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LATIN AMERICAN REVIEW

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## **JOURNAL OF PUBLIC GOVERNANCE AND POLICY: LATIN AMERICAN REVIEW**

After 8 years of productive work, the Journal of Public Governance and Policy is ending a cycle. For those who have followed the Journal's previous issues, you will agree that the journal has aimed to cover a valuable gap in the literature in public policy with emphasis in Latin America. We are proud of the work undertaken by all people involved since the beginning of this editorial project. As in all cycles, the end of one opens a new one. Today a new team of editors will have the opportunity to contribute further to the well-earned place that the journal has carved in the academic accounts.

Without further ado, we are happy to announce the opening of the call for papers for the following issues of the Journal of Public Governance and Policy: Latin American Review. We welcome all manuscripts with key contributions in the studies of public policy. We are keen to receive works in any of the three following related streams:

**Studies of the policy process.** These are studies that aim to explain the following:

- The initiation of ideas that later become policies.
- Policies that later change, answering questions of why, by whom, with what means.
- Policy patterns along the time-space dimension in all levels micro, meso and/or macro.

These streams of literature include the use of well-established theories that address these questions such as Advocacy Coalitions Framework, Multiple Stream Framework, Institutional Analysis Development Framework, Narrative Policy Framework, Punctuated Equilibrium Theory, Social Construction of Policy Targets, Policy Feedback Loops, Policy diffusion theories, among others. The Journal will accept work in these and related theoretical directions. Editors appreciate that the submitted works have an empirical analysis to ground any argument. Non-empirical work should offer clear and sound theoretical contributions.

**Studies “about and within” policies.** This line of research aims to analyze policies as its main object of study. These studies attempt to amass a collection of knowledge to build and develop a science of policies. This stream aims to answer questions in relation to:

- The institutional context surrounding the policy formulation (design, implementation, and evaluation).
- Explanations around the success (or failure) of policies.
- How actors problematize public issues to develop policy.
- How policies are (and should be) designed, implemented, and lastly, how they are and/or should be valued.

Manuscripts in these directions, normative (or else), are welcome, however the Journal is keenly interested in evidence-supported research. Non-empirical work should offer clear and sound theoretical contributions.

**Studies of policies.** These streams of works include the study of a specific policy or policies to advance the knowledge in a specific silo such as educational policy, social policy, security and violence policies, hunger and/or poverty, or inequality policies, environmental policies, among others. The theoretical background is wide open to analyze these policies, however, a degree of empirical work is welcome. Non-empirical work should offer clear and sound theoretical contributions.

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# GROUPTHINK AND BLAME AVOIDANCE: THE RISKS OF HASTY MEASURES TO REDUCE MOBILITY IN THE FACE OF COVID-19<sup>1</sup>

Everardo Chiapa Aguillón\*

**ABSTRACT:** The ability to travel in and out of the state of Hidalgo, Mexico, posed a dilemma for its inhabitants in the face of the health crisis caused by COVID-19. The pandemic led the state government to take drastic actions on vehicular mobility, trying to inhibit people's movements and, thus, avoid an increase in contagions. However, since the implementation of the measure known as *Hoy no circula* (No-Driving Day) in the state, an upturn in the mobility of people happened. A descriptive statistical analysis, using Google's COVID-19 Community Mobility Reports database, we compared the reduction in mobility in Hidalgo with other states. The relative failure of *Hoy no circula* is explained from a groupthink approach that seeks to understand the decisions of the state executive, the reciprocal acceptance of its cabinet and support of its bureaucratic base. Our approach, supported by blame avoidance theory, makes it possible to study the adverse consequences of the government's decision as the result of groupthink which, in order to avoid the confrontation of ideas and discussion or contradiction in organizations, leads to suboptimal outcomes.

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<sup>1</sup> The results of this research were published in a summarized version entitled "No-driving day (again): Governmental decisions on mobility from a groupthink approach, in the context of COVID-19", in the Special Issue on Latin America (June, 2022), of the Occasional Papers Series, of the Section on International and Comparative Administration (SICA) of the American Society of Public Administration (ASPA).

**Keywords:** *mobility, groupthink, blame avoidance, COVID-19, hoy no circula*

## INTRODUCTION

Once the federal government in Mexico announced *Jornada de Sana Distancia* (Healthy Distance Campaign) as a prevention campaign in response to COVID-19, a set of actions were put in place that included basic prevention measures, rescheduling of mass events, suspension of non-essential activities and care for the elderly (Ramírez, 2020). These actions were announced to last from March 23 to April 19, however they were not canceled well after April. Such measures were aimed to reduce the population's mobility throughout the country. The announcement was made by the federal government, and all states replicated the decision.

The state of Hidalgo was no exception regarding preventive measures due to the fact that Pachuca, as its metropolitan area is close to Mexico City, which is the main source of contagion in the country. In an unprecedented event in Hidalgo, as of May 4, 2020, an agreement published in Hidalgo's Official Bulletin, a temporary measure was imposed to reduce vehicular mobility in order to mitigate the propagation of SARS-CoV2 virus among the population of Hidalgo. This measure corresponds to Phase 3 of the health emergency (n.a., 21 April 2020).<sup>2</sup> The strategy adopted by Hidalgo's state government, known as *Hoy no circula* (a replica to the famous program in the country's capital, in operation since 1989), restricted the circulation of vehicles up to four days per week, in the following order:

TABLE 1 MOBILITY RESTRICTION DISTRIBUTION OF DAYS

Last digit number of license plate	No driving days	No driving Sundays
Even	Monday	First Sunday of the month
Odd	Tuesday	Second Sunday of the month
Even	Wednesday	Third Sunday of the month
Odd	Thursday	Fourth Sunday of the month
Even	Friday	Fifth Sunday of the month
Odd	Saturday	

Source: POEH, May 2, 2020.

<sup>2</sup> "This stage occurs when the virus affects thousands of people in several localities. Because of its urgency, more drastic health protocols such as generalized quarantine are put in place" (IMSS, n.d.). Phase 3 is considered the most dangerous "Epidemiological Stage", after Phase 1 "Importation of cases" and Phase 2 "Community transmission". Phase 3 can also be considered the stage when infections are in the thousands and there is community spread.

The restriction on vehicle mobility would mean that some cars with odd-numbered license plates would not be able to circulate for up to two consecutive days (e.g. Saturday and the fourth Sunday of the month). The measure was taken with confusion among inhabitants of the main cities of the state, since it was not known how the authority would proceed to enforce such a mandate, nor how it would achieve coordination with the municipal governments for such purposes. That is, it was not known concretely how municipal governments would monitor and sanction the provisions of the Agreement published in Hidalgo's Official Bulletin on May 2, 2020 (effective May 4).<sup>3</sup>

The drastic provision resonated with the population, triggered widespread complaints (n.a., September 1, 2020), while the state government announced that *Hoy no circula* had reduced mobility in Hidalgo. However, the executive's decisions and evidence did not ensure that outcome. There was no guarantee that by the sole announcement of the Healthy Distance campaign promoted by the federal government and citizen conviction, mobility was reduced to levels that could be attributed to the implementation of *Hoy no circula*. Additionally, surveillance was not strict, only checkpoints on the city limits of Pachuca (the central municipality of the Metropolitan Zone). These checkpoints controlled access to the municipality, but not mobility within it. In other words, the emergency measure operated to restrict mobility between municipalities, while within the citizens' decision could not be attributed to obedience to the government's actions.

Using open data from Google Community Mobility Reports, a brief descriptive statistical analysis of the trends regarding the reduction of mobility in Hidalgo was made. The state of San Luis Potosí and Mexico City were used as reference cases. The results show how the levels of mobility reduction observed were not compatible with the expected results of the state government's decisions. This analysis is based on literature that focus on the dynamics of groupthink and blame avoidance.

## **DELIMITATION**

This research is relevant due of the dilemmas caused by drastic decisions and the difficulty to limit freedom to transit. Although the conditions of social coexistence, after the appearance of COVID-19, modified habits in the world, based on transit in public spaces. It is possible to find generalized resistance and adaptation processes from the emerging measures imposed by governments. In this sense, the imposed restrictive measure on cars in Hidalgo brought

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<sup>3</sup> Hidalgo's Official Bulletin (POEH) is where official governmental matters are published, e.g. approved laws, regulations, reforms, among others. As was the decree establishing *Hoy no circula*, as a mandatory official measure.

collective discontent and implications for mobility between the municipalities in the metropolitan area of this federal entity. Vehicle containment meant closing “borders” between municipalities, with an impact on the necessity to move between the metropolitan municipalities in the city of Pachuca.<sup>4</sup>

*Hoy no circula* in Hidalgo represents the possibility –as an atypical case– to analyze the implications of emerging programs in contingencies such as COVID-19 pandemic. The main point here is that not even drastic actions are capable of producing convincing results, especially when government decisions seek to suppress criticism among the group that makes them –and among the population–, prevent dissent points of view and having a directive leader (Zimbardo, 2007). In this case, the state governor. Similarly, the decision-makers around *Hoy no circula* anticipated quick outcomes, even when they were neither proven nor probable. This led leaders to be in a position of needed justification-seeking, evade responsibility, in other words, blame avoidance.

In addition to the risk of misjudgment incurred by the governor in assuring that his provision did have an impact on the population, it was observed that after the restriction on mobility was in place, there was an increase in people’s mobility within the state. In other words, the official argument of the effects of *Hoy no circula* not only lacks logic (due to false attribution) but is deceitful. Before presenting evidence it is necessary to frame the state government’s decisions using the groupthink theory to explain the phenomenon under analysis.

The groupthink approach is not specific to government dynamics; in this paper we use it to critique the government cabinet’s performance in Hidalgo. The set of assumptions about the cabinet, as a policy-making group, is that it acts under an illusory logic of invulnerability, with a conventional view of rival opinions, under pressure and self-censorship (Janis, in Mintz & Sofrin, 2017; Carolan, 2017; Barr & Mintz, 2018), and with the support of “self-appointed mental guards [...] who protect the group from adverse information that might destroy their shared complacency about the effectiveness and morality of their decisions” (Janis, 1973, pp. 21-22).

In a close attempt to make automatic and quick decisions, as if it were a system 1 in Kahneman’s terms (2012),<sup>5</sup> the state government opted for alternatives (such as mobility’s drastic restriction ) that were not the product

4 The Metropolitan Zone of Pachuca is made up of seven municipalities: Pachuca, Mineral de la Reforma, Mineral del Monte, San Agustín Tlaxiaca, Zempoala, Zapotlán de Juárez and Epazoyucan.

5 Daniel Kahneman (2012) adopted terms originally proposed by Keith Stanovich and Richard West, referring to two systems of mind: System 1, which operates quickly and automatically, with little or no effort; and System 2, focuses attention on effortful mental activities, including complex computations. “System 2 operations are often associated with the subjective experience of acting, choosing and concentrating” (Kahneman, 2012, p. 23).

of complex processes of choice.<sup>6</sup> The consequences of the government's decision in Hidalgo were not only citizen dissatisfaction (n.a., September 1, 2020) but also the impossibility of declaring positive results of the decision if after the imposition of this emergency measure the population had actually experienced a considerable reduction in mobility (but this did not happen). The significance of the relative failure of the decision necessarily leads us to think that government practices are not optimal when they start from an unconditional loyalty dynamic to the organization's leadership. If a decision were to achieve favorable results under such a dynamic, these could be due to stochastic events, but not to the product of efficient public policy processes. The groupthink approach, as the basis for the conditions that vitiated the decisions around *Hoy no circula*, is complemented by other conditioning factors that explain anticipatory and blame avoidance behaviors.

## **GROUPTHINK AND BLAME AVOIDANCE AS A FRAMEWORK FOR ANALYSIS**

Almost four decades ago, Irving Janis (1973) explained groupthink as “a quick and easy way to refer to the thinking mode that group members engage when they are dominated by the concurrence-seeking tendency, when their strivings for unanimity override their motivation to evaluate the consequences of their actions” (Janis, 1973, pp. 20-21). A groupthink phenomenon is found when members regard group loyalty as the highest form of morality, avoid raising controversial issues, question weak arguments or try to prevent softened thoughts (Janis, 1973). For Gomes *et al.* (2019), groupthink can be seen as a “phenomenon of social psychology that occurs when everyone in a group starts thinking alike” (p. 1).

