and the variables mentioned. The second result indicated that some Declarations are not related to the vulnerability characteristics of the communities, nor to the areas of high recurrence to extreme weather events. What leads us to think that there is no disaster risk prevention action, there is a reaction when it occurs and

there are states that know the political way to have extra funds, while others do not receive it, even when they experience situations of high vulnerability. The Declarations have become a political instrument of governors who have “learned” the *modus operandi* to demand extraordinary funds.

Also, we inquire about the main social organizations of environment type that exist at the municipal level, with the intention of knowing the degree of organization and communication between the community and various Civil Society Organizations (CSOs) that would allow us to find cooperation ties, because one of the strengths to prevent disasters from disaster-risk is the organization and empowerment of society. The construction of a discourse that allows participation and deliberation on environmental topics.

INDESOL-SEDESOL (Commission for the Promotion of the Activities of Civil Society Organizations, 2017) was consulted as a source of information, in order to know how many and which CSOs work in each municipality, with the intention of enriching networks between community and them. It highlights the case of Mérida (151) and Álvaro Obregón Delegation (177) as those with the largest number of organizations interested in three basic activities, namely: a) civic organizations, focused on promoting citizen participation in matters of public interest; b) cooperation for community development in the urban or rural environment; and c) support for the use of natural resources, the protection of the environment, flora and fauna, the preservation and restoration of the ecological balance, as well as the promotion of sustainable development at regional and community level, in urban and rural areas.

The rest of the case studies show a number between eighty and eighty-five organizations. It is key to note that a robust social organization allows us to face disaster risk with greater possibilities to prevent, contain and rebuild everyday life. In this sense, the communities expressed a preference for family and neighborhood solidarity in the face of disaster and adherence to traditional ways of making decisions, which are related to the “attachment” to their territory and to “tolerate” any type of situation before leaving your location and belongings. The perception of the community is that they organize when the catastrophe arises and traditional organizations are used to deal with the disaster (municipality, churches, neighbors, family). The truth is that from the data collected in INDESOL, an important number of CSOs can be shown that can generate bridges of joint action with the studied communities and strengthen the so-called risk governance, which can pave the way to generate a robust, constant and permanent organization that reduces social vulnerability to risk.

The third and last part of the study consisted of the delivery of results on the perceptions workshop and the report of “hard” data obtained from the

different studied communities. This led to important dialogues between the municipal authorities, the heads of blocks, community leaders and academic staff that allowed to begin a process of community empowerment that was complemented by two workshops in two areas that present opposite hydro-meteorological phenomena: for a side droughts (San Pedro-El Saucito) and floods by cyclone (Progreso). In the first case, the Q Method (QM) was used to obtain adaptive community preferences against CC; in the second, a participatory mapping workshop was developed so the community could identify the risk areas and prepare proposals in front of CC.

The results were extremely interesting. In summary, we can establish that in the case of San Pedro El Saucito, dialogue ties were established with the State Attorney for the environment in Sonora (PROAES), with the National Forestry Commission (CONAFOR), with the Electricity Trust (FIDE) and with the State Water Commission. The challenge was to recover the waste water from a treatment plant that is located inside the community for its own use; second, the donation of five hundred trees to start a reforestation campaign; as well as the possibility of building solar cells and promoting ecotourism.

In Progreso, the community recognized the risk areas and began talks with the Municipal Civil Protection office to put into practice the construction of an artificial reef, the construction of a fence to protect the Cienega of the garbage, place a fence so that crocodiles do not enter the area of the houses when floods occur, lift sidewalks around the houses, crawl streets, unhook wells and boost the ecotourism area “El Cochito” that has recovered the Cienega, as well as its flora and fauna. And propose the construction of shelters in the area, because as these do not exist, the population is transferred to Mérida.

RESULTS AND CONCLUSIONS

This study has allowed us to verify the importance of the implementation of risk governance as a tool for disaster risk prevention. The governance issues that we believe were reflected in the actions and relationships reported by the communities can be classified into three central issues: coordination and process management; the new channels of interlocution between government and civil society to solve problems and, decentralized and flexible political management. However, there were other issues related to risk governance that were not expressed in the workshops, including: participation and deliberation of actors to reach agreements in the formulation of consensus-based cooperation to avoid conflicts; the process of building policies based on decision-making and the autonomy and self-organization of projects from society.

There are thus areas of opportunity to promote actions and strengthen relationships between the various *stakeholders*, whether in the governance issues that were addressed, but mainly those that were not expressed. For example, forums for participation and deliberation can be implemented to allow the discussion of the different social actors to reach agreements and reduce conflicts between them and with other agents, as well as look for organizational mechanisms allowing the design of policies that increase governance in risk management and resilience of their communities.

Specifically, the study communities show a high degree of social, economic, political and cultural vulnerability that, in the face of CC, sharpens their precarious situation. Joint decision making between various *stakeholders* provides the opportunity to address the complexity, ambiguity and uncertainty caused by disaster risk in advance. In our country we have done little in this area, usually both local and federal governments act when the weather phenomenon occurs and, for their part, communities applying their local knowledge and skills have implemented solutions that do not solve the problem, but that in the face of the disaster represents small barriers (high sidewalks to prevent flooding at home, water retaining walls, use of “coolers” against high temperatures, etc.).

Today, the importance of the consultation by local governments of perceptions against CC of the communities and the importance of working side by side with them to recognize adaptive and resilient changes is recognized internationally. The permanent dialogue, the interaction between actors such as CSOs, local governments, universities, and communities becomes a key point to combat disaster risk and set goals, activities and solutions against CC. One of the key issues found in this study regarding risk governance is the recognition of social perceptions, knowledge and local culture to identify climate variability, adaptation possibilities, and resilience building. It is necessary to recognize the complexity of disaster risk in vulnerable communities, their empowerment based on the information they can obtain and generate, as this places them in a very important negotiation situation with the authorities.

Recompose and establish more functional and feasible relations between multiple actors allows strengthening SSPs, achieving institutional arrangements, successful political processes at the local level and financing that reach the real problems. From our perspective and retaking the authors about risk governance, knowledge of the SSE and the strengthening of the SSP, decentralization in decision-making, joint construction between various *stakeholders* of risk maps, knowledge of “scientific” of climate variability by the community, disaster risk prevention, recognition of local culture and values, the need for flexible plans, as well as recognizing that prevention

and the precautionary principle are vital axes in the face of complexity and risk uncertainty. Therefore, participation and commitment to integrate, as an environmental management tool, risk governance in the national territory, becomes a priority in the face of clear evidence of CC.

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MAKING LOCAL GOVERNMENT WORK: THE POLITICAL ECONOMY OF MUNICIPAL GOVERNMENTS IN MEXICO. THE CASE STUDY OF NAYARIT

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ABSTRACT: This papers aims to contribute to the understanding of the (causal) relation between decentralization, democratization and the institutional capacity and performance of local governments. Most of current literature points out the positive effects of democratic decentralization reforms in local institutions. However, there is an alternative body of literature around clientelism and mobilization as non-democratic practices that hinder local governance. Based on a unique case of a political electoral reform in the state of Nayarit in México, this paper discusses the political economy of local governments to disentangle the complex linkages between the change in the “rules” through political decentralization and the effects in the “results” by municipal government accountability and performance.

