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**Public Management Policy Change: a Comparative
Study of Civil Service Reform in Mexico and Guatemala**

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**A thesis submitted in fulfilment of the requirements for the degree of
Doctor of Philosophy in Political Studies, The University of
Auckland, 2011**

Abstract

This dissertation examines two contemporary attempts at changing civil service policy in Mexico and Guatemala. The purpose of this study is to understand the factors that determine policy change and stability in the public management policy domain. Drawing from the public policy and public management literature, this study uses an analytical framework based on Kingdon (1984) and Baumgartner and Jones (1993) to account for policy change and stability. This research presents two narrative accounts of the progression of events of two initiatives to enact a new civil service law in Mexico and Guatemala. Through within-case and cross-case analyses, this research reveals the institutional configurations that structured the policy processes in both episodes. Policy venues, policy communities, and consolidated political parties play key roles in fostering policy change. The study also reveals the roles and interactions of groups and individuals in pursuit of their policy objectives. The activities of policy entrepreneurs and their taking advantage of policy windows appear particularly relevant in advancing policy change. Based on this analysis, two explanations for the episodes' progression and outcomes are presented, pointing to the determinants of policy change and stability. The comparative analysis of the episodes provides further insights into the relative significance of institutions and actors in different country-contexts. Given the lack of a theoretical orientation in the study of policy processes in Latin America, this research contributes to fill that gap by producing a theoretically informed analysis of policymaking in the region. Beyond the case findings, this dissertation provides an assessment of the ability of two well-established policy theories to explain policymaking in the Latin American context. This study provides useful lessons for policy makers attempting policy change, and contributes to advance scholarly debates on the suitability of existing theories of the policy process in emerging-democracy contexts.

Acknowledgements

This dissertation is the result of the trust, vision, and contributions of many people who enabled me produce this study. I am grateful to the people of New Zealand. They provided me with resources to pursue doctoral studies through a generous NZAID scholarship. Moreover, they made me, and my family, feel at home. My gratitude goes to the Ford Foundation for providing additional resources and making our transition to a new country much easier. The University of Auckland and the Political Studies Department provided me with the means to conduct this research comfortably. I want to thank Dr. Jennifer Curtin for being such an effective and caring supervisor. Her opportune observations and holistic approach to the doctoral experience helped me thrive during the process. I want to acknowledge Dr. Tim Tenbenschel for his support and contributions – his insights improved this work substantially.

I owe a debt of gratitude to the participants of this research in Mexico and Guatemala. Their contributions made this study possible. I acknowledge the Center for Latin American Studies at Georgetown University for hosting me as a visiting researcher. I want to thank Marie-Claude Martin and Federico Burone for encouraging me during the latter stages of the writing process. I am grateful to IDIES for supporting me during the early stages of my doctoral experience. There are many other friends and colleagues who have supported me in many other ways – thank you all. I acknowledge Tanya Norton and Lyndon Burford for editing parts of this dissertation.

A very special thank you goes to Dr. Martha Silva, sharp researcher and amazing life partner. Her love, intelligence, and stubborn conviction that anything is possible, inspired me to pursue a doctorate, and sustained me throughout. I want to thank Nico and Gael for filling my doctoral years with joy and purpose. I acknowledge the time and sacrifices you all did in support of this research. My gratitude goes to Tata and Tití for giving me a home in Mexico and spending time with the kids. Without your support this research would not have been possible. To all my family here, there, and everywhere: thank you - your prayers and words of encouragement helped me push through.

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Glossary

AECI	Spanish Agency for International Cooperation
CACIF	Coordinating Committee of Agricultural, Commercial, Industrial, and Financial Associations
CIA	Central Intelligence Agency
CIEN	Centre for National Economic Research
COPRE	Commission for Reform, Modernization, and Strengthening of the State and Its Decentralized Entities
CPA	Central Public Administration
DGSC	General Civil Service Bureau
FENASTEG	National Federation of Government Unions of Guatemala
FPA	Federal Public Administration
FPPP	Permanent Forum of Political Parties
FRG	National Republican Front
FSTSE	Federation of Government Workers' Unions
GANNA	Great National Alliance
IFE	Federal Electoral Institute
ILO	International Labour Organisation
INEGI	National Institute of Statistics, Geography, and Informatics
LFT	Federal Labour Law
LFTSE	Federal State Employees Law
LSPC	Professional Career Service Law
MS	Multiple Streams
MSG	Guatemalan Unions Movement
NAFTA	North American Free Trade Agreement
NEPA	National Environmental Protection Act
NPM	New Public Management
OAS	Organisation of American States
OECD	Organisation for Economic Co-operation and Development
ONSEC	National Civil Service Office
OPD	Office for the Promotion of Democracy
OPIG	Office of the Presidency for Governmental Innovation

PAN	National Action Party
PE	Punctuated-equilibrium
PNCTDA	National Program for Combating Corruption and Fostering Transparency and Administrative Development
PNR	Revolutionary National Party
PRD	Party of the Democratic Revolution
PRI	Institutional Revolutionary Party
PVDGP-OEA	Program for Civic and Democratic Principles and Values of the Organisation of American States
SECODAM	Comptrollership and Administrative Development Secretariat
SENASEC	National Civil Service Secretariat
SFP	Public Function Secretariat
SHCP	Finance and Public Credit Secretariat
SPP	Secretariat of Programming and Budget
UNDP	United Nations Development Program
UNSI TRAGUA	Guatemalan Workers' Union
URNG	Guatemalan National Revolutionary Union
USAID	United States Agency for International Development
USC	Civil Service Unit

Chapter 1

Introduction

Background of the study

What determines success or failure when attempting to reform government administrative systems? This question has puzzled policymakers, politicians, and academics for many decades. Since the early 1990s, many developed democracies experienced a wave of public sector reforms that drew the attention of governments and academics in many parts of the world. The reforms introduced a number of managerial practices and organisational structures associated with private sector management. Among the more radical practices were market-mechanisms that substituted hierarchies for contracts as instruments for control, citizens' charters, cost-accounting, and public-private partnerships. The debate continues around the level of success of reforms in paradigmatic cases such as the United Kingdom, Australia, New Zealand, the United States, and some European countries. Nevertheless, reformers in other countries sought ideas on how to bring about reforms like those occurring in the aforementioned cases. Academic and non-academic literature began to talk about an international trend and a global revolution in public sector reforms (Hood, 1991; D. Osborne & Gaebler, 1992). In Latin America, where democracies were still unstable and governments weak, reformers were inspired by the ambitious scope of reforms occurring in the developed democracies.

By the early 1990s, Latin America had gone through phases of public sector reforms that spanned many decades. Such reforms occurred in a context of fundamental transitions: from autocratic to democratic states; from centralised systems of inter-governmental relations to decentralised ones; from discretionary administrative and legal systems to ones based on the rule of law; from centrally planned economies to free market economies; from nationalistic isolation to regionalization and globalization; and from large and inefficient states to efficient and strategic ones (Méndez, 1999). A first generation of reforms dealt with decentralisation, privatization, and deregulation of the economy. Later on in the 1990s and 2000, second generation reforms began to be implemented and have focused on reforming labour legislation and the civil service, restructuring ministries, developing export

promotion capabilities, and restructuring the relationship between state and federal governments (Oszlak, 1999).

Despite a long history of government reforms, many Latin American countries are still struggling to set up some of the fundamental institutions of democratic governance. In many instances those institutions exist formally, but in practice are unable to execute the functions for which they were created. Thus, public sector reforms are pursued as potential solutions for the many governance problems facing those countries. Unlike developed democracies, many Latin American countries have never established public employment systems that resemble developed countries' civil services. The same exists with financial and budgeting systems, procurement, audit and evaluation mechanisms, and other organisational components of government.

One such case is Mexico, where a number of reforms to the government administration occurred during the twentieth century. Specifically, a wave of reforms occurred from 1994 to the early 2000s aimed at increasing the government's efficiency, transparency, customer service and market orientation (Arellano Gault, 2000). While reformers faced serious obstacles, by 2003 they had successfully accomplished a civil service reform. A new civil service law was then enacted setting the foundations for a new civil service system. The law established a new government office in charge of public employment in the central government and promised to debunk clientelism in favour of merit in public service careers.

Another case is Guatemala, where in 1990 the government initiated an aggressive programme of public sector reforms. Among them were privatization of most government-owned companies in telecommunications, railways, postal services, and electricity distribution. Import barriers were lowered, the financial services sector modernised, and free trade agreements implemented (Barzelay, 2003; Foster & Araujo, 2001; Guerra-Borges, 2006; World Bank, 2005). Other changes associated with the second generation reforms had not been adopted as rapidly and efficiently as earlier ones. There were some successes in creating independent agencies, regulatory bodies, and modernising government financial management, but reforms to the administrative structure of government were still pending (Munck in World Bank,

2003). While civil service reform was supported rhetorically by numerous governments throughout the years, in practice little had been attempted until recently.

In both Mexico and Guatemala problems of corruption and inefficiency in government have been associated with the lack of meritocratic civil service systems. Thus, there have been some attempts to reform underlying structures to create new more suitable systems. Two such attempts are the focus of this research. The episode of Mexico's civil service reform began in 2000 with a new government that represented the beginning of a new era in Mexican politics as it was the first opposition government in over 70 years. Headed by President Vicente Fox, the new government offered to reform the civil service system to address corruption and inefficiency issues. The reform efforts were favoured by a political climate open to change, and a coincidence of interest of the major political parties. Public officials in the executive, supported by Senators and members of the policy community, accomplished their goal. Within three years of Vicente Fox's presidency, a new civil service law was enacted in Mexico, promising to foster significant change in the government's administrative structure.

In contrast, similar reform efforts in Guatemala did not produce expected results. In 2002, a group of citizens led by a career politician committed to formulate and gather support to advance a civil service reform to tackle similar issues of corruption and government inefficiency. The group managed to generate significant support, particularly from the majority of political parties, for a civil service bill which entered the executive's agenda during the presidential period of Oscar Berger (2004-2007). With the president's support, the executive branch presented a civil service bill to Congress for approval. While it appeared that the bill might be enacted, it was finally rejected by Congress in the midst of union opposition (Comisión Presidencial para la Reforma Modernización y Fortalecimiento del Estado, 2002).

The two reform episodes show contrasting results. In Mexico, reformers achieved their goal of enacting a new civil service law, while in Guatemala reformers did not. What determined success or failure? To attempt to solve this puzzle, we need to understand how reformers formulated and promoted reform, as well as what obstacles they faced in pursuing it. Two bodies of literature have been particularly concerned

with similar puzzles involving public sector reforms - the public administration and the public policy literatures. The public administration or public management¹ literature is concerned with understanding how governments operate, focusing on administrative systems such as human resources, budgeting, and organisational planning. It also pays attention to the design, implementation and effectiveness of government reforms.

Recent scholarly work in public administration has tended to focus on the politico-institutional context of reform with particular attention given to the process of policy reforms. The purpose of such an approach is to account for the effects of local institutions and actors in shaping the outcomes of public sector reforms. Other studies have assessed how varying political and institutional contexts affect reform outcomes (Pollitt & Bouckaert, 2000). Fewer studies have been concerned with the pre-implementation stage of reform, that is, the stage during which an initiative to change some aspect of governmental administration emerged, progressed into a policy proposal, and was subject to a political or administrative decision to allow its implementation. These studies draw from the policy literature to look into the pre-decisional stage of the policy processes associated with reforms.

Conversely, the policy literature focuses on studying public policies—how they are formulated and implemented. The literature draws from multiple sources to attempt to make sense of the complex social relations involved in public policy-making. Different approaches have been developed from various disciplinary and methodological perspectives. Among those different approaches, the policy analysis and policy process have occupied a significant portion of the literature. Policy analysis, on one hand, focuses on the application of methodological tools to solve policy related problems. The policy process approach, on the other hand, is concerned with explaining the progression of policies from inception to implementation.

The multiplicity of factors that interact through prolonged periods of time make it difficult to identify what factors influenced the process—and how. This is complicated by the fact that causal relations between actors' activities are very hard to

¹ The terms public administration and public management are used interchangeably in this dissertation.

establish. In the same vein, it is not easy to establish how the institutional environment influences the outcomes of policy initiatives. To facilitate such understanding, the theories of the policy process define sets of concepts and mechanisms that help make sense of the complexity of policy progressions. Theories of the policy process aim to account for the determinants of policy formulation and the outcomes of the policy process. Two categories of theoretical approaches are dominant in the literature. Firstly, traditional theories of the state borrowed from political science, which emphasize the role of government over other societal actors in policy formation. Secondly, theoretical approaches with a broader view of institutions, societal actors, and their participation in policy formation. These approaches pay attention to policy communities, policy venues, the substance of policies, the roles of elites, and policy entrepreneurship among other variables (Sabatier, 1991).

This research sits at the intersection of the public management and the policy literature. Thus, it looks at episodes of public management reform from a policy perspective. The focus centres on the pre-decisional stage of the policy process, aiming to solve the puzzle presented earlier - why did one reform initiative progress into implementation and the other not?

Statement of the problem

Since the 1970s several developing countries have relied on public sector reforms to address many of the governability challenges they faced. Despite unclear results, changing the administrative structures of the state apparatus is still seen in many countries as a necessary condition to improve governance and strengthen democracy. Reformers and academics grapple with the question of how to advance reform initiatives through the complexities of political systems transitioning into democracy. The public administration and the policy literatures have addressed that question from varied perspectives, managing to develop theoretical frameworks that make sense of the multiplicity of factors involved in advancing public sector reforms.

In order to gain a better understanding of the determinants of success or failure in public sector reforms, two cases of public management reform are examined in this

study. They comprise two episodes of contemporary attempts to reform the civil service systems in Mexico and Guatemala. Using two policy theoretical frameworks—Kingdon's (1984) multiple streams and Baumgartner and Jones' (1993) punctuated-equilibrium—the progression of events comprising the episodes are examined as well as the set of actors and institutions that influenced the processes. Subsequently, based on the primary and secondary data and the theoretical framework, an explanation for the outcomes of the process is developed, putting forward a number of limited historical generalisations.

Purpose of the study

This research undertakes a comparative study of two policy change episodes in two countries. Its general aim is to explain how and why those episodes originated and unfolded, paying particular attention to the roles and influences of the actors and institutions involved. In order to explain the episodes this research draws from existing theories of the policy process placing a particular emphasis on the relevant contexts surrounding the events, and on the institutions influencing the policy processes. The first puzzle to solve is how did the policy episodes progress. This research intends to find out what factors played a role in policy initiation, what forces moved the policy issue into the governmental agenda, and then into a decision-making venue. Through building a coherent narrative of the episode's progression the main actors and institutional influences will be identified.

The second set of questions aims at finding an explanation for the episodes' outcomes. What were the determinants of the episodes' outcomes? And what was the interplay of actors and institutional structures that led to a particular decision to adopt or reject the policy proposals in question? To address these questions the progression of events within the episodes are analyzed in search for the interactions and forces that determined the final outcomes. Through comparative analysis further understandings on what is the relative importance of particular actors, institutions, and events in the policy processes are teased out. Beyond the two-case comparison, this study intends to join a larger comparative project on public management policy change by using a methodology conversant with existing case study research. Finally, while examining the determinants of policy outcomes, the theoretical framework's

contribution and its ability to shed light on the causes of policy change and stability will be assessed.

Significance of the study

This study provides a look into the forces that shape the formulation and promotion of civil service reform in two democracies in transition. There is recognition in recent literature that reforms in developing countries, and particularly in Latin America, need to be analysed from a policy process perspective (Lora & Bank, 2007; Stein, Tommasi, Echebarría, Lora, & Payne, 2006). It is argued that political processes, actors, and institutions need to be accounted for in order to understand the causes for policy change and stability. Very few studies have looked into and compared instances of civil service reform in transitioning democracies using a policy perspective. This study contributes to closing that gap by drawing from well-established policy theoretical frameworks to explain two such instances. In doing so, this study tests the applicability of widely-used policy theories to the particular political contexts of transitional democracies in Latin America.

Using a comparative method this research goes further into identifying the determinants of policy stability and change. Through an unusual pairing of contemporary cases of civil service policy episodes - in two transitional democracies in Latin America - the study allows a comfortable level of control for some of the variables involved in the episodes. In addition, drawing from Barzelay's (2001, 2003) methodological framework this research joins a larger comparative project which has developed over nine case studies of public management policy. Adding to Barzelay's body of work allows further comparison with similar policy episodes in different political regimes, thus contributing to refining the limited historical generalisations that individual cases provide.

Besides contributing to filling a gap in the literature, this research provides valuable insight into certain successes and failures when attempting to reform the public sector in transitional democracies. Such lessons bear great relevance for reformers in transitional regimes where public sector reforms are frequently sought as ways to solve long-standing and complex governance problems. Reformers in such contexts

could find valuable insights, which can be used as alternatives to the more common developed-world models.

Organisation of the study

This dissertation comprises eight chapters. The first chapter presents a review of the literature associated with public management reforms. The review shows how this body of literature widened its scope—from an initial focus on managerial reforms in a few developed countries, to a more comprehensive view including developing nations. An increased awareness of the differences in political contexts and institutional frameworks appears in recent works. Institutional approaches provide insights into how political institutions structure policy processes in diverse contexts. Policy theoretical frameworks on the other hand delve into the complexity of policy formulation, paying attention to the interplay of actors and institutions throughout the policy process. At the intersection of these three bodies of literature—public management, institutional, and policy theoretical, sits Barzelay’s research framework. This framework underpins this research’s theory and method. The chapter concludes with a discussion of the theoretical foundations of the framework, and a comparison with alternative frameworks.

Chapter two discusses the methodology that underpins this research. A description of the methodological components of Barzelay’s framework gives way to a discussion of the methodological choices made in designing the study. The decisions associated with research method, i.e. choosing qualitative vs. quantitative designs, and selecting a comparative case study method, are discussed in detail. As well, methodological aspects such as the selection of participants, the instruments for data collection, the procedures of data analysis, translation issues, limitations, and delimitations of the study are considered.

Chapter three introduces Mexico’s political system as it evolved from the early twentieth century until the present day. The chapter discusses the uncommon institutional configuration of Mexico, which defied existing classifications. One of the outstanding features of Mexico’s political regime has been the pervasive power of the PRI, which held the presidency of the country for seventy-one years without

interruption. The foundations of such power as well as the implications of the institutional configuration for policymaking are discussed. At the beginning of the twenty-first century major changes occurred in Mexico's political system. A progressive loss of power throughout several years led the PRI to lose its grapple over the political system—initially in congress, and then in the executive.

Thus, after seventy-one years Mexico entered a new era in which government was not under the exclusive control of the PRI. The changes leading to the PRI's demise together with the high expectations for change that the new regime brought with it created an environment conducive to policy changes. Within that context an attempt to reform the government's civil service was initiated during the first government under a party other than the PRI. Within a few years this attempt succeeded in fostering the enactment of a new civil service law which set the basis for a new system of government employment. The final part of the chapter presents a narrative account of the episode. The progression of events described, identifying the actors and institutions that participated in the process.

Chapter four examines Mexico's civil service reform episode described in the preceding chapter. A number of questions regarding the motivations of policy actors and the gathering of support for the policy proposal are addressed. Then a theoretically based interpretation of the episode is presented, drawing from interview accounts and secondary data. The analysis sheds light on the events in the political system which favored or thwarted reform. In the same vein, the activities of policy advocates and their interactions with other actors are explored. The chapter ends with a discussion of results and an explanation for the episode's outcome.

Chapter five presents a review of the historical construction of Guatemala's politico-institutional context. Following the path of institutional building throughout the past century, three distinct institutional configurations are revealed. The review shows an evolution from dictatorial authoritarianism to military authoritarianism and then to formal democracy. Throughout several decades, the institutional framework maintained part of its make-up while some of it remained unchanged. Through the historical review, the chapter arrives at a description of contemporary institutions in Guatemala and their influence over the policymaking process. The review reveals an

exclusionary and elitist political system with a restricted and centralized policymaking process. In the latter part of the chapter, a narrative account of the civil service reform attempt is presented, providing the details of the progression of events from policy inception to decision-making.

Chapter six draws from the civil service reform attempt discussed in the previous chapter, to analyze the episode. Using the multiple streams (Kingdon, 1984) and the punctuated-equilibrium (Baumgartner & Jones, 1993) framework, interview data and secondary sources are used to answer key questions relating to the episode. As in the Mexico case, this chapter looks at the interplay of actors and institutions throughout the policy process in search for understandings of the determinants of policy change and stability. At the end of the chapter, a theoretically based explanation for the episode is presented aiming to account for the determinants of the episode's outcomes.

Chapter seven presents a comparative analysis of the two reform episodes beginning with a summary of the main events that comprise them. The chapter continues with a discussion of the determinants of the episodes' outcomes. The differences in political climate and political institutions stand-out as influences on the development of these policy initiatives. Mexico was undergoing a period of important transitions that were transforming the political system and fostered an environment conducive to policy change. This was not the case of Guatemala, where the efforts of policy advocates did not find a particularly supportive political system. The cases show how policy actors pursued different strategies in search for policy change. They interacted with other actors and worked their way through particular institutional settings. The theoretical frameworks used to interpret the episodes revealed the key importance of policy venues for policy change, as well as policy communities and policy entrepreneurs. The confluence of events associated with problems, policies, and politics—and the appearance of windows of opportunity, appear to define policy change. The comparative case analysis clarifies the relative importance of the variables involved in the policy progressions. Using theoretical lenses discussed above and later in the thesis, explanations for the episodes' final outcomes are advanced.

Chapter 2

Intersecting debates: the convergence of institutional analysis and policy process theories in the study of public management reforms

This chapter introduces the theoretical background to the present research and discusses the study's relevance and contribution to the scholarly literature. It begins with a review of the public management literature as it evolved from a focus on Anglo-American developed countries towards an interest in reforms in the developing world. From the late 1970s to the 1990s the literature on public management reform paid substantial attention to the emergence of the new public management paradigm. As the literature developed, it became concerned with countries other than the paradigmatic cases from which it originated. The differing circumstances that reformers faced in developed and developing countries brought an awareness of the relevance of the politico-institutional context in public sector reforms. Also, scholars began to look at the structure and functioning of the policy process as a source of explanations for reform outcomes. Three bodies of literature - public management, institutionalism, and policy studies - have contributed distinct theoretical and analytical tools to the study of public sector reform. Recently, the particular perspectives of those bodies of literature have been integrated to produce analytical frameworks aimed at better understanding more nuanced dimensions of, and impetus for public sector reforms. These three bodies of literature and their integration into new analytical frameworks will be reviewed in this chapter.

The public sector reform literature

From the early 1990s, a significant part of academic discussions on public sector reforms has centred on the concept of New Public Management (NPM). This concept represents a set of ideas and public management practices perceived as evolving from the old public administration model in developed countries, particularly the UK, Australia, and New Zealand, which challenge the suitability of bureaucratic principles for managing and organizing the public sector (Barzelay, 2001; Lane, 2000; McLaughlin, Osborne, & Ferlie, 2002).

As Barzelay and Armajani (1992) state, the old bureaucratic principles in public administration began to give way to a post-bureaucratic paradigm associated with the NPM. The old bureaucratic paradigm valued the 'impersonal side of public authority...the application of rules...technical expertise...efficiency...along with prescriptions for putting them [those values] into practice in government' (p. 4). Within that paradigm a number of government structures emerged, namely the executive's hierarchical organisation, merit as a criterion for staffing positions, and reliable systems of control and accountability. By contrast, the post-bureaucratic paradigm shifted the previous set of values from public interest to results citizens value: from efficiency to quality and value, from administration to production, from enforcing responsibility to building accountability; and from following rules and procedures to understanding and applying norms.

According to Hood (1991), NPM originated from the integration of new institutional economics and managerialism in the public sector. New institutional economics, he argued, supported the development of reform doctrines based on 'ideas of contestability, user choice, transparency and close concentration on incentive structures' (p. 5) which he considered different from traditional bureaucratic ideas. Hood summarised NPM's doctrinal components as:

hands-on professional management in the public sector, explicit standards and measures of performance, greater emphasis on output controls, shift to disaggregation of units in the public sector, shift to greater competition in public sector, stress on private-sector styles of management practice, stress on greater discipline and parsimony in resource use (pp. 4-5).

In practice, some of the public management reforms typically associated with NPM have focused on introducing market mechanisms in government, and substituting hierarchies for contracts as means of administrative control (Dawson & Dargie, 2002). An important result of the application of such market mechanisms is the increased contracting-out of public services with public or private providers. Additional reforms have included giving a customer-orientation to public service delivery through the use of citizens' charters, customer-provider feedback mechanisms, and private sector styles of management. Other features common to

NPM-type reforms are cost accounting, a separation between policy-making and implementation, and public-private partnerships (S. P. Osborne & McLaughlin, 2002).

The claim that NPM has been adopted by a large number of governments across the world has significantly contributed to raising its profile within academic and policy circles. In his seminal article, Hood (1991, p. 3) described NPM as ‘the most striking international trend in public administration’ during the late 1970s and 1980s. Osborne and Gaebler (1992) contributed to advance the idea of NPM as a global trend. Calling it a ‘global revolution’ (p. 328), they pointed to reforms carried out in various developed countries, namely the United States of America, the United Kingdom, Sweden, Canada, Australia, and New Zealand; and some countries in Eastern Europe. Such global revolution was arguably transforming government from its traditional bureaucratic structure towards a more entrepreneurial, competitive, and decentralised government, which is oriented to costumers, results, and the market.

Despite the claims that NPM was a global phenomenon, most of the early literature on the subject referred specifically to the paradigmatic cases of the aforementioned countries (Aucoin, 1990; Dunleavy & Hood, 1994; Hood, 1991). However, some argue against the view that a single, homogenous model of NPM exists and has been transferred intact. Ferlie et al. (1996) argues that NPM ideas have been more influential in Anglo-Saxon political contexts than in Continental Western Europe, and suggests that a convergence around one single NPM model was not occurring. Similarly, Pollitt (2002) argues that while reforms in several countries shared common guiding principles - such as efficiency, effectiveness, and responsiveness - the diversity in styles, priorities, strategies, and methods make it difficult to assert that those reforms corresponded to one single model.

As the literature on NPM entered ‘middle-age’ (Hood & Peters, 2004, p. 267) a number of scholars began to expand on the idea of the context-specificity of reforms. In a comparative study of ten developed countries, Pollitt and Bouckaert (2000) analysed the characteristics of reforms in different politico-administrative contexts - the Antipodes, Europe, and North-America. They point out that public sector reforms

are complex sets of inter-related systems - socio-economic, political², and administrative - that interact to produce ad hoc outcomes in specific contexts along the policy process. As they argue ‘conceptually identical, or at least very similar, reform develops differently in one national (or sectoral or local) context as compared with another. There is very frequently a distinct element of *path dependency* [sic]’ (p. 39).

The view of NPM reforms as a blueprint for reforming countries began to be challenged. As Barzelay (2001) argued, ‘a blueprint approach to policy design is highly questionable: the functioning of a given system of formal arrangements, such as management controls, depends on the context in which it operates’ (p. 160). Barzelay questioned NPM’s relevance in contexts other than the Anglo-American, pointing to the scepticism of some scholars in continental Europe. Flynn (2002) argued that there are contextual variables that influence public management reforms at the levels of discourse, problem diagnosis, decision-making, and implementation. Different countries approach management reforms differently and relevant contexts have to be identified in order to explain reform processes. These views challenged the notions of NPM as a global revolution and a transferable model of public sector reform.

Thus far the discussion has considered some of the main contributions to the NPM literature. The review shows the evolution of approaches from conceptual concerns towards an empirical perspective. An interest on the relevance of contextual factors in determining the characteristics of reforms and their outcomes is present in the literature. The literature thus far was limited to reform experiences in developed countries. As comparative analyses raised awareness of the context-specificity of reform outcomes, the literature began to focus on reforms carried out in developing countries. The following section turns to discussing public sector reform literature, with a focus on developing countries. The emphasis is on the emerging democracies of Latin America. While NPM ideas were widely influential in Latin America, reform efforts in the region faced a very different politico-institutional landscape from those in developed nations.

² In their model Pollitt and Bouckaert place a special emphasis on the influence of country elites’ perceptions on public sector reforms.

Studying emerging democracies

Starting on the latter half of the twentieth century, several developing nations embarked on ambitious reforms of their administrative systems. Often supported by multi-lateral organisations, such reforms aimed to reduce the role of government and boost private sector and citizen participation. Managerial principles and NPM ideas influenced the design of reforms, but the conditions under which developing nations initiated reforms differed from developed nations.

As Caiden (1991) points out, by the time developed countries began to reform their public administrations, the bureaucratic culture had permeated citizens, respect for public authorities prevailed, and governments had a strong presence in the territory. Conversely, developing countries did not enjoy such advantages. They began reforms under adverse economic conditions and unfamiliarity with democratic rule. During the reform wave of the 1970s and 1980s developing countries were, according to Caiden, 'ruled by unrepresentative elites which exploited office for self-interest...Decision-making was confined to an inner circle that would not share power, delegate authority or trust outsiders. What the few decided had to be followed' (1991, p. 245).

Under such circumstances, Latin American countries launched various reform endeavours. At the same time, a wider democratization and structural reform process was underway. Between the late 1970s and early 2000s, fourteen countries reformed aspects of their presidential and legislative election systems, the judiciary, and the party systems (Lora & Bank, 2007; Payne & Perusia, 2007; Sousa, 2007). Beginning in the mid-1980s, structural adjustment programmes³ became the primary government reform model in the region. These programmes aimed to tighten fiscal discipline, privatise public-sector enterprises and reduce the role of the state. They also sought to open the economy to international trade. While the public administration was not at the centre of reforms, there were attempts that focused on personnel reduction,

³ For a discussion of the theoretical underpinnings and policy implications of structural adjustment programs see (Mohan, Brown, Milward, & Zack-Williams, 2000).

streamlining hierarchies, and raising salaries at the managerial level. In most cases, the results from reform attempts were modest (Lora & Bank, 2007).

As in other developing countries, Latin America's administrative reforms have often been ambitious on paper, but implementation has been weak. Some of the obstacles for implementation have been the bureaucracy and unionised workers' opposition, the lack of effective citizen control over service providers, the weak organisational capacity of government institutions, and the limited opportunities of local policy-makers to develop their own reform responses. Reform programmes were often designed elsewhere and transferred through international development agencies (Batley & Larbi, 2004). In Caiden's (1991) view, reform did not produce the expected results in developing countries because it was intended to strengthen and not transform their administrative cultures which were plagued with deep-rooted deficiencies. After many years of administrative reforms, there has been constant failure due to overlooking the political nature of administrative reform.

In the same vein, Nickson (2006) argues, administrative reforms have not produced the expected results due mainly to the enduring characteristics of the region's public administration systems. The tradition of *caudillismo*⁴ - which benefits from job instability, low wages, and overstaffing - contributes to keeping public sector employment an instrument for political clientelism. As he points out, with the exception of Chile, the lack of a real career system in Latin America's governments is their most outstanding feature, which makes it difficult to introduce and sustain reforms.

The disagreement between the law and the reality of civil service systems in Latin America adds to the intricacies of producing effective reforms. As Shepherd (1998) argues, Latin American bureaucracies may appear as hierarchical, centralised, and professional, but in reality they operate according to informal rules which foster inefficiency and patronage. Thus Shepherd challenges some reformers' assumptions of over-bureaucratization in Latin America, and their responses to civil service reform. As Grindle (2010) puts it:

⁴ *Caudillismo* refers here to the Latin American tradition of military or civilian leaders becoming heads of government on the basis of personal charisma, military power and populist discourse.

Despite the utility of patronage systems, all major countries in Latin America have legislation establishing a formal civil service system, even while patronage remains widely in evidence...the fate of career civil service reform initiatives is generally determined *after* they have been legislated. Implementation, not law, determines the persistence of patronage and shapes the characteristics of emergent career services. Thus, efforts to introduce neutral and stable public services are on-going processes in which the construction of new systems is constantly threatened by deconstruction and reconstruction (p. 2).

As reform progressed in the region, scholars realised that the indigenous elements and institutional context determined the reforms' progressions and outcomes. At this point, scholarly debates reflected more sensitivity to the substantial influence of institutional settings in the effectiveness of reforms. As McCourt and Minogue (2001) argue, reforms are not a standardised set of policies; conversely, countries take-up different elements of reform models. In their view, such multiplicity of elements makes it difficult to assess whether there was a general reform trend. NPM reforms have often been implemented simultaneously, with other policy reforms often aimed in opposite directions. Thus they concluded that 'success or failure [of reforms] is clearly determined by local contingencies, both administrative and political' (p. 11). Bangura and Larbi (2006) state that:

Context does matter in the application of NPM reforms. Specific NPM approaches may work better in some contexts than others...there is a need to recognize that countries differ widely in terms of their institutional conditions and their capacity to implement public sector management reforms based on NPM principles and practices (pp. 46-48).

Despite the modest results of reform, Latin America's public administration has undergone change in recent years. There has been a reduction of public employee numbers, and the emergence of parallel bureaucracies - contracted outside the ordinary bureaucracy. In general, the performance of public administration in the

region⁵ remains problematic. The administrations still lack independence and technical capacity, and there is little incentive for public workers. Imbuing meritocratic practice in the region's public administrations remains one of the greater challenges for reformers (Echebarría & Cortázar, 2007). Following increased awareness of the significance of context in designing reforms, recent approaches to the study of the public sector have paid closer attention to institutional frameworks and the characteristics of the policy process. Some of those approaches will be discussed in the next section.

Accounting for context: political institutions and the policy process

This section reviews institutional and policy approaches to studying public sector reforms. On one hand, the institutional literature pays attention to the rules, norms, and routines that comprise the organisational structures of a political system. On the other, the policy literature focuses on the roles of individual and group actors throughout the policy process and the influence of institutions on the process dynamics. These two bodies of literature provide useful analytical tools for accounting for the politico-institutional context of reforms and corresponding policy processes. Recent approaches, drawing from both bodies of literature, offer analytical tools for explaining the trajectories and outcomes of public management reforms.

By the late 1980s and early 1990s neo-institutionalist approaches to the study of politics focused their attention on the institutions that comprise a polity and how they structure the political process. Hall and Taylor (1996) define institutions as 'the formal or informal procedures, routines, norms and conventions embedded in the organisational structure of the polity' (p. 938). These approaches are concerned with the interaction between a polity's institutional setting and political agency, performance, and change. State and societal institutions are considered to shape the interests of political actors and provide structure for their relations (March & Olsen, 2006; Thelen & Steinmo, 1992). Central in neo-institutionalist analyses are electoral and party systems, the interaction among branches of government, and the organisations and structure of economic actors (Thelen & Steinmo, 1992).

⁵ Exceptions in underperforming bureaucracies in the region are Chile and Brazil, and some sectors such as fiscal and regulatory bureaucracies in other countries.

Ikenberry (1988) distinguishes among different levels of institutional structures such as specific traits of government institutions, larger state structures, and national normative social arrangements. At the level of government institutions he locates the administrative, legislative, and regulatory rules which settle conflicts. At the overarching state structures level, there is the distribution of power within the state which manifests in the equilibrium of power between Congress and the executive - the bureaucratic structure, and the policy instruments available within government organisations. The broadest level refers to the explicit and implicit normative limits which shape the interactions between societal and state actors.

When turning to examine public policy, neo-institutionalist analyses began to look at the evolution of public policies with particular attention, focusing on the politico-institutional context and its effect on policy outcomes. Some studies provide detailed accounts of how relevant political actors in developed countries operated within institutional constraints to advance their interests through influencing policy-making (Franceschet, 2010; Steinmo & Tolbert, 1998; Tuohy, 1999; Weaver & Rockman, 1993). Neo-institutionalists argue that understanding of the institutional setting where policies take place is fundamental to understand policy processes and their outcomes. Institutional frameworks aggregate the actions of individuals into public policies and thus affect policy outputs (Hall, 1986).

Studies of public management reform have drawn from institutional approaches in various ways. One example is Pollitt and Bouckaert's (2000) comparative study of public management reforms in twelve countries of Europe, North America, and Australasia. Focusing on reforms in finance, personnel, organisation, and performance measurement systems, they develop a model that illustrates the forces driving change and stability in public management. The model places considerable emphasis on the influences that the political and administrative systems exert over reformers' activities and public management change. As they argue, many accounts of public management reform do not address contextual differences:

Their attention is...confined to the intervention alone, with minimal analysis of variations in the contexts in which the intervention takes place. Yet there is

ample evidence from the study of public administration that ‘implementation habitats’ can make a huge difference to the effects yielded by a particular piece of management change... (Pollitt & Bouckaert, 2000, p. 39).

One important contribution is their selection of politico-administrative features that are likely to affect public management reform processes: the state structure; the nature of executive government at the central level; the interaction between political executives and civil servants; the administrative culture; and the diversity of sources of ideas on public management reform. Pollitt and Bouckaert’s (2000) approach builds country profiles with the “basics” of each country’s experience [placed] into some sensible categories’ based on the aforementioned features. Then they compare the dimensions centering on the trajectories or routes that public management reforms follow from one point to another. They identify patterns, similarities, and differences in the trajectories which led to a range of different results. Pollitt and Bouckaert (2000) found that there are ‘some continuing broad differences between different groups of countries’ (p. 65) that could be associated with different types of politico-administrative systems.