Hidalgo is a state with political group backgrounds –government practices have historically given unconditional support for the governor's decisions– thus support for the executive's decisions during the pandemic were guaranteed. In addition, the party tradition within the state intervenes as an element of cohesion among the governor's group. Any show of resistance by cabinet members (as a consolidated support group for the governor), especially when the situation before COVID-19 called for prompt action, would mean, as Zimbardo (2007) points out, challenging the groupthink mentality and willing to document all allegations of wrongdoing (p. 456). However, the cost

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<sup>6</sup> While Kahneman's (2012) system 1 may refer rather to quasi-instinctive actions, the reference here attempts to argue that human decisions (individual and group), can be located on a spectrum ranging from the unreasoned to the more complex and intellectually elaborated.

of challenging the groupthink mentality is too high for its members. Instead everyone was supposed to show its support for the governor.

In the case of Hidalgo's *Hoy no circula* a different outcome instead of a decline in vehicle circulation was observed. Even though the result of the cabinet's decision (decision group) was a failure, it cannot be assumed to be entirely a product of groupthink or that the decision was weak (Janis, 1987). In such a case, the very argument that constructs the link between the state government's decision and the observed reality would constitute a fallacy. The fundamental point in Hidalgo's vehicle restriction is that the scenario after the constraint's entry was no better than before (between the announcement of *Sana Distancia* campaign and the beginning of *Hoy no circula*).

The discussion of this measure were, far from the public's knowledge, an intimate cabinet affair. There is no evidence to suggest that it was backed by expert or empowered bodies in the field, but rather that it went from an individual idea to the execution of a poorly reasoned mandate. In this sense, and consistent with Janis (1987), the illusion of invulnerability to the dangers arising from the risky actions were present. No one, as part of the governor's cabinet –not even the secretaries with the most influence on the issue, such as the state Secretariat of Public Policy or the Secretariat of Mobility and Transport– would rationally be willing to compromise their position by contravening the government's decision. In other words, cabinet members showed unanimity in order to avoid disparities and provoke a 'black sheep' effect (Dubé & Thiers, 2017). Cabinet dynamics are thus a group game where policy-makers, in the sense of Dubé and Thiers, are exposed to different types of pressures and tend to develop informal norms to maintain friendly intra-group relations.

Importantly, groupthink is not pervasive in every decision-making process in a state government. It occurs when the group's structure and a given situation conform to specific prior conditions, according to Janis and Mann (1977, in Lee, 2019): a) group cohesion, b) structural faults in the organization, and c) a provocative situational context (p. 3). In addition to these conditions, groupthink is related "to the deterioration of mental efficiency, reality testing and moral judgment resulting from peer pressure, [occurring] in highly cohesive groups where the need for unanimity exceeds the motivation to analyze new courses of action realistically" (Dubé & Thiers, 2017, p. 32). Regarding the decisions of vehicle restriction in Hidalgo, group cohesion is understood by the alignment and homogeneity of thinking among the government's cabinet; structural faults are explained by the set of organizational pressures to censor or disapprove disagreement, and the COVID-19 crisis is clearly a provocative situational context, which calls for the government's intervention.



With the three previous aspects, the pandemic context can be analyzed as a trigger for crisis management by governments, since the need to address the problems by the pandemic required different interventions. In this sense, it should be understood that crisis management is “the process of strategic planning that removes some of the risk and uncertainty from a negative event” (Fear-Banks, in Yim & Park, 2021) and that the organization’s vulnerabilities to a crisis “become encoded into an organization’s culture, processes, and infrastructure over a long time” (Yim & Park, 2021, p. 2). However, the absence of proper management, fosters a bias within the organizational culture that can lead to groupthink (Cha *et al.*, 2020).

In a logic of collective rationalization, any sign of discrepancy with group assumptions tends to be overlooked (Cleary *et al.*, 2019), so groupthink overrides critical thinking (Coles *et al.*, 2020). Thus, the governor’s decision, assumed to be the final one of an entire governing body, pushes the organization towards complacency, as group members conceive explanations to make their decisions appear rational and correct (Gandossy & Sonnenfeld, in Yim & Park, 2021, p. 3). However, it is likely that the occurrence of groupthink is a consequence of practices and behaviors framed by a corporate elitism culture, understood as a dysfunctional orientation of large (including governmental) corporations when there is a collectively magnified concern for organizational superiority and additional privileges at the expense of others (Reimann & Wiener, in Yim & Park, 2021). The decision to implement a measure as *Hoy no circula* is the result of an imposed governmental decision, rather than a collective decisional exercise incorporating expert or specialist opinions.

Although it is not possible to speak of a major damage by the implementation of a failed measure to restrict mobility, neither can a positive effect be attributed to it. However, the fact of not starting from a solid base in the decision-making process represents a greater risk of failure. As the decision-making process can or should be based on a rigorous rational actor model (Allison, 1971), which underestimates organizational dynamics by relying on pretentious assumptions, especially when the experience during the pandemic did not allow for a sophisticated decision-making process. However, the result of Hidalgo’s decision-making was the extreme opposite since it was founded on improvisation, an entrenched political culture and corporate elitism.

In addition to groupthink, the analysis of the present case incorporates blame avoidance, understood as the evasion of liability for failed outcomes. In this case, it means that the government is liable for the adverse outcomes of a restrictive measure proved to be worthless. This blame avoidance, according to Christopher Hood (2011), shapes the behavior of officials, the architecture of organizations and their operational routines and policies. The outcome of

a decision such as *Hoy no circula* represents a political risk (blame risk)<sup>7</sup> for the state government. Therefore, blame avoidance behaviors, in this case, could have involved anticipating possible outcomes. In this sense, two components that Hood (2011) uses to explain blame avoidance behaviors should be considered: 1. Perceived and Avoidable Harm (PAH), and 2. Perceived Responsibility (PR).

PAH refers to “something [that] is seen as being worse than it could have been if matters had been handled differently” (Hood, 2011, p. 6). Considered for the case under analysis, that COVID-19 infections would have increased and that the state government would not have tried to reverse the situation by preventing excessive people’s transit. RP refers to “the harm was avoidable because it was caused by acts of omission or commission by some identifiable individual or organization or possibly some abstract institution” (Hood, 2011, p. 6). For example, an exogenous situation such as the generation of COVID-19 virus.

The perception of a possible scenario with a worse situation than the one when the government intervened to restrict people’s mobility, may not necessarily be due to a pressure to avoid blame or evade responsibility, but rather to gain credit for the situation. In this respect, the combination of the costs and benefits of a political decision must be considered. Kent Weaver (1986) establishes three dimensions in which the motivations behind the attitudes of policy-makers can be identified: 1) one in which the maximization of social benefits is sought; 2) one in which policymakers will focus (from a credit claiming stance) on the political impacts by the balance of gains and losses on groups of relevance to them and, 3) one in which, as blame avoiders, policymakers seek to discount potential gains relative to losses over which they must minimize blame. In an ideal scenario, policy analysts might argue that policymakers should always approach the first dimension, where the primary motivation for decision-makers is a social benefit. However, various political interests always come into play, and it is these interests that move decisions towards the other two dimensions. The point at which motivations that pursue collective welfare and the satisfaction of those in positions of power within a government converge is what marks the overlap between politics and public policy (but that is a matter for other studies).

Whether decisions are made in one direction or the other, either as credit claimers or blame avoiders, depends on the situations that generate blame avoidance behavior. Weaver (1986) argues that the perceived net benefits and costs of a given situation can lead to four specific scenarios, depending on

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<sup>7</sup> For Hood (2011), it is more appropriate to use the term blame risk, as political risk can refer more to the risks to which businesses or investors are exposed by government decisions that are contrary to them.



whether those are high or low (Table 2). It is important to note that while Weaver (1986) refers to policymakers as politicians involved in legislative processes, the present analysis refers specifically to governors and members of the executive branch (in the Mexican context) who make decisions on matters of relevance, for example the management of COVID-19 at the local level.

TABLE 2. COST-BENEFIT DISTRIBUTIONS AND POLICYMAKERS' MOTIVATIONS

		Perceived net benefits to constituency	
		High	Low
Perceived net costs to constituency	High	(1) Blame Avoiding	(2) Credit-Claiming
	Low	(3) Credit-Claiming	(4) Good Policy

Source: Weaver, 1986, p. 379

*Note:* Weaver (1986) argues that the constituency (in an electoral context) is much less likely to notice widely diffused costs or benefits than those that are relatively concentrated in a smaller group of the electorate.

Table 2 depicts the combinations of perceived costs and benefits of a given situation that can lead to blame avoidance behavior. It is important to note that the higher the perceived cost and benefit, the more clearly the behavior of policymakers may be biased towards blame avoidance, because the higher the likelihood of an adverse outcome, the lower the possibility of securing a benefit and, therefore, the rational choice for the government would be to minimize the blame (cell 1). In contrast, when costs and benefits are low, the decision-maker can act unconstrained and not necessarily politically motivated (cell 4). When costs are high and benefits perceived to be low (cell 2), the politician can do little more than adopt and display a stance of opposition to the adverse outcome, for which he or she receives credit. Finally, when benefits are perceived to be high and concentrated among the public/direct constituency, and costs relatively low, the policymaker claims credit for making the decision (cell 3).

Taking the above representation to the case of *Hoy no circula* in Hidalgo, and the theoretical approaches from groupthink, it is possible to establish that, for the state government to decide to restrict mobility, some conditions have to be in place. First, based on the specific background conditions described by Janis and Mann (1977, in Lee, 2019), the government decided on the mobility restriction measure as a product of groupthink dynamics in a government with group cohesion (due to the historical political tradition in the state and party

affiliation), structural failures and under a challenging situational context due to COVID-19. However, the dynamics of groupthink explain, the decisional environment in which the state authorities acted. The anticipation of positive outcomes following the implementation of *Hoy no circula* is rather a product of credit-claiming behavior. The problem represented by the anticipation of unlikely results of a decision was the confrontation of arguments in which, on the one hand, the governor claimed that the measure achieved a decrease in vehicle traffic (Montoya, 2020), while, on the other, the data showed, in fact, a contrary result: an increase in vehicle traffic. The dynamics of groupthink establish the toxic atmosphere under which a flawed and biased decision is made (moment A) motivated by the search for public recognition, but which, at the moment of failure, translates into attitudes of evasion of responsibility (moment B).

## CASE STUDY AND DISCUSSION

The debate about the government's decisions failure on people's mobility as components of an emerging public policy is based on open-access data evidence. The incompatibility between public discourse and observable reality calls for a confrontation of arguments to which, this paper seeks to contribute. In order to demonstrate the counterproductive result, the case of Hidalgo was analyzed in contrast to what happened in the state of San Luis Potosí and Mexico City. The reason for choosing the latter as reference cases is the fact that, in San Luis Potosí, a state in the center of the country (as is Hidalgo), no traffic restriction measures were implemented. Mexico City was chosen because *Hoy no circula* has been in place for more than three decades, regardless of the pandemic. Both cases serve as control over the observable effects in Hidalgo. It should be noted, however, that our exercise is not a quasi-experimental study, although there are elements with which comparisons can be made between the three entities; as the information consulted comes from Google Community Mobility Reports as a common source. Nor is it a solely inferential analysis, despite the use of ordinary least squares.

Since the analysis was based on real data and not on controlled samples, it is not possible to make a comparison between Hidalgo and its counterfactual. That is, it is not possible to compare simultaneous scenarios where, on the one hand, the behavior of mobility with *Hoy no circula* program in Hidalgo, on the other, see what would have happened without this program. For this reason, San Luis Potosí and Mexico City were chosen as a reference. It should be clarified that the urban conditions of the three cities are not necessarily

comparable (especially Mexico City with the other two), but the data on the decrease in mobility are in percentages, which avoids the bias that population size or any other raw data may entail.