KEYWORDS: Decentralization, democratization, local government, clientelism, accountability, institutional capacity and performance

1. INTRODUCTION

The connection between decentralization and local government performance has awakened the interest of scholars and practitioners alike, motivating the generation of an ample and somewhat contradictory literature regarding the relationship between the redesign of political institutions and the ability of lower tiers of governments to deliver quality public services. The experience

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in Latin America, where decentralization and democratization have gone hand in hand over the past three decades, has been particularly useful for scholars to explore potential connections between the two concepts. Both decentralization and democratization reforms have exerted a substantial impact on national and local governments' institutional capabilities and performances, reducing the role of central governments and increasing the significance of subnational governments.

Democratization has been recognized for opening up local governments to elections in several Latin American countries, getting governments “closer to the people”¹ (Porto *et. al.*, 2018; Colomer, 2001). Decentralization has, to various degrees, devolved responsibilities and resources sub-nationally, turning local governments into more “authentic authorities” (O'Donnell, 2009). It is, however, extremely difficult to disentangle the causes of decentralization and democratization from the results attained locally. The grasp of the link between these trend reforms and governance is still weak, despite a growing body of literature on the subject (Norris, 2012).

In any case, the overlap of democratization and decentralization is particularly evident at a local level, where elected authorities have claimed more power and resources, frequently motivating an increase in citizen participation. Interestingly, despite an increasing recognition that local governance inputs are fundamental for understanding national outcomes, not many studies on the capacities and performances of local government have used subnational governments as units of analysis (Kaufmann *et. al.*, 2015). Institutional explanations for development outcomes are abundant in the literature, but they primarily consider institutional determinants at the national level². Available subnational institutional analyses rarely concentrate on variations at the local level or their impact on national outcomes. By focusing on the local level of governance, this paper aimed at contributing to the incipient literature that links decentralization, democratization, and local governance theories, addressing the deficit in the literature on institutionalism and political economy at a subnational level (Rodríguez and Navarro 2016; Grindle 2007; Snyder, 2001).

Important changes have been taking place in Latin America, in decentralized decision-making settings under newly democratic governments (Serrano, 2015; Fox, 2007). But just as subnational governments have been fertile ground for institutional innovation, there has been an increasing disparity among the performance of local governments (Armesto, 2016). As a result, local governments in Latin America have received increasing attention from

1 As democratically elected local authorities have claimed for more representation responsibilities.

2 These institutional explanations include constitutional settings, political regimes, economic regulations, and even civic traditions or social capital (Putnam, 1993; Diamond and Plattner, 2009).

scholars in the last two decades, including Mexico where there is a long-standing tradition of researching municipal governments (Cabrero, 2005).

Mexico is constitutionally a federalist state³, although historically the country's political system has been centralist in practice, with a clear top-down approach. The 1983 Constitutional Reform and, to a lesser extent, the 1999 Amendment increased the responsibilities of local governments in the areas of revenue expenditure, tax collection, and regulatory competencies. To a certain extent, these were genuine decentralization reforms that enabled Mayors to perform both administrative and political functions⁴. However, the results of the reforms were extremely heterogeneous (Merino, 2011; UNDP, 2009). Two decades after taking on new constitutional responsibilities, the institutional performance and capacities of local governments are increasingly divergent: some municipalities have developed new skills and are able to comply with their responsibilities in full, while others barely subsist (Kaufmann *et. al.*, 2015).

In the literature on democratization and decentralization, there is still ample room to explore theoretical explanations for subnational differentiation by reflecting upon local institutional features (Grindle, 2007). For instance, there are few studies that analyze how subnational institutions are designed and how are authorities elected and the effect of this integration on institutional capacity and performance (Rodríguez and Navarro 2016).

Mexico is a federal country composed by states that are autonomous, so they are constitutionally able to define their own internal institutional arrangements. Within this decentralized framework, the state of Nayarit⁵ became the only state in Mexico where the majority of local council members (*regidores*) are elected directly and individually rather than on the basis of party lists. ⁶Nayarit created new figures called *regidores por demarcación* who coexist with traditional *regidores* but, instead of being appointed by political parties through party lists, they are elected directly and individually by voters.

Theoretically, *regidores por demarcación* would be expected to act in the interest of their constituencies, given that direct elections provide a stronger

3 The government's functions and responsibilities flow from the bottom up, so that regional governments (states) fulfill those functions that the local governments (municipalities) are not capable of complying with, just as the federal government takes on functions that states cannot complete.

4 Municipal governments (*ayuntamientos*) in Mexico are ruled by a local council (*cabildo*) integrated by a Mayor (*alcalde or presidente municipal*) who is head of government, a lawyer (*sindico*), a secretary general, and several council members (*regidores*) who form the equivalent to a local legislative body at the municipal level.

5 The state of Nayarit is located on the Pacific coast and is one of the least-studied states in Mexico, despite having passed a reform that has caught the attention of scholars and practitioners of local government alike due to its unique nature and uncertain implications.

6 In all other Mexican states (except Nayarit) municipal council members are elected through party lists called *planillas* and not individually. While in Nayarit candidates for the position of *regidores por demarcación* run individually, in the other states municipal candidates are listed on the ballot together with other candidates of the same party.

accountability link than indirect elections through party lists. Presumably, this accountability to the electorate would gear *regidores por demarcación* towards the provision of public goods of broad significance to their constituents, rather than focusing on divisible benefits to their party's clientele, as would more likely be the case with the former electoral mechanism of closed blocked lists.⁷ More than a decade after the Nayarit reform took place, the results may not be as straightforward as theory would suggest. Instead of the expected results, embedded informal linkages likely influenced politicians' actions and clouded the outcomes observed. In other words, the reform modified formal institutions, but it probably did not sufficiently change the incentives as to modify practices. To begin to disentangle the elements that motivate potential disconnections between political decentralization reforms and the desired outcomes, this paper adopts a political economy perspective that assumes actors are strategic, acting in their own interest, and rationale (Snyder, 2001).

The case of Nayarit's constitutional and electoral reform provides a unique opportunity to examine the theoretical assumptions underlying decentralized democratic governance analyses at the local level. Indeed, it provides the opportunity to bring together different bodies of literature, namely political science studies on democracy and electoral systems, as well as public policy analyses on decentralization and institutional capacity and performance. The Nayarit case is also worth analyzing because few countries in Latin America have decentralized politically within local governments themselves (Serrano, 2015; Fox, 2007).

The case of Nayarit is also interesting not only from a theoretical standpoint, but an empirical one as well, both for its academic and practical implications. It is one of those rare cases in social sciences where assignment to treatment was effectively randomized in a natural institutional setting (King, Keohen and Verba, 2001). In other words, given that Nayarit's 2007 reform was political rather than efficiency oriented, the sub-municipal political decentralization was not related in any way to actual municipal capacities or to the *ayuntamiento's* performance. What this implies is that *regidores por demarcación* are an exogenous variable, which is not the case of other municipal institutional arrangements in other states.

Drawing on the experience of the 2007 reform in Nayarit, this paper analyzes the theoretical relationship between political decentralization and institutional capacity together with performance at the municipal level. The next section examines the literature on decentralization and democratization

7 Closed blocked lists refer to the system in which candidacies are defined by political parties, so voters cannot alter the order in which candidates are elected. In open lists, voters can change the order of candidates on the list, thus changing their chance of being elected once their party's percentage of the vote obtained is counted. Closed blocked lists are rigid and predetermined, so that voters cannot change the order of candidates.