Other bodies of literature began to focus on the contributions of the study of the policy processes to understanding public sector reforms. In a study of twelve policy and institutional reform cases in developing countries, Grindle and Thomas (1989) focus on agenda-setting, decision-making, and implementation of policy. Drawing from case histories, they explore how issues reached the government’s decision-making agenda, what promoted or inhibited policy changes, and what influenced the sustainability of reforms. The study concludes that policy elites play a key role in determining those issues. According to (Merilee S. Grindle & Thomas, 1989), decision makers and managers involved in reform processes have a level of autonomy to model policies - which is not as constrained or as independent as has been suggested by current theories. On the other hand, it concludes that the circumstances surrounding reforms, particularly whether they are discussed under conditions of crisis or normality, affect policy outcomes. They argue that the conflict or opposition to reform depends on the characteristics of the policy, which could be the distribution of costs and benefits, technical intricacies, administrative intensity and long and short term impacts. This study brought to attention the importance of understanding the

policy process in addition to the institutional framework of developing country reforms.

In a more recent study Stein, Tommasi, Echebarría, Lora, and Payne (2006) explore the linkages between political institutions, the workings of the policy-making processes, and policy outcomes. In their study they look at the determinants of policy making processes on thirteen Latin America countries. In analysing the relationship between the quality of policies and political institutions, the authors found that countries with high quality policies tend to score high in terms of the institutional variables considered. The variables considered were the policymaking capabilities of Congress; implementation and enforcement capabilities of the judiciary, the cabinet and the bureaucracy; electoral rules, party system fragmentation, and partisan powers of presidents.

In a second study, Stein, Tommasi, Scartascini, and Spiller (2008) examine the interconnection of local political institutions, policymaking processes, and policy outcomes in eight Latin American countries. They argue that in order to understand public policies it is necessary to look at the multiplicity of political actors interacting in a diversity of arenas and making policy decisions. Stein *et al.* (2008) combine in their analyses an institutional approach and an examination of the policy process within which actors interact and shape the policies and their outcomes. More specifically, they draw from game theory to assess how the policy-making process in each country facilitates or hinders cooperation among policy actors. They studied the connections of institutional variables with the policy-making process, considering how the latter enabled cooperative agreements. The eight case studies show that the impact of political institutions on the policy-making process depends on the particular institutional configuration.

As noted, there is a growing interest in the policy process as a source of insights into the determinants of public sector reform. The works reviewed thus far draw from institutional analyses to look into the determinants of the policy process in reform endeavours. Those studies are also concerned with the influence of actors in the policy's outcomes. None of them, though, draws explicitly from the policy sciences literature, and particularly those with theories of the policy process. The review will

now consider some of the contributions of the policy sciences literature to the understanding of public policies.

Policy theoretical lenses to study public management reforms

Since its beginnings, the policy sciences literature has attempted to make sense of the complex social relations involved in public policy-making. Different approaches to the study of policy have been developed from various disciplinary and methodological perspectives. Harold Laswell (1951) is considered a pioneer of policy studies as he set out to define a policy orientation across academic and professional disciplines in the United States of America. This orientation, which he termed 'policy sciences' (p. 4), comprised the methods for researching the policy process, the results of the studies of policy, and the findings of several disciplines contributing to fulfilling specific intelligence needs of a given time. In Laswell's vision, one of the tasks to approach was the development of a 'science of policy forming and execution' (p. 3) which, supported by the methods of science, would inform the policy process and the contents of policies.

As the policy sciences advanced, a diversity of multi-disciplinary approaches appeared - of which *policy analysis* and the *policy process* have gained particular traction. The former is particularly concerned with applying various methodological tools to solve policy-related problems; and the latter focuses on explaining the conception, choice, execution, and evaluation of policies (DeLeon, 1988). Both approaches have contributed to a growing body of literature comprising a multitude of studies of policy-making in a wide range of domains, countries, and methodological perspectives. A variety of models or frameworks depicting public policy as a process have become central in public policy studies. Scholarly work has been shaped by the processual or stagist approach, to the point where distinct bodies of literature have specialised in specific stages (Parsons, 1995).

However, the stagist approach has received substantial criticism in the literature. Jenkins-Smith and Sabatier (2003) argue that despite its strengths and wide acceptance, the stagist model of policymaking has serious limitations; the main one being that it does not identify what drives the policy process from one stage to

another. Everett criticizes the conceptualizations of the stagist model put forward by Bridgman & Davis (1998, p. 2) and Edwards (2001, p. 4) arguing that they erroneously suggest that the content of policies derives from the policy cycle itself. Everett contends that the policy cycle is not a substitute for decision making. In defense of the statist model Howard (2005) argues that most advocates of the policy cycle model see it as ‘...a general, historically situated model of how policy making occurs, not a formalistic, rigorous description of the processes of government’ (p. 6). Furthermore, drawing from interviews with senior bureaucrats, Howard argues that those advocates perceive the policy cycle model as useful in capturing the complexities of contemporary policymaking. In this research, the policy cycle model is considered in the sense Howard points above. The approach is not considered a formalistic description of the policy process, but a general model that is complemented with the context particular to the processes under analysis.

At the theoretical level, there are two distinguishable categories, one including traditional theories of the state borrowed from political science, and the other including theories focusing on the interactions of a wider set of actors within the policy process. The first category of theories places an emphasis on the organisation of government and governmental officials’ decisions as factors in explaining public policy change. State centered theories consider the state to be an actor differentiated from other societal groups with objectives and resources of its own. Under such assumption, policy can be seen as responding to the interests of the autonomous state and not necessarily as a reflection of broader societal interests (Goldfinch, 2001). In this view, the state is more than just an arena in which social groups struggle for their interest; instead, governmental officials are often responsible for initiating policy change and gathering the political support needed to produce it (Skocpol, 1985; J. Wilson, 1989). State-centered approaches have been criticized for overstating the unity within the state while paying scant attention to the divisions and struggles within it (Goldfinch, 2001).

The second category includes theories that focus on state and non-state actors, individuals and groups, paying attention to how they define problems, advocate for policy solutions, and interact with the wider political system throughout the policy

process. As Sabatier (1991, p. 147) argues, policy scholars have paid attention to several phenomena in search for understandings of policy:

- a) The importance of policy communities/networks/subsystems involving actors from numerous public and private institutions and from multiple levels of government;
- b) The importance of substantive policy information;
- c) The critical role of policy elites vis-à-vis the general public;
- d) The desirability of longitudinal studies of a decade or more;
- e) Differences in political behaviour across policy types.

Several theoretical frameworks take into account this wider view. Among them exists a sub-group that focuses on agenda-setting – that is, the process by which issues move from the public domain onto the governmental agenda. From the wide array of issues which could potentially be considered in any polity, only a few will get the attention of policy makers and elected officials at any given time, in part because of political will and limited resources. Once an issue gets on the governmental agenda, the possibility of it being addressed through public policy is increased. The importance of agenda-setting in the policy process is reflected in the attention given to understanding and explaining how it is that issues shift from one agenda level to another: the frameworks that have received considerable in policy studies are Kingdon's (1984) multiple streams model, and Baumgartner and Jones (1993), which will be reviewed in detail further below.

The use of policy theoretical approaches in the study of Latin America began several decades after the approaches appeared. As noted, previous policy literature dealing with Latin America was mostly concerned with institutional influences on policy formulation, and on the policy process. Studies drawing explicitly from policy theories only began to appear at the beginning of the twenty-first century. A pioneering effort in that regard was initiated by Gaetani (2003) and Cejudo (2003), drawing from Barzelay's (2001, 2003) research approach. This approach will be discussed in detail next.

A policy-theoretical framework for understanding the public management policy change

Barzelay (2001, 2003) combined a policy process orientation with the study of public sector reform in an analytical framework aimed to investigate public management reforms. Barzelay proposes the redefinition of the NPM paradigm as a policy domain, namely public management policy. Public management policy as defined by Barzelay refers to ‘government-wide institutional rules and organisational routines related to expenditure planning and financial management, civil service and labor relations, procurement, organisation and methods and audit and evaluation.’ (Barzelay, 2003, p. 251). Drawing from the theories of the policy process of Baumgartner and Jones (1993) and Kingdon (1984); and a model of organisational learning produced by Levitt and March (1990), Barzelay aims to construct nuanced accounts of policy episodes and account for change in public management policy.

In order to do so, Barzelay’s framework focuses on two sets of factors - one institutional and the other process-oriented - that interact, shaping decision-makers’ choices. On one hand, there are institutions that influence the outcomes of a policy episode. In public management policy episodes the key institutions involved are the party systems, the bureaucracy and administrative systems, the interaction between executive, legislative, and civil servants; the unions, and the academic community. These institutions often interact as a policy community around public management policy. On the other hand, there are the groups and individuals that participate in the episodes and influence policy outcomes. These can be public servants, elected officials, academics, and pressure groups, among others.

Barzelay’s methodological framework entails constructing case narratives that describe the episodes from their inception up to when an authoritative decision was made to change or maintain a policy. Subsequently, the influences and roles of the actors involved are teased out from the narrative account for analysis. Finally, explanations for the episode’s outcomes are developed. In comparative research, two or more episodes are contrasted and compared in search for further insights. Barzelay’s framework allows disaggregating policymaking into stages and exploring the links among stages. This framework facilitates causal interpretation of public

management reform episodes while addressing key questions such as: ‘1. How did public management policy change happen? 2. How can change be explained by the operation of social processes and mechanisms? and 3. How can the operation of processes and mechanisms be explained by (contingent) process context factors?’ (Barzelay, 2003, pp. 258-259). The approach facilitates producing limited historical generalisations to advance understanding of public management policy change processes in specific contexts (Barzelay, 2003; Barzelay & Gallego, 2006).

From the wide array of existing research frameworks, Barzelay’s approach presents the advantage of synthesizing some of the major theoretical perspectives in policy studies with a focus on public management policy: the multiple streams framework and the punctuated-equilibrium framework. Both theoretical frameworks are interested in the process and determinants of agenda-setting. That is, they examine how issues reach the government policy agenda. Thus, policy implementation falls out of their scope of attention. As such, the analyses resulting from using Barzelay’s research approach are restricted to the pre-decisional stage of the policy process.

The multiple streams framework

The multiple streams (MS) is a theoretical framework intended to help answer why some issues become important items on governmental agendas, and why governments pay attention to some policy alternatives and not others at a given time (Kingdon, 1984). This framework emerged from a study of the development of public policy in the areas of health and transportation in the federal government of the United States of America. Kingdon identified two categories of factors that affect agenda setting and alternative specification. The first category, active participants, comprises actors involved in policy formation. These are classified into visible and hidden participants according to the level of public attention they receive. Among the highly visible participants are the president and high-level presidential appointees, members of Congress, political parties, and the media. On the other hand, academics, researchers, career bureaucrats, and administration appointees below the top level comprise the cluster with lower visibility. Moving between the two clusters are interest groups whose activities can be either public or hidden.

Kingdon (1984) argues that higher-visibility participants tend to affect agendas while lower-visibility participants generate alternatives. Agendas are ‘the list[s] of subjects or problems to which governmental officials, and people outside of government closely associated with those officials, are paying some serious attention at any given time’ (Kingdon, 1984, p. 3). On the other hand, alternatives are the options available for governmental action that government officials and people outside of government closely associated to them are seriously considering. Kingdon differentiates between two types of agendas: the governmental agenda as defined above, and the decision agenda, which refers to ‘the list of subjects within the governmental agenda that are up for an active decision.’ (Kingdon, 1984, p.4) The distinction between agenda types has important analytical implications, as it allows understanding why some issues that appear high on the governmental agenda do not succeed in being transformed into policy.

The second category of factors affecting agenda-setting and alternative specification comprises three families of processes or streams: problem recognition; the formulation of policy proposals; and politics. The first stream refers to the problems that capture the attention of people in and around government. The policy stream refers to the ideas or proposals that policy specialists generate around a certain policy issue. The political stream comprises events occurring in the political system such as changes in national mood, changes of administration, shifts in Congress composition, or interest group campaigns. The streams work mostly independently from each other and it is their coupling - the coming together of the streams at critical times - that for Kingdon (1984) best explains agenda and policy change.

The coupling of streams is determined by the appearance of policy windows and the activities of policy entrepreneurs. Policy windows are ‘opportunities for action on given initiatives’ (Kingdon, 1984, p. 174) which open occasionally and stay open for a short period of time. A policy window allows an issue to become a priority in the decision agenda. Policy windows open in response to changes in the political stream or the appearance of new problems. Events such as change of administration or turnover of political actors are considered policy windows. Policy windows open when indicators or focusing events, such as crises or disasters, draw the increased attention of policymakers. Kingdon (2003) points to four different types of policy

windows⁶: routinized political windows which open predictably following established routines such as legislation coming up for renewal; discretionary political windows which are not as predictable and open in response to the actions of political actors; spillover problem windows which open when an already open window draws in related issues; and random problem windows which open unpredictably following random events.

Policy entrepreneurs, on the other hand, are advocates for proposals or ideas willing to invest their time and resources hoping to see policies they approve implemented; they can occupy various places in the political system in or outside of government. Policy entrepreneurs play a key role in ‘softening up’ (Kingdon, 1984, p. 134) policy communities and the larger public, through communicating their ideas and building acceptance of them. Once a policy window opens, policy entrepreneurs will take advantage of it coupling streams at the policy window. As Kingdon argues, entrepreneurs ‘hook solutions to problems, proposals to political momentum, and political events to policy problems’ (1984, p. 191) thus performing a determinant role in policy change.

The punctuated-equilibrium framework

The second theory of the policy process that comprises Barzelay’s approach is the punctuated-equilibrium (PE) framework. Frank Baumgartner and Bryan Jones (Baumgartner & Jones, 1993) developed the PE framework as an approach to understanding policy change and stability. They argue that long periods of policy stability and short periods of intense change can be explained by the same process: that is, both change and stability are dependent on the interaction of policy images with policy venues. The concept of policy image refers to how policies are discussed and understood by the public and policy elites.⁷ As policies affect different people in different ways, the public holds diverse images - positive and negative - of the same policy. Politicians, government officials, or other interested parties have incentives to depict policies in different ways according to what they can gain from particular

⁶ Kingdon (1984) does not provide a specific nomenclature for the four types of policy windows suggested in his work. The nomenclature used here is borrowed from Howlett, M. (1998).

⁷ This is reflective of the literature on policy framing and problem definition – e.g. see Stone (1989) and Rochefort & Cobb (1993).

policy understandings. Policy venues on the other hand, are sets of institutions where authoritative decisions over policy are made. Examples of policy venues are executive branch agencies, Congress, local government, and the courts.

Baumgartner and Jones (1993) argue that changes in policy image can produce changes in policy venue and, conversely, venue changes facilitate image changes. The interaction between venues and images can result in long periods of stability or short periods of intense change. An example of such interaction is the case of the National Environmental Protection Act (NEPA) enacted in the United States of America in 1969. Environmentalists found in Congress a supportive venue which eventually changed how environmental issues were considered. Congressional enactment of NEPA legitimised particular environmental issues and forced government institutions - which previously paid scant attention to such issues - to seriously consider them. Additionally, new institutional venues were created as a result of NEPA, which facilitated ensuing discussions of environmental policies (Baumgartner & Jones, 1991, 1993).

Policy subsystems and associated restrictions of entry to new participants are at the centre of the PE framework. Policy subsystems are understood as systems of limited participation comprising interest groups and individuals knowledgeable of a particular policy arena, and an institutional structure responsible for policy-making. Baumgartner and Jones (1993) pay special attention to monopolistic arrangements in policy subsystems. Policy monopolies are characterised by an institutional structure that formulates policy and limits access of other participants, and a supporting idea closely associated to that structure. Monopolistic control over policy venues makes changes in image difficult, which in turn lowers the possibilities for policy change. As Baumgartner and Jones argue 'the degree to which problems are tightly linked to images is related to the degree to which a single arena of policymaking exerts monopolistic control over a policy' (1993, p. 38).

The monopolistic structure of a given policy subsystem can be altered when new participants with opposing interests make their way into the subsystem. New understandings of policy issues attract new participants to the policy process, which weakens or even causes policy monopolies to collapse. The PE approach considers

that policy entrepreneurs attempt to strategically control policy images through rhetoric, policy analyses, and symbols, in a way that favours their own political goals. Policy entrepreneurs also look for the most supportive venue for dealing with policy issues in line with their interests. An example of the effects of issue-image change on policy monopolies is the nuclear power policy subsystem created in the middle 1950s in the United States of America. As Baumgartner and Jones (1993) report, a powerful policy monopoly surrounding nuclear power emerged during the 1940s and 1950s associated with positive public images of economic progress. During the 1960s and 1970s the issue was raised again in the public agenda, but this time the positive images were replaced in the media with negative ones associated with danger and environmental degradation. Interested actors raised the issue in several institutional arenas, and an increased number of actors became involved in making nuclear policy which caused the previous monopoly to collapse.

Controlling policy images and searching for supportive venues compose the strategy of 'venue shopping' which according to Baumgartner and Jones involves image manipulation as a key element to locate policy debates in favourable venues (1993, p. 36). The actors that have not succeeded in policy debates will search for allies in new venues such as congressional committees, state government organisations, or courts. In this search, image manipulation is central to explaining why an issue should be discussed in a particular venue and attracts the interest of the members of such venue. Venue shopping is carried out through one or a combination of three courses of action: First, appeals to a broader audience so that more supportive-participants get involved in the debate; Second, actions promoted by concerned outsiders; Third, attacks to current policy arrangements from decision-makers in other venues aiming to extend their own policy jurisdictions.

Baumgartner and Jones (1993) also acknowledge that shifting institutional and political environments determines policy change, and draw attention to changes in congressional structures and their effects on policy formulation. Congress can be either a source of policy stability or a promoter of change - it can maintain or destroy policy subsystems. Also, increased congressional attention to certain issues in response to requests from policymakers, interest groups, or executive agencies, can foster a change in congressional behaviour towards those issues. Interested members

of Congress who see potential gains in expanding the influence of their committees might also spark change in congressional behaviour. Members of Congress can link their interests with those of policy-makers outside of Congress to move the issue to a different venue. An example of how reforms within Congress affect its policy role is the administrative reform in the United States' Congress during the 1970s. These reforms increased Congress' budgets, staff, and investigative powers. With greater resources, Congress enhanced its ability to bring issues to the public agenda and expanded its powers of intervention in policy subsystems (Baumgartner & Jones, 1993).

The combination of the MS and PE frameworks allows the study of policy events from different perspectives and to focus on varied determinants of policy change and stability. As Barzelay (2001) argues, the two frameworks use different sets of concepts especially suited to explain policy change 'by focusing on factors that interact through time to shape the choices faced by decision makers.' (p. 56) The MS framework pays attention the flows of activity in the politics, policy, and problems realms. It also highlights the strategic activities of policy entrepreneurs⁸ during times favourable for policy change. Complementarily, the PE framework fosters a view of policy subsystems' composition, permeability, and evolution through time. It brings to the fore the set of beliefs and values associated with a particular policy—in other words, the policy image. The PE approach involves examining how the policy image is maintained or transformed and the implications of that for policy stability and change. Using both frameworks conjointly facilitates a more comprehensive view of the policy process.

⁸ For a discussion of policy entrepreneurs and their role in policy change see Mintrom & Norman (2009).

Policy entrepreneurship

Both theoretical frameworks discussed above pay attention to the role of policy entrepreneurs. Kingdon (1984) devotes substantial attention to defining the attributes of a policy entrepreneur and the particular roles they play within the policy process. Kingdon defines policy entrepreneurs as advocates for proposals or ideas who are willing to invest their time and resources hoping to see policies they approve implemented. Policy entrepreneurs use their abilities to advocate for proposals, soften up policy communities, and connect problems to solutions. They have the ability to generate support for their proposals and take advantage of windows of opportunity to advance their proposals into policy. On the other hand, Baumgartner and Jones (1993) acknowledge the role of policy entrepreneurs in controlling policy images and searching for favourable venues for their proposals. Nevertheless, they do not delve into the characteristics of policy entrepreneurs in great detail.

Kingdon (1984) made a significant contribution to conceptualizing policy entrepreneurship, and noting its relevance for policy change. Other authors have contributed further to shape the concept. Mintrom (2000) defines policy entrepreneurs as follows:

Policy entrepreneurs can be identified by their efforts to introduce policy innovations and, thereby, secure policy change. Policy entrepreneurs are not interested in preserving the status quo in policy settings. Their motivations for introducing policy innovations might be quite diverse. However, given their goal of promoting significant policy change, their actions should be expected to follow certain patterns. Just as it is possible to identify policy entrepreneurs in the market process...so it is possible to identify policy entrepreneurs in the policymaking process. (p. 152)

The literature shows that there is a growing body of work, conceptual and empirical, concerned with policy entrepreneurs and their role in policy change. As Mintrom and Norman (2009) point out, there has been a recent increase in the use of the policy entrepreneur concept to explain significant policy change in diverse policy areas and countries (Crowley, 2003; Roberts & King, 1991). The concept has been applied

mostly to individuals, but there is recognition that groups can act as policy entrepreneurs (Meijerink & Huitema, 2010). Nevertheless, the policy entrepreneur concept has only rarely been applied to episodes of policy change in Latin American countries (see: G. M. Cejudo, 2003; Gaetani, 2003).

Linking policy venues and policy entrepreneurship, Pralle (2003) points to the role of policy entrepreneurs in moving issues into new venues. As she argues, "...we cannot understand the role of venues in policy change processes without theorizing about and observing the behaviour of policy entrepreneurs and advocacy groups as they attempt, or fail to attempt, to move issues into new venues." (p. 237) Pralle notes that venue shopping has been recognized in the literature as a common strategy that policy advocates use for advancing policy initiatives (Sabatier, 1999; C. A. Wilson, 2000); and that the existence of multiple policy venues in a political system promotes policy change. Multiple venues arguably provide opportunities for policy advocates to advance new definitions of policy problems and promote their solutions.

Comparative cases in public management policy

Another explicit objective of Barzelay's framework is to allow for the production of comparable case studies that can be subject to comparative analyses. So far, a growing number of scholars have applied Barzelay's approach in analyses of public management policy change events in different countries (Barzelay & Fuchtner, 2003; G. M. Cejudo, 2003; Gaetani, 2003; Gallego, 2003; Malee, 2003; Moynihan, 2003). Using case studies, these authors describe and explain how issues entered the governments' agendas, what alternatives were considered, who influenced the decision-making processes, and how, and what roles institutions played in producing policy outcomes.

Among the cases is Cejudo's (2003) comparative study of two episodes of attempted policy change in the Mexican public administration. The first initiative intended to fight corruption in the federal public administration. The second initiative aimed to effect comprehensive change in the public administration's performance through changes in organisation and methods, budgeting, and the civil service. In this study Cejudo puts forward two accounts of policy change and stability based on the policy

theoretical lenses in Barzelay's framework. Those lenses highlighted how issues reached the governmental agenda, how the structures of policy sub-systems, the issue images, and policy entrepreneurs interacted to produce varied outcomes within the Mexican political regime.

Cejudo (2003) reveals how institutions, groups, and individuals intervened during the two episodes and influenced the outcomes of the processes. He challenged the argument that the absence of change in public management policy is due to a lack of governmental interest. The cases he analysed revealed considerable governmental support for policy change. Nevertheless, policy stability prevailed due to a lack of political support for the governmental institutions charged with advancing policy change; also contributing to stability were changes in the political elite, a lack of policy entrepreneurship, internal conflicts in government organisations, and shifts in presidential attention. Cejudo's study provides a relevant point of comparison for the results of this research, as it draws from the same methodological approach and involves one of the countries this research focuses on.

Another example of analysis of the policy process in public management policy change is a study of public management reforms in Brazil during Fernando Cardoso's first presidency (1995-1998). This case presents reforms enacted through constitutional amendment that allowed for the creation of new forms of public sector organisations, such as agencies, new types of government employment contracts, and the reduction of tenure constraints on government employees. The analysis highlights the comprehensive role of a policy entrepreneur who drove policy change from problem definition, to generating a policy proposal, to conducting political negotiations with the executive and Congress, and ultimately to achieving the constitutional amendment. As Gaetani (2003) argues, the episode provides an example of successful policy entrepreneurship in an environment that was hostile to change.

In a comparative analysis of six such episodes, Barzelay (2003) analysed cases of public management policy activism, including the two cases discussed above. These cases predominantly occurred during the 1990s in Mexico, Brazil, Spain, Germany, Thailand, and the United States. Focusing on issues such as over-bureaucratization,

administrative modernization, and streamlining, these case studies aimed to explain the trajectories and outcomes of the episodes utilising a common theoretical framework. To that end, the analyses paid attention to causal sources of policy change such as issue images, policy spill-overs, policy sub-systems and venues, and policy entrepreneurship. In his comparative analysis, Barzelay (2003) advanced a number of limited historical generalisations:

First, heads of government, often in concert with close colleagues, exercised unparalleled influence over the inclusion of public management policy issues on the policy agenda. Second, the decision to include or exclude [public management policy issues] from the policy agenda normally transpires during the postelection process of forming governments or assembling presidential administrations. Third, heads of government exercise marked influence over the issue formulation, though their influence in this respect is somewhat muted compared with that over issue inclusion...[and] the degree of contact between peak-level executives and the alternative-specification process varies widely, with substantial consequences for issue status and momentum...(pp. 277-278)

Barzelay's assertions highlight the importance of political leadership, policy entrepreneurship, policy learning, and the design of policy formulation, among other factors. The concluding chapter will contrast the above discussion and generalisations with the results of the present research with the purpose of assessing whether those statements apply to the cases analysed here.

Comparing Barzelay's approach with Pollit and Bouckaert's (2000) approach discussed earlier, shows that the latter take into account a wider set of institutional variables such as state structure and administrative culture of a given government. A key difference between the two approaches is that Pollit and Bouckaert's treatment of policy trajectories is not specifically policy-theoretical. Stein et al. (2006; Stein, et al., 2008) also take a broad institutional view, but at the same time focus on cooperative agreements among political actors. Adding to those perspectives, Grindle and Thomas (1989) also account for the constraints that the political, economic, and historical context places upon policy elites, noting that policy elites were central actors who exerted sufficient influence on the timing and content of policy proposals

to render them politically and bureaucratically acceptable. In the same vein, Barzelay's approach also emphasises the configurational character of the interactions between actors and institutions in producing policy outcomes. Nevertheless, his use of policy theories allows focusing attention on a limited set of interactions in order to find some determinants of policy outcomes.

Conclusion

This chapter has reviewed the public management literature and its overlap with the institutional and policy literatures. For the past two decades the public management reform literature has been particularly concerned with New Public Management. Despite disagreements regarding its spread beyond the paradigmatic cases, the literature shows that public sector reform has adopted, at least in its rhetoric, a managerial and market-oriented discourse in many parts of the world. The literature addressing developed countries presents a clearer picture of NPM implementation and results than that focusing on developing countries. In the former category, some countries have embarked in more extensive implementation efforts than others, and the results are mixed. In developing countries implementation has been generally modest and evaluation of results has been scarce.

In recent years, the literature has begun to pay growing attention to contextual influences not only on policy implementation, but also on policy formulation associated with public sector reforms. Scholars began to study public management reform using a public policy approach, aiming to understand the policy process that leads to reforms in a variety of political and institutional contexts. Drawing from the institutional and public policy literature, several studies have produced valuable understandings of what determines change in public management policy.

In Latin America, despite various waves of reform, transforming the public administration remains a pressing challenge. Several countries in the region are still grappling with the question of how to design and produce sustainable reforms that foster efficient and transparent public administrations. While reformers are very familiar with reform experiences elsewhere, there is still insufficient knowledge of the particularities of the local political systems and the nature of the local policy

processes. Research approaches drawing from theories of the policy process have recently begun to be used in public management policy research on Latin America. Such approaches are bridging the gap between understandings of policymaking based on consolidated democracies of developed countries, and the realities of policymaking in different contexts. This research aims to contribute to improving understanding of developing country policymaking and how it compares to more developed countries.

Chapter 3

Research methodology

As stated earlier, the purpose of this study is to provide explanations for the progression of events and resulting outcomes associated with two policy episodes. These episodes unfolded during periods of several years and involved many actors and institutions who influenced the processes in different ways. In order to capture the multiple variables involved, a number of methodological choices were made. This section presents the research methodology followed in this study. A discussion of the suitability of research method, selection of participants, instrumentation, data collection, and data analysis procedures is presented. This chapter ends with a discussion of the limitations and delimitations of this study.

A research framework for public management policy change

As reflected in the literature review, there are several research frameworks and theoretical approaches available to study public management reforms. However, one was considered particularly fitting with the purpose and objectives of this research: that is, Barzelay's (2001, 2003) framework for studying public management policy change. As discussed in the previous chapter, Barzelay's framework aims to advance research on public management policy change by focusing on policy-making processes and the dynamics of change. Barzelay's approach combines policy theories and a case study design to examine and explain episodes of public management policy. Barzelay (2001, 2003) and Barzelay, Gaetani, Cortázar Verarde, and Cejudo (2003) have explicitly advanced a methodology aimed at enabling comparable analyses of public management policy change.

Barzelay (2003) introduced the term 'public management policy' as a '...novel classification in the academic study of public administration and management [which] refers to government-wide institutional rules and organisational routines related to expenditure planning and financial management, civil service and labor relations, procurement, organisation and methods and audit and evaluation' (p. 251). This

approach constitutes the methodological and theoretical basis for analyzing the two cases of public management reforms concerning this study.

As Barzelay (2003) points out, this new classification emerged from the study of the new public management (NPM) and is intended to address a gap in the literature left by the lack of a policy approach. The NPM literature has arguably been concerned with ‘the organisation design and culture of the entire core public sector’ (p. 251) whereas the term public management policy implies a narrower focus which excludes policy tools—for example vouchers, sector-specific organisational innovations, and cultural phenomena such as a service orientation. Conceptually, as Barzelay argues, public management policy is better suited to understanding the process dynamics of change in the core public sector than the NPM is. Additionally, it is particularly concerned with the policymaking process—or the dynamics of policy change—and not as much with the implementation or evaluation of policies in particular contexts.

From Barzelay’s (2003) perspective, policy choices are considered to result from ‘mutual adjustment of numerous actors playing differentiated roles, interacting in varied institutional venues, and responding to a flow of contemporaneous events’ (p. 252) This approach aims to develop a process understanding of policymaking with a particular interest in:

...what triggers changes in beliefs about collective problems and potential solutions, the mobilization of effort to accelerate the momentum of policy issues, the engagement of these issues by decision makers, and the resolution of conflict among decision makers regarding alternative policy measures. How opportunities for policy change emerge and are exploited are perhaps the central theoretical questions for researchers studying policy dynamics. (Barzelay, 2003, p. 252)

The theoretical foundations of Barzelay’s (2003) approach are drawn primarily from processual models of decision making, especially from the works of Kingdon (1984), Baumgartner and Jones (1993), and Levitt and March (1990). Of the wide array of existing approaches, Barzelay’s presents the advantage of synthesizing some of the major theoretical perspectives in public policy with a focus on public management

policy. Another advantage is that it incorporates process-context factors into the analysis. This is particularly appropriate for analysing developing country cases in which the political contexts differ from those of the countries from which the theoretical frameworks were initially developed.

This research framework when applied to particular cases of public management policy change, allows for a teasing out of the complex relations which occur in the policy process. The analysis of such relations among public servants, politicians, technocrats, and citizens fosters explanations for how the different steps in the policy process develop taking into consideration the influences of the broader political and social context. As Barzelay (2003) states,

A primary advantage of this framework is to facilitate causal interpretation of episodes of public management policy change. The general form of a battery of major research questions is then: 1. How did public management policy change happen? 2. How can change be explained by the operation of social processes and mechanisms? and, 3. How can the operation of processes and mechanisms be explained by (contingent) process context factors? (p. 258)

Barzelay's research program has been joined by a number of scholars who have developed case studies of specific public management policy change events in different countries using the same theoretical framework (Barzelay & Fuchtner, 2003; G. M. Cejudo, 2003; Gaetani, 2003; Gallego, 2003; Malee, 2003; Moynihan, 2003). Such case studies present accounts of public management reform events and attempt to explain how issues became part of the governments' agendas, what alternatives were considered, who influenced—and how—the decision making processes, and what roles institutions played in producing policy outcomes. Barzelay's approach facilitates conducting comparative research aimed at explaining similarities and differences among cases. Comparative analyses of various country cases have been developed explaining similarities and differences between policy events and developing limited historical generalisations (Barzelay, 2001; Barzelay, 2003; Barzelay & Feuchtner, 2003).

Barzelay's approach informs the present research with a theoretical perspective and a methodological one. The decision to draw on Barzelay's framework was based on the suitability of its methods and theories to examine public sector reform. The goal is to understand change in public management policy. Barzelay's conceptualization of public management policy as a policy domain is useful in framing the type of policies on which attention is focused. By delimiting the policy domain, the analytical tools of the approach are best suited for the type of policy and comparisons among cases are facilitated. This conceptualization is in itself an important contribution to the analysis of public sector reforms.

The framework's case orientation was found suitable given the researcher's interest in delving into the context of policy processes. The case method allows to build a rich description of the institutional context within which the episodes took place, as well as to account for the progression of events throughout a period of time. Also, for comparative purposes, the case study method allows building cases with a standardized structure, which facilitates analytical comparison. Barzelay's (2001, 2003) case study model facilitates the choice of episodes to study. By illustrating the type of policies and process outcomes, the framework helped in the search for appropriate instances of public sector reform.

Barzelay's original framework comprises three theoretical approaches—Kingdon's (1984) multiple streams, Baumgartner & Jones' (1993) punctuated-equilibrium, and Levitt and March's (1990) model of organisational learning. In this research, only the multiple streams and the punctuated equilibrium theories are used. It was decided to exclude Levitt and March's model as its focus on organisational learning demands a level of interaction with organisations that required more data collection resources than available for this research. While incorporating Levitt and March's approach into the theoretical mix would probably add further insights into the episodes, the approach used here is deemed satisfactory.⁹ Table 1 summarizes the main elements of Barzelay's methodological framework.

⁹ There are other case studies that draw from Barzelay's approach, which have used a combination of Kingdon (1984) and Baumgartner and Jones' (1993) approaches in their theoretical mix – e.g. see (Gallego, 2003).

Table 1: Barzelay’s research framework (Barzelay, 2001).

Research goal	Understand change in public management policy		
Research style	Case oriented		
Research objective	Limited historical generalisations		
Research design	Select case outcome	Select explanatory framework / models	Select cases
Research task	Explain similarities and differences among cases using explanatory framework / models		

Research method

While Barzelay’s approach informed the methodological design of this research, an assessment of the framework’s components was conducted to ensure their suitability for this research. There were a number of methodological choices that were made in the design of this research. The first choice was to conduct a qualitative study. Qualitative research methods are aimed at ‘providing an in-depth and interpreted understanding of the social world of research participants by learning about their social and material circumstances, their experiences, perspectives and histories’ (Ritchie & Lewis, 2003, p. 3). In qualitative research, unlike quantitative approaches, quantification or statistical methods are not the means to arrive at the research findings (Strauss & Corbin, 1998, p. 11).

Imbued in the interpretivist tradition, qualitative methods acknowledge the input that the researcher and the social world have on each other. The researchers’ values influence their perspectives, thus preventing research from being objective and value free. The methods of the natural sciences are deemed inappropriate given that social phenomena are not ruled by established regularities. Conversely, the social world is mediated through human agency and meaning. Thus, researchers seek to study and understand social phenomena through the lenses of the researcher and the participant (Ritchie & Lewis, 2003, p. 17). Qualitative research is associated with small-scale samples selected purposively according to pre-established criteria; data collection through close and interactive contact between researcher and participants; analysis

that produces rich description and develops explanations; and outputs centered on interpreting social meaning (Denzin & Lincoln, 1994; McNabb, 2002; Ritchie & Lewis, 2003).

There are several qualitative research methods available to researchers, among them narrative analysis, comparative method, discourse analysis, content analysis, case study analysis, and others. In this research the selection of an appropriate method was based on the research purpose and guiding questions. The comparative case study method was deemed most applicable. According to Creswell (2007) case study research is:

...a qualitative approach in which the investigator explores a bounded system (a case) or multiple bounded systems (cases) over time, through detailed, in-depth data collection involving multiple sources of information...and reports a case description and case-based themes (p. 73).

The case study approach as highlighted by Yin (2003) is a particularly valuable strategy for conducting research when a “how or “why” question is being asked about a contemporary set of events, over which the investigator has little or no control’ (p. 9); in other words, the case study approach is especially valuable when the research aim is to explain such events. Thus, case studies are particularly useful for explaining processes of policy change occurring within a specified time frame and geographical location and involving multiple actors and institutions. Accordingly, this research draws from what Yin (1981) terms the explanatory case study approach, which he defines as an accurate presentation of the case facts, consideration of alternative explanations of such facts, and a conclusion based on the most appropriate explanation. This approach is in line with the framework of Barzelay et al. which allows for comparison with the cases of public management policy change that those authors have analysed.

When deciding to use a case study approach there existed a choice between single-case designs and multiple-case or comparative designs¹⁰ (Yin, 2003). The multiple-case design was chosen for various reasons. Firstly, studying more than one case will strengthen the analysis through cross-case comparison. Cross-case comparison allows developing insights through contrasting differences and similarities among cases. Such insights will foster further developing and assessing alternative explanations for the policy processes under study. As such, comparative methods have been extensively used in comparative politics and comparative public policy research¹¹ (Ashford, 1978; Dierkes, Weiler, & Antal, 1987; Heidenheimer, et al., 1990). Secondly, a multiple-case design has the potential to increase the external validity of this study, in other words, the extent to which the research results are generalizable¹² beyond the case in point (Yin, 2003).