Urban mobility conditions in the three cities analyzed may even show some phenomena associated with socio-economic factors or the supply of alternative communication routes. Although these differences were very marked between areas, for example, the west and east of Mexico City (Pineda, 2022), this analysis does not attempt to capture such relationships but rather associates a generalized behavior concerning the decrease in mobility in the cities, related to measures implemented by local governments.

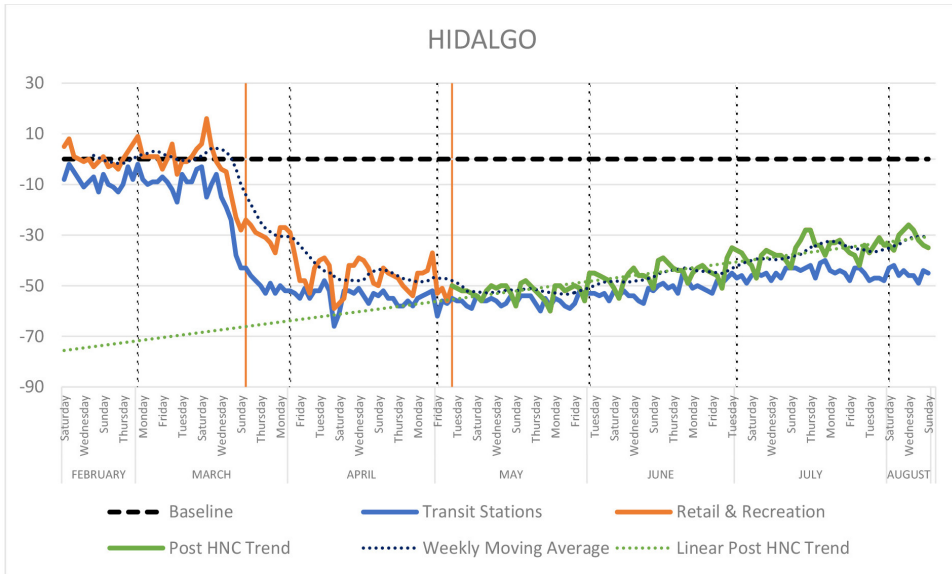
To be precise about the handling of the information, the data collected from Google Community Mobility Reports covers February 15 to July 31, 2020, for mobility levels in Hidalgo, San Luis Potosí and Mexico City. According to Google's page for mobility data, "the reference value for each day is the average value for the five-week period in January" (between January 3 and February 6), as there is no baseline. From the different datasets showing the variation in the number of visits to certain locations, the categories of "Retail & Recreation" and "Transit Stations" were chosen.<sup>8</sup> The reason for selecting these categories is that attendance at places such as restaurants, shopping centers, theme parks, etc. included in "Retail & Recreation" category reflects the recurrence of non-essential activities and thus resistance to government measures. The presence of people at public transport stations (metro, train, bus) captures the need for people to transit, but in particular for people who had to travel for work or other essential reasons.

Descriptive analysis of Google Community Mobility Reports data indicates that following the announcement of *Hoy no circula* emergency program in Hidalgo, levels of reduced mobility decreased (i.e. an increase in mobility is assumed). Figure 1, shows that since the announcement of the measure on May 4, people's mobility trend for leisure purposes (visiting places within the category "Retail & Recreation") increased. As noted, the failure of the action cannot be attributed solely to the unsubstantiated decision of the state government, but to behaviors observed as a consequence of the collective mood of aversion with the restrictions. Nor can one allege civil disobedience to the governor's orders, since the measure does not seem to have generated sufficient echo in the actions of citizens. Perhaps it had no influence, either in a positive or negative way. What can simply be observed is that, contrary to expectations, the mobility of inhabitants was greater than before the measure came into force.

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<sup>8</sup> The total set of categories consists of "Grocery & pharmacy", "Parks", "Transit stations", "Retail & recreation", "Residential" and "Workplaces".

FIGURE 1. TREND IN REDUCED MOBILITY LEVELS FOR RECREATIONAL PURPOSES IN HIDALGO FOLLOWING THE ANNOUNCEMENT OF *HOY NO CIRCULA*, 2020

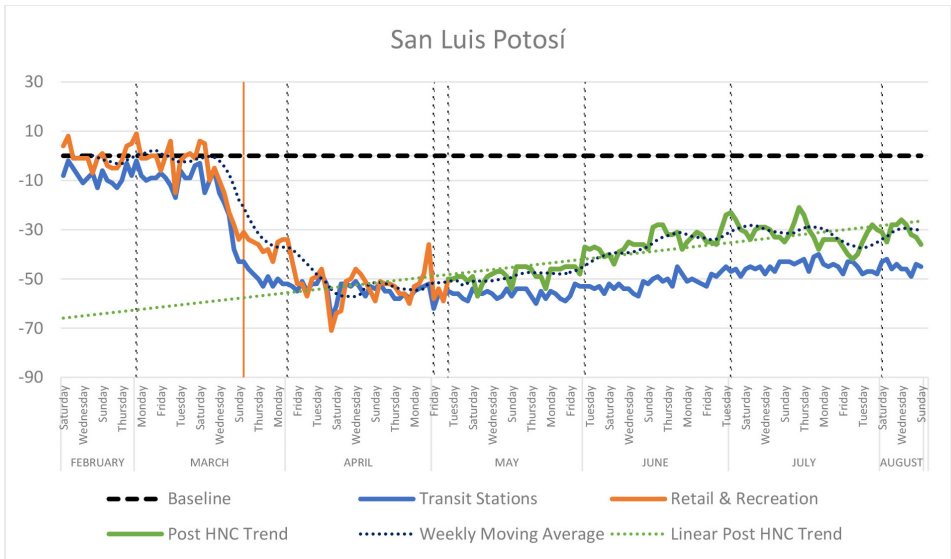


Source: Authors with Google’s Community Mobility Reports.

Note: Mobility reduction levels are in percentages. The trend line does not necessarily reflect the magnitude of the linear model estimate, but it does reflect the direction. The dotted line (7-period moving average) indicates the smoothing of the leisure mobility decline series by weekly moving averages. The horizontal dashed line represents the base period that Google considered for the measurement of mobility levels. A series of mobility level at transport stations is included as a reference. The series “Post HNC Trend” starts on May 4, the day when the announcement of the mobility restriction in Hidalgo was made. These notes apply to the following two figures.

The same situation is observed in both San Luis Potosí and Mexico City (Figures 2 and 3). This generalized trend shows a similar behavior, regardless of the measures taken in the states. In other words, *Hoy no circula* in Hidalgo does not seem to have had any significant effect in reducing mobility. In fact, Mexico City, despite the historical experience in implementing such restrictions (but not having to modify the traffic flow provisions), had a larger decrease in mobility, even though the trend also increased from May onwards.

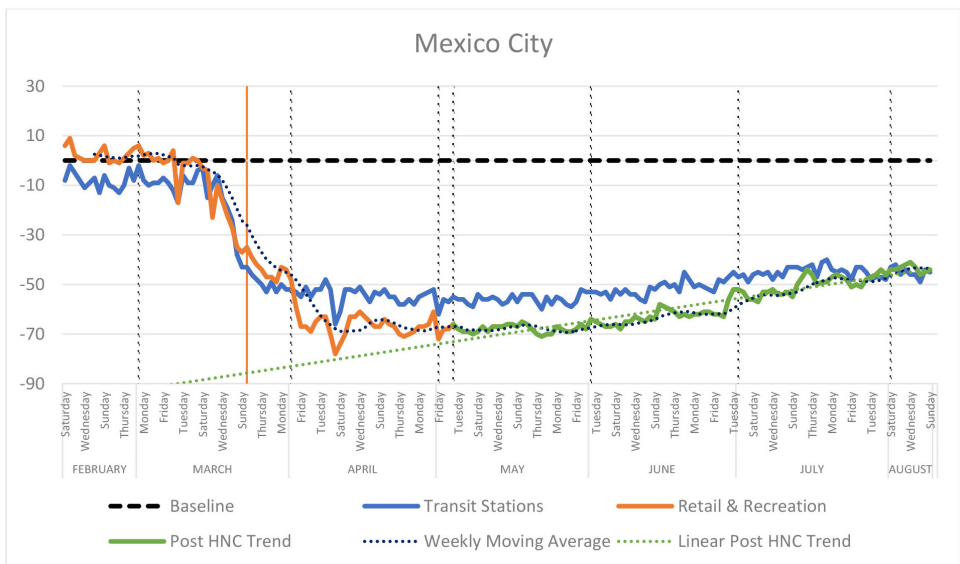
FIGURE 2. TREND IN RECREATIONAL MOBILITY REDUCTION LEVELS IN SAN LUIS POTOSÍ FOLLOWING THE ANNOUNCEMENT OF HOY NO CIRCULA IN HIDALGO, 2020



Source: Authors with Google’s Community Mobility Reports.

Note: A dotted line is added at the beginning of May, corresponding to the entry of Hoy no circula in Hidalgo, for reference only.

FIGURE 3. TREND IN REDUCED MOBILITY LEVELS FOR RECREATIONAL PURPOSES IN MEXICO CITY FOLLOWING THE ANNOUNCEMENT OF HOY NO CIRCULA IN HIDALGO, 2020



Source: Authors with Google’s Community Mobility Reports.

Note: A dotted line is added at the beginning of May, corresponding to the entry of Hoy no circula in Hidalgo, for reference only.

Trend slope calculations for the three entities indicate that Hidalgo falls between the levels shown by Mexico City and San Luis Potosí. Using ordinary least squares as a technique to estimate the linear trend in the three cases, running a consecutive daily time series with the levels of mobility reduction (Google Community Mobility Reports), the slope of the series showing the daily levels of mobility reduction for Hidalgo was estimated to be 0.2538, while for Mexico City and San Luis Potosi 0.29122 and 0.25005, respectively.

The interpretations from the graphs presented are that, on the one hand, Hidalgo is not the state with the greatest decrease in mobility, Mexico City reached levels of more than 70% reduction (a threshold that Hidalgo never exceeded). On the other, it is interpreted that the trend after the announcement of the mobility restriction program did not have a greater consequence than in other states such as San Luis Potosí, which showed a smaller increase in mobility, starting in May (when the measure was announced in Hidalgo) and making a parallel comparison between states. Therefore, it cannot be assured that *Hoy no circula* in Hidalgo had different effects to other places where there was no contingent action restricting vehicle movement. However, the analysis would require complementary studies to prove this assertion more conclusively.

The sequence of events, from the start of *Sana Distancia* campaign, through the announcement of measures restricting mobility, to periods in which attendance at all sites would be normalized, meant that the Hidalgo's government went through periods in which its decisions framed by credit claiming were transformed into excuses for blame avoidance. We must also consider the fact that it all stems from the fulfilment of conditions that triggered groupthink practices to make decisions that attempted to deal with the health crisis, but without achieving the expected (but not foreseen) results. The moment when *Hoy no circula* came into effect marked the intention to position the governor as an actor who would act rationally and intelligently towards the pandemic, giving him credit for his decisions and with the support of his cabinet. In other words, the decision to restrict mobility would have been perceived as having a high benefit and a relatively low cost. In this sense, it could be assumed that the costs of implementing *Hoy no circula*, while not really low, were at least as high as any other type of intervention that any other government could take to counter the spread of the disease. That is, there would be no way of not incurring a cost for any emerging decision, while the credit or gain would be expected to overcompensate the costs.

However, it was not long before the governor himself (and his cabinet) had to justify with misleading information that the measure had worked, even though it had not. The trap in which the state government was caught transcended in

what was communicated from the federal government on November 10, 2020, when it was said that among 12 other states (out of 32 in Mexico), Hidalgo had “a notable increase in mobility” (n. a., November 10, 2020). Contagion did not stop and deaths increased, while people did not restrain to move freely.

## CONCLUSIONS

The case of the implementation of an atypical measure restricting vehicle circulation in Hidalgo, affected the freedom of transit, mainly in the Metropolitan Zone of Pachuca. The state government’s arguments, –beyond the shown optimism–, do not hold up after the comparison of data showing that Hidalgo did not have a marked difference in mobility reduction after the announcement of *Hoy no circula*. On the contrary, as an adverse result, a generalized increase in mobility was observed (as was the case in other entities).