—which are complementary and interdependent phenomena— as a framework for understanding changes in local governance from above and below. It considers the conceptual relationship between such electoral reforms and institutional capacity and performance. The following section then describes and analyzes the electoral reform in Nayarit from an institutional perspective, using the state of Nayarit as a case to exemplify and discuss theory, although it is not fully developed as a case study. Finally, the last section reviews, according to different theoretical perspectives, how formal and informal incentives framing political decentralization reforms may affect or not local governments' capacity and performance.

2. CHANGING FROM BELOW AND FROM ABOVE: DEMOCRATIZATION AND DECENTRALIZATION

Decentralization is among the major political and institutional changes that have shaped Latin American countries since their independence. Across the region, authoritarian and democratic governments, and sympathizers of both the left and the right, have embraced decentralization as a worthy reform to pursue, albeit for varying reasons. Most countries in Latin America, each at their own pace and in their own manner, have been shifting from centralized regimes to more decentralized institutional arrangements for decision-making. At the same time, Latin America has steadily moved away from authoritarianism toward different variations of democracy (Alcántara, 2014; O'Donnell, 2009; Domínguez and Shifter, 2008). This parallel trend of decentralization and democratization has significantly changed the political landscape of most countries in the region, particularly at the local level. Nevertheless, the subnational effects of these dual trends remain understudied, as most of the attention has focused on national governments (Aponte, 2017).

Decentralization as a concept has undergone a series of intellectual transformations over the past half a century, which have modified the concept's emphasis and broadened its definition. Decentralization was initially embraced in developing countries primarily as a dilution or transfer of administrative and/or fiscal power from a centrally oriented government structure towards a lower locus within the state (deconcentration). Now, there has been an increasing focus on devolution, a form of decentralization that is closely linked to democratic governance (O'Donnell, 2009).

This more popular form of decentralization known as devolution includes a critical political dimension. More generally, decentralization is now a wider concept that also involves horizontal power-sharing (within tiers of

government) and the active inclusion of civil society and private sector actors to tackle public policy challenges (Vegas, 2017; Díaz, 2016; Cheema and Rondinelli, 2007). The use of a broader definition has brought complexity to the study of decentralization processes, but it has also provided practitioners and scholars with a richer and more realistic picture of the phenomenon and its actual implications (Smoke, 2011).

Democratization, in turn, is understood as a change in the rules of governance, from a regime in which a few elites make decisions to a regime in which the majority make decisions collectively (Przeworski, 2010; Calderón, 2017). From this perspective, political decentralization represents the democratization of public decision-making processes. Thus, it could be said that decentralization promotes the development of power-sharing institutions, which are in turn more prone to democratic practices (Monsiváis, 2018; Norris, 2008).

Decentralization theory is based on the premise that local authorities are able to achieve better governance results than the central government. Sub-national governments are considered to be “closer to the people” because it is allegedly easier for them to listen to what citizens need and translate this into targeted policies. Subnational governments can improve their performance along the way due to constant feedback from citizens. Political decentralization⁸ in particular creates a direct accountability link between authorities and constituencies through elections, aligning the elected officials’ incentives to the electorate’s interests. As a result, government responsiveness to the needs of society increases (Calderón, 2017). By downscaling government to smaller functional units, decentralization enables a governance reinforcing system in which citizens can participate more and governments respond better (Bevir, 2010).

There is a consensus among scholars and practitioners that democracy and governance⁹ are to a certain extent not only desirable regime characteristics but also two concepts that should go together (Campos and Velázquez, 2017; Aguilar, 2007). Decentralization has been conceived and promoted as a policy tool to achieve both objectives, local democracy and governance¹⁰. Nevertheless, democratization theory and governance studies have rarely, until recently, been related (Monsiváis, 2018; Aguilar, 2007). Traditionally, governance has been approached as a public policy matter –how the political

8 Political decentralization mainly refers to direct elections for local political offices –implying an expansion of formal electoral competition at the sub-national level– as opposed to those offices being held by appointed executives, bureaucrats, or other civil servants (O’Donnell, 2008; Montero and Samuels, 2004).

9 In a broad sense, governance is understood as a desired output of the political process (Aguilar, 2007).

10 Decentralization is expected both to promote democracy by multiplying opportunities for citizen participation and to enable better governance by encouraging government efficiency.

system translates inputs into outputs¹¹— while democracy has been studied as a political issue—how power is disputed and distributed.

Decentralization theory initially assumed, at least implicitly, that when reforms took place, local governments would work under similar conditions and achieve comparable results in terms of public goods and services provision. This assumption proved to be crucially relevant as it was seldom accurate. The fact that some subnational governments performed unexpectedly better than others under political decentralization presented a puzzle for scholars and practitioners when trying to assess the impact of the reforms. Scholars then began to understand that decentralization reforms may entail significant threats to democracy and “good” governance if not handled adequately (Lane, 2018; Doombos, 2001; Fung and Wright, 2001). In fact, most of decentralized democratic governance theories have been built on two fundamental assumptions: that citizens are willing to participate in public affairs and monitor local governments; and that subnational governments possess the incentives and capacity to transform increased citizen participation into policy. Evidence has shown that these two conditions are not necessarily met (Smoke, 2011).

Although there is a general understanding that democracy and decentralized decision-making reinforce one other, scholars argue about the direction of this relationship. Some claim that democratization causes bottom-up pressures for decentralization by creating new political spaces through direct elections at the subnational level (Simison, 2015; Beer, 2004). Others maintain that, as democratization progresses, pressures for decentralization ought to follow on its heels as citizens claim for a more responsive and accountable government (González Ulloa, 2015; World Bank, 1997; Bird and Villancourt, 1998). Given the mixed empirical results in Latin America, as well as in developing countries in other regions, a correlation between the two concepts seems evident, although it is difficult to establish causation (Aponte, 2017; Montero and Samuels, 2004).

Some of the most influential arguments in favor of decentralization come from economics and are grounded on the seminal works of Tiebout (1956) and Oates (1971). Their core argument is that local governments should have authority over certain functions because the needs and preferences of citizens vary across jurisdictions.¹² From this perspective, national governments are

11 For more on good governance see (Grindle, 2004; Doombos, 2001); on decentralized governance see (Cheema and Rondinelli, 2007); and on democratic governance see (Bevir, 2010).

12 Oates’s main argument is that decentralization policies should assign fiscal responsibilities among the different levels of government according to the spatial characteristics of public goods; he argued that not all public goods have the same characteristics or the same effects. For example, some public goods provide benefits for the entire country, while others provide benefits for only limited places. Tiebout is best known for his solution to the classical problem

less efficient in responding to local needs because they lack the knowledge or the ability to cope with the spatial diversity of social characteristics and preferences. Empirical evidence, however, has shown that theory alone may be misleading, as levels of government that are “closer” to constituents are not necessarily more capable at or interested in determining what public goods to provide, and they may lack adequate instruments to process social demands and determine policy choices (Smoke, 2011; Cabrero, 2005).¹³

Decentralization alters the *status quo* in varying ways and at different paces disrupting the embedded formal and informal institutional and political networks that previously sustained centralism (Ayala, 2014; Eaton, Kaiser and Smoke, 2010). As these relationships are modified, decentralization may produce further unexpected changes, because most often it is only the beginning of longer and deeper processes of institutional and political change at both the national and subnational levels. From an institutional standpoint, decentralization is understood as the vertical and horizontal shifting of power and resources. To understand democratic governance outputs, the new and evolving patterns of interaction among politicians and bureaucrats at the local and national levels must be analyzed (Aponte, 2017; Montero and Samuels, 2004).