The researcher selected two cases of contemporary public management reforms which focused on civil service systems. The first case occurred in Mexico during 2000-2003, it was an attempt to enact a civil service law. Similarly, the second case was an attempt to enact a new civil service law in Guatemala during 2000-2007. Each case was analysed as a whole and then compared with the other. Sharing the same policy domain and policy instrument - a bill - these two cases were suitable for comparison. Further discussion on the selection of cases appears later under the *selection of participants* heading.

¹⁰ As pointed by Yin (2003) in political science and other fields the multiple-case approach is referred to as the comparative case method. The two terms will be considered equivalent in this work.

¹¹ Comparative public policy as defined by Heidenheimer et al. (1990) is 'the study of how, why, and to what effect different governments pursue particular courses of action or inaction' (p.3). While comparative public policy necessarily draws from various disciplines, those authors argue that for the last forty years there has been a 'clear focus on the systematic, comparative study of public policies' (p.7)

¹² It should be noted though that I use 'generalization' in the same sense as Yin uses 'analytical generalization' (2003, p. 32), which refers to generalization of case results to theory as opposed to other cases. Analytical generalization as Yin argues, entails using existing theories as 'template[s] with which to compare the empirical results of the case study' (p.33)

Theoretical framework

As stated earlier, drawing from Barzelay (2001, 2003), two theories of the policy process are used to interrogate the data and formulate explanations for the policy episodes. The first theory is Kingdon's (1984) multiple streams framework (MS). The MS is a theoretical framework that analyses how and why certain issues reach governmental agendas. The framework identifies two groups of factors that influence alternative specification and agenda setting: the first group comprises the active participants in policy formation such as the president, members of Congress, bureaucrats, and researchers. The second group includes three streams of activity: problem recognition, policy proposal formulation, and politics. The conjunction of the three independent streams as a catalyst of policy change is at the center of Kingdon's theoretical framework.

Baumgartner and Jones' (1993) punctuated-equilibrium (PE) framework, on the other hand, focuses on understanding the determinants of policy change and stability. The framework relates policy stability and change with the interaction of policy images and venues. Policy image refers to how the public and policy elites understand and discuss policies. Policy venue refers to a set of institutions in which authoritative policy decisions are made. Baumgartner and Jones (1993) argue that changing policy images can produce changes in policy venue, and vice versa. Such interactions can in turn result in long periods of stability or short periods of intense change.

The combination of these two theoretical frameworks allows for the examination of the policy episodes from a wider perspective. The two theories focused on different sets of variables, which expanded the possibilities of finding theoretically-based explanations of the processes under study. They provided the basis for developing explanations of the historical trajectories of the policy change events. Explaining historical trajectories entails historical interpretation and causal analysis as defined by Ragin (1987); historical interpretation attempts to account for 'historical outcomes...or processes by piecing evidence together in a manner sensitive to historical chronology and offering limited historical generalisations which are sensitive to context' (p. 35). Causal analysis on the other hand is concerned with

producing ‘limited generalizations concerning the causes of theoretically defined categories of empirical phenomena’ (p. 35)¹³.

By sharing the research design with other case studies (Barzelay, 2003; G. M. Cejudo, 2003; Gaetani, 2003; Gallego, 2003; Malee, 2003), it was possible to compare the selected cases with those case studies. Although the main focus of this research is on the cases of Mexico and Guatemala, a comparison with other cases is presented aiming to enrich the analysis.

Selection of participants

There were two fundamental choices related to the selection of cases and participants for this research. In both cases, the selection was purposeful - guided by the research goals and theoretical framework, and not probabilistic. The selection of cases was guided by an interest in filling a gap in the literature through studying policy processes of civil service reform in transitional democracies. The cases of Mexico and Guatemala were both instances of contemporary civil service reform attempts, which shared common goals and designs. In choosing the cases it was decided to follow a most similar systems design (Przeworski & Teune, 1970) seeking to compare cases that are as similar as possible in as many characteristics as possible. The two cases comprise contemporary instances of policy processes which fall within the same policy domain - public management policy - and category - civil service, as defined by Barzelay¹⁴ (2001). The cases bear similarities in that the policy instrument for reform was a national civil service bill. Mexico and Guatemala share substantial cultural, social, and political traits - but there are significant differences in their political systems. The theoretical framework used in this research allowed contextualised comparison – that is, accounting for contextual differences in the analysis of similar cases.

¹³ As Barzelay (2001, p. 31) points out, ‘Limited historical generalizations is Ragin’s (1987) shorthand expression for what he elsewhere calls “modest empirical generalizations about historically-defined categories of social phenomena”’.

¹⁴ I use Barzelay’s definition of public management policy as ‘government wide institutional rules and routines...[which] fall into the following categories: expenditure planning and financial management, civil service and labor relations, procurement, organisation and methods, and audit and evaluation’ (Barzelay, et al., 2003, p. 20).

The selection of research participants was made through a combination of purposeful and snowball sampling strategies. Purposeful sampling entails selecting participants according to their knowledge of the issue under study (Patton, 1990). Snowball sampling, on the other hand, consists of asking initial participants to recommend other participants who might have first-hand knowledge of the issue under study. The initial set of participants was selected based on a review of the literature and public information identifying the actors in the policy process. Snowball sampling was then taken up as initial participants recommended a substantial number of additional participants.

Care was taken in having a balanced set of participants in which sub-groups such as politicians, public officers, academics, and union members were represented. Some characteristics of the academics sub-groups need to be clarified. In the Mexican episode, most academics interviewed did more than produce academic work on civil service issues. They were directly involved in the policy process through an academic coalition that actively supported policy reform and, in some cases, through participating in the process as public officers. It is not uncommon for policy scholars in Mexico to alternate academic jobs with government positions. On the other hand, in Guatemala, there are very few academics who undertake research on civil service reforms. There was only one participant that could be identified as having done such research. A total of 26 participants were interviewed - 15 in Mexico and 11 in Guatemala. The list of participants appears in appendix A.

Data collection

The first step in the data collection process was to develop questions that the selected participants would be asked. As mentioned previously, a set of guiding questions was prepared before the interviews. All questions were prepared once the episode's narrative - describing the progression of events - had been drafted based on available documents. Subsequently, potential participants were identified on the basis of documents that revealed some of the actors involved in the policy processes under study. Participant information sheets explaining the research project to prospective participants, as well as a letter requesting their participation. An ethics approval

application was submitted to the University of Auckland Human Participants Ethics Committee, and subsequently approved.

The interviews were semi-structured, comprising a set of guiding structured questions prepared in advance, and further unstructured questions improvised during the interviews according to the participants' responses. All the questions were open-ended to allow the participants room to express their points of view freely. One interviewee could not be reached in person so the interview was substituted with an email questionnaire. Interviews lasted between 30 and 90 minutes and all but two interviews were taped. The interviews were conducted during September and October 2007 in Guatemala, and July and September 2008 in Mexico. All interviews except two were conducted at the participants' workplaces. Some participants were contacted after the interview through email for follow-up. The guiding questions focused on the actors and institutions involved in the policy episodes, and the events that determined the episodes' outcomes.

In order to conduct the interviews I travelled to Mexico City and Guatemala City. The time and place of the interviews were arranged in advance. All of the interviews were conducted in Spanish at the participant's work place, except one in Mexico which was conducted at a restaurant. Follow-up emails were exchanged with some of the participants to ask for clarifications or follow-up questions. Interviews lasted between thirty and ninety minutes. All participants were given participant information sheets translated into Spanish inviting them to partake in the research. All participants signed consent forms agreeing to participate in the research.

Data analysis

Data analysis was conducted through a series of steps common in qualitative analyses (Dey, 1993). The data was approached through pre-defined theoretical lenses, which influenced each step of the process in different ways. Also, some aspects of Barzelay's (2001, 2003; Barzelay, et al., 2003) analytical strategy were used throughout the analysis. Each step was carried out as follows:

a. Reading and annotating

The initial step in the analysis of the data was to transcribe the interviews from audio tape into text. The researcher personally transcribed all interviews into Word (Office) software. Subsequently, all transcripts were copied and pasted into NVivo research software. Once transcriptions were finished, all interviews were read through in order for the researcher to become familiar with their content. This was an active reading, done with the guiding questions in mind. During this stage of the analysis field notes were reviewed and transcribed or summarised into NVivo, linking them to their associated interviews where appropriate.

b. Creating categories

While reading the transcriptions emerging and theory-oriented themes and topics were sought that could be useful in organising and making sense of the data. At this stage the data was coded in order to create and assign categories to the data. These codes were continually developed and refined during sub-sequent stages of the analysis. Table 2 below shows the final categories that were developed.

Table 2: Analytical categories

Agenda-setting
Alternative specification
Coalitions
Entrepreneurs
Explanations for policy outcomes
Institutional venues
Issue-images
Negotiations executive-unions
Policy sub-systems
Actors
Case events

When creating and assigning categories, care was taken in grounding them conceptually and empirically. In other words, the categories were related to the research's theoretical framework and the empirical data (Dey, 1993, p. 96). NVivo was used during this process to separate the data bits into categories. The software facilitated keeping track of the original sources and linking the data to as many categories as needed. The data was also linked to relevant memos, charts, and documents.

c. Connecting the data

The next step was to identify substantive links between the data - interactions that signaled relationships relevant for the analysis (Dey, 1993, p. 152). This was accomplished through reviewing the data grouped into categories and looking for those links.

d. Interpreting and producing an account

The final step was to identify meaningful connections in the data and produce a theory-based interpretation of the events under study. This step involved looking for concepts, interrelations, and explanations in the data. Again, this process was facilitated by the use of NVivo and visual displays such as maps and graphs to make sense of the data.

All four steps discussed above overlapped as the analysis progressed. Constant reading and annotating of the data, modifying and creating categories, as well as linking the data, was necessary throughout the analysis. In addition to intra-case analyses, comparison between the two cases was conducted throughout the analysis phase of this research. In comparing the two cases, particular attention was paid to identifying similarities and differences in the episodes' events as well as in the political contexts within which they happened. Comparing the episodes allowed assessment of the suitability of the theoretical framework for explaining each episode.

e. Translation issues

This research drew from English and Spanish literature. Interview data was gathered in Spanish only. Working with data sources in two languages raises the issue of the methodological implications of translation. There increasing concern on the invisibility of translation issues in cross-cultural qualitative research (Pui-Hing Wong & Kwong-Lai Poon, 2010). Translation can have important influence on data interpretation and meaning construction (Temple & Young, 2004). From a methodological standpoint, there are decisions associated with when and how to translate, that influence the research. In this research, interviews were conducted in Spanish—the native language of the participants. Interviews were recorded and then transcribed into text in Spanish. During the analysis stage, the text analysed was written in Spanish. While the coding categories were named in English, the assignment of text to categories was made using text in Spanish. Translation was made only at the results write-up stage to include quotes in English. The decision to leave translation until the end of the research process was made to preserve the original meaning of interview accounts as much as possible. In the translation from Spanish into English, care was taken to convey the original meanings as accurately as possible. No major problems were found with the translation. Data collection, transcription, translation, and write-up were all made by the researcher. No third parties participated at any stage, which eliminated issues associated with inconsistencies in interpretation.

Limitations of the study

This study has the following limitations:

1. The findings of this research are not generalisable. This research takes an in-depth look at two case studies, paying attention to the context in which each individual case occurred. Research findings are specific to that context therefore not generalisable. Similar cases occurring in different contexts would have their own specificities requiring individual analysis. Nevertheless, this research's design allowed developing limited historical generalisations as defined earlier.

2. The cross-case comparison does not allow strict controlling for similarities and differences, given the multiple variables that influence the cases. In-depth case analyses focus on time-bound processes where multiple actors intervene and where a number of other contextual factors determine what transpires. In comparing the cases it is not possible to isolate variables that are completely equivalent and controllable. Instead, cross-case comparison is useful to understand the interplay of variables in different contexts, thus illuminating intra-case analysis.

3. While an adequate number of participants were interviewed, there were no doubt a number of other actors that would have been useful to include if time and resources had been available.

This research was limited to the pre-decisional stage of two policy episodes: that from the inception of the episodes to the decision by an authoritative body to change or not a public policy. Thus this research did not address normative aspects related to the suitability of policy reforms proposed, or the effectiveness of the policies' implementation.

Chapter 4

Mexico: policymaking in a transitioning regime

The Mexican political system that emerged from the Mexican Revolution (1910-1917) has its legal foundation in the 1917 Constitution. This proclaimed the creation of a representative, democratic, and federal republic whose government is divided into legislative, executive, and judiciary branches ("Constitución Política de los Estados Unidos Mexicanos," 1917). However, the reality of the political system contrasted for sharply with these constitutional aspirations for many decades. In practice, instead of being democratic, representative, and federal, the political system was authoritarian, one-party dominated, corporatist, cliental, and centralist (Klesner, 2006; Salazar, 2000). Over the second half of the twentieth century, the political system underwent important transformations in some of its more fundamental institutions, culminating with the victory of an opposition party in 2000, after 71 years of continuous rule by the Institutional Revolutionary Party (PRI). Party alternation¹⁵ was the final milestone in a decades-long progression from a semi-authoritarian political regime towards a more democratic one. Within the context of a political regime transition, the first opposition government in more than seven decades achieved a reform of the public administration through the passage of a new civil service law ("Ley del servicio profesional de carrera en la administración pública federal," 2003) in 2003.

In this chapter I review the key characteristics of the old Mexican political regime and outline the gradual transformation of some of its most enduring institutions from the latter half of the twentieth century up to the present day. Specifically, I show how the particular nature of the presidency, the PRI, and various corporatist arrangements that characterized Mexico's political system for several decades, determined in large part the makeup of the political system. Subsequently, I explore the policymaking implications of the institutional transformations of recent years. Paying special attention to the actors and institutions that influence policy formulation I assess how they determine policy outcomes within the new political regime. Contrasting the conditions under the old and new regimes will illuminate the effects of politico-

¹⁵ Party alternation refers to the change of the party in government following elections.

institutional changes on the outcomes of the policy episode that led to the passage of the new civil service law. In the final part of the chapter I present a detailed narrative of the episode. This chapter sets the stage for the analysis of the reform episode, which follows in the next chapter.

The foundations of the old political regime

For several decades in Mexico, the blend of a strong presidency, a long-standing hegemonic¹⁶ party, a corporatist regime¹⁷, and a semi-authoritarian government created a political system that defied common categorizations (Roderic Ai Camp, 1996; Crandall, 2005). The Mexican political regime was referred to as 'presidentialist' highlighting its distinctive nature vis-à-vis other presidential systems. The presidency of Mexico has been widely acknowledged as one of its most defining political institutions, characterized by its unusual strength. The presidency's power allowed it to dominate the legislative and judicial branches of government as well as the provincial governments (Casar, 1996; Weldon, 1997). The presidency's strength originated in the Mexican Constitution which states that executive power rests only with the president, who is the Head of State, Government, Federal Public Administration, and the Commander in Chief of the Armed Forces. The Constitution grants the president the authority to initiate and veto legislation¹⁸, to regulate existing laws, to enact and execute legislation passed by Congress, and to appoint and remove ministers and cabinet secretaries ("Constitución Política de los Estados Unidos Mexicanos," 1917).

While the Constitution bestows considerable power on the president, the extraordinary character of the Mexican presidency under the old regime derived from its extra-constitutional powers which included, among others, appointing governors,

¹⁶ Following (Crespo, 2004, p. 59) hegemonic party system is understood as 'the exercise of a virtual political monopoly by a party that nevertheless coexists with legally registered opposition parties'.

¹⁷ I use Schmitter's definition of corporatism, that being '... a system of interest representation in which the constituent units are organised into a limited number of singular, compulsory, noncompetitive, hierarchically ordered and functionally differentiated categories, recognised or licensed (if not created) by the state and granted a deliberate representational monopoly within their respective categories in exchange for observing certain controls on their selection of leaders and articulation of their demands and supports.' (Schmitter, 1979, p. 13)

¹⁸ For a discussion of the veto powers of the president, see (Weldon, 1997).

senators, members of Congress, municipal presidents, and the Chief of the Federal District of Mexico. The power to decide on political appointments across the executive, judiciary, and legislative, as well as in all levels of government granted the presidency great political influence. Until 2000 the president was nominated head of the PRI, which allowed him to designate his successor in the presidency (Trejo Romo, 2006). Between 1940 and 1970 the presidency enjoyed a period of particularly great power. Through controlling the PRI, the presidency controlled the major organisations representing peasants, workers, and bureaucrats across the country. During this period, the presidency monopolized international relations and gained further power through the creation of a large economic apparatus, the deployment of social security, and from increased international prestige (Sevilla, 2006). The extension of presidential powers, as Casar (1996) argues, resulted in a *de facto* undivided¹⁹ government in which the Constitutional division of powers was virtually eliminated. As Casar points out, the underlying force behind such powerful presidency was the existence of a hegemonic party system.

Founded in 1929 as the Revolutionary National Party (PNR) and later renamed the PRI, it occupied a hegemonic position in the Mexican party system for 71 years. Exercising a political monopoly while coexisting with other political parties, the PRI was closely intertwined with the government structure. The PRI was able to use government resources to entrench its power, and the PRI and government appeared to be one and the same as the division between them was unclear. This blending of party and government created a cohesive political class that ruled over Mexico's public sphere. The PRI gained increased strength from its unusually long incumbency in the executive. The PRI won every presidential election from 1929 to 2000, enjoyed a majority in both chambers of Congress until 1997, and won every gubernatorial election until 1989 (Crespo, 2004; Haber, Klein, Maurer, & Middlebrook, 2008).

Three types of organisations known as the “three sectors” formed the foundations of the PRI for most of its existence. These sectors comprised workers, peasants, and

¹⁹ Undivided refers to a situation in which the executive and legislative are both controlled by the same political party.

middle-class organisations, which included state bureaucrats²⁰. For most of its rule, the PRI was supported by the collective affiliation of organisations in the three sectors and not by individual party-membership. This internal structure allowed party leaders to administer the sectors' support and manage conflict (Domínguez & McCann, 1995). The organisations affiliated to the party gained special access to decision makers, while the organisations' leaders received personal political opportunities in exchange for limiting the demands of the organisations' constituents. This exchange enabled the party leadership to generate support for government policies and mobilize voter participation during elections (Cornelius, 1996; Klesner, 2006; Story, 1986).

Congressional subordination to the presidency was rooted in the PRI's dominant position within the political system. Congress' allegiance to the president resulted from tight presidential control of political appointments through the party structures, and low levels of accountability of legislators to their constituencies. This low accountability was partly a consequence of the prohibition on re-election of Senators and Members of Congress. PRI and opposition legislators alike were co-opted by the presidency and its patronage system. Legislators' long-term political careers depended on the presidency, as the president was able to determine future government appointments for former legislators. The extent of legislative subordination to the office of the president is reflected in the legislative record: between the 1930s and the late 1990s, not one bill initiated by the president was turned down by the Mexican Congress (Klesner, 2006).

It has been argued that the PRI – as a party and a government – and, as a consequence, the Mexican state, exhibited a state corporatist system of interest representation. Schmitter (1979), for example, argued that interest representation conformed to the state corporatist model associated with territorial units subordinated to a central bureaucracy, one-party dominated party systems, and ideologically-

²⁰ As Story (1986, p. 25) points out, the third sector—known as the popular sector, was a more heterogeneous group than the workers and peasants sectors. Story states that the popular sector “...has often been described as representing the middle class, but more accurately it was designed to include most economic associations not already affiliated with the other two sectors. The core of the popular sector was the Federation of Unions of Workers in the Service of the State (Federación de Sindicatos de Trabajadores al Servicio del Estado, or FSTSE), which represented white-collar employees of state and national government (bureaucrats)...the popular sector also included some nonindustrial unions, cooperatives, associations of small businessmen and other professionals, youth groups, and individuals who did not belong to either the labor or peasant sectors.”

exclusive executive authorities who repress other political subcultures. Mexico's corporatism fostered cliental relationships between the government and interest groups, with control exerted through co-optation, coercion, and in some cases, repression. The PRI commanded this system of control, in which organisations and individuals exchanged favours and state-derived benefits (Craske, 1994). The Mexican state consciously shaped interest groups, most notably through the creation of the major national peasant and labour organisations, as well as through mandatory membership in the associations it created for industry and commerce employers (Spalding, 1981).

The corporatist structure of the PRI precluded the development of civil society and citizen's organisations' role as mediators between citizens and the state. The corporatist arrangements required workers, peasants, and businesses to form part of government-controlled organisations that did not represent their interests. Thus, the PRI dictated the expression of interests. Trade unions were incorporated into the structure of the PRI early in the twentieth century. As Bensusán (2004) points out, the labour movement was tightly connected to the political regime. A centralized and hierarchical complex of interest intermediation emerged from the combination of statist labour legislation and an authoritarian and corporatist political system. Organized labour in Mexico has been dependent on the state for resources and has been subordinated to the government, which is reflected in the constant support from workers for the government's economic policies. The internal structure of labour organisations, has been centralized, vertically controlled by their leadership, and closed to active participation from their rank and file members.

Like the workers, the businesses were also subjected to the authoritarian rule of the government and were economically dependent on the state, which played a central economic role from 1936 to 1982 (Bizberg, 2003). Business owners had to be affiliated to business chambers, which were regulated by the government and according to the law, were the mechanisms of consultation with the state. An informal pact prevailed among government, business, and labour, in which the government negotiated separately with each group and acted as the arbiter between them. In negotiating with government, workers enjoyed a more powerful position than business, thanks to labours' incorporation into the PRI and a legal prohibition on

business associations and their leaders participating in party politics (Luna, 1995, 2004). However, despite this apparent subjugation to the state, business has had a significant influence on policymaking. At the beginning of the 1980s, Spalding (1981) highlighted the increasing vulnerability of the state to elite business pressures due to the development of the capitalist economy. Two decades later, Teichman (2001) argued that more than any other group, business has exerted the greatest influence over policymaking. Later in this chapter, I present a discussion of business' influence over policymaking.

The Mexican bureaucracy, in tune with Mexico's particular brand of presidentialism was intertwined with politics for decades and was heavily subjected to presidential political will. Political and administrative careers were one and the same, given the president's ability, noted above, to appoint high-ranking public officials, ministers, and governors, *inter alia*. The symbiosis of politics and administration has created a complex structure of formal and informal interactions among the governing elite (Centeno, 1997). The possibility of gaining a political appointment to a high-level position in the bureaucracy has been used as incentive by the PRI leadership and as a way of controlling the configuration of power structures inside the bureaucracy. Promotions were determined by superiors according to their own criteria, which gave them significant power. The Mexican bureaucracy has not only been controlled by the presidency, but has also had a strong corporatist character of its own reflected in the interactions between public officials and interest groups. Lower-lever unionized workers have enjoyed concessions and permanence in their jobs thanks to corporatist arrangements (Arellano Gault & Guerrero Amparán, 2003; Heredia, 2002).

The bureaucracy has served as the arena for presidential succession struggles. It has also been the avenue for representation of corporatist interests, and cliental interests such as those of labour unions, and peasants' and workers' groups. Potential presidential candidates were traditionally selected from the bureaucracy by the PRI leadership. The bureaucrats also acted as brokers, allocating government resources to interest groups within the confines of the state secretariats. Such patronage has been fostered by the lack of oversight and accountability in the bureaucracy, which has facilitated illegal personal enrichment for those in high-level positions and their supporters. In order to protect themselves and maintain the source of their gains,

bureaucrats became an internally loyal and cohesive group albeit with limited independence from their political bosses. Within that cohesive group, there are networks of public officials loyal to a particular bureaucratic leader, which are known as *camarillas* or political cliques. The members of *camarillas* are expected to work to advance the leader's career and influence, in exchange for opportunities for professional advancement of their own. The lack of checks and balances allowed the *camarillas* to use public resources to further their own agendas (Arellano Gault & Guerrero Amparán, 2003; Teichman, 2001).

As Arellano (2006) argues, the Mexican public administration has not only been the main arena for political struggles, but also a key space of social representation and the most important instrument of power for the Executive. In contrast to political elites, bureaucrats have been accessible to citizens, acting as power brokers who can benefit citizens' through their control of the destination of fiscal resources. The vast amount of resources at the bureaucracy's disposal and the discretionary use they make of them, contributed to the bureaucracy's status as a key political arena. The political importance of the bureaucracy is illustrated by the large number of politicians and high-ranking public officials—including several presidents—who started their political careers in the federal public administration. The bureaucracy functioned as a sort of initiation rite for those aspiring to political careers. Aspiring politicians would demonstrate their capabilities and build political networks within the bureaucracy before moving on to political positions. Finally, as an instrument of the Executive, the bureaucracy has been a reliable, flexible, and obedient apparatus which the government has been able to control for its purposes.

The centralist character of the old political regime was also reflected in the structure of sub-national relations. The Mexican Constitution establishes the configuration of provincial and municipal governments, determining that provincial governors and legislatures; and municipal presidents and councils, are elected in direct popular elections. Traditionally, in line with the centralist character of the old political regime, the federal executive branch exercised tight control over the states and municipalities. The president selected or influenced the selection of governors who exercised control over the provincial legislature, and judiciary, and influenced municipal leadership. Another determinant of the subordination of state and municipal governments to the

federal executive was fiscal policy, which concentrated financial authority in the federal executive allowing it to control most funding of government projects at all levels (Roderic Ai Camp, 2007).

Policymaking under a hegemonic party regime

Historically, policymaking in Mexico has been the exclusive domain of the state, with little participation from other sectors of society. Policymaking under the hegemonic party regime has been described as exclusive and secretive, stable, and dominated by a closed group comprised of the president, his cabinet and advisors, and the leaders of the corporatist sectors. Arguably, none of these actors represented the interest of the majority of the Mexican population (Lehoucq, Negretto, Aparicio, Nacif, & Benton, 2008). Societal groups that were not included in the corporatist structure of the PRI and government either had no voice at all, or were seldom consulted in policymaking (Díez, 2006). Only a small group of ministers and advisors participated, in conjunction with the president, in policy initiation, and in some instances even corporatist leaders would be excluded from this process. Thus, policy debate was scarce, and non-state actors in particular had little space for policy involvement.

For most of its rule, the PRI controlled the policy-making process through the domination of the presidency. The Mexican presidency enjoyed a considerable advantage over Congress in terms of initiating legislation. This advantage did not stem from institutional design or the structure of the regulatory framework, but rather from the extra-constitutional powers of the president (Peschard, 2006). The president was the main initiator of legislation which was crafted mostly by executive departments with little participation from Congress. The majority of bills that the Mexican Congress passed were initiated by the president and were readily passed (Weldon, 1997). Congress was subordinated to the executive and the PRI, playing only a ratifying role and relinquishing its representation of the larger society. Thus, interest groups had no opportunity to influence policy decisions directly through the legislature. The PRI's corporatist structures undertook the representative functions of Congress. Under these conditions, interest groups did not attempt to influence members of Congress—and through them public policy, but instead dealt directly with them through the PRI (Williams, 2001).

As for the role of the bureaucracy, the close control of the president over it suggests that it played a subordinated and instrumental role within the political regime. While most scholars argue that policymaking has been restricted to only the president and some cabinet members, whom he appointed based on personal and private criteria, there is some disagreement on whether this is an accurate representation (Arellano Gault & Guerrero Amparán, 2003; Díez, 2006). Bailey (1988, p. 60) noted that the blurred line that divided the public bureaucracy from the party bureaucracy generated a 'political bureaucracy' which became '...the most significant arena of decision-making taken in the sense of both formulating and implementing programmes'. While subordinated to the presidency the political bureaucracy enjoyed significant independence from the ruling party. A decade earlier, Grindle (1977) had argued that policymakers other than the president and the PRI's leadership were usually related in one way or another to the bureaucracy, which in her view made the public administration a key player in the process of policy formulation. There appears to be variation in the scope of participation in policymaking in accordance to the stage of the policymaking process under analysis. Policy formulation has been traditionally restricted to the non-unionized upper echelons of the public administration. However, during the implementation of policy, lower-level bureaucracy acted as an influential policy broker through cliental arrangements regarding the allocation and distribution of resources (Díez, 2006; Merilee Serrill Grindle, 1977).

In the autocratic, centralized, and state-centred policymaking tradition of Mexico public debate of policies was not common practice. Rather, as Williams (2001) argues decisions over policy content were exclusive attribution of small political elites. Electoral competition did not reflect contests over public policy as the PRI's influence and hegemonic status limited electoral choice and restricted voter's capacity to influence policy through elections. Nevertheless, Spalding (1981) argued that some public contestation did occur within the upper bureaucratic echelons. Within them, contests over issues of policy content and formulation were debated and decided upon without the participation of the public, Congress, or the PRI. Such enclaves were groups loosely connected to the administration, which contended with the executive on certain policy issues, and were capable of delaying or changing the direction of

policy formulation. Those groups escaped the executive's control and created divisions within the structure of government.

Waterbury (1993) also referred to bureaucratic enclaves that comprised highly-skilled technocrats committed to specific policy reforms and sheltered from political and bureaucratic pressures. These 'change teams' as Waterbury called them, enjoyed great executive support which has allowed them to advance a number of reforms in Mexico such as the economic liberalization of the 1980s and 1990s. Williams (2001) contends that presidential backing was a necessary but insufficient condition for such teams to succeed. As he argues, an important pillar of their success was their capacity to generate their own autonomy through changing institutional rules and organisational structures to further their goals. Those policy teams reveal the occasional opening of the state's policy enclaves with the only purpose of advancing a particularly challenging reform. As will be discussed further below, there was an increase in participation of change teams as the PRI lost power during the final decades of the twentieth century.

Other actors such as academics and researchers have had little access to policy formulation. The relationship between government and the academics in Mexico has been traditionally limited to employment relations. Some academics would receive political appointments as high-level advisers or within the federal bureaucracy. As has been the case with most non-governmental groups, academic institutions have been excluded from policy design and formulation. While the government consults academic institutions on policy matters, such consultation is on programmes that have already been defined or even under implementation. Under such circumstances, academics have propagated their policy ideas mostly through scholarly publications and other media (Cabrero Mendoza, 2000; Roderic Ai Camp, 2007).

While state actors monopolized policy formulation, the state did not have absolute autonomy in formulating and implementing policy. While there have not been direct links conjoining the public and private elites, the government still would face structural constraints that required attending to the business sector's interests. The Mexican state has had to negotiate continually with national and international businesses. During the 1980s liberalizing economic reforms, the importance of the

international economic environment increased given the stakes of international financial institutions on the reforms. Approaching the end of the 20th century business associations gained more independence from government and increased their engagement in financing political parties and politics in general. The Vicente Fox government signalled a radical change in Mexican politics. A businessman himself, Fox had a strong backing of Mexican big business (Centeno, 1997; Schneider, 2004).

Regime transition and institutional change

For the past thirty years the Mexican political system has undergone major transformations in some of its more characteristic and enduring institutions, particularly the presidency and the PRI. While they still play a significant role in the system, the extent of change has produced a transition to a new political regime. The electoral reforms carried out in 1964 and 1977 signalled the starting point of a series of political reforms which gradually released election authorities from the control of the PRI, fostered opposition party participation, and eventually led to the historical presidential election of 2000 in which Vicente Fox—a candidate of an opposition party, became president (Crespo, 2004; Klesner, 2006). Both electoral reforms were carried out as a response to diminishing party participation and the threat of moving towards a one party system. The reforms changed the basis of representation in the Lower House of Congress [Cámara de Diputados] from the number of votes received in relative-majority districts, to proportional representation of minority parties based on general electoral performance. Additionally, the reforms made it harder for opposition parties to lose their legal registration, and provided them with means for sustainability and development. The reforms revived the opposition parties and ensured that there would be opposition even if the party system remained hegemonic.

During the 1980s through to the 1990s the PRI faced continued loss of support due to slow economic growth and economic crises. After the 1982 debt crisis President Miguel de la Madrid (1982-1988) introduced economic stabilization and austerity measures and started a process of economic liberalization comprising the elimination of subsidies and price controls, reducing import barriers, and privatizing government companies. During the following presidential period Carlos Salinas de Gortari (1988-1994) continued with the liberalization process and opening the economy through the

privatization of banks and other public companies, fostering foreign investment and negotiating the North American Free Trade Agreement (NAFTA) with the United States and Canada. As Haber, Klein, Maurer, and Middlebrook (2008) argue, the failure of those economic measures to generate rapid and sustained economic growth led the PRI's loss of support from its core constituencies. The ineffectiveness of the measures to generate employment prompted organized labour to abandon the party and the bank nationalization led a significant part of the business sector to support the center-right party National Action Party (PAN). Moreover, in 1987-1988, members of the PRI who disagreed with de la Madrid's economic policies left the party and supported a leftist coalition of parties from which later emerged the Party of the Democratic Revolution (PRD), which later became one of the three dominant parties in Mexico.

Regressive electoral reforms followed in 1987, which reverted to a more constrained system for opposition parties, favouring the domination of the PRI over the Lower House. Moreover, the PRI still enjoyed access to government control of mass media and campaign funding. In the 1994 presidential elections the PRI retained its dominance with the victory of Ernesto Zedillo (1994-2000). In 1996 during the administration of President Ernesto Zedillo, in response to mounting pressures for change following major political crisis in 1994 and a financial crisis in 1994-1995²¹, further electoral reform was carried out with the creation of a new independent electoral authority, the Federal Electoral Institute [Instituto Federal Electoral (IFE)], which took control over the electoral process away from government and the PRI. The reform resulted in a new formula that defined the composition of the federal Lower House which made it very difficult for the PRI to be over-represented (Crespo, 2004; Haber, et al., 2008).

In the 1997 congressional elections, the PRI lost its absolute majority in the House for the first time, despite using large amounts of government funding and allegedly illegal practices to influence election results (Crespo, 2004). The reshuffling of power in the federal Lower House had immediate effects. The PRI's opposition rivals grouped together in parliamentary opposition and redistributed decision-making authority and

²¹ As Haber et al. (2008) note, the political crisis of 1994 included the armed uprising of the Zapatista Army of National Liberation and the assassination of the PRI's presidential candidate.

committee assignments across parties. No longer could the PRI impose its will; an example of that were the negotiations over the federal budget in 1998. Unlike the days of the PRI's control over Congress, the budget was not approved automatically by the PRI's majority. Other presidential initiatives were deferred because they lacked the majority's support. The 1997 congressional election marked the end of unified government and a turning point for executive-legislative relations as Congress regained its decision-making autonomy and turned into a force for policy change (Lehoucq, et al., 2008; Trejo Romo, 2006; Weldon, 2004).

The PRI also began to lose power at the sub-national level. During the decade of the 1980s a growing trend towards political decentralisation had begun to reshape federalist arrangements. Following the economic crisis of that decade, the federal government devolved political, fiscal, and policymaking authority to states and municipalities. By 1998 the federal government had transferred fiscal resources to states and municipalities, as well as education, health care, and public security responsibilities (Lehoucq, et al., 2008). As Merino (2003) argues, before the 2000 election there was substantial political diversity at the state level reflected in opposition state governments and also divided governments in which the majority in the local Chamber of Deputies belonged to a different party than the one of the state governor. As he argues, such diversity reflected a regional redistribution of power which was at the basis of the subsequent regime transition.

Divided government, that is, when the Executive and Legislative are dominated by different parties, did not change the constitutional powers of the president. However, it signalled the beginning of the gradual elimination of several of the president's extra constitutional powers. The president was no longer the central focus of the political system as other actors gained strength and independence. The opposition presidents did not hold power over the PRI structures, and the other two major political parties – PRD and PAN – play a more significant role in political life. The president abandoned the interest mediation functions that used to be an integral part of the presidency for many decades. Under divided government governors and popular representatives not loyal to the president emerged and confronted the president. There appeared checks and balances limiting presidential powers and the president lost several of the extra

constitutional faculties that gave such power to the president in the past (Trejo Romo, 2006).

The historic victory of the opposition candidate Vicente Fox of the National Action Party [Partido de Acción Nacional (PAN)] in the 2000 elections marked another milestone in the transition to a democratic regime. This victory symbolized the beginning of a new political regime in Mexico in which party alternation was a reality. In the words of Schedler (2005) the PAN's victory 'marked the symbolic end of the democratic transition by giving a convincing demonstration of democracy at work. At the same time, it signalled that democratic consolidation had been accomplished' (p. 26). As Ai Camp (2003) put it, the PRI's defeat altered one of the central elements of the political system so far, the monopolistic power of the PRI based on its close relationship with government. As a result of the PRI's defeat the president's role changed and his power is further restricted. The old presidentialist regime gave way to a new democratic framework. The president is no longer the arbiter of political interests and the ruler of the political system as there are checks and balances which restrain the presidential powers (Trejo Romo, 2006). In the following section I will discuss how the transformation of the political regime reshaped the institutional arrangements that shape policy formulation in Mexico.

Policymaking in the new political regime: continuity and change

The regime transition in Mexico has been defined by a series of gradual changes in the institutional structures of the political system. Fundamental changes to the presidency, the PRI, the composition and independence of Congress, the electoral rules, and the interest intermediation system have reframed the balance of power and interactions among bureaucrats, politicians, businessmen, workers, and civil society. Thus, the policy process has opened to wider participation and consequently has become more contested. In this section I will examine the actors and institutions that shape policymaking in Mexico under the new regime. I will discuss how their roles and interactions have changed as a result of the recent regime transition and the implications for policymaking.

Since the beginning of divided government in 1997, executive-legislative relations have taken a new turn. Divided government devolved decision-making autonomy to Congress turning it into a more independent force for policy change. The impact of divided government on executive-legislative relations is reflected in the reduced approval rate of executive-initiated legislation. During the last two legislatures with PRI majority president-initiated legislation made up 81.9 and 76.9 per cent of the total volume of legislation (Lehoucq, et al., 2008; Weldon, 2004). During the first legislature without PRI majority (1997-2000) president-initiated legislation made up only 20.4 per cent, which shows a dramatic decrease. However, the presidency still has a considerable amount of influence through executive veto power and appealing to the public opinion (Nacif, 2005).