Based on a groupthink approach, the inefficient decision adopted by the state government, far from being based on evidence were framed as a good action, is assumed to be the result of a dynamic of loyalty and group cohesion amongst the cabinet, ultimately provoking the dissatisfaction of the inhabitants of Pachuca. In other words, decisions based on loyalty to the leader of an organization, in this case, the executive branch, can result in consensus with adverse consequences and inefficient results. In other words, failures. All of this occurred within the framework of conditions that provoke the presence of vicious group behaviors, with COVID-19 pandemic being part of the triggering context.

Likewise, as a complement to the groupthink approach, the decisions made by the state government of Hidalgo were framed in terms of blame avoidance behavior, based on the fact that the government decided to implement *Hoy no circula* as an unusual but transcendental measure that would draw the recognition of public opinion. However, the search for recognition (credit claiming) would be transformed into strategies of blame avoidance in the face of the effects that turned out to be counterproductive. Not only was there no significant decrease in mobility compared to other states that did not adopt a similar measure Instead it increased. A comparison between Hidalgo, San Luis Potosí and Mexico City, and the trend in the number of people attending recreational venues and transport stations shows that *Hoy no circula* is not an effective measure and that was based on suboptimal decisions derived from organizational flaws.



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# NARROWING THE DIGITAL DIVIDE BETWEEN MEN AND WOMEN: A KEY TO BUILD DEMOCRACY IN MEXICO IN TIMES OF PANDEMIC

Mariana Moreno Preciado\*

**ABSTRACT:** The digital gap between men and women and its impacts is part of the historical context of disadvantage that women experience. Therefore, this study adds to how access and use of Information and Communication Technologies contributes to women's ability to acquire knowledge to empower themselves in different sectors, allows an active participation in public affairs, demand or contribute to the solution of problems that affect them as well as all citizens and influence the government's decisions, particularly in our global health pandemic. The inclusion of vulnerable groups, such as women, strengthens democracies, forces governments to improve their capacities so that they can achieve the pillars of electronic and open government, such as transparency and accountability.

**Keywords:** *digital divide, gender, democracy, ICT, citizen participation*

## INTRODUCTION

Information and Communication Technologies (ICT) have revolutionized the world, bringing changes in the population; however, access and use of these technologies has been differentiated, where some groups are more privileged than others. Women are an example of these disadvantages.

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Historically, women's opportunities have been restricted due to the context and roles assigned and as a result of gender stereotypes, established under a patriarchal system that limits or deprives their participation in the public sector.

According to the National Institute of Women (Inmujeres, in Spanish) of Mexico, patriarchy refers to “the anthropological term used to define the sociological condition where male members of a society tend to predominate in positions of power; the more powerful this position is, the more likely it is that a male member will retain it” (2007, p. 103).

The patriarchal system has predestined women in the private sphere, where their main activities are domestic work, as well as taking care of the family, represented by children or dependent members. Additionally, these tasks are not remunerated economically. One might think that this situation is a thing of the past, but the truth is that the COVID-19 pandemic showed how this scenario presently continues.

Sexual stereotypes “reflect popular beliefs about the activities, roles, features, characteristics or attributes that characterize and distinguish women from men” (Inmujeres 2007, p. 62), erroneous traditionalist ideas that end up affecting the scope of women's development. For example, assuming that engineering or politics is a field only for men.

The National Council for the Evaluation of Social Development Policy (Coneval, in Spanish) in Mexico reinforces the above. In 2018 it stated that:

Most men work in occupations classified as masculinized, i.e., those with low female participation. On the other hand, women are concentrated either in mixed activities, where the number of women and men is balanced, or in feminized occupations or occupations with low male participation. In this regard, it has been documented that feminized occupations tend to have relatively lower salaries. (Coneval, 2020b)

In many cases women maintain a limited intellectual profile due to lack of or restricted education, professional development, work, development in the public sphere; among other factors that prevent them from using their full potential to actively participate in the solution of problems that affect them, and thus be agents of change and aspire to a better quality of life.

ICTs represent an opportunity to empower women, to promote their scope of performance beyond home, not only framed by the labor market, but also to document them, bring them closer to information and allow them to actively participate in the public sphere, to influence public decisions, and contribute to better democracies.

The National Institute for Federalism and Municipal Development, points out that “in an ideal democracy, citizen participation is the factor that materializes changes, so it is necessary that between rulers and citizens establish a dialogue to achieve common goals” (2018, para. 3).

## **HISTORICAL CONTEXT OF WOMEN’S DISADVANTAGE**

According to the National Institute of Statistics and Geography (INEGI, 2020a) Mexico has a population of 126,014,024 people; 48.8% men and 51.2% women. Being women the majority in Mexico they represent an important sector. The United Nations states that: “It is not possible to realize the full human potential and achieve sustainable development if half of humanity continues to be denied the full enjoyment of their human rights and opportunities” (2015, p. 7).

In Mexico, as of 2018, the total poor population represented 41.9% and 7.4% were in extreme poverty (Coneval, 2020a); that is, the total number of people living in poverty amounts to 49.3%, almost 50%. Under this context it can be inferred how women being the majority, are also poorer than men.

There are several factors that contribute to women’s poverty and keep them in an unequal world, one of them is their low participation in the economy; according to a 2018 study by Coneval (2020b), found that:

Only one third of current household monetary income is contributed by women, this is due to various reasons, such as low participation in economic life (52% compared to men as of 2018), they are economically dependent on indirect sources such as government programs or other households (family help).

In Mexico, “labor force participation during 2017 was 77.6% for men and 43% for women; where the former dedicated 49.7 hours per week to paid work and the latter 38.9 hours” (Galperin y Arcidiacono, 2021, p. 5). This inequality in women’s participation in the economy limits their continuous development, training and professional experience, as well as their opportunities to access services of all kinds, such as the Internet.

Furthermore, the wage gap between men and women is a factor that remains, which is conclusive to understand the poverty environment experienced by women. In this regard, Coneval (2020b) indicates that within the non-poverty population, women receive 90 pesos for their work for every 100 pesos received

by men. However, in poverty contexts, the gap widens, women obtain 73 pesos for every 100 pesos.

Additionally, the unequal situation of women, due to a low participation in economic activity and the wage gap, becomes complex if they are young. As Moreno and Merino (2021) state: “the vulnerability of employment among young people is greater if they have other components such as gender, race, geographic location or identity” (p. 87).

Also within education, a persistent gap is observed, especially in adult women, which places them in an overlooked group. In comparison with younger population, where the educational gap decreases. According to Coneval (2020b), educational backwardness is greater in poverty contexts, reaching 40 percent in men and 50 percent in women.<sup>1</sup> This underscores not only that people are poor, but they also receive less education.

With respect to health, the disadvantaged situation of women is similar. Coneval's data (2020b) for 2018 in poverty contexts, shows that the majority of women and men affiliated had health access through Seguro Popular, 82% and 77%. In non-poverty population, most women and men were affiliated to IMSS, 59% and 64%.

A further obstacle is the fact that women have little independence to enroll in the health service on their own, either because they are working or because they can afford to pay for the service:

5 percent of women in poverty have access as affiliation holders, while 30 percent of affiliated women without poverty are access holders. Entitlement grows among men, to 16 percent of men in poverty, and to 52 percent of men without poverty (Coneval, 2020b).

As we can see factors such as wage gap, unpaid work, and the high dependence of women because they cannot be economically active without limitations (caregivers) do not occur in isolation; on the contrary, there is a relationship between these factors, which places them at a disadvantage.

Human reproduction also plays an important factor, due to the natural process required. It forces women to move away from work for a time; however, opportunities to re-incorporate are not easy. On the contrary, they are sometimes discriminated for this very fact. Coneval mentions:

In 2018, the economic participation of women aged 25 to 44 without children stood at 79 percent, while for mothers it was 61 percent.

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<sup>1</sup> Both refer to female household heads.

For every 100 men employed without pay, there were 131 women in the same condition in 2008, a figure that rose to 141 women in 2018. This situation represents a barrier to women's economic autonomy. (Coneval, 2020b)

Likewise, domestic work makes it difficult for women to join or keep a position in the labor market, and those who manage to do so generally acquire a type of employment that allows to combine work and household activities, resulting in a "double workday"<sup>2</sup>:

With respect to men, women spend 2.5 times more time on household chores and twice as much on caregiving, regardless of their poverty status. In 2018, women spent an average of 22 hours a week on household chores and 28 hours on caring for others, while men spent 8 and 15 hours respectively. (Coneval, 2020b)

In summary, the difference between the type of activities performed by men and women has enabled or limited women's access to the world of ICTs, as pointed out by Galperin and Arcidiacono (2021): "labor force participation and the types of jobs performed by men and women often correlate with different opportunities to access the Internet and develop ICT skills" (p. 1).

The disadvantages between men and women unveiled up to this point, we can also add the digital divide, which is the focus of this paper since it carries more detriments for women, due to lack of knowledge, limited access or basic use of ICTs.

The limited skills that women possess or have been able to develop in this area restrict or make it impossible for them to participate in public affairs or processes. We establish that increasing women's ICT skills will provide them with abilities to investigate and acquire information, and allow them to participate in the public and political sphere, thus building better democracies.

### ***Digital divide between men and women***

The digital divide between men and women reveals different focus for research. For this paper we identify the digital divide from Stoiciu's (2020) position who indicates that:

The concept of the digital divide has evolved over the years and is generally defined as a social issue linked to the different amount of information available

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<sup>2</sup> Paid and unpaid activities (domestic work), some even mention of a "triple workday load", see Rivero (2020).

to people depending on whether or not they have access to the information society and information and communication technologies (ICTs). It also refers to countries, regions, cities and businesses that are at a differentiated socioeconomic and cultural level with respect to ICT accessibility. It includes imbalances in Internet infrastructure, information and knowledge, and equality of opportunity based on income, race, ethnicity, gender, or other similar criteria. (para. 2)

This definition recognizes not only factors linked to access or equipment, which could be thought of in a first approach, but also emphasizes the knowledge necessary to make good use of ICTs, which depend on other socioeconomic and cultural elements, such as gender, a relevant topic for the analysis of this work. As indicated by Sánchez (2010) “men, young people, urban dwellers and wealthier and more educated people are more likely to use the Internet” (p. 121).

The digital divide between men and women represents another inequality factor between both groups, which can be linked to the existing gap in education, as Inmujeres points out:

Schooling is closely linked to ICT use; as people’s educational level increases, ICT’s use increases, and the gaps between women and men are reduced. The lowest percentage of use and the largest gaps by gender are observed among those with the lowest educational levels. (2016, p. 1)

The digital divide is a problem that affects women in Mexico and brings a series of intertwined problems, such as the lack or limited access to information, use of information to expand their opportunities, make better decisions and prevent the violation of their rights. This is relevant if we seek to avoid environments of violence or file complaints. At least 6 out of 10 Mexican women had an incident of violence; 41.3% of women have been victims of sexual violence and 9 women are murdered per day (UN Women Mexico, 2018).

On the subject of the digital divide, the term digital illiteracy does not only consider the lack of access to a computer or mobile device (tablet or cell phone). It goes beyond that. It includes the ability to navigate, the type of information or consultation sources, as well as the use given to such information.

As van Dijk points out in Gómez *et al.* (2018) access should be recognized as:



A process of technology appropriation consisting of the following stages: 1) motivational access related to the interest and attraction for the new technology, which can be explained by social, cultural, mental and psychological factors; 2) physical or material access linked to the availability of hardware, software, applications, networks and the use of ICT and its applications; 3) access to digital literacy linked to education to acquire digital skills; and 4) use referring to meaningful opportunities of use. (p. 51)

Therefore, it is necessary to review whether statistical reports, especially governmental ones, contemplate these elements that define access. Usually these reports relate to interest or physical space, downplaying the importance of ICT regarding education and information use; which can really empower the population, as is the case for women.