During the 1990s, an increasing number of scholars began to express doubts about the alleged virtues of decentralization in relation to democracy and governance. Critics did not reject decentralization wholesale, but they pointed out the potential dangers of decentralization policy (Tanzi, 2001; Prud’homme, 1995; Cheeman and Rondinelli, 2007; Litvack *et. al.*, 1999; Aponte, 2017)¹⁴. Experience has shown that the political relationships that emerge or are reinforced by decentralization processes can be negative, such as the elites capturing the local political arena and the disempowerment of actors resulting from stronger patronage relations. In fact, changes deriving from decentralization initiatives may be so deep, the processes so varied, and the incentives behind the reforms so diverse, that (good) results are difficult to

of public goods provision, which holds that local governments are better suited to identify the preferences of their constituents by incorporating them into both tax and spending decisions. Tiebout posits a market-like solution to the problem, such that citizens would reveal their preferences by “voting with their feet,” moving to the jurisdiction that best meets their needs and preferences assuming zero transaction costs.

13 Although their work has been advanced as classic argumentation in favor of increasing local governments’ expenditure responsibilities, it should be noted that Tiebout’s model rests on theoretical conjectures rather than empirical observation, and Oates’ argument is based on the assumption of local governments being more capable to determine policies than a central state, including having the political connectivity to voters needed for this purpose.

14 These critics point out that decentralization can produce adverse effects, particularly on economic development. There is little conclusive evidence linking decentralization and economic growth, but there is some evidence that fiscal decentralization can produce fiscal imbalances that threaten macroeconomic stability. Impacts on political development –citizen participation in public affairs being the most frequently explored variable– show even more ambiguous results (Teorell, 2010). Some studies have argued that citizen involvement remains limited due to other local institutional constraints (Cheema and Rondinelli, 2007).

attain quickly (Smoke, 2011). Indeed, a reaction too far in the other direction—recentralization—is among the possible results produced by decentralization (Alcántara, 2014; Prud’homme, 1995). Collectively, these challenges present great obstacles to achieve the benefits of decentralization and must be anticipated and planned for (Schneider, 2019).

Skeptic decentralization scholarship has mushroomed in recent years, drawing on both successful and failed interventions to question key assumptions of decentralization theory and its application (Alcántara, 2014; Lane, 2018; Norris, 2012). Seeking to explain what motivates the divergent outcomes of decentralization, new studies have incorporated explanatory variables that were usually overlooked in the traditional debate (Grindle, 2007). These include agency costs; stakeholders’ contradictory interests; hidden political agendas; policy reform coherence; implementation obstacles; intergovernmental coordination, among many others.

Policymakers and scholars of decentralized governance have in essence become less *naïve*. As a result of this theoretical struggle, many experts have recognized the importance of context. Aware that decentralization reforms involve a context-specific and dynamic process, rather than a one-size-fits-all solution, the check list of conditions that are necessary to address when promoting such reforms has been steadily enlarged to include a comprehensive and more nuanced context assessment, the promotion of effective coordination between agencies, and the ability to overcome implementation complexities, among other critical conditions (Smoke, 2011).

The so-called “electoralist” framework has emerged as one of the most powerful lenses in the political science literature to account for decentralization processes and outcomes (Aponte, 2017; Montero and Samuels, 2004). This institutional electoral approach assumes that existing political hierarchies influence the choices of politicians (path dependency) and that politicians are rational (as is commonly assumed in the political economy literature). This approach expects that political actors at the local level will promote reforms that increase their access to power and resources because they are strategic and forward-looking, and that they may attempt to redesign existing institutions to serve their political goals.

However, because institutional patterns are difficult to change, the electoralist framework recognizes the existence of path-dependencies, which create inertia in political and institutional development. These path dependencies may counteract decentralization’s expected outcomes, distorting the purpose of institutional reforms and the manner in which local institutions are meant to work. The extent to which formal and informal practices are deemed to

affect local capacity and performance depends on the analyst's chosen institutional perspective (Smoke, Gómez, and Peterson, 2006).

Azfar, Kahkonen and Meaguer (2001) disentangle the causal linkages between the formal and informal institutional arrangements that prevail in a political system, concluding that the inherent characteristics of local institutions shape the scope of policy reforms. In Mexico, for instance, clientelism and patronage are two embedded practices that are deemed detrimental to decentralized democratic governance, undermining the potential impact that political decentralization may have on institutional capacity and performance (Casas and Ávila, 2013; Díaz-Cayeros and Magaloni, 2004).

The concept of institutional capacity needs to be distinguished from that of performance. Capacity refers to the conditions and attributes that enable governments to perform adequately in order to achieve their goals with the means available (Tobelen, 1992; World Bank, 1997; UNDP, 2009). Performance, on the other hand, relates to the outcomes produced by governments, according to their objectives and given the resources available (Cáñez, 2017; Fukuyama, 2004).¹⁵ In other words, capacity has to do with inputs and processes, whereas performance has to do with results and outcomes (Gómez-Álvarez and De Alba, 2010).¹⁶

In the last two decades, institutional capacity and performance have been loosely linked to decentralization and democratic governance. They have been used as explanatory variables for political outcomes, and also as consequences of political processes (Lane, 2018; Grindle, 1997). The lax use of the term “capacity” has hindered its conceptual definition, as it is commonly used as a synonym for or an indicator of quality management, organizational performance, management efficiency, and training, among others. Some authors conceive of capacities as an input, others as a process, and still others as a result (Cáñez, 2017; Morgan, 2006). There are also those who consider it a factor of governmental quality (Fukuyama, 2004), as an attribute of governance (Lane, 2018; Grindle, 1997), as an organizational feature (Cáñez, 2017; Maradona, Lara and Serio, 2014; Tobelem, 1992), and as an enabling factor of the individual (Sen, 1999). There are also multiple dimensions of capacity and performance, including administrative, fiscal, political, and

15 In its broadest meaning, capacity is understood as the conditions that enable social and institutional actors to perform adequately to obtain optimal or desired results in accordance with their interests, incentives, and needs (Fukuyama, 2004; UNDP, 2009; World Bank, 1997). Hence, the capacity displayed by individuals, institutions, and societies in general relates to their ability to set and achieve objectives, execute functions, and solve problems in a permanent manner (UNDP, 2009). That is, capacities refer to agents' ability to exert their freedom in order to achieve a better life and, in this sense it is the fundamental means of achieving greater human development (Sen, 1999; UNDP, 1990).

16 At the local level, institutional capacity reforms include, for instance, the professionalization of municipal public administration, a reform that requires political will. Unless local politicians face adequate incentives, institutional capacity building is unlikely to happen.

service delivery.¹⁷ However defined and framed, institutional capacities are invariably expected to affect overall government performance.¹⁸ In a nut shell, capacity is more about governments' potential whereas performance relates to its actual implementation of tasks.

Because capacity and performance are not necessarily endogenous to local governments, it is extremely difficult to assess any causal relationships that hinder or enhance them.¹⁹ Local governments can affect them under certain circumstances, but not always (Lane, 2018; Grindle, 2007). Like the prevailing approach in decentralization and democratization scholarship, most studies on capacity and performance consider these institutional factors at the aggregate national level, overlooking local heterogeneity within countries.