As the extra-constitutional presidential powers diminished the policymaking process became more inclusive and less hierarchical. The unconditional allegiance of the party sectors—workers, peasants, and middle-class organisations—waned, and the sources of patronage began to disappear. Opposition parties gained a stronger position to negotiate over policies, which is evidenced in the disproportionate portion of legislation they initiated since 1997. As Lehoucq, et al. (2008) pointed out, opposition-initiated bills during the PRI domination period accounted for between 4.6 and 13.1 per cent of all bills. On the other hand, the first two legislatures under divided government accounted for 48.2 and 43.2 per cent. The combination of reduced presidential powers and a weakened PRI fostered a less hierarchical decision-making as other players in the system gained independence and power. The changes of the latter part of the 1990s through to the election of the PRI presidential candidates Vicente Fox in 2000 and Felipe Calderon in 2006 have favoured policy stability as shown by the failed attempts to reform the tax system, energy policy, and legislative re-election. An increased number of policy-relevant actors and a more decentralized policymaking process have made the coordination among the actors involved more difficult. A case in point is the budgetary process which under the PRI rule was extremely simple. Conversely under the new political regime, more complex legislative coalitions are required.

Under the old political regime the federal executive exerted tight control of tax collection, which reinforced the centralization of policymaking. Decentralizing

reforms and the PRI's loss of power ended the presidential discretionary authority over federal resources and devolved responsibilities to states and municipalities. With increasing resources and responsibilities local political interests started to increase their participation in policymaking at the local and federal levels. Competitive party politics fostered a greater role of local politicians in national policymaking. Opposition parties had been freed from the PRI's dictates to act independently. Most of the country's key presidential contenders in the past few years have been state governors. In contrast with traditional practice, the contenders come from elected rather than bureaucratic careers (Lehoucq, et al., 2008). As Camp (2007) points out, since the Fox presidency, states and municipalities have been increasingly influencing national policy, particularly in the fiscal arena. By 2005 under a PAN presidency, the majority of governors came from opposition parties which fostered policy conflicts between the states and the federal executive.

Unlike the presidency, the PRI, and the legislature; the bureaucracy did not undergo a radical transformation throughout the twentieth century. There were a number of gradual changes and reorganisations in the Federal Public Administration which did not change substantially the fundamental bureaucratic structures. There were some sporadic attempts to introduce drastic reforms in 1958 during the presidency of Adolfo López Mateos (1958-64) and then in 1977 during the administration of President López Portillo (1976-1982). The latter reforms restructured a significant number of administrative units and positions in the Federal Bureaucracy (Bailey, 1988). Ambitious programmes for administrative change were advanced during the presidency of Ernesto Zedillo (1994-2000) intending to improve government service-provision using tools and ideas borrowed from the private sector. More recently, during the presidency of Vicente Fox (2000-2006) the government carried out a range of public administration reforms addressing the civil service structure, access to public information, and accountability (Somuano Ventura & Zabaleta Solís, 2005). The latter reform attempt will be discussed in detail further below.

The bureaucracy has maintained a subordinated role in policymaking under the new regime conditions. Nevertheless, there has been an increasing participation of the political cliques known as *camarillas*. These cliques began to actively influence policy during the government of President Salinas in the late 1980s. Cliques had traditionally

kept at a distance from ideological and programmatic concerns, playing a role akin to an agency for political recruitment in which members supported a leader's career advancement in exchange for personal career opportunities. Nevertheless, Salinas' personal clique comprised mostly of technocrats who had previously worked in the Ministry of Finance and the Central Bank, had a clear policy commitment with market reforms. Camarilla leaders and members occupying high-level government positions have at their disposal teams of technocrats who work with them in policy issues of their concern (Teichman, 2001). The more policy active camarillas resemble the change teams discussed earlier. Nevertheless, the camarillas' existence is not limited to the pursuit of one particular policy initiative.

The policy influence of non-state actors within the new political regime varies according to policy area and has been changing as a result of Mexico's transition to a democratic regime. The sector comprising non-governmental civic organisations has experienced a considerable growth since the 1990s and has been playing an increasingly important role in politics and policy determination. Citizen organisations have increased in number and participation, and have begun to operate as pressure groups, challenging the old corporatist ways. Some of the policy issues which these organisations are participating around are the environment, the fight against corruption, and sports (Bizberg, 2003; Reyes-Heroles, 2005). The academic community's participation in political debates has been increasing with recent political changes. With the coming to power of an opposition party have appeared alternative channels for engagement between the state and the academic community. There has been an increment of independent educational institutions that provide alternative sources of employment to intellectuals. Something similar has occurred with journalism and the media, which have increasingly professionalized and restricted governmental influence on them (Roderic Ai Camp, 2003; Roderic Ai Camp, 2007).

During the late 1980s a series of events further reshaped relations between business and the state. The opening of the Mexican economy and the subscription of economic pacts to further liberalize the economy, among other events, contributed to change power arrangements. These shifts in power eventually led business to move the focus of their activism from party politics to economic and administrative policymaking.

During the 1990s the relationship between business and government had changed considerably by the time president Fox, a former businessman, came into power. (Luna, 1995, 2004) The policymaking role of the private sector during the Fox presidency will be further discussed in a following section.

Despite the significant institutional changes some authors argue that policymaking in Mexico maintains a similar configuration as that of the old regime. As Cabrero (2000) argues, even after the 1980s and 1990s reforms, policymaking in Mexico maintained its traditional dynamics due to a structural and behavioural inertia. In other words, the policymaking structures' original design and the actors' traditional logic preserved traditional practices. Cabrero points at some of the enduring characteristics of policymaking in Mexico. Firstly, endogenous agenda setting, this means that the government agenda is discussed and decided upon behind closed doors. The only participants in such process are government specialists without external input from the rest of the society. Secondly, policy design is hermetic, accessible to restricted groups of governmental experts or consultants, and unknown to the public until the policy is practically irreversible. A third characteristic is the monopolistic policy implementation which has traditionally been an exclusive attribution of the state. In the cases of policy areas that have been transferred to the private sector, the same logic of policy implementation operates as non-governmental entities adopt internal arrangements and coalesce in the same manner as governmental entities. Finally, policy evaluation is internally conducted and controlled, thus preventing real accountability and limiting policy learning.

After the victory of Vicente Fox in 2000, there were elements of change and continuity in Mexico's policymaking. As Rubio (2004) notes, there have been notorious changes for Mexico's politicians, which have not translated in changes for its citizens. On one hand, the 2000 election results placed the presidency in a weaker position changing its relationship with the PRI machinery and the National Congress. Presidential power has migrated not only to Congress but also to governors, municipal leaders, and the media, which no longer is a mere instrument of government propaganda. As a result of power shifts, the Fox administration had it difficult to advance its agenda with an unaligned Congress and a bureaucracy with long-standing links to the PRI. On the other hand, while legislators have become more independent

and active on policy making, they still remain distant and unresponsive to citizens. The political negotiations are still opaque and there is still significant governmental and political corruption.

The bureaucracy and its reforms

Throughout the twentieth century numerous attempts to restructure the civil service system²² in Mexico culminated with the instauration of a professional career civil service in the federal public administration. During the Fox presidency –the first opposition government in seven decades—the Professional Civil Service Law (LSPC) was enacted, setting the guidelines for a new configuration of the civil service system. Through the conjunction of governmental advocacy, institutional change, and a favourable political environment, the protracted reform appeared to open a new chapter in the history of the Mexican public administration. Seen as an opportunity to reshape the political system, the civil service reform raised expectations of profound change in the enduring patronal tradition that permeated Mexican public administration. In this chapter I describe some of the features of Mexico’s contemporary public administration, and review some of the more notorious attempts to reform the civil service system in Mexico from the early twentieth century through to the civil service reform of 2003. This historical review will provide a picture of how stability and change shaped the Mexican bureaucracy, and the progression of reforms that eventually culminated with the passage of a new civil service law. Subsequently, I will discuss the events comprising the policy episode during the Fox administration which led to the enactment of a civil service law.

An overview of Mexico’s bureaucracy

The Mexican bureaucracy referred to as the federal public administration (FPA) is divided into the central public administration (CPA) and the decentralized public administration. The CPA comprises the presidency, state secretariats or ministries, administrative departments, and the executive’s legal advisory office. State secretariats and administrative departments are headed by State Secretaries and

²² Following Bekke, Perry, and Toonen (1996) civil service systems is understood here as the ‘mediating institutions that mobilize human resources in the service of the affairs of the state in a given territory’.

Administrative Chiefs respectively and have the same hierarchy ("Ley Orgánica de la Administración Pública Federal," 1977). The decentralized public administration comprises corporations with state participation, national credit and insurance institutions, and national trusts. As of 2004, the CPA comprised 659,924 positions, of which 65.7% were for specialized or technical personnel in the areas of education, health, the military and the police force; 27.2% were operative positions, and 7.1% were higher management positions (Secretaría de la Función Pública & Secretaría de Hacienda y Crédito Público, 2004). Labour relations within the CPA have been regulated by the Constitution and the Federal State Employees Law [Ley Federal de los Trabajadores al Servicio del Estado (LFTSE)].

The LFTSE established a two-tier structure comprising the 'trust employees' [trabajadores de confianza] and the 'base employees' [trabajadores de base] ("Ley federal de los trabajadores al servicio del estado," 1963). The trust employees are those occupying middle to high ranking positions charged with management, control, or audit responsibilities, as well as decision-making authority over public resources. Consultants, advisors, and personal secretaries to the highest ranking authorities in secretariats and departments of the Federal Executive are considered trust employees. There are no career advancement provisions in the LFTSE for trust employees. Base employees in turn are those occupying lower level positions. They have the right to union membership and guaranteed permanence in their positions. The law mandates that every government agency has to establish promotion procedures for base employees on the basis of their knowledge, aptitude, seniority, discipline, and punctuality. Accordingly, the applicants for new openings must be current employees occupying positions in the next inferior hierarchy. ("Ley federal de los trabajadores al servicio del estado," 1963)

Despite the LFTSE's provisions for base employees' career advancement, the Mexican public administration did not have a career civil service in place during the seventy-one years of PRI rule.²³ In practice, the administration lacked formal recruitment, selection, and advancement procedures. Recruitment and advancement

²³ While there was no civil service system for the central government administration, there were a number of government institutions that did have their own civil service structures in place – e.g. Mexico's foreign service.

were contingent on subjective judgment of personal capabilities and political considerations. The remunerations system did not attach salaries to job evaluations of performance appraisals. Salary scales were based only on hierarchy ignoring the differences in required levels of responsibility and skill. There were multiple salary scales which applied to different ministries and agencies, contingent on their political capacity to secure resources. At the same time, extraordinary payments or bonuses were granted under flexible terms, which fostered personal instead of institutional loyalties within the administration. Training of public servants was only provided to base employees. Middle and high ranking officials were excluded from the legal obligation of the state to provide training (Ibarra, 2001).

The public employment regime developed under PRI rule operated under contradictory norms. Various formal controls co-existed with highly discretionary practices pertaining selection, recruitment, promotion, and payment of public servants. Entrenched informal conventions substituted in practice the formal dispositions that regulated government labour relations; formal and informal practices—often pointing in opposite directions—shaped the civil service system (Heredia, 2002). Aiming to characterize Mexico's civil service system Arellano and Guerrero (2003) described its informal components dividing them into high, medium and base bureaucracy. Accordingly, the high bureaucracy comprised staff members close to the president and ministers. These bureaucrats had political bonds with their bosses and followed them as they moved to different agencies of ministries. Medium-level bureaucracy comprised technocrats hired for their particular expertise who did not have any political connexion with their bosses. These bureaucrats often worked for different government agencies and earned competitive salaries. Low-level bureaucrats on the other hand were base employees who belonged to the public sector unions, earned the lowest salaries and enjoyed job stability as stipulated in the LFTSE.

Stability and change in the bureaucracy

The long-standing politization of the Mexican bureaucracy was challenged throughout the twentieth century with numerous attempts to create a career civil service based on meritocratic recruitment. While several attempts succeeded in creating civil service

structures for individual organisations, it was not until 2003 that an attempt to create a merit-based career system succeeded with the enactment of the Professional Career Service Law (LSPC). This law introduced merit as a criterion for entry and career development in the federal public administration adding to the body of laws regulating government employment in Mexico.

Initial attempts to create a career civil service system in Mexico can be placed at the beginning of the twentieth century. In 1911 and 1921 two civil service proposals were made public but not adopted as regulation. In 1923 the administrative career was established in the state of San Luis Potosí, through a state civil service law. Two years later the president set the guidelines for admission, advancement, and termination for administrative careers within the government comptrollership office. These guidelines led to the enactment of a law regulating the comptrollership's entry requirements (Martínez Puón, 2005). From the late 1920s to the early 1960s the government issued several bills, reports and other initiatives proposing the creation of civil service structures in the executive and legislative. Some of these initiatives succeeded in creating civil service structures in some government institutions. One such institution was the Foreign Service where an administrative career guaranteeing work stability and linking promotions to merit was established.

The Federal Labour Law [Ley Federal del Trabajo (LFT)] enacted in 1931 stipulated that labour relations between the State and its employees would be regulated through civil service laws. In 1960 a constitutional reform established that civil service policies would be regulated by the Constitution, and established guidelines for salary scales, appointments, career progression, and job termination ("Constitución Política de los Estados Unidos Mexicanos," 1917). Accordingly, salaries were to be set through corresponding budgets, similar jobs had to be matched with similar pay, appointments had to account for applicants' knowledge and aptitude, and the reasons for job termination had to be stipulated by law. Employees were entitled to a career progression based on knowledge, aptitude, and length of service. These constitutional guidelines were further developed in the Federal Law of State Employees (LFTSE) ("Ley federal de los trabajadores al servicio del estado," 1963). The LFTSE was enacted in 1963 and established the state's obligation to create career systems in its agencies but did not explicitly contemplate an overarching civil service structure in

the federal government.²⁴ In its scope the law did not include high-level trust employees, which lacked clear or uniform regulation (Martínez Puón, 2005).

From the early 1960s a series of government programmes and committees proposed policies aimed to improve the organisation and performance of public servants. Civil service policy was often implemented at the agency level with several government institutions enacting their own civil service structures (Rosales Ávalos, 2004). There were some policy proposals which explicitly advocated for government-wide, comprehensive civil service structures, but none of them succeeded before 2003 (Arellano Gault & Guerrero Amparán, 2003; Martínez Puón, 2005). The following decade registered various efforts to streamline personnel policies within the public administration. Some of those efforts included revamping existing government agencies, creating new ones, modifying compensation schemes, and creating human resources units within government organisations.

During the administration of Miguel de la Madrid (1982-1988) the government reorganized its human resources departments and created new offices charged with reforming personnel policy. In 1983 the government created the General Civil Service Bureau [Dirección General de Servicio Civil (DGSC)] within the Secretariat of Programming and Budget [Secretaría de Programación y Presupuesto (SPP)]. The bureau's objectives were to develop the norms and regulations pertaining the management and development of federal employees. Such norms and regulations addressed recruitment and relocation of employees, salary structures, and budget allocations. The bureau issued catalogues of government positions and salaries, and manuals for job analysis and evaluation. The bureau's policies focused mainly on salary structures (Martínez Puón, 2005).

In the same year, the government created the Inter-secretarial Commission of Civil Service tasked with streamlining administrative practices and setting up a career civil service. The commission proposed a centralized civil service scheme comprising job classifications, personnel selection procedures, remuneration scales, and guidelines for promotions and personnel development. The scheme aimed to secure a merit-

²⁴ In 1984, an addition to the LFTSE formally established an inter-secretarial civil service commission (created in 1983). The role of this commission will be discussed further on.

based system that fostered professionalization and guaranteed employment stability of public servants. Unlike previous policies which were crafted and decided upon exclusively by the executive, the Commission incorporated the Federation of Government Workers' Unions (FSTSE) to provide policy input (Guerrero Amparán, 1997; Martínez Puón, 2005). Despite Commission's efforts, its proposal did not progress any further during Miguel de la Madrid's presidency. The FSTSE did not support the proposal which attempted to uniform working conditions across the administration. The FSTSE feared that uniform conditions would eliminate some of the prerogatives that unionized employees enjoyed (Arellano Gault & Guerrero Amparán, 2003).

During the presidential period of Carlos Salinas de Gortari (1988-1994) the SPP was dismantled and the functions of the DGSC were assigned to the Finance Secretariat [Secretaría de Hacienda y Crédito Público (SHCP)] which was then charged with designing and overseeing a career civil service (Martínez Puón, 2005). Initially, the Salinas administration did not show great interest in the civil service reform issue, but following pressures from the Organisation for Economic Co-operation and Development (OECD) the issue was included in a wider state reform project (Guerrero Amparán, 1997). At the time, the government was pursuing the membership of Mexico to the OECD. Under such conditions the government was particularly prone to listening to OECD's recommendations²⁵. While the Salinas administration did not attempt to create an overarching civil service structure, it made a number of regulatory changes seeking to streamline and professionalize parts of the administration (Pardo, 2005). Moreover, during that administration there was a surge of civil service structures within individual government organisations, most of which dealt exclusively with trust employees. Among the civil service structures that appeared between 1992 and 1994 were those of the National Institute of Statistics, Geography, and Informatics (INEGI), the Federal Electoral Institute (IFE), the Procuraduría General de la República, and the teachers' career system of the Education Secretariat. The total number of employees taking part in such structures was relatively small and the lifespan of such systems averaged ten years or less with a few exceptions (Martínez Puón, 2005).

²⁵ Mexico became a member of the OECD in 1994 (Martínez Puón, 2003).

The ensuing administration of Ernesto Zedillo (1994-2000) placed civil service reform high on its agenda as stated in the National Development Plan (1995-2000) (Poder Ejecutivo Federal, 1995) and in the Public Administration Modernization Programme 1995-2000 (Mexico's Federal Executive Branch, 1995). Both documents underlined the need to professionalize public service and create a civil service system that guaranteed 'adequate selection, professional development and dignified retirement for civil servants' (Mexico's Federal Executive Branch, 1995, p. 11). The Finance and Public Credit Secretariat (SHCP) and the Comptrollership and Administrative Development Secretariat (SECODAM) shared the responsibility of drafting a civil service bill. The SHCP was to draft a civil service bill by 1997 and the SECODAM had to review and endorse before the bill moved up to the president.

The SHCP developed a proposal for a recruitment system which addressed aspects of admissions, compensations, evaluation, promotions, training, and job terminations. A new classification scheme would limit the number of high-level positions appointed by the ministers to half of the total. The other half would be drawn from career public servants. As for lower-level unionized employees, the project contemplated three options for their participation in the new system. Firstly, integrate those employees into the new civil service system by changing the status of union membership. Secondly, maintain the distinction between base employees and high-level officials while allowing the former to pursue high-level positions conditional on their resignation to union membership. Thirdly, create two separate civil service careers, one for base employees and one for trust employees. (Arellano Gault & Guerrero Amparán, 2003; Mexico's Federal Executive Branch, 1995)

The civil service proposal faced a number of obstacles which eventually stopped it from progressing into a law. Among those obstacles was the inability of SHCP and SECODAM to reach a consensus on the proposal's design. SECODAM considered the SHCP's proposal to be highly centralizing as it made government ministries dependant on its Civil Service Unit [Unidad de Servicio Civil (USC)]. SECODAM aimed for a more flexible design which they believed would improve efficiency. They also had doubts about the capacity of the USC to play such central role in the system. Another point of disagreement was the estimated costs of implementing the system,

which SECODAM considered too high. An additional obstacle to reaching a consensus was the ongoing power struggle between those two secretariats. They struggled to retain control over remuneration, recruitment, and termination of public sector employees once a new structure was in place. Besides those obstacles, the timing set for advancing new legislation proved to be less than ideal. Congressional mid-term and district governors' elections took place in 1997. The elections and other urgent government concerns—such as economic adjustment and the armed conflict in the state of Chiapas—gained priority over civil service reform thus frustrating its progress. Furthermore, the results of Congressional elections redistributed power among political parties making it more difficult to build consensus over Executive-led initiatives (Arellano Gault & Guerrero Amparán, 2003).

As the previous account of reform attempts shows, civil service reform was an issue that appeared on the governmental agenda on several occasions throughout the 20th century. Increased interest in pursuing reform began in the early 1980s with various attempts to reform which in the end did not succeed. Failure to reform ranged from lack of political support for reform, to fortuitous events that shifted government's attention towards other issues, to inter-agency disagreements. Throughout the twentieth century the central actors in this policy domain were the president and some technocratic teams, particularly those of the SHCP and the SECODAM. Participation of non-state actors was very limited.

Despite the efforts, Zedillo's term ended without a civil service reform. But a few months before the end of Zedillo's term in office, members of Congress of the Institutional Revolutionary Party (PRI) fraction presented a civil service bill proposal for discussion in Congress. At the time the proposal did not receive much attention, but later on it played an instrumental role in fostering a new attempt to enact a civil service law which ultimately succeeded.

An episode of policy change: the passage of the Professional Career Service Law

In this section a new attempt to reform the civil service in Mexico is reviewed. This episode initiated after President Ernesto Zedillo left office and was succeeded by President Vicente Fox (2000 – 2006). Based on policy documents and interview data a narrative of the episode is constructed, focusing on the individuals, groups and institutions that determined the policy's progression towards the enactment of the law.

At the outset of Vicente Fox's administration, a number of official documents revealed the government's intention to reform the public administration including the civil service system. These documents associated reform with managerial strategies to improve public administration. The National Program for Combating Corruption and Fostering Transparency and Administrative Development 2001-2006 (PNCTDA) (Secretaría de Contraloría y Desarrollo Administrativo, 2001) aimed to prevent and penalize corruption in public institutions, improve their efficiency, and foster government accountability and civil society participation. The program placed emphasis on promoting a culture of ethics in public service and human resource development as a means to improve public administration. In the PNCTDA the government argued that the lack of a career system was the cause of the limited scope of civil service policies, and proposed a gradual creation of a comprehensive professional civil service career.

Another document, the Presidential Agenda for Good Government (Oficina de la Presidencia para la Innovación Gubernamental, 2002), outlined a broad strategy to face existing challenges in public management. One of the agenda's lines of action was the 'professionalization' of government. Professionalization was presented as a response to the government's lack of strategic personnel planning and arbitrary personnel selection mechanisms; and to inadequate training and incentives schemes for government employees. Additionally, it was argued that government's labour policies were undefined and the relationship between government and unions was contentious. The document outlined a systemic approach to the issue of public employment with an emphasis on creating a system to optimize resources and streamline selection, training, and remuneration of public servants (Oficina de la

Presidencia para la Innovación Gubernamental, 2002). The Fox administration framed civil service policy within a managerial discourse that stressed total quality, optimization, transparency, and improved service to citizens. Such framing was not entirely new as a similar language was used to discuss public administration reforms during the previous period of Ernesto Zedillo (Mexico's Federal Executive Branch, 1995).

While a managerial approach to government transformation was not new in Mexico, there were some features of the Fox administration approach that gave it particular relevance. The fact that a presidential office—OPIG—was created specifically to advance governmental innovation reflected the issue's high priority on the governmental agenda. The head of OPIG, Ramón Muñoz, was one of Vicente Fox's closest and more influential collaborators throughout the presidential period. Thus, the OPIG became particularly influential during Fox's term, and was one of the few presidential offices that maintained its influence throughout the Fox period (Méndez, 2007; Sánchez Gonzalez, 2009). Within the OPIG was a group of technocrats who had collaborated with Ramon Muñoz in other projects prior to Fox's electoral victory. As Bernardo León (2008), points out, he and other two important OPIG functionaries had been involved with Muñoz in developing a public sector reform proposal:

...and one day Ramón told me that Fox wanted to run for president. So he invited me, this group that I told you about, the Omega group, was formed, which was comprised by only four of us, so do not think that...The Omega group was Ramón, Juan Carlos Murillo, yours truly, and one Abraham Sotelo. And the idea was to develop a project to reform the federal public administration. Which to be honest, I did it.

Despite what the various government documents stated, there were no visible advances during the first two years of the Fox presidency despite the rhetorical commitment. Moreover, there were some officials within the administration who had reservations about creating a system that would make discretionary control over public servants more difficult (Klingner & Arellano-Gault, 2006; Méndez, 2008). Nevertheless, the functionaries at OPIG had a strong commitment to public sector reform. Out of the public eye, however, those functionaries drafted a civil service bill

and began to promote it. After a while, they managed to convince a Senator of the PAN to introduce the bill in the Senate.

In contrast with the apparent vacillation of the Executive, Congress showed unusual leadership in promoting a civil service law. In addition to the civil service bill that the PRI presented at the end of 2000, there was the proposal introduced in 2002 by the aforementioned PAN Senator, and another proposal introduced by the Party of the Democratic Revolution (PRD) that same year. Such active participation of Congress in policy formulation was uncommon during the period of PRI domination when the executive controlled the policy-making process. During PRI rule, the president was the main initiator of legislation which was crafted mostly by executive departments with little participation from Congress. The president initiated the majority of bills that Congress passed, and most were passed without hesitation (Weldon, 1997).

Out of the three bills introduced in Congress, the PAN and the PRI's received most of the attention. In general terms, the two bills were similar. Both aimed to set up the basis for a new civil service system for the government's federal central administration. The bills also proposed a structure divided into seven sub-systems corresponding to functions such as planning and human capital development, selection and recruitment, professional development, performance and evaluation, and termination. There were some differences between the two proposals. One of the differences was the institution that was charged with the systems oversight. The PAN-promoted bill proposed to create the Public Function Secretariat (SFP) charged with the system's oversight. This secretariat would replace the SECODAM. On the other hand, the PRI proposed to create a Civil Service Unit supported by the already existing Inter-secretarial Commission for Civil Service. Another difference was related to employee evaluations and the conditions for terminating employees. In the PRI proposal, seniority was considered as important as performance in employee evaluations whereas in the PAN proposal it was not. Also, the PRI proposal made it more difficult to terminate underperforming employees than the PAN's proposal ("Iniciativa de ley para el servicio profesional de carrera en la administración pública federal," 2000; Senado de la República de México LVIII Legislatura, 2002).

Through negotiations that were facilitated by the OPIG, the PAN and PRI agreed to develop a bill that combined aspects of both proposals. The new bill assigned the system's oversight to the SFP and did not place seniority at the same level of performance with regards to employee evaluations. On other aspects of the system's structure, the two bills were not much different from each other, so the new proposal was in accordance with both of them. The proposal introduced in Congress by the PRD was considered, but was not actually incorporated into the new bill (Martínez Puón, 2003). At the time the proposals were discussed in Congress, academics and functionaries favouring civil service reform increased their advocacy. Through publications and public discussion, academics and functionaries raised the issue's public profile and voiced their support for reform.

The negotiated version of the bill was introduced in Congress and passed in 2003 virtually without opposition. Thus, for the first time in post-revolutionary Mexico the Federal Congress enacted a law that created a merit-based civil service system for employees in the federal central administration²⁶. The law aimed to offset the ingrained clientelist practices of government employment in Mexico. The scope of application of the law is restricted to middle to high ranking employees which amounted to only a small fraction of all public sector employees. Low-level unionized employees were allowed to enter the system, provided they renounced to their previous position. In practice, renouncing to their positions would imply losing their union membership, which is a strong disincentive to enter the system. But despite the relatively narrow scope of application, the law opened the door to eliminating part of the political patronage involved in assigning government jobs and to allow the consolidation of a more permanent cadre of qualified civil servants. The LSPC set an important precedent which could foster future incorporation of other public employees. Given the record of civil service policies in Mexico, the new civil service system was a significant policy change (Martínez Puón, 2005).

²⁶ Between 2000 and 2003 the local Congresses of several states of the Federation, including the Federal District²⁶, enacted state-level civil service laws. An additional number were discussing bills that intended to create similar civil service structures as well. These laws and bills promoted career systems based on merit, stability, and equal opportunity. While there were previous laws regulating government employment at the state level those applied only to base employees along similar lines as the LFTSE (Martínez Puón, 2005).

Conclusion

In this chapter some features of the old Mexican political regime which spanned 71 years were discussed. While many characteristic institutions of the old regime lasted for most of that period, there were a series of reforms throughout several decades which reshaped the regime and culminated in transforming the most enduring of its formal political institutions—the uninterrupted domination of the PRI over the presidency. The interruption of PRI rule was the final indicator that a new type of regime was emerging in Mexico. For the most part of the twentieth-century, Mexico's public policymaking reflected the centralized and exclusionary features of the regime. The state's predominance and the corporatist arrangements between the government, the ruling party, and major social organisations, forged a policymaking system which only allowed access to a tight policy network with little access for most actors; instead limited to a few high-ranking officials, advisors, and the president. While some groups within the state escaped central control and could independently influence policy, they were few in number and appeared to be more the exception than the rule. The National Congress failed to play an influential policy role during the unified government period, remaining compliant with the executive's policy agenda. Non-governmental actors, while wielding some influence in certain policy areas, were also constrained by the exclusionary character of the political system.

With the transition, the political regime underwent a progression of changes which lead to a more competitive political arena in which the monopoly of power was eventually shattered. The ensuing shift in the balance of power has altered traditional policymaking arrangements, most notably the role of the presidency which shows signs of greater independence from the PRI. The legislature also became more independent from the presidency and played a more active role in policymaking. With regard to the public administration, recent reforms aiming to professionalize and depoliticize the bureaucracy have begun to be implemented still with unclear results. Nevertheless, these reforms could potentially foster the bureaucracy's autonomy from politics. Civil society organisations, organized labour, business, and the academic community have also entered a process of reconfiguration which points to an increased participation as independent actors in the political process and greater voice in policy matters. Despite the institutional changes, it has been argued that the

configuration of participants and practices in policymaking limits participation to a few actors as it did during the time of PRI domination.

In such changing political environment the first opposition government in more than seven decades, achieved a long-protracted change in the bureaucracy through the passage of a new civil service law. This civil service reform which led to enacting the Professional Career Civil Service Law (LSPC) marked a fundamental change in the bureaucracy that had been long pursued by reform advocates. This new law raised expectations about transforming the bureaucracy into a competent, apolitical, and effective institution without the endemic vices of corruption and inefficiency that characterized it for a long period of time. The following chapter advances a theoretically-based interpretation of the determinants of reform that will shed light on the influence of regime change on civil service policy change. The chapter looks into the process of policy formulation and assess the interactions of actors and institutions throughout the process to determine the factors that intervened to produce the final policy outcome. This interpretation will add to the existing literature by interrogating existing interpretations and by drawing from theories of the policy process for a comparative analysis.

Chapter 5

Policy change: explaining the episode of civil service reform in Mexico

In this chapter an analysis of the civil service reform episode described in the previous chapter is presented. This analysis is based on interview data collected for this research, and on primary and secondary documents. Interview data is incorporated to discuss the policy process in greater detail. As discussed in the methodology chapter, the sample of participants includes policy engaged actors from government, political parties, academia, and labour unions. The interviews were translated from Spanish into English and then transcribed. Then the data was grouped into categories that were created according to emerging and theoretically-based themes. From the categorization, relationships among the data were sought and an interpretation of the episode was developed. The interviews revealed a nuanced picture of the episode, highlighting the oft hidden interactions among policy actors.

In the first section of this chapter the earlier interpretations of the policy episode in Mexico are reviewed. Following, some questions about the episode are addressed to tease out what underpins the episode's key events. Interview accounts reveal a varied mix of actors promoting reform from different angles, and for different reasons, along the policy cycle. Many of those actors come together at certain point, generating enough momentum to produce policy change. In the second part of the chapter a theoretically-informed interpretation of the policy episode is presented, drawing from the multiple streams (MS) (Kingdon, 1984) and the punctuated-equilibrium (PE) (Baumgartner & Jones, 1993) frameworks. In this interpretation the episode's elements are separated according to the frameworks' conceptual categories, and then their interconnections within the policy process are discussed. The interpretation aims to explain what determined the process and ultimately policy change. The chapter ends a brief discussion of relevant events that transpired during the implementation of civil service reform. While implementation of the new policy is beyond the present analysis, its unfolding further illustrates the forces that shape policy in Mexico.

Reviewing previous interpretations of the policy episode

There is some literature that has looked at the civil service reform episode that led to the enactment of the LSPC. Some interpretations of the policy episode have been advanced attempting to explain the determinants of change. Martínez Puón (2005) argues that the democratic context and the need for greater transparency and combating corruption in government spurred increased support for reform. During this period multiple actors participated in fostering reform: political parties, unions, the Executive, the Legislative, the Judiciary, state governments, universities, and civil society. Among these set of actors Martínez Puón ascribes a leading role to the Executive. He argues that the preparation of the civil service bill moved from the Executive to Congress due to an impasse caused by a conflict between the SHCP and the SECODAM over the specifics of the bill. Following that shift, the legislative became the main advocate for civil service reform through various bill proposals from the three main political parties. In Martínez Puón's view the key to the unanimous support of the legislative fractions was that the bill was presented jointly by the PRI and PAN after two years of negotiations.

Méndez (2008) also puts forward an interpretation of the main determinants of change in the LSPC policy event. Drawing from Kingdon's (1984) Multiple Streams framework, Méndez argues that the LSPC reached the governmental agenda due to the confluence of the politics, problems, and policies streams. In the problems stream, the issues of government corruption, inefficacy, and clientelism were the focus of public opinion. During the presidential campaign of 2000 the civil service reform appeared in the political campaigns of the three main candidates as a solution to the aforementioned issues. In the policy stream, experts and legislators had been pursuing reform proposals from the end of the 1990s. In 2002 a coalition comprised of government functionaries and academics promoted a proposal that brought together various models and increased the legislators' confidence in the virtues of reform and was accepted as a solution to the issues in point.

In the politics stream, Méndez (2008) ascribes great importance to the proximity of the 2003 mid-term congressional elections as increasing the pressure on the Chamber of Deputies to show some reforms. This pressure opened a window of opportunity for

a reform which was supported by all political parties. In addition, there was a carefully crafted strategy implemented by the coalition of academics and government functionaries who had been working on the issue for many years. Some of the elements of such strategy were to bring to the public opinion the consensus over the benefits of reform among local and foreign experts. Another element was to dissociate the President from the proposal so it would appear as coming exclusively from Congress. The final element was to work with legislators and their parties to merge the three bill proposals into one; in achieving this, as Méndez (2008) pointed out, the OPIG played a key role.

Other interpretations focus on the favourable context for reform and the fundamental role that Congress played in producing change. Moreno (2006) argues that multiple political, social, and economic transformations occurring in Mexico since the early 1980s created the conditions that allowed civil service reform. The political alternation drew attention to the need for professional civil servants as the new political regime required renewed institutions. Members of Congress responded to such transformations promoting a new civil service law in an effort that gained the support of various political parties, academics, and international development organisations. According to Rosales Ávalos (2004) civil service reform in Mexico was made possible by a generalized trend that raised governments' interest in improving the quality of public administration, and by the political alternation in Mexico. Both circumstances arguably created favourable conditions for reform, which sparked interest in Members of Congress to promote a new civil service law. A key factor in enacting the LSPC was that a coalition of the most important political parties worked together in drafting the bill.

The foregoing interpretations agree in pointing to a favourable context for reform which had been building for some decades prior to Fox's presidential period. There was a generalized recognition of civil service reform as a solution for endemic problems of corruption and inefficacy in government. The end of the PRI rule added to such favourable context becoming the tipping point for extraordinary advocacy and support for reform. Among the actors involved in the policy process, the Executive, and Congress appear as the main advocates for change. While some interpretations agree in ascribing reform to the creation of a coalition of political parties in support of

reform, other interpretations point to the influence of Congressional mid-term elections in accelerating change, and the specific roles of certain Executive offices such as the OPIG.

In order to further understand the process that led to policy change this dissertation revisits the LSPC episode. Drawing from two theoretical frameworks, Kindgon (1984) and Baumgartner and Jones (1993), this study explores the LSPC episode aiming to further illuminate the mechanisms and interactions that produced change. Using established theories of the policy process to compare policy episodes contributes to fill a gap in the Latin American policy literature, in which policy theoretical approaches are seldom used. Using Barzelay's (2001, 2003) research approach the comparison with other policy episodes is facilitated. The results of the present analysis are contrasted with the previously discussed accounts of the LSPC episode, and with the Guatemalan episode discussed in coming chapters. Thus, through comparison and the use of theoretical lenses, this study provides a more nuanced approach to the LSPC episode.

A new examination of the episode

Policy initiation: from idea to agenda-setting

In order to understand the episode, it is necessary to address the question of what motivated policymakers to pursue a civil service reform. As noted in the previous chapter, the initial impetus of the policy initiative came from the introduction in Congress of a civil service bill promoted by the Senator Carlos Rojas of the PRI party. The Senator introduced the bill a few weeks before Vicente Fox took office. According to Senator Rojas (2008), what motivated introducing the bill in Congress was the PRI's electoral defeat in 2000. As he stated,

...Additionally, there was a political motivation, which was the political alternation in the federal government...Here in Mexico it [civil service reform] was an academic issue...In other words it was a topic of analysis...but no one proposed a bill—which is what I did. Things changed, there is a new political reality and we need to make institutions viable...the only way in

which you should remain in your job is on the basis of your capacity, work, experience, improvement, and preparation—and that has to be the only requirement. You should not have to be tied to the political affiliation of whoever wins the executive... Things changed with political alternation. Thus, what needs to be done is to institutionalize the public administration.