According to the International Telecommunication Union (UIT, 2019) “the proportion of women using the Internet globally is 48%, compared to 55% for men. In relative terms, this means that the global Internet user gap is 12.5%” (para. 6).

Data from the Inter-American Development Bank (IDB) show that in 2018 the heterogeneity access gap in Latin America and the Caribbean persisted as a disadvantage for women. In the case of Mexico women are positioned at 38% in internet access compared to 49% for men (Agüero, Bustelo and Viollaz, 2020).

According to data from the 2019 National Survey on Availability and Use of Information Technologies in Households (INEGI, 2020b) 70.1% of the population aged six years or older in Mexico is an Internet user and 20.1 million households (56.4% of the national total) have Internet connection. With this information, we infer that progress is being made in terms of interest and connection, since more than half of homes have the service.

However, in contrast to the above, it is possible to find that 96.4% of the population with university studies connects to the network, while 59.1% of people with basic education studies are connected (INEGI, 2020b). We conclude that the higher the education, the greater the need and interest in connecting or the better possibilities of doing so, due to the opportunities of a higher income.

The above is relevant, for our analysis, and provides evidence of how women have less access to education, so they may also have less need, interest and opportunities to connect. This becomes more complex if we consider the connections by geographic zones. According to INEGI (2020b) 76.6% have access in urban areas while only 47.7% in rural ones. If we analyze this

situation, we can affirm that the disadvantage increases in addition to being a woman, one is poor, with a low educational level and belongs to a rural area.

Even when a high number of mobile devices is perceived, not all people live today in the ICT world. Inmujeres (2016) states that in Mexico computer, internet and cell phone use is lower among women than men, about one fifth of the population aged 6 years and older does not use any of the three devices corresponding 12.5 for women and 9.2 million for men.

Regarding the ICT use while being connected, 90.7% do so to obtain information and 90.6% to communicate (INEGI, 2020b). We can think people are informed; but it is essential to question in which sites, if they are reliable and the specific topics of interest. According to INEGI (2020b) electronic transactions, purchases or payments made through the network, are still an uncommon activity among Internet users, reporting in 2019, only 27.2%.

The above may suggest that the reason to connect may be entertainment and communication through popular platforms, if we also consider that the cell phone represents the technology with the highest national dissemination with 86.5 million users in the country (INEGI, 2020b) and not precisely to get information or participate in issues of public relevance, whether at the municipal, state, national, regional or international level.

The main reason why people have not used computers and the internet is because they do not know how to use them, which excludes and limits them in terms of their education, the use of services and their labor insertion and even their participation in society. The proportion of women who say they do not know how to use these devices is higher than men. (Inmujeres, 2016)

For this reason, it is necessary to develop policies, programs and projects aimed to train users in order to achieve greater benefits, as indicated by ITU:

When women and girls have access to the Internet and the skills to be able to use ICTs, they have the opportunity to create new businesses, sell products to new markets, find better-paying jobs, and access education, as well as financial and health services. (2019, para. 2)

Hence, the need to focus not only on the use of ICTs as a means of entertainment or communication, and not only to provide access to communities so that they feel included. Objectives should be oriented to achieve skills in the population, which will allow them to access information, make good use of it, make better decisions, participate in public and governmental processes that

define their quality of life, especially vulnerable groups, which are lagging behind and disadvantaged, such as women.

In relation to democracy, this issue is relevant, since building democratic societies requires the active participation of all; where their contribution is not limited only to the action of voting. Otherwise it is only a mirage, as Meixueiro acknowledges:

It is true that democracy does not only concern electoral issues; the democratic regime must seek, among other things, a better society and an adequate coexistence among citizens; combating inequality, reducing economic gaps and seeking well-being, respect for human rights and legality must be priorities of public policies emanating from a democratic regime. (2016, para. 3)

## **A BETTER DEMOCRACY IN MEXICO BY REDUCING THE DIGITAL DIVIDE BETWEEN MEN AND WOMEN**

One of the main foundations of democracy is the power that people have to decide collectively who represents them; however, if we consider the unequal situation experienced by women in Mexico, it is possible to assure that their participation is restricted. Therefore, it cannot be said that this form of government is fulfilling its objective. Luna indicates that:

The life of our country will be fully democratic when we citizens, in a co-responsible manner with the institutions of the State, promote the application of our laws and the creation of conditions of equality and justice for the entire population, fairly employing the mechanisms established in the laws to influence the acts and decisions of the government. (2016, p. 53)

If measures are not taken, it is not surprising that democracy in Mexico will continue to be perceived as lacking results, due to the absence of response to social needs, which contributes to the weakening of governments. Aguilar (2020) states: “the number of those who perceive that democracy has lost its capacity for social leadership is growing, it does not know what to do in the face of numerous problems or does little in the face of them” (p. 14).

On the other hand, it is necessary to highlight that democracies are complex and require the involvement of all social actors in order to create alternative solutions to imminent social problems, as indicated by Sánchez (2017):

Given the difficulty and complexity of governing a democratic and politically plural society with a globalized economy immersed in a vertiginous connectivity, government without the involvement and commitment of society in the solution of public problems is clearly insufficient. (p. 11)

In order to achieve the above, it is necessary to generate conditions of equality so that all people, especially vulnerable groups such as women, have access to the knowledge and skills necessary to actively participate in democracies, making their rights effective in an informed and conscious manner. Undoubtedly one of the alternatives to achieve this is through ICT capabilities.

Gender equality is an unaddressed issue that requires special attention, the Global Agenda emphasizes its claim to realize the human rights of all people and achieve gender equality and empowerment of all women and girls (United Nations, 2015).

It also states that Sustainable Development Goals (SDGs) seek “...a world in which all women and girls enjoy full gender equality and where all legal, social and economic barriers to their empowerment have been removed” (United Nations, 2015, p. 4).

Specifically, SDG number five, Gender Equality, in its target 5.5 indicates that it is necessary to “ensure women’s full and effective participation and equal opportunities for leadership at all decision-making levels in political, economic and public life (United Nations, 2020, para. 18)”. Furthermore, target 5.6 with respect to ICTs, states that it is necessary to “Enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of women” (United Nations, 2020, para. 21).

Mexico, upon subscribing to the Global Agenda requires pertinent interventions that contribute to the achievement of its goals and objectives; but for this, more actions and less simulations are indispensable, as James Madison quoted in (Colet, 2008), states: “...a democratic government without the people having information or the means to achieve that democracy, is the preamble to a farce or a tragedy, or both at the same time” (p. 213).

Therefore, to strengthen democracies through the inclusion of groups that are behind makes it possible to rebuild peaceful societies, with less coercive populations, and encourages governments to reinvent themselves, modify and improve processes in order to respond effectively to social needs, not only allowing citizen participation, but also encouraging it and providing them with the necessary tools to achieve it.

Then, the construction of solid democracies requires the inclusion of women, who must have a more active role in it. Thus they need to acquire knowledge and skills to participate in the political life, otherwise they forgo the opportunity to decide upon public matters or being underrepresented. Melchor (2021) reported: “Women in the world are underrepresented in political positions, they occupy on average 24.9% of parliaments, 6.6% of heads of state and 6.2% of government heads” (para. 1).

Therefore, governments need to place as a priority issue the digital divide between men and women in the political agenda, focused to train citizens in ICTs, especially women, with whom there is a historical debt.

Likewise, it is essential to remember the guiding principles of citizen participation, such as: recognition and respect for others; focused on results; inclusive, non-exclusive; voluntary, equitable, limited in time and implement it (Sanhueza, 2004).

With these principles, we can take a closer look at the recognition of the other; since conceiving the other requires openness towards change and in the gender agenda. Even though one can observe how this appears continuously in the discourse, in practice, it is only simulation with no –or minimal– orientation towards a true paradigm shift (different to androcentric).<sup>3</sup>

The principle of being inclusive is a determining factor, as (Sanhueza, 2004) points out: “the exclusion of any group deprives the process of knowing all points of view, considering all interests...” (p. 4). That is why leaving out women or limiting their participation in democracies does not contribute to the wellness of a government’s system. Moreno and Bracamontes (2021) highlight:

Women’s political participation is an indispensable element that characterizes stable, consolidated democracies, which include all citizens in decision-making in order to effectively address social problems. (p. 80)

Lastly, the equitable aspect is fundamental, since, as women are a vulnerable group, it is essential to ensure their participation. Sanhueza determines:

The commitment of the parties can be seriously affected if any of the groups is perceived as having privileges or advantageous conditions in relation to the others. In this sense it is important to ensure, with special support if necessary, equitable use of resources, access to information and capacity to influence. (2004, p. 4)

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<sup>3</sup> “Systematic invisibilization of women and everything related to the feminine” (López, 2021, p. 265).

Regarding citizen participation, four levels can be distinguished:

1. Informative: the objective is to provide information on the subject in question. At this level the flow of information is unidirectional and there is no possibility of feedback or direct negotiation on what is reported.
2. Consultative: the objective is to invite individuals and groups to actively participate through their opinions and suggestions.
3. Resolutive: the objective is to convene individuals and groups with real possibilities of influencing a specific issue. The actors are considered as executors and/or managers of social programs and/or projects to respond to local problems. In this way, the stakeholders participate in a negotiation process, as a result of which binding agreements are reached and therefore have an impact on the decision adopted.
4. Congestion: the objective is to convene key actors to be part of a decision-making process that involves more than one specific issue. Co-management is carried out as a function of a broad management process (Sanhueza, 2004, p. 3).

These elements help analyze to what extent women participate. Do they play a decisive role or are they simply spectators? According to our analysis, there is evidence that establishes how many women have managed to become involved in public issues; however, a larger segment of women are located at the information level, due to the lack of interest of governments to involve them.

An example, is the 1% participation of women in the public hearing regarding the project “Tren Maya” (Sánchez, 2020). An important hearing, due to the controversies it brings, such as land use, impacts on flora, fauna, climate change, public budget, among others. This case reveals, on the one hand, the precarious participation of women and, on the other, the government’s lack of interest in an inclusive process that represents all groups.

It is also appropriate to question whether the role of the State in solving problems, especially those demanded by women, is effective. Since such problems are still present and in many cases have worsened. We agree with (Aguilar, 2012) when he affirms that the government of the 21st century has achieved recognition of its political legitimacy; however, what is still pending is the capacity and effectiveness of governing.

If one considers the dimensions of state capabilities analyzed by Bonifacio (2018):

- Institutional: related to the possibility for the State to set and guarantee the rules to be complied with in the set of relationships existing in society.
- Policies: the ability that exists in the State to process the demands coming from society, i.e., governmental direction.
- Techniques: these are related to the state apparatus and refer to the capacity to analyze and manage the policies of the areas of state intervention, i.e., to know the issues, their nature, identify the causes of the problems and intervene effectively in their solution.
- Administrative: implements and provides public services.

It is possible to note that the Mexican government has not placed much emphasis on the policy, techniques and administrative dimensions, as it has not been able or had the political will to recognize, process the disadvantages faced by women, and provide opportunities for them to participate and intervene effectively.

While it is true that an intervening State was required, as stipulated by Aguilar (2012):

The great interventionist State was required, but this changes when society has informative, cognitive, technological, organizational and productive capacities; in addition to developing political capacities for information, deliberation, understanding and self-regulation and co-responsibility through trust, partnership and cooperation.

It is also true that the population of the 21st century has a more active role in decision making, participates from its own sphere with the implementation of solutions to social problems; however, it cannot be taken for granted that all people do so to the same extent. There are restrictive situations for certain sectors, such as lack of knowledge, skills, tools, among others.

On the other hand, it is not new that the government is shifting. An example of this is the electronic government, which according to the Latin American Center of Administration for Development (CLAD, 2007) is:

The use of ICTs in administrative bodies to improve the information and services offered to citizens, to guide the effectiveness and efficiency of public management, and to substantially increase public sector transparency and citizen participation. All this, without prejudice to the denominations established in national legislation. (p. 239)



Technological advances are evident and substantial changes such as open government remain constant. Therefore, it is urgent to provide the population with the necessary skills to make use of these innovations, especially the most disadvantaged and “digitally illiterate” groups, such as women in many cases. Otherwise, the pillars of this model, consisting of transparency, participation, collaborative work and accountability, will not be useful.