Among the obstacles to institutional capacity and performance, the aforementioned challenges of clientelism and patronage are particularly relevant from an electoral perspective. These phenomena refer to trading votes and other types of partisan support in exchange for public decisions with divisible benefits (Freidenbeng, 2017; Piattoni, 2001). These can involve a great range of particular benefits distributed directly to specific clients or political supporters, but not to the general public.

Authoritarian or nondemocratic practices such as clientelism and patronage occur in almost any democracy. What varies from one country to another is the intensity and extent of the exchange of political support for public resources, and the effects that this generates (Auyero and Bonzcry, 2016; Medina and Stokes, 2002). Clientelism is a political phenomenon that occurs most frequently in contexts of massive social mobilization, a condition required for winning elections. This is particularly true in unequal societies where large segments of the population live in poverty. In general, the poor tend to be more susceptible to clientelistic practices than other social groups due to their extensive unsatisfied social needs and/or lack of social rights. Therefore, it appears rational for a poor person to exchange his/her political support for a concrete benefit (Serrano, 2015; Fox, 2007).

17 The diverse functions of Mexican municipalities can be grouped into four dimensions that characterize their institutional design: administrative, fiscal, governance, and public services (Flamand and Pellegrini, 2010; Merino, 2006a; UNDP, 2009). Although there are other possible classifications, this is the most widely used and in fact most local institutional capacity analyses use these four dimensions. The administrative dimension refers to the degree of professionalization and institutionalization of local governments; the fiscal dimension relates to the ability to gain financial resources of municipal governments; the governance dimension captures the relationship between government and citizens; and the public services dimension reflects service coverage across the municipality.

18 According to the World Bank (1997) "a more capable state can be a more effective state but effectiveness and capability are not the same thing. Capability, as applied to states, is the ability to undertake and promote collective actions efficiently; effectiveness is a result of using that capability to meet society's demand for public goods. A state may be capable but not very effective if its capability is not used in society's interest".

19 An example of exogenous local institutional capacity is national fiscal legislation, where taxation responsibilities are established ex ante by upper-tier governments and local governments merely adjust to the norms. Local performance, however, is inherently endogenous, as tax collection would depend both on legislative parameters and a myriad of local factors that define how to implement such policy.

Likewise, patronage takes place when public resources –public jobs, goods, and decisions– which constitute the object of the exchange between patrons and clients, are accessible for both politicians and bureaucrats to use at their discretion. Patrons inevitably seek budgets to distribute according to their personalized political criteria, leading to government inefficiency. Once in office, patrons are obliged to honor political commitments made to their supporters during political campaigns; they want not only to gain power, but also to incorporate as many clients as possible into the public administration. Needless to say, this propensity to expand bureaucracies tends to undermine the professionalization of public administrations and may produce fiscal deficits (Bozeman, 2015; Moreno, 2007).

Clientelism operates in a similar fashion, whereby politicians offer voters concrete benefits that are reversible (another politician can take them away in the next election) rather than regularized public goods (Casas and Ávila, 2013; Estévez, Magaloni and Díaz-Cayeros, 2002). By offering private goods –instead of programmatic benefits that will materialize after the election– clients become more dependent on patrons and clientelism consolidates itself as a widespread practice. Again, this occurs principally in contexts of low levels of institutional accountability over public resources (Serrano, 2015; Fox, 2007).

In contrast to the two fundamental assumptions of decentralized democratic governance theory –that decentralization brings representatives closer to the people and that they are more knowledgeable of their needs– clientelism is a negative form of participation while patronage has a negative impact on institutional capacity.

There are three main theoretical approaches to understanding patronage and clientelistic practices (Auyero and Bonzecry, 2016; Medina and Stokes, 2002; Piattoni, 2001). The first is the cultural interpretation, which essentially argues that these political phenomena are the result of traditional social arrangements. From this perspective, clientelistic practices are part of the political culture, which can only be changed gradually over time (historical/cultural perspective). The second is a developmental approach, which maintains that clientelism and patronage are associated with the degree of (political) underdevelopment. In this view, political modernization is the antidote for anti-democratic practices (modernization perspective). The third perspective is the institutional view, which holds that clientelism and patronage are lucrative political strategies that can be found in a variety of different contexts with one commonality: a structure of incentives and sanctions that allows these practices to occur (Freidenbeng, 2017; Piattoni, 2001).

Traditional decentralization theory generally accepts both the developmental and institutional explanations. These explanations, implicitly or explicitly, assume that damaging practices such as clientelism and patronage will be eroded by modernizing local governments and altering incentives through institutional reforms. Unfortunately, this is only true in part. Developing countries like Mexico that have undergone a decentralization process commonly face severe limitations arising from poorly trained local bureaucrats, weak managerial structures, lack of accountability rules, scarce citizen participation, and limited capacity to raise their own fiscal resources (Lane, 2018; Grindle, 2007). This remains the case for most Mexican municipalities, a fact explained to a large extent by the long history of centralized decision-making and authoritarianism, a legacy that has prevented municipalities from developing modern and democratic local governance institutions (CESOP, 2019; Merino, 2006).

3. CHANGING THE RULES TRANSFORMS THE RESULTS? PERFORMANCE IMPLICATIONS OF INSTITUTIONAL REFORM

To understand the impact of decentralization reforms on local governance, one must recognize the incentives influencing politicians and bureaucrats at all levels of government, particularly at the local level. These incentives arise from dynamics of strategic competition that allow politicians to maximize their chances of political survival. Most of these incentives are embedded in the design of electoral institutions and the internal structure of political parties (Delamaza and Flores, 2017).

Political institutions, as the “rules of the game” (North, 1990), determine the procedures for distributing and exercising power. Electoral institutions are particularly important, as they convert votes into legislative and municipal seats. Traditionally, the characteristics of electoral systems have been perceived as a consequence of established political regimes, party systems, and historical processes. Electoral systems are also seen as the basis for power integration and as an explanation for understanding the exercise of power in terms of how “the rules of the game actually rule governments” (Colomer, 2001). From an institutional standpoint, electoral systems are “the routines, procedures, conventions, roles, strategies, organizational forms, and technologies around which political activity is constructed” (March and Olsen, 1989). In short, electoral systems—who votes, how they vote, for whom they vote, and finally how those votes are counted for—shape not only the way government is integrated, but also its performance.

The assemblage of particular institutional features in electoral systems has a greater influence on the capacity and performance of local governments than is commonly recognized (Merino, 2006; Pérez, 2008; Casas and Ávila, 2013). Three institutional features are especially relevant for explaining government integration and performance: electoral models (how individuals can get elected), the forms of candidacies (who can get elected), and the possibility of reelection (how long they can be elected). Each of these features is directly linked to the electoral reform in the state of Nayarit.