From a different perspective, some academics and members of government of the Fox administration considered the PRI's introduction of the civil service bill in Congress an attempt to keep loyal public servants in their positions and to retain some control over government. Presenting the bill proposal directly in Congress was interpreted as a strategic move of the PRI aimed to push reform and enact a bill before the end of term.²⁷ As the PAN Senator Cesar Jauregui (2008) stated,

Much of the public opinion and ourselves, as the incoming party about to assume the new functions of power,...we saw the way this initiative was written, it was written with the purpose of fostering the permanence of all those high-ranking bureaucrats that were previously in the administration, and impeding that the new alternate government...terminated trust employees—as occurred eventually.

Juan Pablo Guerrero (2008), an academic and public servant, shared the perception that the PRI's purpose in promoting a civil service law was to foster the permanence of PRI-loyal functionaries. As he stated:

...the PRI as an opposition force sees the professionalization [of civil servants] as a way to guarantee the permanence of the public servants formed by them throughout years, as you know, of political leadership and executive control. The members of the PRI believed that the members of the PAN were going to terminate all public servants, thus leaving the control of the administration to inexperienced people who were loyal to the PAN's political project...I think that the PRI wanted to guarantee the permanence of the public servants formed under the PRI, with whom in the end they had a fluid communication.

²⁷ Interviewees Cejudo, Martinez Puon, and Uvalle Berrones (2008)—Pongo quotes de ellos?.

As pointed in the previous chapter's discussion about patronage in government recruitment, politicians in Mexico enjoyed discretionary powers in selecting and recruiting public servants. This was a well-established norm that PRI members were aware of, which substantiated their apprehension about another party upholding the presidency and substituting PRI loyalists with new functionaries.

According to Carlos Rojas' proposal the number of years of service would be recognized for personnel evaluation purposes. The way that was written in the proposal was vague, allowing the substitution of years of service for merit in personnel evaluations. The bill also stipulated that public servants who failed a performance evaluation would be given two additional opportunities to pass the evaluation after the first time. The aforementioned stipulations appeared to obstruct terminating underperforming public servants. Compared to the LSPC, Carlos Rojas' bill appeared to assign more importance to the number of years of service and less to performance in public servants' career development. Such emphasis on seniority was consistent with the perceptions that the PRI was trying to prevent their loyalists from being terminated from government ("Iniciativa de ley para el servicio profesional de carrera en la administración pública federal," 2000 (Arts. 11, 45, 59)).

Regardless of the underlying motivation for introducing a civil service bill in Congress, the PRI's proposal did not receive significant Congressional attention at the time. Nevertheless, as discussed in the previous chapter, the bill would later spark negotiations between the two major parties –PRI and PAN- that would lead to the conformation of a political coalition for civil service reform and the drafting of a new bill.

Alternatives, negotiations, and coalition building

How did the civil service bill gain support? Interviews revealed the inner workings of the strategy to build support for reform. While the governmental agenda of Vicente Fox included civil service reform, the impetus of reform came from Congressional leadership on the issue. Such leadership emerged from two different political parties. One of them was the PRI, which promoted civil service reform in the Senate through Carlos Rojas. While Carlos Rojas' bill did not receive significant attention initially,

one year into Fox's presidency the PRI kept promoting that bill in Congress. As Senator César Jáuregui revealed, in 2001 PRI legislators withheld support for the passage of a PAN supported bill that intended to reform the Mexican Foreign Service Law. According to Jáuregui, the PRI's opposition was intended to pressure the PAN to support for Carlos Rojas' civil service bill. As Jáuregui (2008) stated,

...as I recall, in December, when the Foreign Affairs Minister proposed reforms to the Mexican Foreign Service Law, in order to generate a series of changes to its civil service, that is when a strong pressure came from the PRI legislators who obstructed...these changes because Carlos Rojas' civil service bill had not been taken into account. Then we realized the PRI's interest on the issue, and we were interested too...So I think that was the most important variable, the pressure with the Mexican Foreign Service Law. Because there was a commitment in the Senate, unwritten, unwritten, this was not a written commitment. The PRI supported this Foreign Service law under the condition that in less than one year a civil service law had to be enacted. That was when we said alright; it is okay, but not that bill that you presented.

At this point both parties were in agreement that they wanted to support a civil service reform. The coincidence of interest explains why the PRI did not oppose the PAN's efforts to advance reform. There was bargaining, particularly around a few points of difference between the proposals of each party, but there was no opposition.

When functionaries of the OPIG realized the interest of the PRI on civil service reform, they saw an opportunity to move forward with a reform that was of mutual interest. As Bernardo León—an official of the OPIG that led the effort—stated,

Carlos Rojas initiative helped me because I went to the government and told them: if we do not develop our own initiative, then Rojas' initiative will be enacted, because we have no majority in either the House or Senate, and in that case, our hands will be tied...I tell you Carlos Rojas served me involuntarily (León Olea, 2008).

Moreover, the OPIG functionaries decided that it would be a better strategy to promote reform from Congress than from the Executive. Thus, they enlisted Senator César Jáuregui who agreed to introduce the bill in the Senate²⁸, and to promote it among other actors. As Bernardo León (2008) stated,

Now, the president had bad vibes with the PRI Congress. Thus we decided that our initiative would not be submitted by the executive. Instead, it would be presented by a PAN senator called Cesar Jauregui. Thus Cesar Jauregui presented it, very nicely. He read it, studied the subject, he was an enthusiast of the civil service because he had proposed a career service for staff of the Senate. So (inaudible) he wanted to support us—very much. Not unconditionally, he did read the initiative and all. Then he presented it and that allowed us to start a discussion with Carlos Rojas...

Thus, Senator César Jáuregui became the visible face promoting the proposal while the OPIG carried out a behind-the-scenes campaign to generate support for reform. The OPIG functionaries supported the Senator's efforts through brokering between the PRI and PAN in an effort to build consensus on one proposal. These OPIG functionaries were deemed instrumental in producing the necessary agreements that eventually led to a majority support in the Senate and Congress for the LSPC. As Rafael Martínez Puón (2008), an academic with a track record of research on the Mexican civil service stated,

The office of the presidency of the Republic [for government innovation OPIG] played a leading role, behind the scenes it advocated that the bill were enacted by a majority...The agreement between the PRI and the PAN was essential, then the lobbying that the executive branch did through the Office of the Presidency with the other parties, was essential.

The OPIG together with SECODAM coordinated the discussions and negotiations of the substantive contents of the bill between teams of governmental technical staff and

²⁸ The presentation of this bill followed a trend that started in 1996 and continued to 2002 in which the reform of the civil service was no longer a matter pursued exclusively by the executive. During that period, five different bills were introduced in Congress by three different parliamentary groups representing the strongest parties in Mexico—PRI, PRD, and PAN (Martínez Puón, 2005).

members of Congress of the two parties. Jaqueline Arteaga (Arteaga, 2008), a government official in the SECODAM²⁹, working closely with the OPIG stated in relation to the executive's work on drafting a civil service bill,

So what did the executive do? What we did was to work hard on research, bringing the proposals together, bring the alternatives close to each other, to do studies on the different proposals in order to build better arguments for the discussions within the Congress' chambers. So that was our main effort...there were two proposals, very clearly, with very important points of coincidence, and specific points of difference. Then came all the process of revisions, negotiations, bringing the information to the Chamber [of deputies], not only to the PAN but to all of them...the international experience, etcetera...finally, in 2002 one initiative was approved by the Senate...

In addition to the legislators and government officials who led reform efforts, there was another coalition for reform comprised by academics, public officers and international cooperation organisations, which played a significant role in advancing reform. David Arellano (2008), an academic involved in the study of civil service reform in Mexico described the influence of such coalition when asked about its configuration,

Well, [the participants in the coalition were] José Luis Méndez, Luis Aguilar Villanueva, Ricardo Uvalle, that is, an influential group of academics influential in the public sector, with many contacts in the public sector, which carried this agenda, Maria del Carmen Pardo, Mauricio Merino, who had twelve, fifteen years saying we need to have a civil service, we must go there, is essential... So really for me there was a very powerful outside group spearheaded by Luis Aguilar Villanueva, academics with influence in the public sector which were the ones who pushed and managed to get into the Fox government this agenda.

Within the coalition, there were also several international organisations that supported reform in different ways in joint efforts with the academic community. The United

²⁹ After the passage of the LSPC in 2003 the SECODAM became the Public Function Secretariat [Secretaría de la Función Pública] (SFP)).

States Agency for International Development (USAID) supported those academics with resources to promote debates on civil service reform and also provided technical support to government officials on civil service issues. Other international agencies such as the British Council and the Spanish Agency for International Cooperation (AECI) also provided support for reform. Among those organisations, the Organisation for Economic Co-operation and Development (OECD) promoted the inclusion of civil service reform in the governmental agenda of president Fox. The OECD's push for reform bore particular relevance as Mexico had only recently joined the organisation in 1994.

The academic and international organisations coalition raised the civil service reform issue to the public agenda through a series of publications, conferences, and media appearances. Interviews suggest that the activities of the coalition were a determining factor in the passage of the LSPC. Most participants ascribe a particularly influential role in gathering support for the civil service bill to a forum organized by several academic institutions in 2003 with support from international cooperation organisations. This forum congregated academics, policymakers, and politicians from diverse affiliations to discuss civil service reform³⁰. As Guillermo Cejudo (2008), an academic interested in public sector reforms in Mexico stated:

...I think what made it and climb to the government's priority list was a series of ... a civil service network comprised of academic and public officials, was created. There was a great event at the Universidad Iberoamericana, which is not that it was the trigger for the government but to the public agenda. Suddenly more researchers, the media began to be concerned about the issue and that paved the way for the legislative process because it was clear that no longer - at the forum were representatives from all parties were representatives of the executive - and they all said to be in agreement, not with details but with purpose, with the idea. And that was, I believe facilitated that the legislative process would be even more ... remember this was unanimously approved, there was not one vote against the law.

³⁰ For summaries of the forum presentations see (Aguilar Villanueva, 2003)

Ramiro Nava (2008), a member of a consultancy firm involved in supporting civil service reform in Mexico, with funds from the United States Agency for International Development (USAID) added:

...I would say for example for me the key moment was the Ibero [referring to the event in the Universidad Iberoamericana], it joined the senators and members of congress to discuss the laws, and people from civil society, which was very important because we involved students, teachers, members of political parties, that was a key moment.

A few weeks after the forum, the LSPC passed in Congress almost unanimously. Thus the passage of the civil service bill marked a substantial change in Mexico's civil service policy. In the following section a theoretically informed interpretation of the policy progression thus far discussed will be presented.

Interpreting the episode

Insights from the multiple streams framework

In this section I will draw from the multiple streams and the punctuated-equilibrium frameworks to interpret the policy episode aiming to understand the determinants of the policy outcome. As discussed in chapter two, the MS framework focuses on three families of processes or streams—problems, politics, and policies. These processes flow independently but converge at times - favouring policy change. The three streams can be identified in this episode. In the problems stream, during the first two years of the Fox administration there were no major events increasing policymakers' awareness of problems associated with the civil service. The importance of a civil service to eliminate chronic problems affecting public administration in Mexico had often been acknowledged and as mentioned earlier, there was no major opposition to the idea. Fox's Good Government Agenda (Oficina de la Presidencia para la Innovación Gubernamental, 2002) associated the professionalization and development of civil servants with curbing corruption and improving government services through creating an effective, honest, and transparent government. There was, though, as

mentioned earlier, an important campaign led by academics that raised the issue's visibility, particularly nearing the final discussion of the LSPC in Congress in 2003.

In the political stream, a radical transformation of the political regime had reached a turning point with the defeat of the PRI in the 2000 presidential election. A change of governing party became a reality and reflected a broader national mood in favour of democratic consolidation. As one public official commented in relation to the conditions that favoured civil service reform in Mexico '...So, I think everything converged, we were all—I don't know if this is the right word, but we were like drunk on a process of democratization, openness, and possibility of change, with all its implications...' (Muñoz, 2008). As discussed earlier, the democratization process had led to increased autonomy of Congress and, as such, enabled it to have an active role in policy formulation, which proved instrumental for reform. In addition to the changes in political institutions, the Fox government faced pressure from the OECD to pursue civil service reform. As interviewee accounts indicate, the OECD was interested in the development of a civil service system in Mexico. That influenced the Executive and Congress in their decisions to pursue reform (Arteaga, 2008; Jáuregui, 2008; Muñoz, 2008). As David Arellano Gault (2008) stated,

Look, say internationally without a doubt, the Zedillo government had faced in discussions with the World Bank and the OECD. Treasury had already received considerable pressure from international agencies as saying that future support for Mexico would have to come attached to ... that's the version I have for which Treasury begins to create a civil service project in the Zedillo administration, and then when its shared with SECODAM, then, that's where it starts to choke terribly and ends up not serving anything, not leaving anything. Then, without a doubt, international agencies served as a necessary element.

Jacqueline Arteaga (2008) added,

I do think it was very important [the influence of OECD and other international organisations on civil service reform]. At the time when Mexico enters the OECD group, automatically they begin to demand some factors that show that it is already, then you've been in this group (sic). And that has much

to do with maturity of government, its administrative processes. Then it was difficult for us to be the country that had no [civil] service. Because we were almost the only one...But definitely entering the OECD brought demands on Mexico on different aspects of its own management. For example it requires, not only ... also how it is operating its regulatory part. Not to have excess regulation, to increase transparency. So, those factors that characterize institutions, countries, democratic governments or more mature democracies, began to be demanded of Mexico. And Mexico, in entering, is implicitly agreeing to them.

Another significant event in the political stream was that the Chamber of Deputies was heading to the end of its period in 2003 with a poor reform record. As Méndez (2008) argues the proximity of the end of term opened a window of opportunity for reform as there was an incentive for the Deputies to show results. The consensus achieved by the PRI and PAN on enacting a civil service law was also instrumental in advancing reform. According to Kingdon (1984), consensus in the political stream is reached largely through bargaining and often times through exchanges of support for provisions of interest to the parties involved. The coincidence of interest of the PRI and PAN on the civil service reform was prompted by the Executive's attempt to reform the Mexican Foreign Service Law. According to a member of the Senate, César Jáuregui (Jáuregui, 2008), the PRI blocked such attempt aiming to negotiate support for the civil service bill that Senator Carlos Rojas presented. The negotiations allowed the reforms to the Mexican Foreign Service Law to pass, and fostered a PRI-PAN coalition that worked together on promoting the civil service bill. In facilitating agreements between the two parties on the bill that was to be passed in Congress, the OPIG played a fundamental role.

In the policy stream, from the nineties through to the following decade there had been a significant academic production extolling the benefits of civil service reform and the need for it in Mexico.³¹ Civil service reform proposals had been developed recently, during the Zedillo government through the SECODAM and the SHCP. The policy community around civil service reform comprised academic and public officials, who often alternated between academic and government positions. Partly because of that

³¹ See (Pardo, 1999) and (Arellano Gault, 2000).

the policy community was not particularly fragmented. There seemed to be significant agreement among specialists around the kind of civil service reform that was appropriate for Mexico. Such agreements were reflected in the similarity of the proposals presented by the PAN and the PRI, and the widespread support that the LSPC received from academics and government officials from all parties. During the LSPC episode, there was no need to persuade others about the technical feasibility, or the adequacy of the proposals in relation to generally accepted values or future constraints. There was already an implicit agreement on the kind of proposal that could be accepted, and all proposals were in agreement with it. This contrasted with the politics stream where there was a significant amount of bargaining between the parties seeking to advance their proposals.

The MS framework directed attention to the appearance of a policy window and the role of a policy entrepreneur during the episode. As discussed in the theory chapter, policy windows are favourable opportunities to pursue action on policy initiatives. In defining what is and what is not a policy window there are objective and subjective components. As Kingdon (1984) argues, events such as a change of administration, the turnover of political actors or the collapse of a sector of the economy can be objectively defined as policy windows. On the other hand, the subjective perceptions of participants also define what is considered a policy window. In the Mexican case, most interviewees saw the presidential victory of Vicente Fox as a particularly unusual policy window given its implications for the balance of power in the political system. Interviewees considered that Fox's victory modified Mexico's political regime, increased Congress autonomy, and prompted a convergence of the PRI and PAN's interest on civil service reform (G. Cejudo, 2008; Marquez, 2008; Martínez Puón, 2008). But one actor identified a different window of opportunity. Bernardo León, a functionary of the OPIG, saw in the introduction of Carlos Rojas' bill in Congress a window of opportunity to advance reform.

Interviews revealed that inside the OPIG, Bernardo León, played a leading role in advancing civil service reform. It has been mentioned previously that officials of the OPIG played a policy entrepreneurial role promoting various public administration reforms. Nevertheless, in the specific case of civil service reform, no other functionary was as involved as Bernardo León in its promotion. Kingdon defines

policy entrepreneurs as ‘...advocates who are willing to invest their resources—time, energy, reputation, money—to promote a position in return for anticipated future gain in the form of material, purposive, or solidary benefits’ (Kingdon, 1984, p. 188). While other members of the OPIG had been previously involved in public administration reforms at the state level, and had an interest in the issue, Bernardo León played a more fundamental role.

Unlike the other functionaries, Bernardo León was involved in the whole range of policy entrepreneurial activities that Kingdon (2003) describes. Before Fox’s election, Bernardo León had drafted a plan for reforming the civil service, in case Fox was elected. And when the opportunity opened Bernardo León was ready to take advantage of it. In particular, Bernardo León was central in the softening-up process and the coupling ‘solutions to problems, problems to political forces, and political forces to proposals’ (Kingdon, 2003, p. 205). Bernardo León identified the window of opportunity that opened when the PRI introduced a bill in Congress. Then he devised a strategy to take advantage of the opportunity, which involved drafting a proposal and convincing a Senator to introduce it in Congress. Bernardo León had had prior experience promoting civil service reforms at the local level. A key part of his role, and one of the key characteristics of policy entrepreneurs described by Kingdon, was bargaining for support. As interviews revealed, he was instrumental in bringing a consensus between the PRI and PAN over a proposal.

...when Fox takes office we followed the same path, administrative development, to strengthen modernization [of government]. With key support from the presidency. There was Ramón Muñoz [head of the OPIG], who is...he had been showing a tendency towards these issues since he was in the local government of Guanajuato [a state in Mexico]. He establishes his model, which allowed continuing with previous work. And he has a key role within the process of the [civil service] law. There was one person there, who contributed very directly to all these works, his name is Bernardo León. Well, we burned the midnight oil during the process of construction, analysis, research, argumentation, all that you can imagine (Arteaga, 2008).

This research reveals that in addition to Bernardo León, there were other reform advocates who partially fit the policy entrepreneur profile. Ramon Muñoz, head of the OPIG, and others within the OPIG, were supportive of reform and had particular interest on it. José Luis Méndez, an established academic, who was a functionary of the presidency during the Fox government, played a key advocacy role. He was instrumental in bringing together a large coalition of universities and academics who supported reform. The PRI Senator who introduced a civil service bill in Congress in 2000, and the PAN Senator who introduced the bill in 2002, also played decisive roles.

Unlike Bernardo León, the aforementioned policy advocates did not appear to have coupled the problems, policies, and problems streams. While they promoted reform through garnering support for the initiative in different ways, they were not involved in the range of policy entrepreneurial activities that Bernardo León was. Bernardo León identified a window of opportunity to promote a solution to the problems of patronage, corruption, and inadequate government performance. He then drafted a proposal, found a promoter in a new venue, gathered wider support, and brokered between key actors to build consensus for reform. Rafael Martínez (2008) points to the difference in roles between advocates:

...Regarding the role of Bernardo León [OPIG] and Jose Luis Mendez, who actually had a real role of negotiator was Bernardo Leon, be it (sic) with the Deputies and Senators, and political parties. The role of Jose Luis was more academic level, a lower profile role.

As mentioned in chapter one, the literature on policy entrepreneurship recognizes not only individuals, but also groups as policy entrepreneurs (Meijerink & Huitema, 2010). In this case, the OPIG could be considered a policy entrepreneur, given its mandate to advance government reform, and the key roles that several of its functionaries played. Nevertheless, following Kingdon's (2003) description of individual policy entrepreneurs and drawing from interview data, this analysis highlights the role of one particular individual and his policy entrepreneurial activities.

The multiple streams (MS) framework offers an explanation for civil service policy change, that involves the three distinct flows of processes—problems, politics and policies—and their confluence at a specific point in time. Such confluence created a favorable environment for change. The problems associated with an inadequate civil service system had been acknowledged by the government, the opposition, and other relevant actors, such as the academic community and the international cooperation agencies. As reform proposals gathered support, those problems acquired greater visibility and recognition. Some solutions to those problems had been floating in the policy stream and two of them—Carlos Rojas’ bill and OPIG’s bill—received special attention. Concurrently, the political dynamics involved several political parties interested in civil service reform, political bargaining, and the conformation of a political coalition for reform.

Within that favorable environment, created by several actors and events, one policy entrepreneur played a key role. This policy entrepreneur identified the confluence of the process flows or streams as an opportunity for policy change. He invested time, effort, and skill, brokering between various actors across policy venues. Ultimately, that policy entrepreneur significantly influenced the process’ final outcome. The multiple streams framework thus facilitated a coherent interpretation of the policy process and the underlying forces that promoted change.

Insights from the punctuated-equilibrium framework

Looking at the LSPC episode through the PE lens provides additional elements to account for change. Baumgartner and Jones (1993) argue that policy change occurs when a monopolistic policy subsystem is broken and that shifting issue images play a key role in its collapse. As stated in previous chapters, policy subsystems are comprised by interest groups and individuals knowledgeable of a particular policy arena, and an institutional structure responsible for policymaking. A monopolistic policy subsystem is characterized by an institutional structure that formulates policy and limits access to other participants, and a supporting idea closely associated to that structure. During most of the PRI rule over the presidency, civil service policy originated within the executive with little participation of other actors. Civil service policies were confined to a high level bureaucratic network comprised by the

presidency and a few secretariats, particularly the SECODAM and SHCP, which implemented personnel policy under the president's instructions throughout the second half of the twentieth century. In this policy subsystem the executive, and particularly the presidency, exerted monopolistic control over civil service and other policies.

During this episode some policy actors strategically presented their policy proposals directly in Congress, overlooking the traditional executive venue. A first instance was Senator Carlos Rojas and the proposal he introduced directly in Congress in 2000. Given the recent electoral defeat of the PRI and the imminent end of the PRI government, Rojas' move was seen as a last minute attempt to limit the incoming PAN's ability to control public employment and remove PRI-loyal public servants. These findings contrast with Martínez' (2005, p. 281) assertion—discussed in the previous chapter—that venue change was due to the conflict between SECODAM and SHCP. Such conflict thwarted Zedillo's attempt to reform the civil service and it is plausible that Rojas' decision to change venue took that into consideration. Nevertheless, venue change during the Fox presidency does not appear to have been sparked by the conflict between those two government offices. Instead, interview accounts point to the urgency that the prospect of losing the presidency imprinted to the PRI's strategy.

The same strategic approach was later followed by OPIG when looking to have the proposal championed by a Senator. In order to understand why it is considered here that the OPIG, an office of the Executive, was shopping for a venue other than the Executive, it is necessary to recall the symbiosis of the PRI with the Mexican government. While the PAN was the party in power, the PRI still had a strong presence in government. The OPIG had been created by the PAN at the beginning of Fox's presidency, but the executive's institutions that traditionally dealt with civil service policy were not. In addition, the last attempt to reform the civil service during the Zedillo government ended in stalemate due to conflicts between two government offices involved in the civil service policy community. Thus, the OPIG's capacity to influence the policy community through executive action was in question. The strategy of OPIG was then to search for a different venue, which they thought would be more favourable to their proposal.

When the PAN's proposal entered Congress and gained significant attention, the issue was no longer under the Executive's purview. The power to decide upon the bill now rested on Congress. Thus, the executive's policy monopoly was broken. Congress proved to be a venue more supportive of policy change than the executive. In this case there is some agreement between the PE theorizations and the case evidence. There were policy actors strategically taking their issues to new venues in search for support. These actors managed to move the issue into a new venue in which policy change was actually possible. The PE framework posits that policy change comes from a dual strategy followed by policy actors. This strategy comprises 'contro[lling] the prevailing image of the policy problem...[and] alter[ing] the roster of participants who are involved in the issue by seeking out the most favourable venue' (Baumgartner & Jones, 1991, p. 1045). In this case, policy actors searched for new venues, but they did not attend to the policy image. Venue change was more a result of policymakers' venue search and institutional change, than a result of shifting images.

The image of civil service policy during the initial years of the Fox presidency became strongly associated with a managerial discourse led by the Presidential Office for Government Innovation (OPIG)³². This issue image was not new, as associations of public administration reform with managerial discourse were also present during the previous period of Ernesto Zedillo. Throughout the two decades preceding the Fox administration, civil service reform enjoyed a positive image. Reform was generally supported by government, policymakers, and academics. In the process of enacting the LSPC, there was not apparent change in issue-image that could be credited with promoting change.

Given the tacit agreement in supporting civil service reform in the policy community, and the lack of mass appeal of the issue, the policy image did not present a problem. The inability of previous attempts to reform the civil service was not related to opposition to the idea per se. Instead, it was related to conflicts over control of the systems' oversight, or to lack of interest in the Executive to push reform forward. This

³² See (Oficina de la Presidencia para la Innovación Gubernamental, 2002) and (Oficina de la Presidencia para la Innovación Gubernamental, 2001)

contrasts with the cases examined by Baumgartner & Jones (1993) and Kingdon (1984). In their cases, the policy communities produced various different policy options which pointed in different directions. Within those communities there appeared no agreement around the policy options. The contrasting positions fragmented the policy community into divergent groups, each vying for attention. In the Mexico case, the generalized positive image for civil service reform made unnecessary for policy actors to address the policy's image.

Discussion

The enactment of the LSPC was a milestone in the development of Mexico's public administration. For the first time in Mexico, the federal government enacted a law that created a meritocratic professional civil service in the central federal administration. While the LSPC's scope did not include all public servants, it was nevertheless a step forward towards dismantling a long-standing system of government employment based on political patronage. The LSPC episode is an instance of policy change. After decades of incremental policies the LSPC punctuated the policy progression with a long-protracted and radical change to the public employment structure. The analysis of this episode provides insights into the progression of reform and the determinants of policy change and contributes to the understanding of the conditions that foster reform.

The MS framework directs attention to the coupling of policies, politics, and problems streams, facilitating a view of the wider context within which the policy process occurred. On the other hand, the framework reveals strategic actions of policy actors, highlighting that not only political and advocacy coalitions promoted reform. But there were also instances of 'the right person in the right place at the right time' (Kingdon, 1984, p. 192) who bore most of the characteristics that Kingdon ascribes to policy entrepreneurs. One entrepreneur in particular had a good understanding of the civil service issue and a personal commitment to reform. He diffused ideas supporting a civil service bill and gathered support for it. He identified a policy window and took advantage of it by taking the issue to Congress. He played an active role as broker seeking an agreement between the two main political parties involved in the policy

discussion. His entrepreneurial activities can be credited with coupling the problems, policies, and politics streams at a window of opportunity, thus inducing reform.

The PE framework on the other hand, directs attention to the structure of the policy subsystem and how the strategic entrance of new actors influenced the policy process. In this case, the executive, through an exclusive structure comprised by the presidency and some Executive agencies, exerted monopolistic control over decision-making on civil service issue. Policy actors' strategic venue-shopping was revealed as one of the determinants of policy change. During the Fox presidency Congress broke into the policy subsystem and fostered policy change. The PE framework has not been applied to policy episodes in Mexico, and the literature lacks analyses of venue change as promoter of policy change in that country. Thus, this research points to the need for further studies on the relationship between venue change and policy change in Mexican policy.

While the PE framework adds valuable insights to the analysis, it does not allow accounting for the diversity of factors that influence policy change, and thus build an explanation of its determinants. One of the key elements of the PE framework, shifts in policy image, is missing from the episode. The civil service reform issue enjoyed a generally positive and stable image for decades before and throughout the episode. While the image acquired a more managerial tone during the Zedillo and Fox years, that modification did not seem to have significantly shifted public opinion towards the issue. In this case, the interaction between policy image and policy venue was not a contributor to the policy punctuation.

The foregoing analysis based on the MS and PE frameworks underlines both institutional and non-institutional influences on the policy process. The institutional configuration within which the episode transited is comprised of the presidency, the party system, the bureaucracy, congress, and academic networks. In particular, congress and the parties played the most influential roles throughout the process. Deserving of attention is the fact that both, the party system and congress were transitioning towards different positions in the political system. The transition might have created opportunities for venue change that did not exist previously. Another institutional feature that played a significant role in supporting reform was the

academic network that interacted with government as part of the policy community around civil service policy. This network did not only produce knowledge to inform policy proposals, but also actively participated in government, and was a strong advocate for the LSPC.

A key non-institutional determinant of reform was policy entrepreneurship. The policy entrepreneur conceptualisation looks closer to the characteristics of individual actors and their entrepreneurial activities in pursuit of policy reform. It helps to identify the participation of individuals in policy making, understand their role in fostering change, and the personal characteristics and circumstances that empower them to influence change. The findings in this research indicate that an individual agent who applied intense interest, skill, and influence in pursuing reform, contributed in coupling the politics, policy, and problems streams. This individual increased the support base for reform, produced viable policy options, and facilitated political agreements which proved fundamental for producing change.

Identifying the fundamental role of a policy entrepreneur is a key contribution to the literature on Mexico's policymaking. While policy entrepreneurs were not the only force behind the LSPC, their role in promoting policy change was instrumental. Earlier literature does not mention the participation of policy entrepreneurs in the process of changing civil service law in Mexico. As reviewed in the previous chapter, there are a number of studies that pay attention to the roles of change teams, technocrats, coalitions, and political cliques in Mexican policymaking (Centeno, 1997; Teichman, 1988; Waterbury, 1993), but there has been little exploration of the role of policy entrepreneurs in processes of policy change³³.

There is consistency between the present analysis of the Mexican episode and Mendez' (2008) interpretation discussed in the preceding chapter. As mentioned earlier, both interpretations draw from Kindon's (1984) framework looking to explain the policy episode. While there are many coincidences in both analyses, there is one important difference regarding policy entrepreneurial activities. Mendez (2008) does

³³ For a discussion of policy entrepreneurs in Mexican policy see Díez (2010). Cejudo (2003) addresses the role of policy entrepreneurs in a case of public management reforms, but does not delve into their roles and characteristics.

not report the existence of any individual playing a policy entrepreneurial role as per Kindgon's (1984) definition. Instead of singling out any particular individual, Méndez groups together academics and public functionaries—including the OPIG—in a coalition that promoted reform. This coalition—he argued—was behind a carefully designed strategy responsible for generating the incentives that eventually contributed to orchestrate the LSPC's enactment. Furthermore, the coalition purposefully sought to couple the three streams to advance change. Mendez (2008) was implicitly suggesting that there was a collective policy entrepreneur - though he did not use the term.

The research data used in this research partially agrees with Méndez' view that there was a coalition of actors acting in concert through a carefully planned strategy. Interview accounts presented a picture that suggests there were various separate efforts in support of reform. Those efforts came together at a certain point, but not as a result of a concerted strategy. Part of the role ascribed to an individual policy entrepreneur was to connect some of those efforts. The significance of the discrepancy between the two accounts lies in that teasing out individual agency fitting the policy entrepreneur profile sheds light on a key determinant of policy change. Policy entrepreneurship is a central concept in the MS framework. The present interpretation of the episode contributes to identify that individual policy entrepreneurship, as defined by Kindgon (1984), played an important role in the policy episode. As mentioned earlier, further research on individual agency and particularly the role of policy entrepreneurs in public policy in Mexico is needed to get a better understanding of the extent of their participation and their influence.

Comparing the contributions of the two frameworks, the MS does a more comprehensive job in facilitating an explanation of policy change than the PE. The MS identifies the flows of processes that created an environment favourable for change. It also identifies how the interplay of key actors with the policy environment fostered change. While the PE contributes in spotting the key role of venue shopping and change, it fails to identify the complex set of processes that contributed to generate change. Nevertheless, the combination of both frameworks enhances understanding of the underlying forces—institutions and actors—that facilitated policy change.

Conclusion

In this chapter I have discussed how civil service policy reform in 2003 emerged from a conjunction of several forces and circumstances. The Multiple streams and the Punctuated Equilibrium frameworks illuminated certain aspects of the process contributing to construct an explanation for change. The unprecedented presidential victory of the opposition, an increasingly active Congress, the availability of policy proposals, the advocacy of the academic community and international organisations, and the policy entrepreneurial activities of a few individuals, all appear to account for change. While the MS framework was the only framework that produced a coherent account of the episode, the combination of both theoretical lenses provided a more nuanced account of the determinants of policy change. A similar analysis follows, on an attempt at civil service reform in Guatemala. The findings of the two episodes will be compared in chapter seven.

Chapter 6

Guatemala: politico-institutional background

In order to provide an understanding of the institutional configuration of Guatemala's political system, the first part of this chapter reviews a segment of Guatemala's political history. Beginning in the late nineteenth century, key historical events that set the foundations of Guatemala's political institutions in the present day are discussed. Focusing on key historical milestones in the process of state formation the path of institutional building along several decades of Guatemalan history is followed. History shows how political and state institutions emerged at certain points in time, influencing the behaviour of actors in the political system, in some aspects even up to the present day. At times old institutions give way to new ones. Some institutions remain strong for centuries. Path dependency and institutional change have coexisted throughout Guatemala's history, making up today's institutional environment. This historical review is divided into three sections reflecting three distinct institutional configurations in the evolution of Guatemala's political system: dictatorial authoritarianism, military authoritarianism, and formal democracy. Examining these configurations reveals the characteristics of the institutions that structure today's policymaking in Guatemala, some of which can be traced back for many decades.

Development of Guatemala's political institutions

Political institutions provide a structure for policymaking. They create the overarching environment within which policymaking occurs. Within that structure, policy actors find incentives and deterrents for pursuing policy initiatives. The institutional framework influences how amenable to policy change or stability a polity is. Specific institutional configurations influence policymaking in different ways. In the second part of this chapter a set of political institutions that exert significant influence in today's public policymaking in Guatemala are examined. The selection of institutions was based on two main criteria. Firstly, institutions that have considerable influence on the overall configuration of the state and the political system were selected. The second criterion was to include institutions that directly influence the policy process in the area of public management. Thus, the discussion centres on the Guatemalan Peace Accords, which represent a foundational agreement upon which

post-war democratization in Guatemala rests, the executive, the legislature, the electoral and party system, trade unions, business groups, and the bureaucracy. Their key characteristics, and how they structure the policy making process, are examined.

The purpose of this chapter is to establish a historically-grounded understanding of the politico-institutional framework that determines policymaking in Guatemala. In other words, this chapter explores the context within which the civil service reform episode occurred. Accounting for context is central to the analysis of the reform episode as it will contribute to situate the policy process within the particular structures that bind political agents in contemporary Guatemala. Contextualization is particularly important in the study of policymaking as the institutional and political configuration determine how policy is made. The literature addressing the institutions of policymaking in Guatemala is scarce, and its peculiarities have seldom been studied. The chapter ends with a detailed description of the events comprising the episode of civil service reform in Guatemala (2002 – 2007). This description is the starting point for the episode's analysis that follows in the next chapter.

Governance in Guatemala: dictatorial authoritarianism³⁴ (1870-1920) and democratic interlude (1920 – 1957)

Guatemala is the largest nation in the Central American Isthmus. Neighbouring Mexico, Belize, El Salvador, and Honduras the fourteen million people country has a recent political history marked by foreign interference in domestic affairs, authoritarian military rule, civil war, and chronic poverty. After thirty-six years of civil war and seven decades of authoritarian rule, Guatemala began an on-going democratic transition with democratically elected governments beginning in 1986 and with the signing of the Peace Accords in 1996 that put an end to civil warfare. In this section I will review some of the historical milestones that set the foundations of Guatemala's contemporary political system.

Some of the enduring characteristics of Guatemalan society and economy are rooted in its colonial history (1524-1821). The Spanish conquest and three centuries of

³⁴ Following Yashar (1997), two different political regimes between 1870 and the 1990s are acknowledged – namely, dictatorial authoritarianism and military authoritarianism.

colonialism established a relationship of economic dependence between Guatemala and the rest of the world. For centuries, production centred on a few agricultural commodities which were subject to international market fluctuations. Internally, a small minority of the population owned most of the productive land, which was exploited through forced indigenous labour. After the independence from Spain (1821) the country's interaction with foreign countries expanded beyond Spain but internally the socio-economic structures remained intact. Guatemala's economic system still depended on agriculture and exploited indigenous labour (Jonas, 2006).

The institutional foundations of the political regimes that developed in Guatemala throughout the twentieth century and beyond were set during the period known as the "Liberal reforms" (1870-1920). During this period, reformist governments created state and market institutions that restructured social relations, economic production, and the role of the military. As Yashar (1997, p. 30) argues, the particular version of liberalism advanced in Guatemala drew from the European Enlightenment but produced different results. Instead of fostering democratization processes as in Europe and some Latin American countries, Guatemalan Liberalism set the foundations for seven decades of authoritarian rule.

Two fundamental institutional arrangements emerged from the Liberal period: the organisation of the economy and the reorganisation of the state. The organisation of the coffee export economy facilitated oligarchic accumulation of capital through the ownership of confiscated land and debt peonage of the rural population. Such organisation created conflict between landowners and rural workers throughout the liberal period. In order to sustain the economic model the Liberals centralized political power in the hands of the state and encouraged the state's intervention in economic and social affairs. During the liberal period a series of dictators relied on the military as guarantors of order in the countryside and of the economic model. As Yashar (1997) points out 'The Guatemalan state deployed a coercive military apparatus to control or quash political and social organizing, to promote land concentration, and to deliver labor [sic] to coffee plantations. In the process dictators came to dominate the Guatemalan state with respect to policy making and implementation' (p. 33).