In this framework, as Bonifacio (2020) points out, the bureaucratic tradition associated with opaque processes, citizens’ ignorance regarding the criteria that guide decisions and lack of access to public information is a thing of the past and the desired democratic consolidation has no place without citizen participation. Therefore, ICTs, as well as representing progress in public administrations, must take an interest and implement policies, programs and projects that guarantee this objective.

Furthermore, Colet (2008) suggests:

Citizen access to public service is difficult and costly. Internet and cell phones are easy and less expensive access mechanisms for citizens. However, this type of services is useless if the platforms are only built for computers and not for cell phones, in addition to the lack of training for different groups to make use of these services. (p. 204)

The above is possible with greater political will, since technology has gradually become part of people’s lives, if we consider that:

88.1% have at least one cell phone of the so-called smart phones or Smartphone. Among the population with this type of cell phone, 94.7% use the functionality of network connection, 44.3% have a computer, while households with Internet availability register 56.4%, which corresponds to an increase of 3.5% compared to 2018. (INEGI, 2020b)

However, technological advances are fast evolving and if there is no focus on people who do not have the resources and digital training, in a short time they may be left out of this dynamic, lagging behind, and instead of narrowing gaps these widen more. As Bonifacio (2020) indicates “the existence of a fourth industrial research, the exponential era and the change is very fast, as an example is the Big data, artificial intelligence, cryptocurrency, robotics and 3D printing”.

It is possible to devise strategies to be developed by the government, such as using Big Data to create an algorithm and identify user preferences; thus



understanding how connections are being used. Likewise, from data governance, the State can make a balance in the population by areas to know which are the least connected, why they do not approach the electronic government, the various public services through technology. Identify whether this is due to connection problems, or regarding equipment, knowledge, or skills, and thus plan actions that contribute to the reduction of the digital divide.

In this way, data governance allows improving their intervention capacities and developing public policies that really solve problems (Bonifacio, 2020a). This can help to improve the quality of life of women and the overall population, offering or bringing social services to vulnerable groups such as women.

As Colet mentions: “an administration intensive in information and communication technologies is equivalent to an administration endowed with a huge and very strict techno-structure and few administrative personnel” (2008, p. 218), it can be inferred that personnel in public administrations for bureaucratic procedures should be decreasing.

We can anticipate that if the government reduces the payroll, which is often the subject of scandal due to corruption, this resource could be invested in more technology; training of personnel to use it, as well as generating new types of positions to train the population to acquire the necessary knowledge and skills. As indicated by Gil-Garcia and Pardo cited in Criado and Gil-Garcia (2013), organizational, human and symbolic resources are also necessary to carry out this type of administrative innovation projects.

However, the balance cannot be tipped to one side. As the evidence shows that as long as comprehensive processes are not implemented, the results will continue to be the same. Criado and Gil-García point out:

It should not be forgotten that certain projects have focused on increasing the capacity of citizens to carry out online procedures without considering, at the same time, their participation in the design and improvement of these administrative processes, despite this being one of the objectives to be pursued within the dynamics of governance that have been promoted recently. (2013, p. 11).

Undoubtedly, current democracy in Mexico requires substantial changes, such as integrating an active citizen participation, which can intervene in public decisions and not only in certain spaces of opinion granted by the government. People must demand the power they have in this type of government.

## CONCLUSIONS

The digital divide between women and men is the result of a series of inequalities that have historically existed between the two groups, which has deprived and will continue to limit their development unless it is delegitimized at the regulatory and institutional level.

Therefore, there is an unquestionable need to create affirmative actions, laws, mechanisms, instruments, technical and human capacities that ensure the reduction of the various disparities that exist between genders, such as the digital gap. If the technological world continues its course and women maintain these disadvantages they run the risk of not advancing towards a better quality of life and losing the rights achieved so far.

The above is evident, especially in a time of global health emergency, which once again placed women at a disadvantage, as they were the ones who lost their jobs and even their lives, due to the type of paid and unpaid activities they had to face. This is an example of how public policies with a gender perspective continue to be a debt in Mexico.

A clear example is the number of jobs that women lost because they “had to return” to take care of the home, children, the elderly and those affected by COVID-19. Due to the cultural, social and labor scenarios (areas, types of jobs, schedules) that continue to operate on the basis of gender and continue to violate women’s rights.

Likewise, the pandemic makes it clear how the digital divide further detonates inequalities between men and women. First, because many of the types of work occupied by women could not be migrated to “home office”. Second, where it was possible, women with little or no ICT skills had fewer opportunities to do so; and finally, those who did manage to do so, faced the “triple workday”, consisting of paid work, domestic work and children’s education.

In this sense, the need to provide women with ICT skills can be corroborated, since both the information and knowledge society are constantly advancing, both in the public and private spheres. If women do not manage to advance at the same pace in these two areas, they will remain in a context of inequality and this situation may even increase, since teleworking is a growing trend.

It is impossible to deny that an informed, trained and inclusive citizenry can be synonymous with responsibility, commitment to public and political life; which is interested, informed, analyzes, makes decisions, demands transparency in public processes and accountability in the use of resources. This leads to establish true democracies, not just mockups.

In this context, ICTs represent an opportunity to achieve greater citizen participation, where governments build real channels to approach their constituents. A scenario in which power truly resides with the people.

Thus, it is possible to assert that in order to build a better democracy in Mexico, it is essential to include women. They represent more than half of the population; but it is also necessary to ensure their full participation through the development of skills and leadership to influence public decisions. To this end, they must be trained in the access and effective use of ICTs, since the global health pandemic caused by COVID-19 has demonstrated how these capabilities are indispensable in an era where information and communication technologies have become the predominant element that brings people together, allows them to stay informed and continue to participate in public affairs.

The reduction of the digital divide can help women find better opportunities, especially for those who have been excluded from public life due to different situations and conditions of their gender, such as race, socioeconomic status, geographic location, among other inequalities that keep them in a disadvantaged situation.

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# INTERNAL CONTROL UNITS, A MUNICIPAL ORGANISM TO FIGHT CORRUPTION

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**ABSTRACT:** This article reviews the progress and stagnation (setbacks) regarding municipal anti-corruption systems. We focus on Internal Control Units (ICU) or Internal Auditing Units of three local governments (Zapopan and Tlaquepaque in Jalisco, and Poza Rica in Veracruz). We view these Internal Control Units, as strategic areas, where it is possible to find potential capacities to prevent, address and correct illicit practices against public resources. Currently in Mexico there are no other evident alternatives oriented to conduct coordination tasks within local administrations. Administrative fragility, absence of transparent processes, as well as a lack of technical capabilities within municipalities in Mexico provide singular conditions for corruption. Our central purpose is to analyze ICUs functioning, their institutional environment and interactions between them. This allows to observe results, difficulties and provide a groundwork to discuss new trends to evaluate their performance.

**Keywords:** *municipal anti-corruption system, local government, internal control units, corruption, local institutions*

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## INTRODUCTION AND PROBLEM STATEMENT

Mexico began –just over two decades ago– a comprehensive reform focused on transparency, accountability, corruption and organizing the governments' archives. The private appropriation of public resources and services continues to be a daily occurrence in the performance of a large number of municipal administrations.

Mexico's wide territory and municipal heterogeneity, along with the regulatory reforms and institutional innovations of the last 20 years provide starting points regarding the installation and operation of ICU's. Although there is regulatory homogeneity in local supervision and oversight; performance evaluations do not maintain continuity, indicators are not representative and methodologies to evaluate local administrations are scarce, while irregular practices continue to be present.

The background of this regulatory framework, can be highlighted by the various stages of the National Anticorruption System (SNA, in Spanish). Initially, the bases were established for coordination between government agencies in order to prevent discretionary practices, make public information available, process and sanction corrupt actions, as well as organize the oversight and control of assets of all government levels. The organizational scheme has implied a broad editing of the legal framework, as well as create and adapt governmental oversight and control agencies.

Reforms gave birth to the Contaduría Mayor de Hacienda under the Federal Congress,<sup>1</sup> and oversight entities as the Secretariat of the Comptroller General of the Federation (SECOGEF, in Spanish) were adapted, and regulatory systems were reorganized, including the Federal Superior Audit Office (ASF, in Spanish). Furthermore, a Federal Institute to Access Information and Protection of Personal Data became the National Institute for Transparency, Access to Public Information and Protection of Personal Data (INAI, in Spanish), and a Specialized Prosecutor's Office for corruption criminal offences were created.

Amendments were introduced with the Federal Law of Responsibilities of Public Servants. In 2002 the Federal Law of Transparency and Access to Public Governmental Information, and the Federal Anti-Corruption Law in Public Contracting were created. In 2015, the National Anticorruption System Law was established, as well as the General Law of Transparency and Access to Public Information (later transformed into the Federal Law of Transparency and Access to Public Information).

Changes in the federal system (Table 1) had a significant impact on state laws, providing the steppingstones to modify various regulations and adapt

<sup>1</sup> This entity works as the Office of Inspector General –congress oversight.



administrative responsibilities of the prosecutors' offices, the justice system –areas of accountability–, fiscal coordination and governmental accounting, as well as penal codes and secondary laws.

Overall, the objectives of this expansive reform seek to follow up and establish the corresponding sanctions for corruption or crooked practices within the public service. Regarding the specific guidelines for internal oversight, they were considered appropriate to provide greater capacity to the comptroller's office. This strengthened ICU to perform coordination and supervision tasks in relation to the obligations established within the administrative structures.

TABLE 1. REORGANIZATION OF THE REGULATORY AND INSTITUTIONAL FRAMEWORK

External control entities	Internal control entities	Laws
General Accounting Office of the Treasury, CMH, 1999.	Secretariat of the Comptroller's Office of the Federation, SECOGEF, 1982.	Federal Law on the Responsibilities of Public Servants, 2002
Auditoría Superior de la Federación, ASF, 1999.	Secretariat of the Comptroller and Administrative Development, SECODAM, 1994.	Federal Law on Transparency and Access to Public Government Information, 2002.
Federal Court of Justice and Administrative, TFJFA, 2000.	Secretariat of Public Function, SFP, 2003	Federal Anti-Corruption in Public Procurement Law, 2012
Federal Institute of Access to Public Information and Protection of Personal Data, IFAI, 2002.		National Anticorruption System Act, 2015.
National Institute for Transparency, Access to Public Information and Protection of Personal Data, INAI, 2002.		General Law on Transparency and Access to Public Information, 2015.
		Federal Law on Transparency and Access to Public Information, 2016 (repeals the 2012 law).
		Amendments and Issuance of Seven Anti-Corruption Laws, 2016

Source: With information from INEGI, 2019.

However, even when municipalities were considered within this broad strategy, the National Anticorruption System General Law did not determine the specific conditions regarding the establishment and operation at the local level. Thus to implement the new regulations, municipal reorganization faced two options:

- a) Apply a model to replicate the national and state systems by creating a broad new specialized structure, or
- b) Strengthen the functions of ICU, providing them with autonomy for their designation and operation within the structures of municipalities.

Until now, projects to install a local anti-corruption system have considered municipal ICU (Internal Auditing Commissions) as the most viable option. However, this strategy to reorganizes municipal bodies has not followed a single pattern of procedures and has not had common results. So the performance of such entities is still uncertain. However, the different paths, times and adjustments to establish new internal control procedures and operations, have presented achievements, delays and setbacks.

This study discusses the purposes of ICU regarding their possible efforts. On the one hand, it is worth to review the trend to reproduce the additional new role of the administrative functions while still depending on the traditional municipal internal auditing. And on the other, we ask to what extent ICU will be able to perform with autonomy in order to fulfill the commitments of a true accountability to safeguard public goods.

This article reviews the progress and setbacks of ICU, using as a reference two municipalities in Jalisco –Zapopan and Tlaquepaque–, and one in Veracruz –Poza Rica–. Although these three local governments present great diversity due to their urban heterogeneity and budgetary differences or social composition, each one shares the same party affiliation of the two state governors.