Electoral models vary greatly across political regimes, yet they are all based on two basic principles: majority and proportionality (Colomer, 2001; Lijphart, 2012). Majoritarian models reflect the principle of “winner takes all”, because the candidate with the majority of votes gets the contested position. Meanwhile, proportional models distribute seats according to the percentages of votes obtained by all competing parties.²⁰ In practice, most electoral systems are mixed, combining the two principles in myriad ways (Monsiváis, 2018; Norris, 2008). One particular sub-classification of relevance for this study is the proportional compensatory model, which allocates seats in proportion to votes, but guarantees the majority of seats to the winning party (Colomer, 2001). This system was introduced in Mexico to make sure there would be no paralysis in municipalities’ decision-making (Casas and Ávila, 2013), as it basically gives the winning party both the municipal presidency (mayor) and the majority of the council seats (*regidores*), ensuring the necessary council votes to pass local legislation, approve budgets, and formulate policies.²¹

In 2007, the state Congress in Nayarit passed its decentralization reform to further decentralize political power. By reforming its Constitution and some secondary laws that included the electoral law, Nayarit changed the rules of the game for electing municipal authorities in order to make *regidores* more representative of the state’s people (Nayarit, 2007). The creation of the position of *regidores por demarcación* was a novel change approved by the state’s Congress. In Mexico, each municipality—regardless of its size—constitutes a single electoral unit or district. Nayarit established sub-municipal electoral divisions (*demarcaciones*), enabling citizens within each of these new *demarcaciones* to elect a municipal council member.

The implications of the reform are varied: First, the municipalities (as one electoral district) were broken into smaller sub-municipal units, so the electo-

20 There are two electoral principles in the allocation of municipal council seats in Mexico. In the majoritarian principle, the party that obtains the most votes gets 50 percent of the seats plus one. In the proportional principle, seats are assigned in proportion to the votes obtained by the parties (Colomer, 2001).

21 Approximately 70 percent of the council members are directly elected using a majoritarian single district or constituency rule (several electoral districts or constituencies exist within a single municipality), and the other 30 percent using a proportional representation rule in one municipality-wide district.

rate is assumed to be more homogeneous within each new unit. Second, the reform opened electoral competition within municipalities by allowing direct and individual election of council members. This was a departure from the previous practice, in which citizens did not choose individual candidates, but could only choose between party lists called *planillas*, which are described below. Third, the reform implied the possibility of divided municipal governments²² and, thus, the possibility of stalemate.

In theory, if smaller districts have more homogeneous electorates, this would translate into constituencies that are better targeted for service delivery, because elected authorities can hear and address the needs of smaller groups of citizens better than larger groups (assuming individual council members have sufficient ability to influence allocations). At the same time, smaller constituencies are said to provide effective barriers to entry for smaller and newer political parties, making it harder for them to compete (Haerpfer *et. al.*, 2009). Actually, direct and individual election of *regidores* also represents a major change in how elected authorities interact with their constituents and other local council members.

The type of candidacy has a direct impact on the relationship between candidates and voters, and consequently on the after-election rapport between elected officials and constituents. This is because the type of candidacy determines both the directness and the individuality of the accountability link established between them. Candidacies can be either personal or by lists. The former are those in which only one person is elected at a time, as is the case with *regidores por demarcación*. The latter refers to elections in which multiple persons are elected simultaneously, as is the case with traditional *regidores*, who are elected by party lists called *planillas* (Colomer, 2001).²³ Just as candidates may be independent or affiliated with a political party, lists can be open, blocked, or closed. With open lists, citizens can include or exclude names of candidates, whereas with blocked lists voters can modify the order of candidates chosen by the party. With closed lists, voters simply decide whether or not to vote for a given party list but cannot make any changes to the list (Monsiváis, 2018).

22 Divided municipal government refers to a local council composition in which the mayor has no majority of the municipal council seats. This composition is an exceptional case due to the fact that, by law, the mayor's party obtains automatically the majority of the municipal council seats in all municipal governments except in Nayarit and few rare cases in other states. In other words, the absolute majority (50 percent plus one of the council seats) is given by default to the mayor's party as the result of the governability design for municipal governments in Mexico.

23 Examples of personal candidacies are presidents and governors. City or municipal councils often exemplify election by lists, normally closed and blocked.

Electoral accountability²⁴ is expected to be greater in electoral systems where the relationship between candidates and citizens is stronger and/or more direct and individualized than party affiliation. For instance, the use of closed and blocked lists promotes a strong identification of candidates with the political party because the party decides who gets elected. Open lists, on the other hand, encourage a stronger relationship between candidates and citizens, as the former do not depend on the party's ranking to get elected. A hybrid option is the closed but unblocked list, where candidates have a strong link to the political party but also depend on citizens who determine candidates' rank in preference and ultimately decide if they get to take office, based on the percentage of votes their party receives.

The electoral reform in Nayarit intended to weaken the embedded power networks that have played a fundamental role in nominating candidates to lists for local council seats. By limiting the use of closed blocked lists and adopting direct and individual voting with the new *regidores por demarcación*, the reform intended to make elected authorities closer and more accountable to the people without substantially reducing the power of political parties. However, the impact of the reform was not limited to electoral districting. By changing the electoral system, the automatic proportionality of the council (in which the majority of seats were guaranteed for the mayor's party) was lost, and the political game became uncertain both during and after election day. This change in the electoral rules has produced several divided municipal governments in Nayarit, an unforeseen result of the reform.

According to the Mexican Constitution, elected authorities may be re-elected for a consecutive term by 2021. This legal restriction that will be overcome in the next elections represented an important impediment for accountability (O'Donnell, 2009; Merino, 2004). According to theory, reelection affects government integration and performance at least in two ways: by incentivizing elected authorities to act in the interest of the people, and by creating a stronger relationship (accountability link) between representatives and their constituencies, rather than between representatives and their political parties. Thus, there is an incentive to perform well in office in order to remain in power. Reelection, however, is a necessary but insufficient condition for adequate electoral accountability (O'Donnell, 2009). The main underlying assumption made by reelection promoters is that elected authorities depend on citizens' votes, rather than party decisions, to remain in office. When this assumption is not met, electoral accountability is diminished.

24 This is understood as the "degree and means by which elected policymakers are electorally responsible to citizens" (Mainwaring and Shugart, 1997).

Increasing electoral competition and alternation in office while allowing reelection would contribute to improve local governments' institutional capacity and performance (Lane, 2018). Based on the assumption that "good government" is rewarded, the logic of the argument is simple: the best candidates would be elected and retained in office for as long as they deliver policy outputs effectively. In practice, it is not so straightforward because political actors may be inclined to make short-term decisions to gain or retain power, resulting in the weakening of institutional capacity and government performance.

4. IMPLICATIONS AND CONCLUSIONS: LINKING ELECTORAL REFORM TO LOCAL INSTITUTIONAL CAPACITY AND PERFORMANCE

The previous discussion documented how the literature in political science and public policy on democratization, decentralization, capacity, and performance has been relatively fragmented, and much of this literature has taken a national institutional reform perspective (Snyder, 2001). By drawing on key elements of the existing literature and using the more local perspective of a unique subnational reform, it is possible to examine a critically important but understudied linkage: the relationship between political decentralization and local governments' capacity and performance.

The case of Nayarit is unique for considering the impact of democratic decentralization reforms because its policy of internal decentralization that was adopted in 2007 is exceptional in the context of Mexico.²⁵ The so-called *regidores por demarcación* reform applied to all municipalities within the state, regardless of their characteristics, capacity or performance. This case can be framed as a randomized experiment for purposes of analyzing the governance and performance effects of the novel, innovative electoral reform.