Liberal reformers, led by military officials opposing the status quo and supported by the coffee-grower elites, promoted the growth and centralisation of the state apparatus, and the creation of bureaucratic institutions throughout the nation's territory. President Manuel Estrada Cabrera (1898-1920), who ruled as a dictator for twenty-two years, staffed high-ranking government positions with military officers who enjoyed special powers and privileges which allowed them to abuse power and silence the opposition. During most of the liberal reform period, dictators controlled the political arena and enacted radical policies which enabled them to increase their personal political power and that of the liberals (Booth, Wade, & Walker, 2006; Mahoney, 2001).

A series of attempts at democratization then followed: In the late 1920s a progressive government tried to incorporate into the state middle and working-class groups. In the early 1930s the strong opposition of the coffee oligarchy and military officers led to military coups which overthrew the government and replaced it with the liberal dictatorship of Jorge Ubico (1931-1944). Another attempt at democratization began in the early 1940s led by a coalition of urban-based citizens from various social classes. The movement succeeded in overthrowing Ubico, thus initiating a period of short-lived democracy referred to as the 'democratic spring' or the Revolution of 1944-1954. The governments of Juan José Arévalo (1945-1950) and Jacobo Arbenz (1951-1954) exercised democratic rule allowing free elections and upholding democratic liberties. These governments eliminated forced labour, introduced minimum wage structures and established fundamental rights for peasants and workers, and promoted social welfare and equality (Jonas & Walker, 2000; Mahoney, 2001).

During the democratic spring period, Guatemala's capitalism entered a process of modernization with agricultural diversification and industrialization, support for national businesses, and regulation of foreign investment according to national objectives (Jonas & Walker, 2000). Arbenz implemented an agrarian reform in 1952 which redistributed idle land to more than one hundred thousand peasant families. Among the lands expropriated were some belonging to the U.S.-based United Fruit Company—at the time the largest landowner in Guatemala, which impelled the U.S. to charge Guatemala with serving the communist expansion in the Western Hemisphere. Under such assumption, the U.S. organized Arbenz's overthrow through

the Central Intelligence Agency (CIA)³⁵. Thus, the United States installed the counterrevolutionary regime led by Col. Carlos Castillo Armas, as the new president of Guatemala. Castillo Armas reversed the democratic advances of the two previous governments, dismantling labour and peasant movements, repressing political parties, and reversing agrarian reform. Arbenz's overthrow bore great significance in the consolidation of a military state and the breaking of civil war in the following decades (Booth, et al., 2006; Jonas & Walker, 2000).

The authoritarian character of Guatemala's political system consolidated during the six decades reviewed so far. Dictatorial and coercive governments gained control over the state. Under such conditions several government institutions were created and the bureaucracy was expanded. Newly created government offices were co-opted by the governing elites to serve personal or group interests. The government grew with a centralizing structure, lacking real autonomy. As the attempts to change government into a more democratic form were thwarted, the military gained further control over state institutions.

Military authoritarianism and civil war (1957 – 1986)

After the democratic spring, a new era of military authoritarianism stretched from 1957 to 1986³⁶ with a series of military dictatorships governing the country. During this period military officials and conservative politicians ran for president in controlled elections. The military ruled politics in a coalition with conservative politicians which repressed, often violently, those challenging the economic, social, and political order. This coalition of military and conservative politicians enjoyed the support of the U.S., which secured their control over the country. During 1950-1980 the Guatemalan economy enjoyed a period of growth based on agricultural exports. Despite favourable economic conditions the extreme inequalities in resource and income distribution kept increasing numbers of the population impoverished. Acute social conflicts continued to shape Guatemalan politics in decades to come. Social unrest contained through violent repression under violent military regimes sparked a

³⁵ For detailed accounts of the U.S. role in Arbenz's overthrow see Schlesinger, Kinzer and Coatsworth (Schlesinger, Kinzer, & Coatsworth, 2005).

³⁶ The only exception during that period was President Julio César Méndez (1966-1970) who led a civilian government, but still controlled by the military.

rebellion of military officers in the early 1960s. Those officers attempted a military coup against Presidente Ydigoras Fuentes which was aborted. Nevertheless, the rebellion marked the beginning of a guerrilla movement that would gain strength and wage war against the military regime for thirty-six years (Blake, 2005; Jonas, 2006).

Two decades into the civil war, state policies were largely dictated by the interests of the local oligarchies and transnational capital. The military gained increased power and played a predominant role in state affairs. Such concentration of power in the hands of the military and economic elites, in addition to the government's control of political parties, delegitimized government. Major political decisions were discussed and made within the army. While there were several political parties in Guatemala, it was the army who selected the official and alternate candidates for presidential elections. The army expanded its field of action into commercial enterprises, industry, television, literacy campaigns, medical services, and construction of roads. As Aguilera (1983) argues, militarization in Guatemala responded to the dominant classes' desire to direct the state development according to their interests using repression and terrorism.

During the late 1970s a diminishing internal cohesion of the ruling elite and the lack of social legitimacy of the military governments made it difficult to govern. By the early 1980s the ruling sectors acknowledged that change was needed to gain some legitimacy and end the country's international isolation. After dramatic intensification of the armed conflict during 1982-1983 army leaders and their civilian counterparts began a process of return to civilian rule. Between 1983 and 1985 a new Constitution containing basic guarantees of citizens' rights was enacted. A presidential election took place in 1985 with participation restricted to rightist and centrist parties that the military allowed to participate. Despite such restrictions, that was the first time in fifteen years that non-military candidates participated in an election. The Christian-Democrat candidate Vinicio Cerezo won the election and governed under strict military control during 1986-1990. His government became a civilian version of the military counterinsurgency state (Jonas, 2000).

The previous historical review shows the permanence of the country's socio-political structures and its authoritarian regimes throughout the late 19th and 20th centuries.

During this period power was highly concentrated in the economic oligarchy and the military state. The institutional development of democratic institutions such as the electoral and party system, the independence of the branches of government, the rule of law, and open participation in state affairs was prevented. As a consequence of the authoritarianism that predominated over several decades, power became concentrated in the executive while the legislature and the judiciary remained weak. Over the same period, the bureaucracy became subordinated to the military and ridden with clientelism and political patronage. Under such circumstances, the transition to civilian rule in 1986 marked the beginning of a new era in Guatemalan politics that extends up to this day. In the following pages I discuss the current state of political institutions in Guatemala.

Political institutions in Guatemala since the late 1980s: continuity or change?

For the past two decades Guatemala has been undergoing a process of transition from authoritarianism and civil war to a democratic post-war state. By 2007 Guatemala showed a mixed record in democratic consolidation. In an assessment of survey data on citizen's perceptions of Guatemala's democracy Torres-Rivas and Rodas (2007) conclude that Guatemala has a 'medium-quality' democracy. They argue that the formal and instrumental bases of political democracy are in place. On one hand, the transition from military-authoritarian governments has ended and the basic rules of political democracy are respected. There have been six consecutive non-fraudulent, competitive, and pluralistic elections, and there is liberty of organisation, expression, and conscience.

On the other hand, Torres-Rivas and Rodas point to several obstacles to the advance towards a fully-fledged democracy. There is a lack of citizens' control over elected functionaries despite existing control mechanisms created to monitor and sanction the behaviour of public functionaries. Politicians' response to public demands and preferences and their credibility is very low among the population. Finally, the autonomy of the regime vis - à - vis external and internal interests is unusually weak as business and interest groups not only influence the state but operate within it enjoying greater access to government resources and decision-making than the larger

middle-class and poor sectors of the population (Torres-Rivas & Rodas Maltez, 2007).

Under such circumstances, public policy is formulated and implemented. In the coming pages, a review of a group of institutions that influence public policy formulation in Guatemala is presented. Those institutions are the peace accords, executive-legislative relations, the electoral and party system, labour unions, and the bureaucracy. These institutions provide the structure within which individual and group actors operate when formulating public policies. I discuss the institution's characteristics and how they influence public policy making. This review will set the stage for the ensuing analysis of an episode of attempted civil service reform.

a) The peace accords

Between the early 1980s and early 1990s some transformations started taking place in what Jonas called an 'army controlled, top-down "authoritarian transition"' (Jonas, 2000, p. 18) accorded by civilian and military elites. Following Cerezo's period, civilians occupied the presidency in subsequent regular elections. While elections were free, fair, and competitive, only represented a fraction of political tendencies. A fundamental component of such transformation was the unfolding of the peace negotiations between the army, guerrilla groups, and civil society organisations. In the context of international efforts to bring peace to Central America, pressure to end the war in Guatemala sparked initial dialogues on peace negotiations by the end of the 1980s. In 1996 president Alvaro Arzú (1996-1999), in a demonstration of unprecedented civilian authority, removed conservative high-ranking military officials from their positions replacing them with reformist officials. With the support of those officials, international and domestic actors, Arzú drove peace negotiations to a final agreement on the Guatemalan Peace Accords signed on 1996 (Ruhl, 2005). The accords marked the end of the thirty-six year long civil war in Guatemala, and a new phase in the transition towards democracy.

The Guatemalan peace accords (United Nations, 1994 -1996) became a blueprint for the construction of a post-war democratic state in which human rights would be respected, the military would relinquish power, and social exclusion and polarization

would be addressed through institutional reforms and specific government policies. The broad aspects negotiated in the peace accords relate to human rights, resettlement of displaced populations, strengthening of civilian power and demilitarization, socio-economic aspects and agrarian situation; and the identity and rights of indigenous peoples. The accords stipulated that the three branches of government, the military, and the bureaucracy would be reformed so that they fulfilled their role as democratic institutions. At the same time the accords called for an electoral reform, the modernization of the bureaucracy and increased participation of civil society.

As Jonas (2000) points out, the peace negotiation process was a significant advance towards democracy in Guatemala, and the accords ‘constituted a truly negotiated settlement’ (p. 96). However, some analysts consider the peace process and the resulting accords to fall short from outlining a really democratic transformation. As Short (2007) argues, the participation in the peace process reflected the non-democratic structures of power in Guatemala. In her view the elites controlled the most essential aspects regarding the post-conflict society favouring their interests and keeping a coercive state apparatus. The Peace Accords contributed in the creation of new democratic institutions, and in upholding the freedoms of information, association, and political competition.

In 2004 president Oscar Berger (2004-2007) began his presidential period with significant advances towards military reform. There was a notorious reduction in the size of the military forces, and a number of high-profile investigations of corruption in the military took place. However, there are certain areas where progress is absent. Several components of the counterinsurgency state remained active and powerful. The army still enjoyed a great deal of influence in many spheres, retired military officers figured prominently in most political parties in Congress and in the executive. The institutions of justice were very weak and clandestine networks within public institutions exerted significant power and influence over state affairs (Jonas, 2006; Ruhl, 2005). The citizens’ perception of the contribution of the peace process to democratization continued to be poor. Based on elite-interviews and survey data Azpuru, Blanco, Córdova Macías, Loya Maríán, Ramos, and Zapata (2007) show that interviewees do not see significant democratic improvement on any of five dimensions evaluated. These included participation, democratic culture, representative

democracy, rule of law, demilitarization. In all of them interviewees considered there had been only a slight improvement since the peace accords were signed. Currently, serious questions remain about the efficacy of democracy in the face of acute infiltration of criminal groups in state and other societal institutions.

b) The Executive and Legislative branches

The Guatemalan legislature is a unicameral Congress. Its major functions are established in the Constitution and relate to executive control, legislation, and appointment of certain government functionaries. Within its control capacity, Congress has the authority to declare valid legal procedures against the president, Supreme Court president and magistrates; among its prerogatives is the authority to impeach ministers and eventually remove them, and authority to appoint investigative commissions to inquire on issues related to the public administration. In terms of legislation, Congress has the authority to enact, reform, and repeal laws; approve, modify, or disprove the government budget proposed by the executive; and approve international treaties. Congress has the authority to appoint one of five members of the Constitutional Court, the ombudsman, the Comptroller General, and the magistrates of the Supreme Court (Alcántara Sáez, 1999; Asamblea Nacional Constituyente, 1985a).

In addition to the legislature's constitutional powers, there are a number of institutional factors that affect its policymaking capabilities. The internal structure of the legislature, the electoral rules and the party system, the legislators' capabilities, among other variables determine the legislature's role in policymaking. Stein, Tommasi, Echebarría, Lora, and Payne (2006) developed a categorization of Latin American legislatures which divides them according to the nature and intensity of their policymaking role. Drawing from measures of legislative capabilities and on qualitative assessments of the actual roles of legislature, the analysis classifies Guatemala as a 'reactive obstructionist' legislature. Stein et al. define this type of legislature as one that does more than only rubber-stamping the executive's initiatives. The legislature's role is that of a '...blunt veto player, generally either blocking or approving executive's initiatives'(Stein, et al., 2006, p. 54). The

legislature's engagement in refining technical or distributional aspects of executive's proposals, or in supervising policy implementation, is rare.

The Constitution also establishes the powers of the Executive in the policymaking process. The president has legislative powers through issuing decrees, accords, regulations and orders. The president also has the authority to present a bill in Congress, veto a bill, and call Congress to extraordinary sessions (Alcántara Sáez, 1999; Asamblea Nacional Constituyente, 1985a). Despite such powers as García Montero (2008) argues, Guatemala is one of the countries in Latin America with lower executive legislative powers. In a comparison of several indexes that measure the strength of legislative powers of Latin American presidents, García Montero (2008) shows that Guatemala consistently ranks low. The indexes consider institutional variables such as veto authority, capabilities to issue decrees, exclusive law initiative in certain issue areas, budget authority, and the authority to call for a referendum. García Montero's (García Montero, 2008) analysis challenges earlier views that considered Latin America's presidents extremely powerful in terms of their legislative influence (Mainwaring & Shugart, 1997).

In Guatemala, the transition from authoritarianism to democracy produced a rearrangement of legislative powers among the executive and legislature. As Córdova Macías, Loya Marín, and Ramos (2007) argue the political instability of previous decades restricted the powers of Congress in Guatemala and other Central American countries. Under authoritarian conditions dictators and military governments imposed their will upon the legislature. At the same time, members of Congress elected under flawed processes did not respond to citizens nor were held accountable for their actions. In the post-war period Congress has reclaimed its authority although it still faces challenges in becoming more representative and accountable to citizens.

c) The electoral and party systems

Guatemala's current party system was established through the Electoral and Political Parties Law (Asamblea Nacional Constituyente, 1985b) enacted in 1985. While the legislation has been considered adequate and pro-democratic, the political parties have not been able to develop accordingly. Political parties have exhibited great

volatility since the new law was enacted. Of the fifty-four parties existing between 1985 and 2007, thirty-four had disappeared by the end of that period. This volatility has been associated with a lack of programmatic and ideological definition, caudillismo and clientelism, weak institutionalization, narrow representativeness, and lack of resources. The under institutionalization of political parties in Guatemala is reflected not only on their volatility. Political parties are not guided by stable rules and regulations. Conversely, party leaders are above the parties as institutions and that is reflected in autocratic decision-making within them (Asociación de investigación y estudios sociales, 2005, 2007).

Political parties in Guatemala are very weakly rooted in society. This is evidenced in the low rates of citizen participation in elections and the level of party identification, both of which are among the lowest in Latin America. Political parties have traditionally served narrow elite interests. As Sánchez (2008, p. 132) points out, 'Guatemalan parties have utterly failed in their representative function, particularly in their ability to bring the interests and demands of subaltern classes to the forefront of public policy and give them voice in the policymaking process.' Political parties lack legitimacy as citizens generally see them as corrupt and unnecessary. Guatemalan political parties have not served as power brokers representing the wider interests of society. Conversely, political parties represent their creators and financiers, looking for political favours and to advance personal projects ("Latinobarómetro," 1997; Sánchez, 2008).

In order to understand how the structure of the party system affects policymaking in Guatemala, I turn to Jones' (2005) analysis of institutional features of parties and party systems in several Latin American countries. Jones measures the extent of party and party system institutionalization through assessing the stability in patterns of interparty competition; party roots in society; the legitimacy of parties and elections; and party organisation. In his analysis Guatemala ranks the lowest among the eighteen countries considered. Under such conditions of under-institutionalization parties compete against each other using personal appeals of populist policy proposals as means to gain votes. Such policy proposals will soon be forgotten after the elections and there would be no accountability mechanisms for citizens to demand the implementation of the policies. In addition, there is a high level of party defection

among members of Congress, which suggests a gap between the policy positions of parties and of members of Congress (Fortín, 2008). Under these conditions political parties' stance in policy issues is highly malleable.

Another feature of the party system that has an effect on the policymaking regime is the balance between programmatic and clientel policies that political parties exhibit. As Jones (2005) points out, 'While in programmatic systems, political parties compete based on policy and are judged by voters primarily based on policy outcomes, in clientelist systems, political parties compete based on the distribution of selective incentives to voters, and are judged by voters primarily based on their ability to distribute/deliver these incentives' (p. 47). In the case of Guatemala, the country exhibits a very low level of programmatic politics and a very high level of clientelism³⁷. Under such conditions it is very difficult that political parties have a set of policies that define their political stance. Conversely, policies will be determined based on narrow-based political negotiations and short term pressing issues.

d) Labour Unions

To understand the role of unions in Guatemalan politics it is necessary to look at the recent history of labour relations. Historically rooted socio-economic and institutional factors determine existing power arrangements and influence the interaction of unions with other actors in the political sphere. During the 20th century organized labour played a central role in the frequent social uprisings and a wider social movement that aimed at improved conditions for workers. In the context of state repression and civil war, the unions suffered violent attacks which weakened them and created profound distrust between unions, government, and the business sector. Persisting socio-economic divisions and the inability of political actors to solve their differences maintain a climate of confrontation and suspicion that prevents effective dialogue and negotiation (Spohn, 2002).

Throughout Latin America unions have decreased in power and membership during the past twenty-five years. During the mid-nineteenth century, unions were among the few groups able to provide electoral constituencies to elite groups. More recently,

³⁷ Jones (2005) uses a measure of corruption as proxy for clientelism.

following economic liberalization, union's political influence has declined. The number of unionized voters has declined while policy preferences of labour-based political parties have shifted. In such context, unions have focused in pursuing the kinds of reform that affect a large portion of their members, and whose costs to unionized workers –therefore – are high. Unions in Latin America exert influence in the policymaking process through exchanges of favourable labour reforms for union support for wider economic policy reforms. Also, unions influence the policy process through forming alliances with labour-based parties and other transnational actors; through forming short-term coalitions with domestic consumers³⁸; and through their ability to protest or break up labour relations (Stein, et al., 2006).

Since the establishment of electoral democracy in Guatemala in 1986, unions have occupied an important place in key spaces of national dialogue intended to address pressing political and policy related issues. Ranging from post-war reconciliation, state reform, and fiscal policies, unions have occupied a visible place in policy debates. Unions also appoint members of the governing boards of various government organisations such as the National Institute of Social Security, which oversees workers' health and pension's schemes, and the Development Councils –which deal with economic and social development policy. A study of collective-bargaining practices of public sector unions reported that unions exercise a great deal of power and in some ministries unions 'intrude heavily into the decision-making processes' (Perlman & Reeves, 1998). From an alternative perspective Fuentes Aragón (2005) argues that the policy debates in which the unions have participated have been more effective in creating a fledgling culture of dialogue than in influencing public policies. In his view, unions have little influence in public policy, particularly in social and labour issues. In terms of political representation through political parties, like most organised civil society, unions lack representation in the party system (Sánchez, 2008).

³⁸ An example is the alliance of unions with domestic consumers in Uruguay to prevent the privatization of the state telecommunications company.

e) Business

The business sector in Guatemala is possibly the most influential policy actor. Its influence derives from its privileged access to the country's economic and political resources. As an organized sector, business has been able to operate under an umbrella organisation called Coordinating Committee of Agricultural, Commercial, Industrial, and Financial Associations (CACIF), which represents most of the country's business associations. Through formal and informal channels, CACIF exercises a great deal of influence in political matters and policy decisions which no other sector enjoys. The business sector secures its political influence through financing most political parties, controlling the mass media through ownership; also given the country's scarce pool of qualified human capital, the business sector is a key provider of candidates for ministerial positions in the governments' cabinets. Such powerful stance diminishes the state's autonomy in policy decisions and fosters a 'systematically biased, ultra-conservative public policy outcomes in Guatemala' (Sanchez, 2009). As Sanchez (2009) put it,

...the frontier between the country's state and its business elite is very tenuous to say the least. Political and economic power is very intimately tied together...The CACIF has historically enjoyed direct access to the president and government ministers...CACIF's ability to disinvest fundamentally conditions policy choices in Guatemala, because the oligarchs represented by the organisation hold the bulk of the country's domestic capital investment. (p. 109)

The business sector influence on policymaking contrasts with the significant limitations of unions, public servants, academics, and civil society in shaping public policy. Political parties fall short of aggregating and representing the interests of those sectors; the bureaucracy are prone to business influence in policymaking; and civil society organisations do not operate as a monolithic entity that could gather political strength comparable to that of the business sector. Thus, business benefits from the combination of their extremely well-organized and resourced organisation and the lack of a counterbalancing political force (Stein, et al., 2006).

f) The bureaucracy

Latin American bureaucracy has a long history that can be traced back several centuries. The colonial administration that the Spanish and Portuguese set up in America influenced the region's government and public administration development. After the countries in the region gained their independence from Spain, unitary and centrally-administered states emerged in most countries. In these states it is common to find a disagreement between the formal political institutions and the norms of conduct. An instance of that are civil service laws, which in many cases regard merit as the main criterion for selecting personnel and advancing their careers while in reality selection processes are highly politicized. Regardless of what the law states in many cases selection based on merit coexists with patronage and nepotism (Hopkins, 2001).

Turning to examine the Guatemalan bureaucracy, one of its problems is the lack of complete and updated statistical information about the number of government employees³⁹. Studies conducted by the Inter-American Development Bank in 2002 and 2006 (Banco Interamericano de Desarrollo, 2002; Iacoviello & Zuvanic, 2006) found that there is no governmental source that can provide the actual number of public sector employees at a given time. Most existing figures are based on the number of positions and not the number of employees, which in many cases do not coincide. While the information has not been officially published, the director of the National Civil Service Office (ONSEC) revealed that as of 2007 that institution had

³⁹ Argueta Noriega, Batres Villagrán, Payés Reyes, Porras Ruano, & Villegas Gonzalez (1996) discussed the issues that made it difficult to establish the actual number and distribution of government employees. As they pointed out, Guatemala lacked an information system that accounted for government employees despite the legal obligation of ONSEC to have it in place. As they argued, ONSEC has been unable to obtain information from government institutions who refuse to provide it based on their purported autonomy. Moreover, even when the information is available, there is no system in place to guarantee its accuracy. Taking into account such information deficiencies, Argueta et al. presented figures of government employment in 1995 based on a census of public employees. A number of attempts have been made to establish the number of public sector employees, but faced with incomplete and inaccurate information the figures are only approximate. According to Argueta et al., by 1996 there were 282,700 public servant positions of which 144,900 were subject to some form of oversight from ONSEC. Most of those positions were created by the ONSEC, which certified the appointments, but henceforth employees in those positions fell under the regulation of the institution they worked for. Only 66,000—GG percent—were subject to the civil service law regulations for entry and career development.

accounted for 194,589 employees in the executive (Osorio, 2008). Using approximate figures, Cely S., Mostajo, and Gregory (2003) calculated that the rate of public employees to total population ranged from 1.8 to 1.6 during the period 1995 – 2003. As they point out, those figures are well below the Latin American average of 2.3 during the 1990s and a comparable figure of 5.2 in OECD countries⁴⁰.

In 1945 the Guatemalan Constitution established that the civil service system was the regulator of the relationship between the state and its employees. Ten years later the first statutes regulating the public administration were issued and the first national department of personnel was created, which later became the Civil Service Department. The National Congress enacted a civil service law in 1968 (Congreso de la República de Guatemala, 1968) which was ratified and enhanced with the new Constitution of 1986. Thirty years later the law was complemented with regulatory guidelines which further developed the criteria and procedures for the application of the law (Presidencia de la República de Guatemala, 1998). This law sets the principles, norms, and technical-administrative structure of the civil service system. The institution charged with overseeing the system is the National Civil Service Office (ONSEC). (Banco Interamericano de Desarrollo, 2002; Iacoviello & Zuvanic, 2006). Merit-based recruitment is one of the guiding principles of the civil service law. It states that jobs in the public administration have to be assigned on the basis of applicants' capabilities, preparation, and integrity. For that purpose the law establishes a competitive and open system to select personnel based on merit criteria.

The civil service system in Guatemala faces a number of challenges that affect its adequate operation. A characterization of the bureaucratic configuration and its roles in Guatemala describes Guatemala's bureaucracy as a 'patronage bureaucracy'. Considering measures of bureaucratic autonomy and capacity, in a patronage bureaucracy public officials are temporary, entry is based on party loyalty, and the bureaucracy is a resource that politicians can use arbitrarily to foster narrow interests. This translates into the bureaucracy's absence from most of policymaking and implementation processes. Scoring low in Latin America wide comparisons of merit

⁴⁰ Cely et al. (p.148) warned that those figures could be misleading taking into account that in recent years the government has been sub-contracting public services. This means that while the government pays third parties to provide public services, those providing such services do not appear as public employees.

and functional capacity indexes, Guatemala's bureaucracy is described as showing 'strong politicization of decisions on selection, promotion, and dismissal; in addition to the absence of institutionalized merit-based criteria for selecting personnel, there are no protection mechanisms against arbitrary practices in personnel management' (Zuñanic, Iacoviello, & Rodríguez Gustá, 2010, p. 155).

The problems facing Guatemala's bureaucracy have sparked attempts to address them through reforming the civil service law that constitutes the fundamental regulation of the system. In the following section I present the key events, actors, and institutions, involved in a recent attempt to enact a new civil service law. This description is followed by the episode's analysis presented in the next chapter.

Reforming the civil service: an attempt at policy change

Since the enactment of the civil service law in 1968 there have been attempts to reform it and change the civil service structure. During the presidential period of Alvaro Arzú (1996-1999) there were at least three proposals for a new civil service law. One of the proposals was advanced by National Office for Civil Service (ONSEC) –the institution charged with overseeing the civil service system – another proposal was developed by the governmental Commission for State Modernization (Comisión para la Modernización del Estado)⁴¹ with support from the World Bank and local think tanks. One of such proposals was presented by the executive to Congress in 1997, but Congress did not support the bill. At the time the government opted for implementing other administrative changes through different means (Bonilla, 2007; Cely S., et al., 2003). While there are no detailed accounts of such attempt at reform, interview accounts reveal some aspects of it. Maria Isabel Bonilla, a researcher at the Centre for National Economic Research (CIEN) a Guatemalan think tank, stated,

Well, we in CIEN have been involved with the civil service issue for about eight or ten years, since there were attempts to change the system. We participated in a first discussion when the World Bank crafted a bill to reform

⁴¹ The Commission for State Modernization was the precursor of the Commission for the Reform of the State which will be introduced in the following pages.

the civil service in the late nineties. That was a bill with a limited scope which did not aim to change the whole civil service system...So then CIEN participated in another project around the same time which was based on the World Bank's. We worked with some specialists in civil service issues, and on that basis and a little discussion, which was not wide, it was only with some research centres, a more interesting project was completed, which intended to create a civil service career. This project granted state entities more freedom to hire...It was mandatory to create job profiles so that suitable candidates could be found. There was also a whole career development system, which included a system for sanctions and termination. Seniority was not necessarily favoured as much as performance, training, and etcetera.

Naturally we were aware that it was a project that required much funds. We needed to secure budgeted funds given that part of the project was to incentivize voluntary retirement, to offer anticipated retirement of many employees who would not be able to compete under the same conditions with the newly recruited ones. But it all seemed feasible, and most of all necessary. We were entering into a stage where...we began with a whole theme of state modernization, decentralization, devolution...And it was clear to us that in order to decentralize we needed a different civil service law, and to devolve too, and that pointed to the modernization of the state. Now, all of that was conceived with no significant discussion, with unions, the public sector, or public functionaries. It was just the creation of an idea (Bonilla, 2007).

Regarding the initiative's faith during the decision making process, Jorge Mario Andrino, a functionary of the Commission for Reform, Modernization, and Strengthening of the State and Its Decentralized Entities (COPRE in Spanish) stated in an interview,

...remember that linked to the issue of the implementation of the Peace Accords, Álvaro Arzú's government attempted a proposal for civil service reform. But despite of having a majority in Congress, they decided not to enter it as a bill. I understand that obeyed to union pressures, which were particularly problematic during elections time. So, as an alternative, the

regulations to the existing law were enacted, almost thirty-nine years after the corresponding law was enacted...(Andrino, 2007)

Five years later, with a new government in office, another attempt to reform the civil service law began. The starting point of the episode of civil service reform occurred near the final year of Alfonso Portillo's (2000-2003) presidential period. The change of government from Alvaro Arzú (1996-1999) to Portillo was the first time a democratically-elected president handed power to another democratically-elected president, since electoral democracy was restored in 1986⁴². Despite high citizen support, a majority in Congress, and a pluralist cabinet, the Portillo government ended immersed in an acute political crisis. There was widespread disappointment with the government's overall performance and increased social tensions that contributed to a state of fragile governability. The political and social institutions in Guatemala were still weak and far from fulfilling their role – the Portillo government did little to improve government institutions, conversely, Portillo's administration was notoriously corrupt and unable to advance towards democracy (European Commission, 2002; Jonas, 2006).

Realizing that there was a need to bring about changes in government, a group of individuals decided to take action and promote government reform. As Carlos Gómez Chavarri (2007), a functionary of COPRE states in relation to the inception of the idea,

...the idea was born...after realizing the problems that ensued after every change in [government] administration, not just the change in power from one administration to the other, but also, sadly, the change in career or administrative personnel...From that realization and experience, because it also happened to us in other positions we held, we experienced how in reality when a new government takes office, public servants change...And that is the way it has been since the beginning of the democratic period in this country, from 1986 until today. And it is a shame to admit it, but this happens more so every time. So, in other words, personnel that has received training, in

⁴² Following democratically elected Vinicio Cerezo (1986-1990) Jorge Serrano (1991-1993) attempted to dissolve Congress and was consequently ousted and a transition government appointed prior to Alvaro Arzú (1996-1999).

Guatemala and abroad, if they are not from the [political] party, automatically they are transferred to any other government institution.

Within that political context the policy process of civil service reform initiated. According to Harris Whitbeck (2007), the first antecedent to the civil service reform project was a meeting held on 2002 which was convened by himself. Whitbeck was a former secretary of executive coordination in the Alfonso Portillo government (2000-2003), charged with coordinating the government's decentralization process (Gómez Chavarry, 2006; Whitbeck, 2005). He had recently been dismissed from his position by Alfonso Portillo, and as a result ended his long-term affiliation with the official party, the National Republican Front [Frente Republicano Guatemalteco (FRG)] which he contributed to found years earlier (Hernández Pico, 2004). The purpose of this meeting was to set an agenda for developing four policy initiatives aimed at modernizing government, fostering transparency and efficiency in the public administration, and curtailing corruption. These initiatives would arguably contribute towards reaching the objectives of the Guatemalan Peace Accords (Comisión Presidencial para la Reforma Modernización y Fortalecimiento del Estado, 2002).

The policy initiatives would be presented to the next elected government (2004-2007) regardless of who won the elections. The participants in this meeting were high-ranking representatives of several political parties, Harris Whitbeck, who at the time was acting as an independent advocate for government reform, and a representative of the United Nations Development Program (UNDP). The projects to be discussed were the following:

1. A revision of all existing laws in the country from the first one enacted in 1831 to the last one enacted during the 2000-2003 legislature.
2. A complete reengineering of the state (ministries and secretariats).
3. A new civil service law.
4. A new procurement law.

As a result of that meeting, a political pact was established on which 10 political parties pledged to support the aforementioned projects. Moreover, they agreed to

appoint representatives who would assist in developing the projects under Harris Whitbeck's coordination. It was also agreed that a Coordinating Committee was to be created comprising the general secretaries of the political parties, and that the funds to develop the projects would be administered by the UNDP. This pact was documented in the Act 01-2002 (Comisión Presidencial para la Reforma Modernización y Fortalecimiento del Estado, 2002) which was signed by all the participants.

The subscription of this pact by most political parties meant significant political support for the idea of reform, and was an important stepping stone for the advancement of the reform initiative. As Jorge Mario Andrino (2007) stated,

...there are three main moments in this process in Guatemala. The first one is the political moment when Whitbeck as an individual gathers the seventeen general secretaries of political parties and they subscribe a commitment to pursue four large projects, one of which was the civil service. In fact, that is one of the great potential aces that Whitbeck holds today, that signed commitment...any of the two potential new president of Guatemala has committed to support those projects...

In the year 2003, the design stage of the initiatives was completed with funding from the private sector. Harris Whitbeck had presented the reform proposal to Oscar Berger before he became president and Berger committed to support them (Whitbeck, 2007).

Oscar Berger came into power backed by a conservative coalition of several parties named Great National Alliance (GAN). A member of this alliance was the Patriota party, which had recruited Harris Whitbeck as presidential candidate some time prior to the presidential elections held in 2003. Thus, there was a closer connexion between Berger and Whitbeck both belonged to the party coalition in power. As it turned out, Harris Whitbeck was appointed as the head of the Presidential Commission for State Reform (COPRE) during the first months of the Berger administration (2004-2007).

From that position Whitbeck would continue pursuing reform. At that stage, the civil service reform proposal was officially in the governmental agenda⁴³.

As Harris Whitbeck (2007) stated,

...when we [GANA] won the elections Oscar [Berger] told me: look I want you to continue with these projects, so I want to ask you to be commissioner. And coincidentally there was the COPRE [Presidential Commission for the Reform of the State]. COPRE was created around three governments ago, but had never done what it was intended to do. So, it was natural for me to come here [COPRE]...obviously the work here was much more than the four projects, but all in all we had by then drafted the civil service bill and we presented it to the president I think in February or March 2004, right after he took office...

In 2004, during the initial months of President Oscar Berger's term in office, a number of organisations supporting the policy initiatives gathered with the presidents of the executive and Congress to hand them the policy initiatives and request that they be included in the governmental agenda. These organisations were the Permanent Forum of Political Parties (FPPP), which is an organisation comprised by Guatemala's political parties whose purpose is to serve as a venue for discussion of pressing national issues and to promote dialogue among the parties. (Foro Permanente de Partidos Políticos, 2006). On the other hand was the Organisation of American States (OAS) through its Program for Civic and Democratic Principles and Values (PVDGP-OEA). This was an initiative for political and technical cooperation created by the Office for the Promotion of Democracy (OPD) of the OAS. Their work focused on strengthening the country's political party system (Andrino, 2007; Gómez Chavarry, 2007). While the civil service issue was never high in the public agenda, there was considerable media attention on the policy proposals when they were handed to the presidents of the executive and legislative. Also, sporadic opinion

⁴³ Kingdon's (1984) distinction between governmental and decision agendas highlights that in this stage of the process, the proposal entered the governmental agenda but not the decision agenda.

pieces in major newspapers contributed to create a generally positive image for the civil service issue⁴⁴.

In relation to the support that the FPPP gave to the civil service proposal, Eduardo Nuñez (2007), a former functionary of the OAS stated,

Why does [Harris Whitbeck] approach this program within the OAS? Well, because this program had been designed especially for strengthening political parties. And it had favoured or accompanied the creation of a national organisation that was unique in Latin America...this forum [FPPP] basically gathered the highest rankings of political leadership of all legally registered political parties in the country. At the time there were twenty-three parties, facing the 2003 election...¿Why did the forum capture the attention of this group of people led by Harris who wanted to pursue this [reform]? Well, because the forum had already produced some agreements regarding the elections. It had produced an ethical agreement for electoral competence, it had produced a declaration prioritizing the Peace Accords, and etcetera. So the idea was to provide support to projects such as the civil service reform and the procurement law, which had previously been blocked because they lacked the political support from parties represented in Congress.

In addition, the participation of the political elite in the debate was very important, because a well-structured and implemented civil service law means limiting the capacity or discretion of political parties to assign government positions, which is one of the essential elements in the clientelism that characterizes the party systems in Guatemala and Latin America. So, there was this double purpose, firstly, to secure support from the legislative in the event that there was an agreement, and secondly to ensure that political parties understood that the implementation of the law...entailed a change in the clientelistic political dynamics inherent to Guatemala's political party system. So that is where the idea emerged from.

⁴⁴ See for example an opinion piece by Juan Alberto Fuentes K. (2004) <http://www.elperiodico.com.gt/es/20040107/investigacion/1510/?tpl=54>

Following the presentation of the projects, the presidents of the executive and Congress stated their support for them. Harris Whitbeck was appointed to the newly created position of Presidential Commissioner for the Reform, Modernization, and Strengthening of the State and Its Decentralized Entities ascribed, which was the head of COPRE. The new commissioner had the presidential mandate to develop, socialize, and prepare the execution of the projects, in particular those regarding the civil service system (Whitbeck, 2005). From that moment on, the Commissioner coordinated a process of refinement and discussion of the projects with civil society organisations, the academia, the media, and with political actors such as Development Councils, Mayors, and Departmental Associations of Employees, and members of Congress.