## **MUNICIPAL SYSTEMS IN TERMS OF INTERNAL CONTROL RESPONSIBILITIES**

For the Organization for Economic Cooperation and Development (OECD) and other similar organizations, internal control systems perform three basic functions. First, they operate as multitasking agencies aimed to train, monitor and evaluate public policies. The second task is to perform specialized investigation and sanctioning actions by imposing penalties on offenders of administrative responsibilities. And third, they are in charge of preventing, reviewing and coordinating actions of different entities dedicated to establish and operate plans and strategies against corruption practices (OECD, 2008).

Regardless of their political or ideological orientation, the outcomes, sanctions and omissions of ICU's have repercussions within the regulatory unit itself, as well as on the regulated subjects. It can be assumed that they contri-

bute to a better arrangement regarding the set of administrative structures in which they are inserted.

It is evident that inadequately planned ICU generate inconveniences, but it also happens in agencies that efficiently establish sanctions, but for various reasons, these penalties are not entirely applied. Equally, internal control systems developed in contexts where discretion and corruption conditions prevail may indirectly enable greater irregularities instead of preventing, reducing or correcting them.

In other cases, corruption is likely to be reproduced and normalized by the adoption and socialization of meaningless bureaucratic practices within the institutionalized processes and routines of administrative structures (Joshi, Anand & Henderson, 2007; Ashforth, B. E. & Anand, V. 2003).

Local surveillance and controls in Mexico have developed in different directions. In the public service, control systems have supervisory tasks determined by norms and instances within the established legal frameworks (Lanz, 1987, p. 32). However, even with the changes of the last decades, the administrative structures of the government still lag behind, while new services have diversified into multiple operations without performing efficiently. Even though ICU have transformed, they have not shed their old bureaucratic schemes, which diminishes their management capacity to face violations by public officers.

Supervision, control and auditing within the public service structure is assumed by statutory units which review the tasks subject to management responsibilities. According to the Federal Public Administration Organic Law, the areas of composition of ICU include: establish and carry out internal, transversal and external audits, address responsibilities complaints, resolve disciplinary acts, as well as the legal defense of its resolutions.

Local governments –municipalities– constitute an autonomous territorial unit linked to a community where citizens carry out public actions together with the government’s administrative and political representation (Mariñez, 2019). Constitutionally municipalities are considered to have an autonomous jurisdiction, however its ordinance and oversight of its resources are subject to the supervision of state congresses.

Overall, municipal ICU are responsible of organizing and planning control and evaluation systems. They are in charge of reviewing the use of public assets and expenditure, investigating and sanctioning regarding control and evaluation or, if the case, determine the basis for audits of public resources.

There is a vast literature on the various professional, technical and budgetary shortcomings of municipal administrations. On the other hand, in the midst of this precariousness, various approaches consider the possibility of finding

favorable circumstances of autonomy and efficiency within control systems. Progressive orientations observe in internal bodies a framework of conditions linked to several factors. We can underscore the collegiate appointment of who chairs these units; having a legal makeup according with established rules; continuity in the person appointed due to an efficient and excellent performance (Zingaretti, 2010).

## **METHODOLOGY TO STUDY MUNICIPAL ICUS**

The notion of corruption as a category –has the quality– enunciates in a single expression a wide variety of illicit practices and abuses that prevail in the sphere of governmental responsibilities. However, corruption, understood solely as an offense against public assets, by itself cannot explain the specificity of the exchanges generated within poorly designed and deficient structures, or the links where technical efficiency is subordinated in favor of private interests.

Administrative fragility, absence of transparent processes, as well as the lack of technical capabilities, municipalities in Mexico foster conditions that favor the practice of corruption. The lack of significant steps to build public policies and private management without corruption, still need to be addressed regarding the conditions and controls of local administrations. Unfortunately, within the municipal service, no perspectives have been developed to explore in detail those viable possibilities to reverse, in a plausible and effective way, the misappropriation of public goods.

This paper explores the experience of ICU at the municipal level. It is a first approach to the ways in which local life prepares and adapts its administrative structures to give autonomy to new bodies in order to provide them with the capacity to conduct mechanisms and processes against corrupt practices.

The difficulties are manifold. It is worth understanding that society and institutions are inseparable. But in the construction of new institutions, old agreements are not necessarily replaced or renewed, nor corporative or authoritarian practices immediately annulled. Sometimes tensions or oppositions are generated and, in certain cases, the assimilation of new norms is imposed in favor of old practices. Also local institutional arrangements do not necessarily follow invariable processes of construction. On the contrary, they are a chain of diverse patterns, sometimes contradictory, confronting each other in their design, in the establishment of their norms, in their functions' operation and in the materialization of what they lag in.

Thinking of ICU as strategic spheres implies seeing the potential capacities to prevent, address and correct illicit practices against public resources. So far in Mexico, other alternatives oriented to coordinate local administrations

tasks are not evident. It is likely that, in better contexts, they may constitute viable options to maintain rigorous vigilance within the administrative authorities themselves. However, under other circumstances, they could be counterproductive and widen the margins of discretionality, irregularity or impunity.

Among the difficulties in obtaining more accurate perspectives, it is worth noting that for a long time there has been a lack of studies and evaluation systems for ICU. In recent years, transparency evaluations of municipal life have been undertaken. These evaluations have required agencies to report their web pages' activities, budgets and tasks according to transparency laws. However, methodologies dedicated to review the performance of mechanisms to prevent or sanction local corruption practices are less frequent.

One of the purposes of this paper is to explore an alternative analysis to observe the functioning of agencies, their institutional environment and the interactions between them. This examination allows us to observe results, possible difficulties and, at the same time, to provide a base study to discuss new trends to evaluate the performance of ICU.

Our approach to ICU is within the context of the establishment of municipal anti-corruption systems. Our three main premises are:

- 1) State systems are shaped by their multiple institutional relationships in which the action of political actors derives from historical processes together with realities marked by structures of interests and cultural practices within specific territories.
- 2) Institutional reality is not limited to normative or legal jurisdictions. It also involves a permanent political construction in which local life, inertias and social innovations converge.
- 3) The evaluation tasks require to weigh excessively legal propositions that superimpose or establish guidelines that are unattainable to institutional processes or, by inferring procedures from inapplicable legal norms over specific realities, which leads to insufficient empirical verification.

The experiences of municipal structures that seek to adapt to a system of ICU based on openness, institutional co-creation and social innovation; three possible results can be identified: In the first, there are the advances to establish and operate the system. Second, the various setbacks that the new institutional design suffers. Finally, we can observe trends marked by the lack of installing an internal control system, as well as the setbacks of the system to curb local corruption.

It is therefore worth considering three relevant aspects regarding the functionality of ICU.

- 1) Incorporation of innovative mechanisms and methodologies to integrate or appoint its members with an open incidence of professional and citizen representation.
- 2) Regulatory compliance, add or make adjustments to guidelines to simplify or streamline its operation.
- 3) Application of penalties in accordance with the law and as soon as possible, accompanied by guidelines aimed to restore damages. Also ICU's results are submitted to transparency controls and are impartially evaluated by accredited external agents.

## **CORRUPTION AND MUNICIPAL ICU**

Along with the Prosecutor's Offices –District Attorneys'–, Administrative Justice Courts and Citizen Committees, Internal Control Units represent an important foundation regarding the functioning of anti-corruption systems. ICU are responsible for spotting, investigating and addressing irregular practices in the performance of government employees.

In order to function, they require sufficient autonomy from hierarchical structures, as well as knowledge and competencies to manage and fulfill their responsibilities. However, the design did not anticipate that public service entities would call for impartial selection processes to renew internal bodies. Nor were there guarantees of probity and capacity so the requirements of the system would function with solvency and transparency.

Municipal level governments present contrasting capacities and weaknesses. Municipalities that lack human capital or have functional limitations are multiple. Different diagnoses from the federal Civil Service Secretariat highlight various contingency situations in the municipal service, due to a continuous rotation of tasks and positions, which are arranged more with a political criteria convenience, than in favor of an efficient public service.

In addition, the designation of ICU at the federal and municipal levels: “does not meet the criteria stipulated by law, their method has little external credibility, low technical and material capacity, as well as a fragmented recruitment processes, discretionality and simulation” (SFP, 2018, p. 3).

It is therefore necessary to review the conditions that even after the promotion of a constitutional reform, harmonized state legislations and creation of specialized autonomous agencies, all appear to be insufficient to confront

corruption practices within local governments. It is worth paying attention to three aspects of local life that may be influential and allow traditional corruption practices to adapt and encourage trends to alter networks of greater influence and impunity.

The National Anticorruption System General Law (article 36) determines that state governments shall configure, integrate and operate local systems based on: attributions equivalent to the general law; access to public information for the performance of their functions; recommendations must have a response from the entity to which it is addressed; have attributions to follow-up recommendations; inform –upper decision making powers– of the anti-corruption actions regarding the identified risks, potential costs and the results of their recommendations. Also chair over the coordinating local system in coordination with the Citizen Participation Committee (CPC); integrate citizen participation councils whose members shall be appointed through an analogous procedure of CPC.

Even though it is a broad institutional construction, the organization and establishment scheme for municipal systems did not include specific guidelines. In the General Law with its 60 articles and transitional provisions, the figure for the municipality is only referred to allude its nomination and member as a link within the national system.

In this sense, article 1 of the General Law states that this regulation is: of public order, general observance throughout Mexico and establish the pillars to coordinate between the three levels of government (federal, state and municipal). For the operation of the National System (article 113 of the Mexican Constitution), the corresponding authorities must prevent, investigate and punish administrative offenses and corruption.

Only two state level entities (State of Mexico and Sinaloa) established specific regulations and procedures to install and operate municipal anti-corruption systems. In contrast, other experiences regarding their creation, municipalities maintained their determination to organize and harmonize their own systems with the General Law and state norms.

In both states (State of Mexico and Sinaloa), local congresses determined that the municipal CPC must be composed by three citizens elected in a similar process as in the State Law. The law defines the functioning of the municipal coordinating committee, which includes the municipal ICU, the transparency unit and a representative of the CPC.

Since the approval of the State Anti-Corruption Law of State of Mexico in 2017 until 2019, 37 municipal committees (the state has 125 municipalities) were integrated. Given the complexity of election, establishment and operation, until June 2021 there were about 78 committees.



At the national level, many of the systems in place have difficulties to renew participants due to the lack of selection commissions. Additional factors that hinder the functioning of these committees include: precarious administrative conditions; inadequate installation procedures; absence or lack of interest in citizen participation; lack of knowledge of municipal system procedures, support to organize and operate local auditing, the lack of importance regarding the performance of tasks and results obtained; resistance among the different municipal authorities and a limited budget.

## PERCEPTION OF CORRUPTION, JALISCO AND VERACRUZ

Different studies state that citizen activity is organized mainly around the practices of municipal administrations, and observe, in this level, the recurrence of irregular practices. The National Institute of Statistics and Geography (INEGI, in Spanish) estimates that: of “every ten procedures carried out by a citizen in Mexico over the course of a year, 5.7 are directly with the municipal government; and of 10 procedures with experiences of corruption, 6.2 were carried out within the municipal government” (INEGI, 2017). The average of each irregularity within the municipal sphere amounts to \$1,375 pesos. The results show that 15 out of every 100 people had experiences with such irregularities, totaling about 7.3 billion pesos.<sup>2</sup>

Studies elaborated by private agencies report similar results. The analysis *Perception of corruption in the state of Jalisco. Citizens' perspective*, commissioned to the agency Berumen by the Economic and Social Council of the State of Jalisco for Development and Competitiveness, conducted in six municipalities of the Metropolitan Area (Guadalajara, Zapopan, Tlaquepaque, Tonalá, Tlajomulco and El Salto) estimates that: “In terms of frequency, for the majority, corruption is greater in municipal agencies, and involves the entire structure from the front desk to the directors; followed by the state administration. It is considered that at the federal level corruption “is lower in volume” but serious due to the amounts involved”.<sup>3</sup>

According to INEGI, in Jalisco the rate of population that had contact with a government employee and experienced at least one act of corruption was 13,921 per 100,000 inhabitants. In contrast, in the national context, the corruption prevalence rate was 14,635 per 100,000 inhabitants.