Even without conducting formal empirical analysis, however, the theories outlined above shed light on how to think about Nayarit's unique institutional reform as a historic institutional experiment. The first set of critical issues revolves around the relationship between democratization and decentralization and the governance environment. The second set of issues relates to how these phenomena ultimately affect local government capacity and performance. In a nut shell, the contribution of this paper resides in linking and explaining how

²⁵ Decentralization reforms have transferred decision-making power either from the federal government to state or municipal governments or from states to municipalities. Other sub-municipal decentralization initiatives in Mexican states have been mostly related to deconcentration of administrative functions (Falleti, 2010; Seele, 2011).

an exogenous democratic decentralization reform affects local governments' performance and capacities mediated by practices such as clientelism.

Decentralization and democratization are two concepts that seem to go together through good times and bad. Good governance is considered to be cornerstone for the success of both; they share the glory when positive results are attained and bear the blame when they are not. Although formal empirical research is needed to determine the nature and direction of the relationship among these phenomena, institutional capacity and performance, while elements of governance, can be considered to be both a result and a foundation of effective decentralization and democratization.

As discussed above, electoral reforms are considered by mainstream theories to be particularly instrumental in promoting decentralized democratic governance. Electoral reforms should be expected to encourage not only more active political participation from citizens and candidates, but also to promote improved accountability. Direct elections in particular are seen as a necessary condition for making local governments more representative and accountable, although they may be insufficient to do so. In fact, some of the alternative theories outlined above suggest that such a reform could have the opposite of the intended effect. A critical review of both mainstream theories of democratization and decentralization and alternative theoretical perspectives, e.g. clientelism, facilitates an understanding of how the incentives generated by reform can work in different directions, either making local governments more accountable or allowing cooptation by local political actors. How this relationship plays out, in turn, will influence the direction of the effects of the reform on capacity and performance.

In the case of Nayarit, elements of both types of forces are likely to be at work. In certain respects, the electoral reform may improve governance or provide conditions in which governance may be improved as predicted by mainstream theories. Replacing the practice of closed electoral lists, for example, which favors the interests of political parties, with a process that gives citizens more control over who is on the ballot, can open political space for enhancing accountability. Other reform features have specific, potentially positive governance effects that can also influence outcomes. The territorially representative function of the *regidores por demarcación*, for example, may lead to an increasingly decentralized budget within each municipality. The logic is that the reform would create incentives for the allocation of a greater share of public spending outside of the municipal seat to the sub-municipal level as the *regidores* attempt to target their specific constituents.

At the same time, there is also reason to believe that existing formal and informal structures and networks in Mexico may, at least in some places, modify

the productive incentives expected to be generated by the reforms, hindering the potential impact of political decentralization efforts on institutional capacity and performance. Among the main systemic constraints to local capacity and performance that local governments must confront are mismatches in resources and embedded informal structures. Resource mismatches can be economic (such as insufficient revenue sources or dependency on national transfers), administrative (scarcity of trained bureaucrats or surfeit of political appointees), and institutional (unclear allocation of responsibility or legal limits to local actions). Subnational success stories usually involve the ability of local governments to overcome these resource challenges (Lane, 2018; Grindle, 2007; Fuhr and Campbell, 2004).²⁶ Presumably improved accountability generated by electoral reform can create incentives for local governments to deal with problems that are at least partially correctible by local actions.

Embedded informal structures are harder both to study and to overcome, particularly in emerging democracies. The Nayarit reforms sought to weaken existing informal powers by transferring the power of selecting *regidores por demarcación* to the electorate. However, even though the Nayarit reform altered the formal political *status quo*, it is unlikely to have dramatically altered the entrenched informal one. The latter includes various prevailing non-democratic political factors, such as clientelistic practices, patronage, and patrimonial networks. Elected *regidores*, for example, might privilege the accountability link with their clientele over the constituency as a whole. In this case, their main incentive may be to respond to the particular interests from their political supporters and clients rather than to the general public interest. Clientelism and patronage networks are unlikely to erode quickly, and this can reduce or delay the potential impact of political decentralization on institutional capacity and performance. Another important factor is the presence of local power brokers who weaken the accountability connection created through the direct and individual election of municipal council *cabildo* members.²⁷

It is also important not to forget that the Nayarit electoral reform does not deal with certain national electoral parameters. Nayarit's directly elected *regidores por demarcación*, being closer and more accountable to voters, should have incentives to increase institutional capacity because the resulting improved governmental performance would play in their favor to get reelected.

26 For example, electoral competition for subnational governments in Latin America generated positive incentives for local officials to perform innovatively, putting to use recently transferred responsibilities along with dormant local capacities. See for instance the cases of Brazil, Colombia, and Venezuela (Campbell, 2003; Campbell and Fuhr, 2004; Cheema and Rondinelli, 2007).

27 Power brokers or party brokers are key actors in understanding the process of political decentralization, capacity building, and government performance because politicians use the criterion of expected political support to make policy choices (Auyero and Bonzecy, 2016).

At the same time, the regidores face non-alterable nationally determined term limits. Without the possibility of staying in power, the reform leaves elected authorities with more limited incentives to challenge informal powers and leaves citizens without a powerful tool (the vote) to reward high performing representatives.

It must also be emphasized that municipal governments in Nayarit are neither homogeneous entities nor subject to uniform local conditions, forces and actors. *Regidores por demarcación* in Nayarit, therefore, are not likely to have had a standardized effect on municipal governments' capacity and performance. Much likely, this depends on the idiosyncratic conditions and institutional factors of the individual municipalities. In general, however, the more accountable and representative regidores are, the greater the positive incentives they would be expected to face and the more likely they are to take steps to improve institutional capacity and performance.

It may be still too early to expect highly consequential changes in capacity and performance in a historical institutional experiment like Nayarit. One of the difficulties in assessing capacity and performance is the long-term nature of the results. Yet this paper demonstrates that many interesting issues can be derived from competing theories and realities on the ground that merit empirical investigation, and some of these can be pursued in the near term. Over time, research on the effect of behavioral changes on long-term measurable outputs would contribute valuable information that could further the development of more synthetic theory about democratization and decentralization as well as help to support more effective policies for improving local government performance.

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BOOK REVIEW:
GOBIERNO ABIERTO: UN ANÁLISIS
DE SU ADOPCIÓN EN LOS GOBIERNOS
LOCALES DESDE LAS POLÍTICAS PÚBLICAS.
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New approaches to public management and governments are taking renewed emphasis around the world, reflected through the following trends. *First*, to the visions of government reform that pressures openness and transparency; *Second*, to the increase in the availability and continuous development of information technologies (ICT) that allows institutions, organizations and individuals the introduction of new tools to interact in the public space and that today quickly change the ways in which public action is organized. Therefore, this drags us into the *third* trend: the era of collaborative participation driven by the emergence of new digital talents, the creation of new social structures that exceed the earlier ones in complexity, and by the new ways of creating value both Public and social. This statement makes it clear that collaboration is a form of democratic participation that is egalitarian but different from the traditional conception of the term (Noveck, 2010). This Noveck vision can be corroborated by actual characteristics of citizen organizations: *Open and flexible organizations, Networking, Relational leadership, Innovators for the use of ICT* (Mariñez Navarro, 2015). Because of these trends, collaborative transparency has been studied, seen as a model based on the use of ICT and Open Data as basic tools. It is an interactive and precise type of collaboration between agencies to transform large volumes of data.