The final version of the civil service bill – as it appeared after modifications made in one Congressional Commission – established the organisational structure of the new system. The bill proposed creating the National Civil Service Secretariat (SENASEC) a national entity charged with overseeing the new civil service system. This entity would replace the ONSEC and would work in conjunction with ministries, secretariats, and other public organisations. The bill also established new institutional arrangements for the resolution of labour disputes; a series of employees' rights and responsibilities, and a structure of specialized sub-systems that underpinned the system. Compared to the current civil service law, the new bill significantly expanded on the description of the system's structure and functioning. Other sections of the bill addressed the organisation of unions and the limits of workers' rights to strike. However, both the law and the proposed bill propose civil service structures that are fundamentally similar. Both established a central entity charged with overseeing the system, both advanced a meritocratic career system, both touched on union rights, and both were basically performance-oriented. That is not to say that there were not differences, but that the contrast between them does not show fundamentally different paradigms ("Propuesta de Ley de Servicio Civil," 2005).

As part of the diffusion strategy COPRE established a dialogue with union associations. As the dialogue progressed, it became clear that there were several contentious issues in the bill. The main criticism that unions made to the bill was that it intended to increase governmental control over unions. The unions argued that the

bill proposed to grant extraordinary powers to government authorities over workers' rights to unionize and effect collective action (Unión Sindical de Trabajadores de Guatemala, 2007). Arguably such control was established in the bill through the creation a union registry within the SENASEC, which was the government agency that would oversee the civil service system. In the unions' view this registry would grant the government control over the conformation of unions. The unions considered such dispositions a violation of international agreements and to the autonomy of unions. From a different perspective, COPRE did not consider that the bill enabled the government to diminish workers' rights in any way.

Another issue was the regulation of the union's right to strike. The bill stated a prohibition to strike for workers of government institutions that provided 'essential public services' such as hospitals, public transportation, telephone services, and others. The unions considered such provisions to be unconstitutional as—they argued—clashed with what was stipulated in the Constitution. Moreover, unions regarded the prohibition as an attempt to constrain unions and a violation of international accords. Additional parts of the bill that unions opposed were those dealing with work conditions such as salary increases, relocation, termination, and the proposed procedures for disputes resolution. Overall, the unions argued such conditions only worsened the workers' status. In words of Daniel Vazquez (2007), a member of the influential Guatemalan Workers' Union [Unidad Sindical de Trabajadores de Guatemala (UNSITRAGUA)],

When we analysed the bill, we saw that it was really disastrous for the union movement, and not just for the union movement, but for government workers, for public servants regulated by the civil service law...they would be affected by this initiative, because we have fought to strengthen the administrative career in government, and that allow some directive positions to be reached as a result of experience...plus training or professionalization...allow a government worker to access those positions...all of that, the [proposed] civil service law—according to our analysis, will eliminate.

Luis Lara (2007), the general secretary of the national union of health workers added:

Well, we have studied this initiative...with the purpose of scrutinizing its contents in order to assess whether it is viable and if it will improve the public administration...We have noted that the initiative will really affect, affect somehow labour relations between workers and the state. Firstly, because we believe it...becomes an instrument to support government, the employer, leaving workers vulnerable. So, we think the proposal does not benefit workers, moreover it is oriented towards processes of state reform with a vision of neoliberal character, privatizing...Thus the initiative has not passed in congress because there is permanent opposition from all government workers.

There were some points in the bill that were particularly sensitive to certain groups within the state workers. One was the relocation of the workers of the ONSEC to the proposed SENASEC. The bill stated that those workers would be relocated after corresponding evaluations, but it made clear that those workers who did not fit the new job profiles would be terminated. The other issue had to do with school teachers and the loss of existing work guarantees derived from some of the bill's dispositions. Besides the different perspectives of COPRE and the unions regarding the substance of the bill, there were also conflicting perspectives with regards to the effectiveness of the dialogue between them. From COPRE's perspective the dialogue was intended to open a discussion on the substance of the bill so that the unions could comment on it and ultimately agree on the contents of the bill.

COPRE and the unions discussed the points of disagreement in an attempt to reach a consensus on a reform proposal. During such discussions, an unrelated event caused a disruption in the dialogue and ultimately its rupture. That is the closure of a government owned publishing house and consequent termination of its employees. That event upset the union representatives who threatened to end the dialogue if COPRE did not pursue the government's reversal of the closure. As COPRE refused negotiating on that issue, the unions walked out of the conversations. That was the end of the dialogue.

As Arturo Mesías (2007), general secretary of the National Federation of Government Unions of Guatemala (FENASTEG in Spanish) stated,

...we withdrew from the discussion of this bill because workers of the National Centre of Text Books and Didactic Material José Pineda Ibarra had been terminated. That was the only publishing house of the Ministry of Education at the time. Now the Ministry of Education no longer has a publishing house, now everything is done through competitive bid—the printing of books. I was part of that institution; I initiated a trial over two years ago when there was an attempt to close the institution. So we told Harris Whitbeck, *look, how can you talk about modifying a law (sic) and act unrestrictedly? You have direct contact with the president, tell him to please make a stop on the road, this cannot be. If the terminations do not stop, then we withdraw from discussing the law, the modifications to the civil service law.* It simply did not interest them, because their work environment is other. We withdrew leaving clear that it was necessary to take into account the criteria that so far had been presented. All we had presented was in accordance with the Labour Code, in accordance with the non-negotiable rights and the distinctions that appear on the ILO [International Labour Organisation] with regards to labour rights.

In 2005, Oscar Berger sent the National Civil Service Bill to Congress. The bill was analysed by two different congressional commissions which issued their respective reports. On May 2006, the Congressional Commission for Labour issued a report disapproving of the bill on the grounds that it restricted and lessened the workers' rights as stated in existing laws (Comisión de Trabajo, 2006). On November 2006, the Congressional Commission for Social Prevision and Security issued a report stating that the original bill bore several unconstitutionality and deficiencies which made it necessary to restructure it (Comisión de Previsión y Seguridad Social, 2006). As a result, the latter commission conjunctly with COPRE revised and modified the bill until approximately fifty per cent of its original content was restructured. With those modifications in place, the Commission for Social Prevision and Security approved the bill for discussion in Congress, which was scheduled for April 2007.

A few days earlier, the FENASTEG had issued two letters to the media stating their disapproval of the National Civil Service Bill and asking the National Congress to

disapprove of it as well. The unions argued that the bill had potentially negative effects on workers' rights to strike, to engage in collective bargaining, and to freely unionize. In addition, the Guatemalan Unions Movement (MSG in Spanish) denounced the failure of the Congressional Commission for Social Prevision and Security to comply with existing procedures for properly issuing reports and recommendations when preparing their report on the civil service bill (Congreso de la República de Guatemala, 2007). These events were occurring in an election year under a climate of strong political opposition to the official party and a particularly tense relationship between the government and the teachers' union, which led to a general strike in the same month that the civil service bill was scheduled for discussion. The media began to convey the labour unions' perspective, which generated a negative image for the issue (Federación Nacional de Sindicatos de Trabajadores del Estado de Guatemala (FENASTEG), 2007).

On the day that the congressional discussion was scheduled in April 2007, union associations protested in front of the National Congress against the bill (Hernández, 2007). In what appeared as a reaction to the protests a member of Congress of the Frente Republicano Guatemalteco (FRG) party promoted the withdrawal of the reports from the discussion agenda on the basis that they contradicted each other (Blas, 2007). Once the bill was withdrawn from the congressional agenda for discussion it remained unassessed by the commissions for the remaining presidential period of Oscar Berger. After Berger, the new president Alvaro Colom took office in January, 2008. Soon after taking office, Alvaro Colom dismissed Harris Whitbeck and closed COPRE. Instead of pursuing a new civil service bill, Alvaro Colom chose to follow the alternative strategy of revising the existing law in line with the union's proposal. For the purpose of this study, the closure of COPRE marks the end of the policy episode.

Conclusion

After a long history of authoritarianism Guatemala has been transitioning towards democracy for the past twenty-five years. While the country's politico-institutional framework has undergone important changes that have opened the political system to wider participation, the country still bears a strong exclusionary and elitist character.

The political party system is far from enabling citizens to participate in policy decisions; the executive and legislative still operate in function of narrow interests, and the policymaking process is centralized and with a very restricted participation. Within that context, an attempt to reform the civil service emerged in recent years. The impulse for the initiative appears to come from a group of citizens looking for change. While the issue made a quick ascent to the governmental agenda and gathered significant support from most political parties, in the end policy change was not achieved. Why was not change the outcome of the policy attempt? What were the determinants of the policy progression and its outcomes? These and other related questions will be addressed in the next chapter.

Chapter 7

Policy continuity: explaining the episode of civil service reform in Guatemala

This chapter presents an analysis of the policy episode of civil service reform described in the previous chapter. The aim of this analysis is to answer a series of questions related to specific events within the episode and to the episode as a whole. The answers to those questions will illuminate the underlying dynamics of key events and the determinants of the episode's outcomes. Based on interview accounts I will develop a theoretically-informed interpretation of the determinants of the progression and outcomes of the attempt to reform civil service reform in Guatemala. Like the preceding Mexico analysis, the analysis of the interviews in this case began with translating the interviews from Spanish into English, and then transcribing them into text. The next step was to create categories to group the data according to emerging ideas and theoretically-based conceptualizations. Finally, the linkages and relations among the data were analysed to develop an explanation for the policy episode. This chapter ends with an assessment of the contributions of the multiple streams and punctuated-equilibrium frameworks to explaining policy change and stability.

Examining the episode

Policy initiation: from idea to agenda-setting

In this section I will address two questions about the policy progression. The first question is what ideas and actors influenced the design of the policy proposal? The answer to this question will contribute to elucidate the underlying assumptions in the policy proposal. As noted earlier, the idea of pursuing government reform emerged from Harris Whitbeck and a small group of acquaintances that had previously served in government with him or were involved in politics. Their purpose was to address issues that they considered relevant to solve chronic problems affecting the country's public administration. The selection of four areas of reform, namely a reengineering of the state, a revision of legislation, a procurement law, and a civil service law, was based on the conviction that reform in those areas would improve the government's performance. There is no evidence of an external influence or a specific event sparking increased attention on the areas of reform that Whitbeck and acquaintances

wanted to address. It appears that it was a decision based on the perception that there were specific solutions that could be applied to those chronic governmental problems.

Civil service reform in particular was associated with career development, the fight against corruption, and improved human resource management in an effort to ‘modernize’ the state. One of the closest functionaries working with Harris Whitbeck since the beginning of the design of the proposal noted the various ideas that influenced the configuration of the proposal:

...an evolutionary process that has occurred in Latin America...and Spain, in which there is a strategy –from the eighties, starting from the new methodologies for implementing an efficient government...having a highly productive government...not costing citizens too much...maintaining certain personnel as a technical response to the different political phases of government (sic)... (Andrino, 2007)

Some supporters of reform considered that a new civil service law would solve the politization and job instability of civil servants. Carlos Gómez Chavarri (2007) a close collaborator of Harris Whitbeck listed some of the issues that evidenced the need for civil service reform:

In other words there is no respect, no follow up; there is no stability for state workers...Thus there is not a real career where the political, or the political clientelism, is separated from the technical, professional—specialized as I like to call it. So from that, in essence, from that reality, as a concern based on our political experience this proposal was born to be translated into a law...

As discussed in the theoretical chapter, government reforms have been occurring in Latin America for many decades with an influence of managerial ideas embedded in reform initiatives often promoted by international organisations such as the World Bank and others. Harris Whitbeck’s bill has an emphasis on improving performance and creating a meritocratic career system which does not introduce a different paradigm of civil service system from the one already established by law. Thus, while

the bill proposed a new institutional framework, the structure of the system remained similar.

The ideas associated with reform subscribed to a managerial discourse of efficiency and effectiveness. There is little mention of the relevance of labour issues during the design stage of the proposal. This is notable as the civil service bill that emerged from this process touched on critical issues in labour relations that became very contentious when labour unions saw the proposal. Throughout the ensuing efforts to gain supporters for the idea of promoting a policy proposal to reform the state the reform issue was depicted as a technical matter. In other words, the promoters used a problem-solving approach in which the problems of clientelism, inefficiency, and lack of incentives would be addressed through hiring technical experts to diagnose the problems and propose a technical solution. This approach was implemented in a top-down fashion, in which the technical solution approved by promoters would be presented to other stakeholders seeking their approval. There is no mention of any attempt to bring into the design stage other stakeholders than those in the supporting coalition. As will be discussed later on, that omission would be deemed problematic by some of the policy actors.

There were practical considerations regarding the political viability of the reforms. As Harris Whitbeck pointed out:

But I told them [the general secretaries of some political parties] look, let us coordinate and look for something, two, three, four, five projects that will benefit the country, and that do not have ideological or party-political colours. But things upon which we all can agree, that are necessary to improve governmental performance in Guatemala. We had several conversations throughout July, and concluded with four specific projects, one of which is the civil service law. That is really where the idea was born (Whitbeck, 2007).

Harris Whitbeck believed that the four reform items would not face great political opposition as he considered they were generally perceived as necessary to improve government performance. Those items were generally associated with improving the effectiveness of government.

The second question is why did such a wide coalition of actors support reform during the policy's inception and what implications did the coalition have? As noted earlier, the coalition supporting the policy proposal was comprised by the secretaries of all political parties, businessmen who funded the policy initiative, the OAS, and the technical consultants who developed the proposal. The conformation of the coalition was a result of Harris Whitbeck's efforts and the trust that he personally enjoyed from those actors. As noted, when he presented the policy proposal to businessmen and secretaries of political parties, it was not in the name of any party or organisation – he was the only guarantor of the initiative. With a coalition of all parties Harris Whitbeck was able to avoid intra-party political negotiations that could delay the proposal's ascent to the government agenda. As he approached party leaders as an individual with no association to any party in particular, he was able to gain the support of all parties.

With the creation of a coalition in support of government reform, Harris Whitbeck overcame several of the institutional problems associated with the weaknesses of the political party system. As discussed earlier political parties in Guatemala tend to serve narrow interests and change policy positions easily. The political pact that all parties signed was a commitment to support a proposal that responded to wider interests that were not subject to the usual politicking. An element of added strength to the coalition was the involvement of the Organisation of American States (OAS) and its Permanent Forum of Political Parties (FPPP). At the time the FPPP was an instance of dialogue among political parties that created a unique space for the debate and consensus building that had produced important results in the past. The OAS' participation fostered an image of political consensus that appeared to prevent the conflicts associated with parties generating individualistic political gains from policy issues. As Eduardo Nuñez (2007), the former director of the FPPP argued:

... the forum had produced some agreements for the elections. It produced an ethical agreement for electoral competition, a declaration of priority of the Peace Accords, and so on. It is in this context then that the idea was: if herein are N number of projects to reform the civil service law and the law of contracts and so on, most of these initiatives have been blocked by that lack of

political support, political support required of the parties represented in parliament (sic).

Thus, the civil service reform issue enjoyed a positive public image. Not only for the support given by most political parties, but also due to the support of the FPPP and the OAS. While the issue did not raise broad interest, there were regular opinion articles in the country's major newspaper speaking about the need to support a civil service reform.

A third question is why such rapid ascent to agenda item? The career of the reform proposal from inception to agenda-setting was highly successful in terms of garnering support from all political parties and a respected international organisations such as OAS; and gaining a privileged institutional venue within government whose specific purpose was to advance reform. The quick ascent of the proposal to the government agenda occurred within a period of less than two years. COPRE as an institution of the Executive provided a policy venue from which the reform proposal could be turned into an executive bill and sent to Congress for discussion. Such successful agenda-setting career can be ascribed to the combination of a strong coalition of supporters, the association of Harris Whitbeck and president Oscar Berger through the governing party coalition, and the timing of the proposal, which was presented to the president at the very beginning of its mandate, when the political costs of reforms are not so high (Kingdon, 1984, p. 160). The existence of a government institution whose mandate was to modernize the state contributed to situating the issue in the agenda as it provided a suitable policy venue within the executive.

The events comprising the initial part of the policy process reveal that the idea that sparked the policy effort emerged within a small group of citizens who espoused a state-reform discourse with managerial and technical overtones. With the leadership of Harris Whitbeck, a coalition of political party leaders was assembled to create a technically sound policy proposal to reform the civil service, which would be later shared with other actors in search for their support. The coalition allowed the proposal to overcome obstacles associated with the weakness in the party system. With the endorsement of the private sector and the OAS, and with the advantage of a close relationship between Harris Whitbeck and the newly elected president Oscar Berger,

the civil service reform proposal and the other state reform components made a quick ascent to the governmental agenda. Up to this point the reform enjoyed a great deal of support which was expected to continue once the civil service bill entered Congress. Nevertheless, as will be discussed next, the policy's progression took a different turn.

Emerging alternatives, opposition, and conflict

In this section, questions about the lead up to the decision-making stage in Congress, and the union's involvement in the reform discussions are addressed. The first question is why did opposition and conflict emerge between COPRE and the unions? Once Harris Whitbeck took office in COPRE in the early months of Oscar Berger's presidency, COPRE began to discuss the proposal with a wider audience which included state labour unions. At that stage it became apparent that there were serious discrepancies between the perceptions of COPRE and the unions with regards to the proposal. On one hand, COPRE's discourse stated that the civil service bill was intended to solve the lack of a public administrative career and the associated challenges to effective government. COPRE advocated for an entirely new law and did not consider the possibility of reforming the existing one. As Harris Whitbeck stated, '[the civil service project] has to begin from zero, it comprises a new civil service law, because the one that has existed for many years no longer works, because it does not incentive the public service career' (Whitbeck, 2002).

On the other hand, while unions recognized some of the same issues that according to COPRE afflicted the public administration, union associations opposed the idea of enacting a new law. Alternatively, the unions proposed to revise the existing law, although they stopped short of advancing an alternative proposal:

In this case the organized sector, organized in unions, is completely aware that the state has to be updated, capable of facing the challenges that society demands...It is also necessary to review the administrative career, because historically it is not fulfilled [sic]. It is not because the law does not work, but because put simply the functionaries do not want to comply with the administrative career...In that sense, we invoke a modification of the existing

law, but very specific elements must be revised. Important aspects such as jobs and salary classifications...(Mesías, 2007)

As mentioned in the previous chapter, there were also some specific points in the bill that the unions perceived would increase governmental control of government over unions and would restrict unions' liberties. Added to those considerations was the negative view the unions had about the dialogue that COPRE initiated. From COPRE's perspective, its role in that dialogue was to communicate the contents and implications of the proposal and to listen to the opinions of the union representatives. COPRE officials considered they were open to take the union's concerns and suggestions into account to make adjustments to the bill. As one of the functionaries of COPRE stated:

Strategically we left the [discussion with the] unions for last and then we identified the main five public unions' entities that were more representative and then we visited them. I personally visited them and told them this is a proposal, we need to debate over it, adjust it, improve it...It was not an official call, but it was like opening the door a bit to say we are not going to impose anything, instead we are here to have a conversation...(Andrino, 2007)

But the perspectives of the union representatives with regards to the dialogue were different. As stated by Luis Lara (2007), general secretary of the health workers union:

Definitely not, they [COPRE] did not take us into account, and that is one of the worst problems in the elaboration of bills, because I think that the exercise of laying everyone's interests on the table was not made...instead we were excluded, which is not unusual in this country – that labour forces are excluded from such proposals.

The head of the ONSEC adhered to the union's view that the process of dialogue had been deficient:

I think they [COPRE] have presented [the reform proposal] with a good projection [sic], nevertheless I think that the heads are projecting well what they are doing, I think the mistake has been that they have not reached sufficient consensus with the labour unions. To reach a consensus is not just listen to people, or give them a presentation, conversely, it is to participate in the process with them (Palomo, 2007).

The contrasting views on the bill and on the discussion process, point to the incapacity of both parties to understand each other's' perspectives and reach common ground. Those issues were at the core of the union's opposition and yet interview accounts reveal that those issues were never negotiated during the dialogues. The negotiations broke up at an early stage when the most contentious issues had not yet been addressed. As Jorge Mario Andrino (2007) argued, 'during the workshops we reviewed every article [of the bill]...but we did not get to discuss two of the points of greatest disagreement. One was collective bargaining...The other big issue was striking and its regulation'.

The ensuing question is why did dialogue fail? As discussed in the previous chapter while the dialogue process was showing that there were issues that needed to be addressed to reach an agreement with the unions, the closure of the government publishing house strained their relationship even more. The closure and consequent termination of the entity's employees upset the union representative who decided to terminate the discussion of the civil service law if the government did not back down on the closure of the publishing house. COPRE did not agree to negotiate on that issue and the dialogue ended. From that point forward the interaction between unions and COPRE became more conflictive. As Jorge Mario Andrino (2007) stated:

When we had discussed around sixty something articles [of the bill] with great input from the unions, we had an external interference. Sitting at the table was a union representative that worked for the Pineda Ibarra [government] editorial, and on that day the Ministry of Education decided to shut down the editorial and leave all of its workers on the street...So he gets the news...so far the relationship had been all love...they [the unions] decided we [sic] leave the table and will not come back because it is not possible that the same

government is taking such a strong measure and then asks us to sit down and negotiate no other than labour issues. And of course they [the unions] tried to manipulate, [they wanted] the commissioner to ask the minister to reverse the process and then they would sit down and resume dialogue. Unfortunately, that was not achieved.

During the impasse in the discussions the government sent the bill to Congress with no further consultation with the unions. Once the issue entered Congress the conflict between COPRE and the unions escalated. The unions now opposed the bill entirely and advocated for its rejection in Congress while COPRE attempted to gain support from members of Congress to pass the bill. Congress became the arena for conflict between COPRE and the unions. In there, each faction vied for congressional favour discussing their positions with the congressmen. The unions accused COPRE of misrepresenting the outcome of the meetings held earlier. As a union leader stated:

Well, at the end of that year the president of the republic, using his law-initiative prerogative, sends the bill to Congress. But when we found out what the initiative was, it was completely deformed. It did not bear at all our aspirations...So we found a bill that was completely against what was discussed in the beginning...(Mesías, 2007)

In an attempt to mediate in the conflict one member of Congress, Alfredo de León, brought the two parties to a meeting to find a common ground. The results of the meeting evidenced discrepancies regarding the extent to which unions had been given a voice in the elaboration of the bill. On one hand COPRE argued that the unions had been given the opportunity to voice their concerns and that their observations had been taken into account when drafting the final draft of the bill. On the other, the unions argued that they had not been taken into consideration and did not approve of the bill. As Alfredo de León (2007) stated:

I spoke with Harris Whitbeck and asked him if he had lobbied this [the bill] with the state unions, he said with all of them. Was there opposition? No, he told me, a few observations, but everybody agreed, thinking that I was in the Labour Commission...As it turned out, on item number one I tell them [the

union members at the meeting], well how many unions are present here? We counted and there were twenty-five, all of them state unions. Raise your hand which of you was consulted and with whom did you debate the contents of the initiative to reform the civil service law?...None, out of the twenty-five, there everything fell apart.

Conflict between labour unions and COPRE emerged from disagreements on the contents of the law, on the perception of the unions that they had not been taken into account during the formulation of the proposal, and ultimately, on government measures affecting unions interests in other unrelated issues. Labour unions adopted a hard bargaining position and decided to put pressure on COPRE to force the government to back down on its decision to foreclose the editorial house. At this point, the proposal was sent to Congress where conflict continued as members of Congress revealed their conflicting views on the bill.

Congressional debate and decision-making

What were the factors underlying the debates of the bill and ultimately the issues' standstill? Following that meeting the two congressional commissions assessed the bill and issued conflicting reports. The labour commission agreed with the union's views that the bill restricts workers' rights and clashes with the Constitution and several international conventions. On the other hand, the assessment of the social prevision commission approved the proposal stating that initially the bill's contents were unconstitutional and had other problems, but after a revision with COPRE the commission approved a new version of the proposal. According to the unions, the changes to the proposal were inconsequential as they only altered the bill's form but not its substance (Unión Sindical de Trabajadores de Guatemala, 2007).

The contradicting assessments of the bill reflected the division in Congress with regard to this policy. Interview accounts ascribe the difference in opinions to political considerations. One commission was controlled by the official party and the other by an opposition party. According to interview accounts the contradicting opinions had less to do with the contents of the proposal than to seeking political victories. According to Alfredo de León (2007) the bill became a 'confrontation between the

two commissions...that is why there is a report in favour and another against [the bill]'. Carlos Gómez Chavarry (Gómez Chavarry, 2007) of COPRE concurred with the view that the commissions were acting based on political criteria and not on substantive issues of the bill, as he stated in relation to the commissions' assessments:

...it was sheer politicking. When we got there [to Congress] to defend the bill, they [the congressional commissions] brought up unsupported objections. Being a politician myself and knowing the scene well, I realized that what was lying behind was an interest to stop the bill from being enacted into law...Taking into account that some labour unions approached members of Congress arguing that the unions were going to lose labour rights [if the bill was enacted]...

The opposition of some members of Congress reflected a lack of commitment to the previously established political pact. Despite the apparent formal character of the political agreement to support government reform, it was not a binding agreement. As Eduardo Nuñez (2007) argued, such type of agreements does not turn into actual policies:

Well, in this country there are libraries filled with political accords...usually everybody agrees with all the political accords, which does not mean that those accords will translate into laws or public policies. Thus, you will find – at the discourse level – endorsements that remain unsupported within Congress or in the budget; those are the two mechanisms: either you turn them [the endorsements] into law, or assign funds to a policy. If they do not have funding and legal framework, then they are not a priority. Anything else is discourse. And that is what happened [with the civil service bill], it had no funding nor legal framework.

Moreover, COPRE was no longer enjoying unconditional presidential support. As Harris Whitbeck stated:

...we presented it to the president, I think in February or March 2004, he had recently taken office, I made the presentation to the Cabinet, the Cabinet said,

look this is first year in office, we do not have a majority, politically it is better to wait for next year, and in the meantime let us make a strong effort to divulgate the law [bill], which was done. But there were political interests elsewhere, all the time trying to stop the bill from moving forward... But everyone agrees that is a law that has to be enacted. Everyone except, I think a union that never read the law. (Whitbeck, 2007)

Once the congressional commissions had issued their reports the civil service bill was to be discussed in the Congress in full. On that day the unions intensified their pressure with protests staged outside the congressional building. The union's lobbying during the day of the discussion convinced some members of Congress to retire the bill from the discussion agenda. As Arturo Mesías (Mesías, 2007) pointed out, '...the day when it [the bill] was on agenda, we did some work in Congress, with the parties, and from that resulted what is known, the process of enactment in Congress was stopped'. Daniel Vazquez (2007), another labour-union leader, added,

We did demonstrations, the day it was on third reading, ready to pass, this bill, we were in front of Congress, obviously we brought sound [loudspeakers], we began to make the call to deputies not betray the people...we said everything we wanted,... finally we managed to convince one member of Congress of the URNG [Guatemalan National Revolutionary Union, a left of center political party] to tell to the full Congress to stop [the reading of the bill] and take some time, that outside was a group of workers showing the damage that passing that law would cause, and proposed that the reading of the bill be stopped...

The proposal's career within Congress revealed that the support for reform that political parties had stated in the 2002 agreement was not completely there when the time for decision-making came. As noted, some participants ascribe the hesitation of some parties to political bargaining – particularly from the opposition parties. By the time the proposal was discussed in Congress, Harris Whitbeck did not enjoy the full support of President Berger's government. Under such circumstances, the pressure that labour unions exerted upon Congress appears to have influenced the legislature's decision to send back the bill for assessment in the commissions – and virtually into a standstill. As Eduardo Nuñez (Nuñez, 2007) stated:

But then what you have is a Congress where it is difficult to effectively transfer the agreements between political leaders, who are usually not in Congress...So, you have a certain distance, I mean between the party structures, the party leadership, and the dynamics of congressmen and congresswomen within Congress...So I believe there is, in large measure, but in a very large measure, an incapacity of political parties to introduce that [the civil service bill] on the congressional agenda.

In this section I have addressed a number of questions about different parts of the policy process aiming to understand the underlying forces and interactions that shaped the policy episode. The answers to those questions present a more nuanced view of actors' motivations and perceptions of the policy episode, as well as of some of the institutional constraints present in the process. With this nuanced view of the episode I turn to address new questions that focus on the policy process as a whole aiming to understand the determinants of the final outcome.

Interpreting the episode

Insights from the punctuated-equilibrium framework

In this section I will draw from the punctuated-equilibrium framework to interpret the policy episode aiming to understand the determinants of the policy outcome. As noted in previous chapters, the punctuated-equilibrium framework pays particular attention to the interaction of policy images with policy venues. Baumgartner and Jones (1993) argue that changes in policy image can produce changes in policy venue and—conversely, venue changes can produce image changes. The interaction of venues and images can produce long periods of stability or short periods of intense change. This framework also looks at the structure of participation in policy subsystems. According to Baumgartner and Jones monopolistic control of policymaking arenas maintains tight links between problems and particular images. Policy monopolies can collapse when new understandings of issues attract new participants to the process. Political actors attempt to control policy images and look for favourable policy venues to favour their own policy goals.

Turning the attention to the interaction between policy venues and policy images during the episode, the executive was the first venue in which the policy proposal was discussed. Within the Executive the proposal was completed and presented to various actors as a proposal intended to address corruption and inefficiency in government. COPRE gathered support from various fronts, but it was until they discussed it with the unions that the proposal was criticized and opposed. Then a new issue-image emerged which saw the proposed reform as damaging to government employees. With an unresolved conflict with the unions, COPRE sent the proposal to a new venue following the established route for creating a new law. This was not a case of conflict expansion seeking new venues for the purpose of gathering support, but a case of routinized venue change. There is no account in the research data of a strategic decision to seek the most favourable venue for advancing policy change. Existing accounts indicate that there was no consideration to introduce the bill directly in Congress aiming at its appropriation of the initiative. Such strategic venue-change could have had implications for the assessment of the bill in Congress as the Mexican case suggests.

When the issue entered Congress, the unions became more vocal and their position received more attention, challenging the previous positive image of the issue. The emerging image associated the civil service reform with unduly governmental control over labour unions, and conflict between the government and the unions. The association of the issue with conflict appears to have drawn greater media attention, which as Baumgartner and Jones (1993, pp. 104-118) argue tends to be the case. So in this case venue change produced a change in issue-image. The implications of such change in image are not clear. The civil service reform did not occupy a prominent place in the media. While there were sporadic editorials and government press releases favouring reform, the issue maintained a low profile. It was only in the few days leading to the congressional decision that the issue gained greater notoriety. In addition to the increased media attention, the unions made an intense lobbying campaign that convinced some members of Congress to stop the bill's discussion. Interview accounts credit the pressure that the union exerted, rather than the negative, with the bill's faith.

Insights from the multiple streams framework

This research now addresses the policy episode through the Multiple Streams lens. As discussed in a previous chapter, the multiple streams framework focuses on explaining why some issues become important items in the governmental agendas, and why governments pay attention to some alternatives and not others at a given time (Kingdon, 1984). The framework pays particular attention to three families of processes or streams: problems, policies, and politics. The problems stream comprises the problems that capture the attention of people in and around government. The policy stream refers to the ideas that policy specialists generate around a policy issue; and the political stream comprises events in the political system that are relevant for policy issues. A key aspect of the framework is the coupling of the streams which is determined by the appearance of policy windows and the efforts of policy entrepreneurs. As Kingdon (1984) argues, the coupling of the streams at a policy window increases the chances for a proposal to become policy.

In the problem stream the civil service reform issue had been on the political agenda a few times since the existing law was enacted on 1968. As noted in the previous chapter, there had been some unsuccessful attempts to enact a new civil service law as recently as 1997. In the case in point, the drive of Harris Whitbeck's initiative did not come from any focusing event or an increased awareness of public sector reform issues. Instead, it came from the problematization of a long-standing condition. As Kingdon (1984, p. 119) put it, 'For a condition to be a problem, people must become convinced that something should be done to change it. People in and around government make the translation by evaluating conditions in the light of their values...' (p. 119). The long-standing condition in this case were the inefficiency, high personnel turnover, and political clientelism that affected the bureaucracy.

In the political stream, the democratic transition continued its course with regular elections, but with a deficit in the strengthening of other democratic institutions. Two years into Alfonso Portillo's presidency the country was undergoing an acute political crisis which was seen as a regression in the process of democratic consolidation. At that time Harris Whitbeck began to assemble a coalition in support of reform and developed a policy proposal. The proposal was ready by the time the ensuing

president Oscar Berger took office who included the proposal in his governmental agenda on 2004. The Berger government was comprised of a wide coalition of conservative parties of which Harris Whitbeck had recently become part (Asociación de investigación y estudios sociales, 2007). By the time Harris Whitbeck's proposal was to be discussed in the Congress, it was the final year of Berger's presidential period. In an elections year, the governing coalition's political capital was depleted and political opposition intense. The government also faced a tense relationship with the teachers' unions which went on a general nation-wide strike on the same month that the proposal was to be discussed in Congress.

At this stage some parties had withdrawn their support for civil service reform within Congress. As Congressman Alfredo de Leon (2007) argued, within the Congressional Commissions the opposition parties voted against the bill. In his words,

...we have one Prevision and Social Security Commission where...out of nine signatures of the Commission members, six give a favourable assessment, and the three which did not sign...it is the left [parties]...that needs to have a political reading that I think could be important...

And later on, when the proposal was to be discussed by the Congressional plenary, there were some parties openly against the civil service bill. As Alfredo de León (2007) pointed out referring to the number of members of Congress opposing the bill, 'we were twelve hitting them hard [sic] from three opposition parties, not only on this issue [civil service reform] but on other issues as well'.

In the policy stream, there does not appear any reference to established policy networks devoted to civil service issues. Previous reform proposals had been developed with involvement of the World Bank, local think tanks, and in one case the ONSEC, but these were isolated attempts that did not come out of an on-going interest on Guatemala's civil service reform. During the 1990s and with the support of the World Bank a government office was created with the purpose of promoting state reform. This office would later become COPRE. While such office had an official mandate to promote reform, it was not particularly active in the years preceding Harris Whitbeck's attempt. Harris Whitbeck's new policy initiative was not launched

within an established policy sub-system. Instead, it was an instance of a group of people in and around government who were committed to changing government through engaging political parties in a non-partisan effort to produce reform. Nevertheless, one interviewee account argued that Harris Whitbeck's proposal had been influenced by a previous initiative supported by the World Bank (ref. Maria Isabel Bonilla). In any case, the proposal was influenced by international models of civil service reform as reported during interviews.

One of the salient aspects of the episode is the centrality of Harris Whitbeck as a policy entrepreneur. His role as initiator of the process and as the driving force behind it is stated in most accounts of the policy episode. Harris Whitbeck was a seasoned and respected politician who invested considerable political capital in promoting this reform. He was involved from the beginning when the idea emerged and carried out most of the major negotiations and support-generation campaigns throughout the episode. He was able to secure a considerable amount of funds from the private sector with no other guarantee than his name, as the funds were not raised in the name of any political party or organisation. Most of the credit for the inception and development of the policy initiative was given to the efforts of Harris Whitbeck before and during his appointment as commissioner in COPRE. As Alfredo de León (2007) stated:

Well, one of the actors with names and last names, who I think is the most knowledgeable person on this issue as its promoter, who was among those who built all the architecture of this initiative from the Executive is Harris Whitbeck.

As Kingdon (1984) argues, policy entrepreneurs can effect policy change when they are able to join the streams at a policy window. While Harris Whitbeck was extremely successful in building a coalition and putting his proposal in the governmental agenda, there is no evidence of the appearance of a window of opportunity, or a coupling of streams, at the decision-making stage⁴⁵. Instead, what emerges is an unrelated event, which derailed the negotiations with labour unions and influenced the episode's outcome. The termination of dialogue led to a head-on confrontation

⁴⁵ As mentioned earlier, policy windows allow issues to become a priority in the decision agenda (Kingdon, 1984).

between the government and the unions on the issue of reform. The confrontation was taken into Congress, where the executive faced opposition which ultimately led to the proposal being sent to an indefinite standstill.

Discussion

The policy episode thus far analysed is a case of stability prevailing over change. Despite a well-orchestrated campaign to effect civil service reform which gathered significant political support the civil service bill was not enacted into law. Despite wide-spread consensus around the need to change the current civil service system, there seems to be scarce commitment to carry out reform. What are the factors that explain such outcome? The punctuated-equilibrium framework pointed to the interaction of policy venues and images. During the time that the civil service issue was being formulated and promoted from the executive, the issue-image was generally positive—associated with eliminating corruption and government inefficiency. During the time that the bill was under discussion in Congress, a negative issue-image gained notoriety as labour unions promoted their perspective in the media and within Congress. This is consistent with the PE framework, a shift in policy venue causing a shift in policy image. Nevertheless, interview accounts point to political bargaining within Congress, rather than the image change, as the cause of the bill's demise. Opposition parties did not want to support the executive on the issue during a politically contentious time, and also did not want to upset labour unions in an elections year.

On the other hand, the multiple streams framework points to the activities within the three streams. In the problems stream, a widely acknowledged problem of government inefficiency and clientelism was linked to the civil service reform proposal as a solution. In the policy stream the policy proposal was manufactured on demand based on the ideas of independent consultants charged with the task. There is no evidence of building on debates between other policy actors to craft the reform proposal. Such lack of debate and input from other actors—and of a community to debate with—could help explain why unions were not involved in the drafting of the proposal.

Despite not being supported by an established policy community, Harris Whitbeck and the coalition of parties and the OAS were able to move the issue forward in the policy stream. When Oscar Berger became president, the reform promoters took advantage of a newly inaugurated government to get their proposal in the governmental agenda. But later on the executive faced loss of support on the issue at a time in which the government was facing a deep crisis and increased political opposition. The lack of commitment to reform of political parties plus the open opposition of government unions stopped the civil service bill from being enacted into law.