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In the context of local governments, the adoption of open government is often seen as an organizational innovation, focused on processes, structure, management, administrative tasks or technical activities, in addition to the relational vision such as collaboration, participation and co-creation and, its openness dimension through transparency and accountability. This would be achieved through the intensive use of the data that governments have and that are exponentially increasing in the coming years, as a result of the progress of the digitalization of processes and archives and, of the *Internet of things* (Internet of Things: IoT), with its thousands of sensors dispersed in both urban and rural areas, municipalities and conurbation areas.

Thus, a government institution that responds to open government as a public innovation must have the following capabilities: first, a connectivity infrastructure (fiber), with powerful broadband networks that allow the circulation of large amounts of data. Second, open data, both to improve the internal efficiency of governments and to facilitate transparency and accountability. Third, model –through algorithms– a large amount of data to convert it into knowledge managed for analysis by citizens. Fourth, the deployment of sensors of all kinds in cities and rural areas that allow measuring and monitoring all types of information. Even people’s mobile devices can play the role of a sensor. The sensors are the central core of the Internet of Things because they are the ones that can deliver large and diverse volumes of data. And fifth, applications that will allow interacting with citizens (mobile or fixed screens). For example, smartphones are growing more and more, as well as applications that allow citizens to relate to the government. (Goldsmith and Crawford, 2014).

We can affirm that ICT and fundamentally Web 2.0 tools and Web 3.0¹, are the source from a closed and bureaucratic organization to a flexible and horizontal organization; the impulse of the different actors networked to build public and social values; the implementation of the collaboration seen as the exchange of experience, knowledge and *expertise* between the different actors; and new modes of social interaction generating co-creation. As we approach the concept of open government, we can then specify its three key principles: 1) creation of interactive value (social and public); 2) distributed co-creation; and 3) mass collaboration that inspires the public sphere (Hilgers and Ihl, 2010).

Seen in this way, if the goal of open government is to improve the efficiency and quality of processes, of organizational dynamics and of the

¹ With Web 2.0, it is now possible to create and publish content on the Internet, whose main characteristic we could say is based on open communication, giving the possibility to share, modify and create such content by everyone. While Web 3.0 is semantic because it uses artificial intelligence and user intervention in the creation, organization and redesign of content through a globalized cooperation model, promoting new forms of communication between users.

flows of communicational information in and between public organizations, in and between government actors and citizens, as well as the production and provision of public services with the goal of achieving public value expressed in people's satisfaction in their consumption. Therefore, it is of the utmost importance to affirm that these changes would be made faster with a collaborative digital platform that facilitates the sharing of information, interoperability, user-created design and interaction. This is what is now called open governance that connects with the wide diffusion of ICT and that reduce the transaction costs of collaboration, generating new configurations of these (Meijer, Lips and Chen, 2019). These authors find five central elements of the open governance paradigm: Radical openness, citizen-centered governance, connected intelligence, digital altruism and collective deliberation.

All these changes and trends have made open government a polysemic concept that tends to identify, evaluate and characterize different forms of citizen integration in the public sector in the transparency framework, access to information, accountability, as well as in collaborative participation and co-creation. This leads us to a new administrative argumentation that guides government action in public policies perspective (govern by public policies).

Edgar Ruvalcaba Gómez's book is inscribed in this argumentative direction. He starts from the analysis of these processes in which he devotes considerable space to make clear the vast and convincing conceptual and theoretical framework. In Chapter 2, understood as the ideas of the open government's departure, the author studies the background and evolution of the concept, as well as the link with ICT and the idea of thinking it as public policy. It is specified that this concept "could not be understood without considering the relationship of dialectical collaboration between government and society. The different social sectors play a leading role in collaborative environments where the use and application of new information and communication technologies (ICTs) make possible a new interactive dynamic that fosters open spaces". The author completes his theoretical scenario in chapter 5 of the book by analyzing the academic literature on open government, establishing an interesting analytical strategy where he considers the categorization of 189 articles published between 2011 and 2015 in indexed and specialized scientific journals. In this way, using the descriptive statistics, the author managed to know the situation of international research around this concept and discover the characteristics of the community of academic researchers working on this topic. The systematization of this analysis was rigorous and was based on three dimensions: the methodological, the community and the conceptual.

On the methodological strategy side, the focus of this book is oriented to the analysis of public policies, fundamentally, the study of the public agenda through the adoption of open government policies in local public administrations and through the study of a case of public policy in the City Council of Madrid, Spain. The author maintains that the incorporation of open government policies in the Spanish local sphere in recent years has been carried out as a result of the confluence of factors such as the high perception of corruption, as well as the growing social demands for participation in public affairs.

Of it the author establishes in his methodological design the following three phases 1) Systematic review of the international literature of open government; 2) Analysis of the precept and implementation of open government in Spanish local governments and 3) Case study of the adoption of open government policy in the City Council of Madrid, Spain; connected to the need to give answers to the guiding question that would serve as a research thread: How and why have local governments adopted open government policies?

In this sense, the author proposes an analytical framework of open government policy, based on the theory of the Multiple Currents Approach (ECM) by J. Kingdon who in his book published in the 1980s, *Agendas, Alternatives and Public Policies*, manages to develop this proposal. Thus, the author affirms that “Kingdon’s work has been the theory with the greatest penetration to understand the process of incorporating the problems of the public agenda since three major currents or process are established to give basis and meaning to the model: the problems, public policies –alternatives– and politics”, resulting in the “window of opportunity”. A weak point of the analytical framework, in our view, is that the author carried out a very succinct review of the different public policy theories to justify Kingdon’s approach. A stronger theoretical debate could have developed over the different postures of the theory of *Agendación*.

Two important empirical findings can be seen in this research by Edgar Ruvalcaba Gómez. On one hand, the results of an Exploratory Factor Analysis applied to the concept of open government and which was the product of a study on the perception and implementation of open government in the local governments of Spain with more than 50,000 inhabitants. By approaching the public managers responsible for promoting open government policies, the author managed to know what are the practices that are being carried out and how they are being implemented, mainly in terms of transparency, citizen participation, collaboration, and open data; giving rise to the georeferenced analysis in which the levels of development of local governments in each factor are determined, proposing an original analytical model called the Open Government Perspective Model.

The other finding of the investigation is that referred to the Case Study of the city of Madrid, Spain. Based on the focus of Multiple Currents of Kingdon, the author identified the relevant actors in the policy configuration process, as well as the political conditions that allowed the insertion of the issue in the government agenda. A total of 20 interviews were conducted for analysis. The interviews were applied to relevant actors within the process of development and implementation of the Open Government policy.

- 12 Municipal Government Officials.
- 8 relevant actors outside the municipal government (representatives of groups, organizations and GA enthusiasts).

Relevant factors are estimated during the adoption of the Open Government Policy in Madrid:

- Factors related to the current of the problems.
- Factors related to the current of the policies (alternatives).
- Factors related with the current of the politic.
- Window of opportunity and policy entrepreneurs.
- Co-occurrences of the codification of the three currents.

Edgar Ruvalcaba Gómez's work is not just any work. In addition to being a doctoral investigation of the Universidad Autónoma de Madrid, was awarded by Instituto Nacional de Administración Pública de España for its rigor and for the contribution of several important aspects that give rise to future lines of research related to the trends of Governments and local public administrations. Other contributions of the book are those related to the systematic review of the international literature of Open Government; the analysis of the perception and implementation of open government in the local governments of Spain; and the one linked to the case study of the adoption of the open government policy in the city of Madrid, considered among the first local governments that approved the Action Plan before the Alliance for Open Government (OGP). Congratulations!

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