Policy entrepreneurship is notorious in this case as a significant part of policy formulation hinged on one person acting as a policy entrepreneur. This person was responsible for moving the reform proposal forward from inception to Congress. There was no account though, of coupling the streams, or a window of opportunity identified at the decision-making stage, which indicates a missing element for reform success according to the multiple-stream framework.

The foregoing analysis shows that there are institutional and non-institutional factors that have played key roles during the episode. In the Guatemalan episode there appeared a particular institutional configuration within which policy actors engaged with the policy process. Playing a key role were the party system, the coalition of parties supported by the Organisation of American States (OAS), the executive and within it the COPRE, congress, unions, and the bureaucracy. Weak and unstable political parties fostered a lack of commitment to reform. The executive was not able to find support in Congress. On the contrary, party fractions in Congress acted as political opponents rather than honouring the previous agreement to support civil service reform. Executive relations with government unions showed their traditional conflicting nature. Some unions were able to eliminate the executive's possibilities of enacting the law, through advocating their position to congressmen, and staging street manifestations.

Conclusion

In this chapter an analysis of an attempt to reform the civil service through enacting a new civil service law in Guatemala was presented. In this instance, reformers failed to achieve policy change. The PE and MS frameworks applied in the analysis of the episode revealed the underlying causes for the episode's outcome. Accounting for policy stability are the lack of support in Congress and the opposition of government unions. The analysis of the episode points to the institutional configuration that structured the actors' interactions throughout the process. The theoretical frameworks provided a means to understand those interactions among institutions and individuals. In the following chapter I turn to compare the two episodes in search for further insights.

Chapter 8

Comparative analysis and discussion of findings

This chapter presents a comparative analysis of the Mexico and Guatemala policy episodes discussed so far. The purpose of this comparison is to examine the differences and similarities in the episodes. By contrasting the episodes, further insights into the determinants of policy change and stability are revealed. The guiding questions for this comparative section are: Why were the episodes' outcomes different? What institutions, actors, and activities account for the difference?

The chapter begins by contrasting the main events that occurred along the episodes' progression. Throughout this progression key events are examined. These events comprise the activities of policy actors and the influence of associated institutions that structured such activities. Following, the determinants of episode outcomes are discussed. The analysis draws from the episodes' interpretations put forward in earlier chapters drawing from the multiple streams and punctuated-equilibrium frameworks. The latter part of this chapter discusses the contributions of this research to the literature, particularly in connection with the larger comparative project initiated by Barzelay (2001, 2003). The findings of this research are then contrasted with those of other case studies developed within that comparative project. Finally, some lessons for reformers are presented at the end of the chapter.

Comparing the episodes' progressions and key events: policy inception and agenda setting

As the analysis in previous chapters reveals, two policy initiatives aiming for similar goals produced different outcomes in Mexico and Guatemala. On the one hand, the outcome of the policy episode in Mexico was policy change through the enactment of a new civil service law. On the other hand, in Guatemala the outcome was policy stability. Despite significant efforts, reform advocates in Guatemala did not see a new civil service law enacted. While the episodes had different outcomes, they showed similarities during the early stages. The problems that policy advocates identified were similar—governmental corruption, inefficiency, and clientelism. In the same

vein, the general objective of their initiative was to solve the aforementioned problems through enacting a new civil service law. In both instances the law was seen as an instrument to support building meritocratic administrations. Meritocracy was expected to contribute to eliminate government corruption, inefficiency, and clientelism.

The background and location of policy advocates within the political system was also similar. In Mexico, the policy episode was initiated by a small group of politicians and technocrats whose motivation was to address some of the chronic government problems of corruption and inefficiency. This initiative emerged as a personal endeavour not connected to a political party platform or government plan. This group of acquaintances decided to draft a proposal to reform the public administration aiming to convince politicians to adopt it down the road. Some of the members of this group knew Vicente Fox and when he became president, they were invited to work with him. Some of these individuals were appointed to the Office of the Presidency for Governmental Innovation (OPIG) whose mandate was to improve the public administration through innovation. From that office, they were able to promote their proposal for government reform.

In Guatemala, the initiators of the episode were, as in the Mexican case, a group of acquaintances who shared an interest in fostering change in government. These individuals were politicians and government officials, who had a personal interest in promoting government reforms. Again, this was not an initiative that emerged from a political party platform or a government agenda. Instead, it was explicitly accorded among these individuals that the initiative was to be promoted as a non-partisan effort aimed at bettering government. Once the idea took shape and gathered support, the policy advocates gained a position in Oscar Berger's government. From that position they were able to promote reform as a government initiative.

The early stages of the policy episodes show some similarity in terms of the location of the policy advocates within government, their backgrounds, motivations, and the choice of policy instrument to pursue reform. Nevertheless, there were important differences among the episodes. One of those differences is the history of previous attempts of reform. In Mexico, the problems of governmental corruption, inefficiency,

and lack of professionalism had been identified for many years by various actors. Civil service reform had been presented as a solution several times during the past few decades. There had been several attempts to reform the civil service system which in some cases accomplished incremental changes. On the other hand, in Guatemala the issues of government performance—inefficiency, high turnover, and political clientelism had occupied a prominent place in the public agenda for decades. But there had only been a few previous unsuccessful attempts to reform the civil service.

The national mood was very different in both countries during the episodes' progressions. At the beginning of the Mexican episode, Mexico was undergoing a historical transition. After 71 years of government under the PRI, a new political party held the presidency. The balance of political power and policy influence was changing. Some actors were increasing their ability to advance policy reforms, while others were becoming less influential. The new government generated high expectations of rapid and profound change. The national mood was described as favourable to change. In Guatemala, the national mood did not appear as a determining factor in the policy process during the episode. While Guatemala was transitioning from autocratic government towards a more democratic model, there were no events that generated an environment favourable for policy change.

The effects of the national mood on the policy outcomes appeared particularly important at the decision-making stage, when the civil service bills were under discussion in congress. Public awareness grew at that point. In Mexico, public awareness peaked at the public forum in which representatives of academia, government, opposition parties, and congress discussed the idea of reforming the civil service. There was generalized support for change regardless of the particularities of any one bill. As pointed by interviewees, the national mood favoured a positive attitude towards change. On the other hand, in Guatemala there was no such favourable national mood. The reform proposal received increased media attention as it was under review in congress, particularly when unions began to oppose reform publicly. Despite media attention and prior commitments of political parties to support reform, it was evident that there was little interest in supporting policy change at that point. Other than Harris Whitbeck and his team, there was no one else advocating for reform.

Another important difference between the two episodes was the design of the bills. In the case of Mexico, the new bill was intended to be the first law to specifically regulate the civil service system of the central government administration. The bill was to consolidate, in one law, several dispersed pieces of legislation which regulated different aspects of the system. The bill was also intended to create new institutions to oversee the system. On the other hand, in Guatemala, the bill was intended to replace an existing civil service law that was seen as out-dated and inoperative. The bill was very ambitious as it proposed to recreate the entire civil service system. The bill proposed to modify the regulations affecting most public sector employees, including unionized ones, and to create new institutions in charge of the system's oversight. Compared to the Guatemalan bill, the Mexican bill was less ambitious in that it was not intended to affect existing regulations on unionized workers, which amounted to a large portion of public sector employees.

Such differences in the design and contents of the bills had important implications for the level of opposition that the bills would later face. Nevertheless, the purpose of both proposals was similar: to substantially modify the regulation on public employment in order to establish a system of meritocratic public employment. Whether the bills affected all echelons of government or just the top, the proposed changes were expected to shift the balance of power in the political system. Meritocratic public employment, even if only at the top government echelons, was expected to have an impact on the clientelistic systems of both countries, reducing the power of those in control and undermining the long history of patronage within the civil service.

The strategies that policy advocates followed to achieve their goals, as well as their interactions with the wider policy environment were different in the two cases. The strategies responded to the political and institutional context in which actors were situated. As the policy process advanced, actors adapted their strategies according to the interplay with other actors and institutions. In Mexico the strategy that policy advocates adopted entailed producing a bill within the Presidential Office for Government Innovation (OPIG); and then finding a senator of the official party who was willing to introduce the bill directly in congress. This strategy took into account

that the most influential opposition party was also interested in reform. Such interest opened up a window of opportunity for gathering enough support in Congress.

The strategy in Guatemala was to form a large coalition with most political parties to agree to support civil service reform through a proposal. This proposal was going to be developed by a group of experts once there was agreement on the idea. Once the coalition agreed to support the effort, the proposal was drafted and presented to the incoming government. The new government appointed some of the reform advocates to a government office charged with promoting civil service and other government reforms. Unlike the Mexican case, in Guatemala the policy advocates did not seek to introduce the bill in Congress through a congressman. Instead, they asked the president of the executive to introduce it himself following established procedures. Whereas reformers in Mexico shopped for a venue favourable to change, reformers in Guatemala did not.

As described thus far, there were differences and similarities in the prior history of reforms and the early stages of the policy episodes. In order to compare the progression of events during the latter stages of the episodes—negotiations and decision making—this research draws from the theory-based explanations advanced in earlier chapters.

Comparing the latter stages of the episodes: political negotiations and decision-making

As discussed previously in the theory chapter the MS framework facilitates explanations of how some issues gain relevance in governmental agendas, and why governments pay attention to some alternatives and not others at a given time (Kingdon, 1984). The framework focuses on three streams of processes: problems, politics, and policies. Policy change results from policy entrepreneurs coupling the streams at a policy window. On the other hand, the PE framework points to the interplay of policy images and policy venues. Baumgartner and Jones (1993) argue that the interplay of policy venues and policy images can lead to long periods of policy stability or short periods of dramatic change. Monopolistic policy venues tend to maintain images linked to policy issues. When new participants and new

understandings of issues enter the policy venue, policy monopolies can collapse. Political actors try to influence policy images and look for policy venues amenable to their policy objectives. This section presents a contrast of the theory-based explanations for the episodes analysed in the preceding chapters, focusing on the latter stages of the processes.

While there were significant similarities between the episodes' problems streams - the rationale for reform and the actors that identified the problem - the activities and institutions associated with the policy streams were different in the two countries. In Mexico, there was an established policy community comprised of the executive - the SECODAM and the SHCP - and academic research institutions that had constantly focused on the issue. This policy community was significantly active in producing debate on civil service reform. This was reflected in the various reform attempts in Mexico during the previous years. Only a few years before the LSPC episode, there was a reform attempt involving the SECODAM and the SHCP, which did not succeed in enacting a new civil service law. The activism in the policy community was also reflected in the number of civil service bills that entered Congress during the LSPC episode—three different bills introduced by three different political parties. In addition to government departments and political parties' involvement with the issue, there was a rich academic debate around it. There was no polarization in this policy community with regards to introducing a new civil service law. A generalized positive image and support for reform prevailed in the community.

Conversely, in Guatemala there was no policy sub-system around civil service issues. Reform advocates did not have access or support from an established policy community. While there had been some attempts to reform the civil service, those had been carried out in isolation by small groups of advocates who were no longer actively involved with the issue. There were no other actors such as researchers or advocacy groups with an active interest on civil service reform. The lack of an active policy community was reflected in the lack of policy alternatives. During the progression of the Guatemalan episode there was only one alternative to Harris Whitbeck's proposal.

With regards to the politics streams, there were significant differences between the two countries. In Mexico, as per the OPIG's strategy, the bill did not enter congress as a presidential initiative, but as a Senator's initiative. The strategy succeeded in generating ownership in congress in part because the Senator in point became a very strong advocate for the proposal. Given the coincidence of interests of the PRI and the PAN, the negotiations in Congress focused on the specificities of the bill. Those negotiations were facilitated by a policy entrepreneur who brokered between the two parties to help reach a consensus. The change in venue, from the executive to congress, was a key determinant of the episode's outcome. It was the result of a strategic decision of policy advocates in the executive to increase their possibilities of succeeding in reform. As congress took a leading role in advocating for civil service reform, it broke the monopolistic hold of the presidency over civil service policy. This is consistent with the PE framework as it poses that venue change results from venue shopping and/or image shifts. While there was venue shopping, there was no evidence of change in issue-image during the episode.

Policy advocates in Guatemala gathered support from different sectors prior to introducing the bill in the government agenda. Once a support coalition was established and advocates occupied government positions, their proposal was officially in the government agenda. Unlike the Mexican case, in the Guatemalan case there was no venue shopping strategy, the proposal was sent to Congress as an initiative of the executive signed by the president following established routines. There were no congressmen championing the proposal either. While some members of Congress from the governing party-coalition supported the bill, there was no apparent ownership of it in Congress. Without the support of a policy community, Harris Whitbeck relied on political parties for support. Political parties' support proved to be feeble when unions voiced their opposition to reform. As discussed in the Guatemala politico-institutional background chapter, Guatemala was an extreme case of party under-institutionalization. Political parties tend to ignore previous commitments and have highly malleable stances on policy issues. Party defection among members of Congress is high. This contributes to the fragility of party coalitions that gather mainly for electoral purposes but fail to agree on policy. In the end, political parties abandoned support for reform and left Harris Whitbeck alone in his advocacy efforts.

As the proposal entered the governmental agenda in Mexico, advocates engaged in political negotiations. Beyond negotiating the contents of the bill with the PRI, policy advocates did not face significant opposition to reform. There are various factors that contributed to that: the exclusion of unionized workers from the scope of the bill; generalized support for civil service reform in the policy community; and support for reform from the major political parties. As stated earlier, the Mexican bill was not very ambitious in terms of its scope of influence. The strategic decision taken by the proponents of reform to exclude unionized workers from the bill proved favourable to avoid opposition.

Conversely, in Guatemala, there was fierce union opposition to Harris Whitbeck's bill, especially nearing the time of the final congressional debate. This resulted largely from the unions' perception that the bill could hurt unionized workers' interests and that they had not been taken into account in developing the proposal. The bill proposed in Guatemala was designed to restructure the whole civil service, including regulations pertaining unionized workers. As discussed in previous chapters, the greatest obstacle for reform in Guatemala was unions' opposition. The contrast of the episodes shows that the strategy of Mexican reformers was less risky than the strategy used in Guatemala. As it turned out, those strategies had an important impact in the final outcome of the episodes.

Drawing from the MS framework, the Mexican case shows the confluence of the problems, politics, and policies streams. As pointed out earlier, in that episode there was a clearly defined problem, there were solutions in the policy community, and there was a favourable environment for change in the politics stream. The three streams converged at a policy window which was the coincidence of interests of the PRI and the PAN around civil service reform. In Guatemala, there was not an evident confluence of the streams, mainly because the policy stream was missing. There was not a community of academics, members of government or other sectors that maintained a debate on civil service issues.

The MS framework posits that policy entrepreneurs foster policy change when they couple the three streams at a policy window. Following Kindgon's (1984) definition

policy entrepreneurs are advocates for proposals or ideas who are willing to invest their time and resources hoping to see policies they approve implemented. They are key players in softening-up policy communities and the larger public, through communicating their ideas and building acceptance of them. They also take advantage of policy windows through coupling the problems, policy, and politics streams at those windows. As Kingdon argues, entrepreneurs ‘hook solutions to problems, proposals to political momentum, and political events to policy problems’ (1984, p. 191) thus performing a determinant role in policy change.

In the cases under analysis here, evidence reveals that there were several policy actors who played key roles in advancing policy change. But there was one individual in each case that stands out for playing a most comprehensive policy entrepreneurial role. The policy entrepreneurs in the cases under study match the attributes that Kingdon (1984) outlined, as well as the type of activism they carried out. In the Mexican case, Bernardo León was an advocate committed to reform. He was instrumental in garnering political support for his proposal, and in building consensus on the reform bill. Thus, he effectively coupled the streams at a policy window. On the other hand, in Guatemala there was also a policy entrepreneur who was the main player throughout the episode. Harris Whitbeck was a strong advocate and initiator of the reform effort. While he had not been particularly engaged in civil service issues before, his role was much more notorious than Bernardo León’s in Mexico. Harris Whitbeck was widely perceived as the leader of reform, but he never identified a policy window nor was able to couple the streams.

Determinants of the episodes’ outcomes

The factors that appear to have determined the outcomes of the episodes can be classified into strategic factors, i.e. factors associated with actors’ activities; and institutional factors. Venue-shopping was a key strategic factor in producing policy change in Mexico. It resulted as a reaction to the opening of a window of opportunity. As mentioned earlier, one policy entrepreneur identified a window of opportunity—the shared interest in reform by the two major political parties. This entrepreneur reacted to the appearance of the window by deciding to shop for a new policy venue. Thus venue-shopping was not part of a plan devised in advance. Instead it was an

opportunistic reaction in response to the appearance of a window of opportunity. This agrees with Pralle's (2003) assertion that 'venue shopping can be more experimental, and less deliberate or calculated, than is commonly perceived' (p. 234). Venue-shopping was not part of the advocates' strategy in Guatemala.

The decision to exclude or include unionized workers in the scope of intervention of the bill was a key strategic determining factor. This finding is highlighted by the comparison of the episodes, as it is not explicitly accounted for by the MS and PE frameworks. The conscious decision by Mexican advocates was to avoid affecting unionized workers to prevent potential opposition. The strategy succeeded as there was no opposition from unions. The Guatemala case on the other hand illustrates the consequences of promoting a civil service bill that was intended to change regulations pertaining to unionized workers. In that case, effective union opposition became the most significant factor thwarting the reform initiative.

Among the institutional factors on the other hand, was the existence of an active policy sub-system that was supportive of civil service reform. As discussed earlier, in Mexico members of the sub-system played an important role in maintaining a debate around civil service reform, and generating a positive public opinion about it. In the case of Guatemala there was no sub-system from which reformers could draw support. The party system, particularly the characteristics of political parties appeared as an influential factor in the episodes. This was reflected in the capacity of parties in Congress to advance reform in Mexico versus the incapacity of parties in Guatemala to uphold prior commitments and assume a clear position on the civil service issue.

In terms of the multiple streams and punctuated equilibrium frameworks, the contrast of factors that explain the episodes' outcomes is summarized in Table 3. In the Mexican case, there appeared two key elements involved in policy change according to the PE framework, i.e. change in policy venue, and a policy sub-system. Conversely, in the Guatemalan case, none of those elements was present. Drawing from the MS lens, it is observed that there was an open policy window in Mexico but not in Guatemala. In both countries policy entrepreneurs played a key role in the policy processes. In the case of Guatemala, the role of the policy entrepreneur was

more visible than in Mexico. Nevertheless, in Guatemala the policy entrepreneur was unable to couple the streams at a policy window and facilitate policy change.

Table 3 – Theory based factors that explain the episodes’ outcomes

Factors favouring policy change		Mexico	Guatemala
Punctuated-equilibrium framework			
Change in policy venue		Yes	No
Image shift		No	No
New actors in policy sub-system		Yes	No
Multiple streams framework			
Policy windows		Yes	No
Policy entrepreneurs		Yes	Yes
Comparing the events in the streams			
Streams	Mexico	Guatemala	
Problems	<ul style="list-style-type: none"> • No focusing events or change in policy-related indicators • Long-lasting problems of corruption and inefficiency in government. 	<ul style="list-style-type: none"> • No focusing event or change in policy-related indicators • Long-lasting problems of corruption and inefficiency in government. 	
Policy	<ul style="list-style-type: none"> • Existed an established policy community • Several policy alternatives in circulation 	<ul style="list-style-type: none"> • Lack of an established policy community • Few policy alternatives in circulation 	
Politics	<ul style="list-style-type: none"> • A national mood favourable for policy change • The two strongest political parties were in agreement on reforming the civil service and were committed to reform 	<ul style="list-style-type: none"> • Public opinion indifferent to the civil service issue, but unions strongly opposed during decision-making in Congress • Initially, supportive political parties, but later on many parties withdrew their support for reform when the bill entered Congress 	

The outcomes of both policy episodes are consistent with the theoretical frameworks. In the Mexican case, the theoretical elements considered to favour change were present and the policy outcome was policy change. In the Guatemalan case, most elements were not present and the outcome was policy stability. The consistency between theory and empirical data validates the theoretical assertions about the determinants of policy change. Furthermore, from the results of this research the following limited historical generalizations can be made:

- Venue change was instrumental for policy change. In the case where there was venue change, policy change was accomplished. Conversely, in the case where there was venue stability, policy stability prevailed.
- The issue-image did not appear to play a prominent role in either of the cases—in both of them the issue-image was stable.
- The existence of a policy community had a significant influence in supporting policy change and stability.
- A very strong role of one policy entrepreneur was insufficient to effect policy change, when no policy window opened. Conversely, a policy entrepreneur succeeded in the case where a clear window of opportunity appeared.
- Unfavourable events in the political stream were particularly influential in maintaining policy stability, while a favourable political climate was instrumental in producing policy change.

Joining the conversation on public management policy change

As stated in the introductory chapter, this research follows a research project initiated by Barzelay (2001, 2003) that aims at furthering understanding of what accounts for policy change and stability in public management policy. The research project sits at the intersection of public management, institutional, and policy literatures. The academic conversation that this research joins centres on understanding the policy process and, within it, the factors that favour or hinder change. Part of Barzelay's project is a methodological strategy that entails looking at cases under a similar analytical framework. The objective is to facilitate comparisons among episodes to advance understanding the determinants of public management policy change.

As discussed in chapter one, there are several case studies of public management policy change that have been developed under Barzelay's methodological guidelines. The results of some of those case studies will be contrasted with the two episodes analysed here in order to gather further insights into the episodes. To that end some of Barzelay's (2003) limited historical generalizations, discussed previously in the theory chapter, will be reviewed. The purpose is to assess how the insights from the Mexico and Guatemala analyses compare with the insights from other cases.

Barzelay (2003) put forward a number of limited historical generalizations based on the comparative analysis of six cases of public management policymaking. These cases were drawn from recent experiences in Mexico, Brazil, Spain, Thailand, Germany, and the United States. The cases were examined under a common research design patterned on the MS framework. The generalizations that Barzelay developed emerged from examining the influence of agenda-setting events and alternative-specification events. Barzelay paid particular attention to two causal mechanisms. The first is the influence of problem definition on alternatives, through the framing of issues and their assignment to venues for alternative specification. The second is the influence of the prospect of policy change on actors in alternative-specification events. The key points of Barzelay's generalizations can be summarized as follows:

- Heads of government were extremely influential in the inclusion of public management policy issues in the policy agenda.
- Including or excluding issues from the policy agenda follows a decision usually made after elections have taken place, while new governments are being formed.
- Heads of government significantly influence issue formulation by selecting who will manage the policy issue or by making recommendations. They also influence issue inclusion to a greater extent than issue formulation.
- Peak-level executives can have significant influence over the pace of the alternative-specification process and over issue momentum more generally, even if their influence over the proposals' design is limited.

In the Mexico and Guatemala cases the influence of heads of government over the inclusion of the civil service reform issue in the policy agenda was significant. In the case of Mexico, the president appointed Ramon Muñoz as Chief of the Office of the Presidency. The Office of the Presidency for Governmental Innovation (OPIG) fell under Ramon Muñoz' authority during the Fox presidency. Muñoz was a close collaborator to Fox before and during Fox's presidency. Muñoz was credited with being a strong advocate for administrative reform. Fox's appointment of a person close to him granted governmental reform a high priority. In Guatemala, something similar occurred with Oscar Berger's appointment of Harris Whitbeck as presidential commissioner for government reform. While Whitbeck was not particularly close to Berger, he was still appointed to a key governmental position from which reform could be pursued. In both cases, heads of government chose the persons in charge of managing the policy issue, thus influencing policy formulation and issue inclusion in the policy agenda.

The decision to include civil service reform in the policy agenda in Mexico appeared to have been made soon after Fox took office. The National Plan for Combating Corruption and Fostering Transparency and Administrative Development (2001-2006) (Secretaría de Contraloría y Desarrollo Administrativo, 2001) published in 2001, included civil service reform in it. In Guatemala, President Oscar Berger called Harris Whitbeck to be part of government soon after the elections when the president was assembling a new administration. Harris Whitbeck's appointment was intended to advance civil service and other government reforms. In both Mexico and Guatemala, Barzelay's generalization about the inclusion of issues in the agenda while governments are being formed applies.

Regarding the influence of peak-level officials, they appeared to have had substantial influence over the alternative-specification process and issue momentum. But they also influenced the proposals' design. Their influence was more evident in the Mexican case, where the brokering of high-level officials accomplished the convergence of various proposals into one. In the Guatemalan case, Harris Whitbeck—during his appointment to a top-level official position, influenced the momentum of the only existing alternative at the time. His influence waned when the proposal entered Congress and he was unable to gain their support. Barzelay's

generalization cannot be observed in the Mexico and Guatemala cases as in both of them peak-level officials also influenced the design of the proposals. Nevertheless, the other three generalizations apply to both cases. This highlights the influential role of heads of government and the opportunity that the initial period of newly elected governments present for public management reforms.

Conclusion

This chapter compared the Mexico and Guatemala episodes with the purpose of analysing their differences and similarities in search for further insights into the determinants of policy change and stability. The questions addressed were:

Why were the episodes' outcomes different? What institutions, actors, and activities account for the difference? Following, a summary of the comparative analysis presented in this chapter.

The contrast of the episodes revealed the differences and similarities between them. Given that the episodes were selected on the basis of similar characteristics, it is not surprising to find them in the analysis. The rationale behind the reform proposals and some characteristics of the reform advocates were similar. In both episodes, reforms gained momentum at the beginning of recently elected governments. In both cases advocates were outside government at the beginning of the episodes, but as the episodes progressed, advocates were appointed to government positions. Beyond those similarities, which were apparent at the beginning of the episodes, there were significant differences between both of them.

In exploring the implications of those differences, further insights into the determinants of change and stability were revealed. There were institutional and strategic factors that exerted different influences on each of the episodes. The party system and the policy sub-system's influence on the episodes were notorious. In the Mexican episode, a positive national mood added in fostering policy change. The scope of influence of the reform proposal and a strategic selection of policy venue were instrumental activities for defining the episodes' outcomes. Policy change and stability resulted from a combination of institutional landscape and the activities of policy actors along the episodes' trajectories.

The examination of the Mexican case, through the multiple streams lens, revealed consistency between the framework's propositions and the case evidence. The conditions for policy change were created by the confluence of favourable events in the streams, the opening of a window of opportunity, and the coupling of the streams by a policy entrepreneur. The Mexican case confirms the Kingdon's (1984) thesis that change follows the confluence of the streams aided by a policy entrepreneur. The results of the analysis of the Guatemala case show consistency with the multiple streams framework as well. No change occurred where there was no window of opportunity and the streams were not coupled. Policy entrepreneurs played a fundamental role in both episodes. It can be argued that policy entrepreneurs were determinant in advancing the policy proposals throughout the episodes. Those entrepreneurs bore the characteristics that Kingdon (1984) ascribes to policy entrepreneurs with regards to their background and personal traits, and also in terms of the kind of policy activism. The most significant difference between the policy entrepreneurs in both cases was their ability to identify a policy window and subsequently couple the streams.

The PE's theoretical conceptualizations on the other hand provide additional insights. The PE facilitates understanding the pivotal role of venue shopping and venue change as reflected in the Mexican case, and it draws attention to the lack of strategic considerations on venue shopping in the case of Guatemala. The effects of image stability or image change are not evident in either case. No episode shows a combination of venue and image changes consistent with the PE framework. Instead, in the Mexican case, venue shopping contributed to policy change regardless of image stability. In Guatemala there was some change in the issue-image that did not lead to a change in venue. Thus, the central thesis of the PE framework—the association of venue-change and policy image—is not reflected in any case.

Chapter 9

Conclusion

This research set out to understand what determines authoritative decisions to implement public management reforms in developing democracies. Reforming the public sector is considered in some developing countries as one of the solutions to long-standing governance problems. Yet, despite numerous attempts to reform government, those countries have found reforms unsatisfactory and difficult to start and consolidate. Without significant production of local knowledge, developing countries resort to foreign knowledge in search for solutions to their problems. Public management reform is a subject that developing-country reformers often approach drawing from the knowledge and experience of the developed world.

Traditionally, the academic literature on public management reforms has been largely focused on issues pertaining to Anglo-speaking developed countries. But in recent years there seems to be an increasing interest on a wider set of countries, including developing ones. The public management literature intertwines the institutionalist literature, with the policy literature. From the intersection of literatures some multi-disciplinary approaches have emerged that examine the process of public management reforms in diverse contexts. This research sits at the intersection of those bodies of literature aiming to add a contribution to current debates.

This research examined two contemporary cases of civil service reform in Latin America. Paying especial attention to the politico-institutional context in which reforms occurred, this study looked at how two attempts at policy reform progressed. The narrative accounts of the episodes covered from their inception to the point where an authoritative decision was made with regards to implementing a new policy or not. The aim of this research was to understand how the particular institutional configuration of the countries under study interacted with policy actors throughout the policy process; and to advance explanations for policy change and stability.

Two policy theoretical frameworks guided the analysis, which was complemented by an examination of the institutional context within which policy occurred. The combination of the MS and PE frameworks facilitated explaining the episode by

establishing categories and relationships that gave sense to the complexity of the processes involved. The multiple streams framework facilitated a wider systemic view of the process and the interactions of events occurring in different realms of the political system. The framework looked at institutional settings and the events within them that influenced the reform proposal's progression. The punctuated-equilibrium framework on the other hand, focused more closely on policy venues and the effects of venue change on the policy trajectory, and the influence of policy image shifts on the policy process.

Through case comparison, further insights into the episodes were found. The relative influence that the activities of policy advocates had on the policy progressions and the effects of institutions on the processes were revealed through the comparative analysis. This research showed configurations of actors comprised of government officials, politicians, academics, and labour union leaders. Within those configurations, the key role of policy entrepreneurs in advancing policy change stood out in both cases. The cases also revealed different institutional configurations comprising the executive, congress, the party system, the policy community, executive-labour union relations, and the bureaucracy among others.

The interactions among actors and the way institutions structured their activities were different in both cases. The differences showed the context-specificity of the episodes examined. The contrasting roles of policy advocates revealed the different strategies pursued to achieve policy change. The successful strategies included limiting the risk of facing opposition through designing a bill with limited scope of action. Another successful strategy was to find policy venues that were favourable to reform, i.e. venue shopping. The role of policy entrepreneurs was instrumental in advancing the strategies for change. The case comparison revealed that only when a policy window opened was a policy entrepreneur successful in promoting change.

On the other hand, the contrast of institutional settings revealed which institutions were more influential and some of the reasons why. The most salient institutional determinants were the party system and policy sub-systems. In the Guatemalan case, there was an extreme case of under-institutionalization reflected on weak parties incapable of sustaining political commitments. There was also the lack of a policy

subsystem and debate focused on civil service issues. In contrast, individual agency was extremely concentrated, most of the reform attempt hinged on one individual. In the Mexican case the party system was undergoing a process of transformation but the parties were consolidated institutions.

The contributions of this research are firstly, testing the validity of the MS and PE frameworks. As discussed earlier, the case analysis revealed consistency between the propositions of the frameworks and the evidence. The Mexican case illustrated how the confluence of the problems, policies, and politics streams favoured policy change. The case showed that the role of one policy entrepreneur was instrumental in identifying a policy window and coupling the streams at it. The case also illustrated the importance of venue shopping and venue change as purported by the PE framework. On the other hand, the case of Guatemala illustrates a failed attempt at policy change. Despite the instrumental role of one policy entrepreneur in the advancement of the policy initiative, there was no window of opportunity at which the entrepreneur could couple the streams. Venue shopping and venue change did not appear in the Guatemalan case either.

A second contribution lies in applying policy theoretical frameworks to study policy episodes in Latin America. As discussed in chapter three, studies of policymaking in Latin America very seldom draw from theories of the policy process. This research contributes to build theoretically informed accounts of policy processes in the region. This study found that policy entrepreneurs played fundamental roles in both policy episodes. This highlights the importance of further study of policy entrepreneurs in Latin American policymaking—a topic on which little research exists. Another theoretically relevant finding is the lack of influence of issue image in both episodes. Contrary to the punctuated equilibrium's assertion that policy images influence policy change, these episodes evidence little influence of policy images on the processes.

The third contribution of this study lies in the choice of countries under examination. On one hand, research on Guatemala's policymaking is very scarce. Adding to a small body of literature, this study is a significant contribution to existing knowledge on the idiosyncratic aspects of Guatemala's policymaking. The relevance of this contribution is highlighted by the fact that civil service reform continues to be advocated for as a

necessary measure to improve government. The Mexican and Guatemalan cases sum to the body of similar cases that have been elaborated using the Barzelay's (2001, 2003) methodology. Thus, this research contributes to expand the sample of countries and policy episodes analysed under that methodology. The research project stimulated by Barzelay has gathered a substantial amount of knowledge from which reformers and academics can learn about the process of public management policy change.

The comparison of the Mexico and Guatemala cases contributes to fill a gap in comparative policymaking. There is no previous research comparing policymaking in both countries. Such comparison bears particular relevance given the constant transfer of ideas and policies from Mexico to Guatemala on diverse policy areas. The present study brings to the fore the different institutional frameworks that structure policymaking in both countries. The study provides a first attempt at understanding the differences and similarities in the institutions and processes associated with public policymaking in those two countries. As such, this study can inform the adaptation of policies to local context so that they can be appropriately transferred. Furthermore, this research constitutes a stepping stone to conducting further research on policy transfer between Mexico and Guatemala.

Some lessons can be drawn from this study which might be useful to inform future reform strategies. One key lesson from the Mexican case, which is consistent with the PE framework, is that taking the policy initiative to a new venue can contribute to the policy's success. In the case of Mexico, Congress proved to be a supportive venue, not only because of the leadership role of congressman Jáuregui, but also because there were political parties, in addition to the governing one, whose congressional representatives were interested in reform. The shared interest among political parties allowed for negotiations that culminated in political agreements to support reform. A second lesson is that the substantive characteristics of the reform proposal have an impact on the strength of the opposition it will face. Civil service reforms affect government workers and therefore unions will pay close attention to policy changes. Mexican policymakers took an early decision to avoid affecting the interests of government unions by focusing on non-unionized workers in the higher tiers. That decision resulted in very little involvement of the unions in the policy process.

There are other aspects that influenced the final outcome of the processes on which policy makers do not have much control, but which are important to take into account when attempting reform. One is the existence of an active policy community in which there is certain level of support for the reform proposal. In the case of Mexico the policy community had supported civil service reform for a long time and had created a substantial amount of knowledge around the issue. Reformers were able to draw from such knowledge and also to receive feedback and ultimately support from the policy community. The community's participation in the process helped decision-makers understand the potential benefits of reform and supported the reformers' cause. That was not the case in Guatemala where there was no active policy community to engage in debate, and to act as an intermediary between reformers and the opposition. The second aspect is the opening of a window of opportunity for policy. In the Mexico case, there was a clear window of opportunity which policy makers took advantage of. This was not the case in Guatemala where conditions for reform were particularly unfavourable at the time of decision-making in Congress.

This study converses with the public management, the institutional, and the policy literatures. It addresses the issue of context-specificity of public management reforms, and the particularities of reform in Latin American countries. As discussed in chapter one, in recent years the public management literature has drawn from institutional and policy approaches to explore a wider set of country contexts. This research drew from a methodological approach that focuses on the process of public management policy and the institutional framework that structures it. The results point to institutional and process factors that account for public management policy change and stability. As is the case with other cases that draw from the same methodological approach, this study links the policy theoretical literature with public management policy studies. Thus, this research builds on previous literature concerned with understanding the particularities of Latin American policymaking through policy theoretical lenses.

The results from this study point to new avenues for further research. The role of policy entrepreneurs in developing country contexts, and particularly in Latin America, needs to be investigated further. In the same vein, this research raises questions about the role of issue image in producing policy change in such contexts. The policy transfer between Latin American countries and the adaptation of foreign

policies to local contexts need to be studied further. It is expected that the contribution of this research will increase our understanding of how public sector reform is achieved in developing democracies and that other researchers can build on it in future research.

Appendix A

Research participants

Research participants in Mexico

	Name	Position	Date of interview
1	Guillermo Cejudo	Academic	17/07/2008
2	Rafael Martínez Puon	Academic and public officer	08/08/2008
3	Ricardo Uvalle Berrones	Academic	20/08/2008
4	Jesus Marquez	Union leader	25/08/2008
5	Alfredo Muñoz	Public officer	26/08/2008
6	José Luis Méndez	Academic and public officer	26/08/2008
7	David Arellano Gault	Academic	27/08/2008
8	María del Carmen Pardo	Academic	27/08/2008
9	Juan Pablo Guerrero	Academic and public officer	27/08/2008
10	Ramiro Nava	Independent consultant	28/08/2008
11	Roberto Moreno	Academic	29/08/2008
12	César Jáuregui	Political party executive and former senator	02/09/2008
13	Jacqueline Arteaga	Public officer	03/09/2008
14	Carlos Rojas	Senator	04/09/2008
15	Bernardo Leon	Public officer	04/09/2008

Research participants in Guatemala

	Name	Position	Date of interview
1	Carlos Gomez Chávarri	Public officer	21/09/2007
2	Luis Lara	Union leader	01/10/2007
3	Daniel Vazquez	Union leader	02/10//2007
4	Jorge Mario Andrino	Public officer	02/10//2007
5	Rolando Cuyun	Public officer	04/10/2007
6	Arturo Mesias	Union leader	08/10/2007
7	Harris Whitbeck	Public officer	10/10/2007
8	Alfredo de León Solano	Congressman	11/10/2007
9	Maria Isabel Bonilla	Academic	15/10/2007
10	Silvia Palomo	Public officer	16/10/2007
11	Eduardo Nuñez	Multi-lateral organisation officer	17/10/2007
12	Oscar Leonel Galindo	Public officer	24/07/2008

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