2 INEGI, 2017, Encuesta Nacional de Impacto Gubernamental 2017, ENCIG, at: [https://www.inegi.org.mx/contenidos/programas/encig/2017/doc/encig2017\\_principales\\_resultados.pdf](https://www.inegi.org.mx/contenidos/programas/encig/2017/doc/encig2017_principales_resultados.pdf)

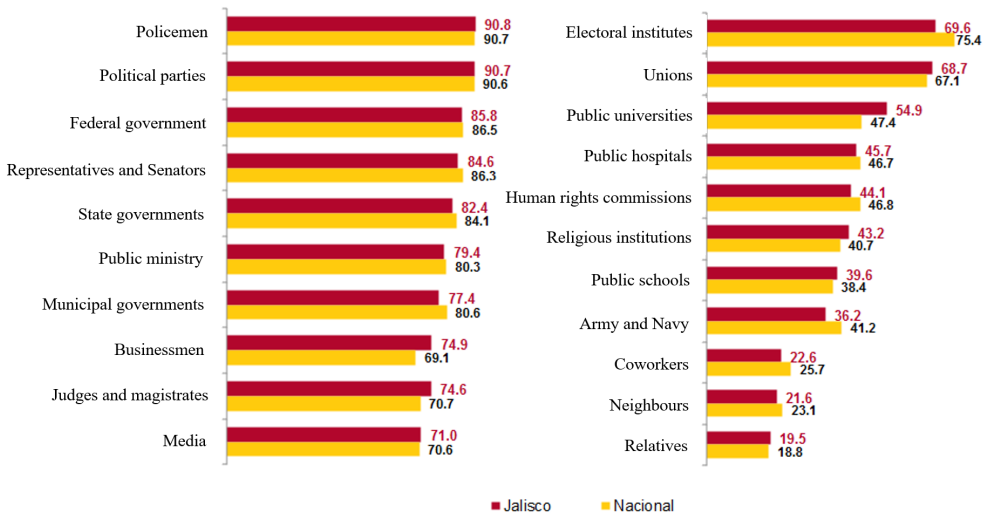
3 Study on the Perception of Corruption in Jalisco, 2017. Citizen and Business Perspective. In: <file:///F:/Anti-corrupcion%20municipal/266126-estudios-percepcin-corrupcin-2017.pdf>.



In Jalisco 90.8% of the population 18 years of age and older perceived that corruption is a very frequent practice among police and political parties. According to this evaluation, municipal governments are in seventh place with 77.4 percent, after public prosecutors.

In Jalisco, according to the Prosecutor's Office to Combat Corruption, of the 1,900 investigation files –in a period of a year and a half–, 30% correspond to complaints carried out in 55 municipalities.<sup>4</sup>

FIGURE 1. PERCEPTION OF FREQUENCY CORRUPTION IN VARIOUS SECTORS (VERY FREQUENT OR FREQUENT)



Source: INEGI, Encuesta Nacional de Calidad e Impacto Gubernamental 2017.

TABLE 2. PREVALENCE OF CORRUPTION, PAYMENT OR REQUEST

Entity	Corruption victims per 100,000 inhabitants (prevalence)
Jalisco	16,100
Veracruz	13,225

Source: With information from INEGI, Encuesta Nacional de Impacto Gubernamental 2019, ENCIG.

<sup>4</sup> Source: <https://jalisco.quadratin.com.mx/sucesos/municipios-representan-30-de-carpetas-de-investigacion-por-corrupcion/>

Considering INEGI’s 2019 data on the prevalence of corruption in procedures carried out, Jalisco increased from 13,095 in 2017 to 16,100 (15.7%). Nuevo Leon decreased from 13,690 in 2017 to 10,348, (a 24.4% reduction), while in Veracruz it increased from 10592 in 2017 to 13 225, (24.9%).<sup>5</sup>

TABLE 3. CORRUPTION PREVALENCE RATE

INEGI		ENCIG 2019		129				
<b>Tasa de prevalencia de corrupción</b>								
<b>Tasa de víctimas de actos de corrupción en al menos uno de los trámites realizados por cada 100 000 habitantes.</b>								
Entidad	Victimas de corrupción por cada 100 000 hab.			Entidad	Victimas de corrupción por cada 100 000 hab.			Entidades Federativas
	2017	2019	Cambio (%)		2017	2019	Cambio (%)	
Nacional	14 635	15 732	7.5				A la baja ↓ 11	
Agascalientes	14 556	14 677	0.8 <sup>a</sup>	Morelos	17 229	16 396	-4.8 <sup>a</sup>	
Baja California	13 757	11 330	-17.6 <sup>a</sup>	Nayarit	11 042	15 439	39.8	
Baja California Sur	11 904	7 673	-35.5	Nuevo León	13 690	10 348	-24.4	
Campeche	12 708	13 964	9.9 <sup>a</sup>	Oaxaca	11 192	15 897	42.0	
Coahuila	11 272	15 410	36.7	Puebla	9 577	15 693	63.9	
Colima	10 646	6 945	-34.8	Querétaro	11 829	11 324	-4.3 <sup>a</sup>	
Chiapas	16 184	14 137	-12.6 <sup>a</sup>	Quintana Roo	17 618	19 946	13.2 <sup>a</sup>	
Chihuahua	15 633	9 381	-40.0	San Luis Potosí	16 729	13 114	-21.6	
Ciudad de México	20 093	20 690	3.0 <sup>a</sup>	Sinaloa	13 963	12 442	-10.9 <sup>a</sup>	
Durango	16 010	25 389	58.6	Sonora	15 158	12 562	-17.1	
Guanajuato	8 968	16 200	80.6	Tabasco	14 686	8 640	-41.2	
Guerrero	14 308	15 808	10.5 <sup>a</sup>	Tamaulipas	11 325	7 705	-32.0	
Hidalgo	13 095	9 883	-24.5	Tlaxcala	12 568	11 617	-7.6 <sup>a</sup>	
Jalisco	13 921	16 100	15.7 <sup>a</sup>	Veracruz	10 592	13 225	24.9 <sup>a</sup>	
Estado de México	15 901	20 683	30.1	Yucatán	12 344	13 260	7.4 <sup>a</sup>	
Michoacán	14 847	10 231	-31.1	Zacatecas	11 109	6 872	-38.1	

Source: INEGI, Encuesta Nacional de Impacto Gubernamental (ENCIG 2019) Main results, INEGI 2020.

### THREE MUNICIPAL ANTI-CORRUPTION SYSTEM EXPERIENCES. TWO IN JALISCO, ONE IN VERACRUZ

#### a) Zapopan, Jalisco’s anticorruption system

Zapopan’s municipal government has modernized to improve communication channels, precision strategies, more efficient processes, service response times and concentrating information on required services, as well as its commitment to have citizen participation and fight against corruption. The Mayor’s commitment was to move forward on the digital transformation to have an efficient and effective government and thus achieve objectives such as more transparency, accountability, integrity and citizen engagement, central and strategic pillars for an open government.

In this regard, Zapopan promoted a regulatory framework to address corruption, with the following norms:

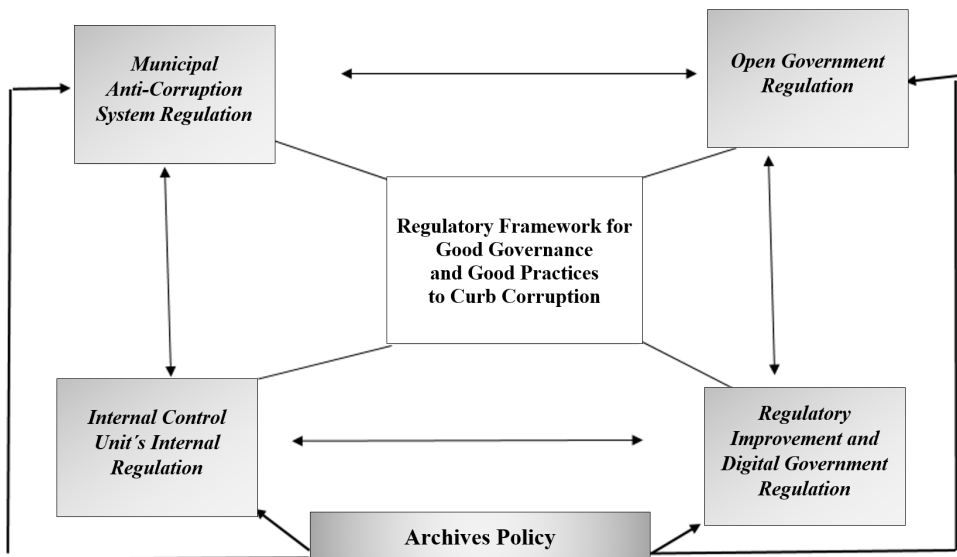
<sup>5</sup> As a comparison between these three states, the results can be consulted according to the prevalence of corruption by payment or request, as well as the table that INEGI presents for the case of corruption victims per 100,000 inhabitants for 2019 in the final annex.

1. A Municipal Anti-Corruption System Regulation.
2. Amendments and additions to the ICU's Internal Regulation.
3. Open Government Regulation.
4. A Regulatory Improvement and Digital Governance Regulation.

These rules would boost in a systematical manner the fight against corruption in Zapopan, and could be extended to other municipalities in the Metropolitan Area of Guadalajara and Jalisco. The *Municipal Anti-Corruption System Regulation* incorporates citizens to prevent and fight against corruption; the *Internal Control Unit's Internal Regulation* modifications provide an independent accountability and supervision by the ICU, and also link it with the Archives Coordination, a key piece from the Archives General Law –federal– and also with Jalisco's Archives Law –state level–. The *Open Government Regulation* emphasizes the collaboration of citizens for a proactive transparency and open data, finally the *Regulatory Improvement and Digital Government Regulation* involves the digitization to facilitate interactivity and connectivity between citizens and government through technological and digital devices.

These four regulatory initiatives would be coordinated with the Zapopan's Archives Policy (Figure 2).

FIGURE 2. REGULATORY CONNECTION FOR GOOD PRACTICES TO CURB CORRUPTION IN ZAPOPAN, JALISCO



Source: Author's elaboration.

Our premise is that these regulations alone are not sufficient to promote a comprehensive fight against corruption in Zapopan through open government. The implementation of these regulations should give meaning to both open government and an effective anti-corruption strategy. The Municipal Anti-Corruption System Regulation includes citizens, through a Social Participation Committee, to fight corruption and also prevent and promote Zapopan's anti-corruption public policy. The Internal Regulation of the ICU regulate control in an independent manner in the municipality, in addition to its link with the Coordination of Archives and archival audits, a key piece from the General Law of Archives –federal– and the state one from Jalisco; the Open Government Regulation emphasizes the citizens' collaboration for a proactive transparency and open data; and the Regulatory Improvement and Digital Government Regulation involves the digitization of government to facilitate interactivity and connectivity between citizens and government through technological and digital devices.

In the analysis of Zapopan's regulations, we pay attention to: objectives, purpose, organizational composition and functions or attributions. For this paper, we focus solely on analyzing Zapopan's Anti-Corruption System (SMAZ), the Internal Regulations of the ICU and the auditing processes of Zapopan.

Regulations of Zapopan's Municipal Anti-Corruption System (ZACS), entered into force on June 10, 2019.

### ***Regulation's purpose***

The Municipal Anti-Corruption System seeks to guarantee the proper functioning of internal agencies, establish the principles, general bases, procedures and public policies so agencies coordinate; the intervention of the municipal authorities in the prevention, detection, penalty of administrative offenses and actions that the law indicates as corruption, and auditing and control of public resources.

### ***ZACS's purpose & structure***

The system seeks to establish, articulate and evaluate the policy in this area. Its structure, set forth in article 6, states that the Coordinating Committee and the Social Participation Committee are guided by the principles that govern public service (legality, honesty, loyalty, impartiality, efficiency, objectivity, professionalism, effectiveness, equity, transparency, austerity, integrity, merit-based competition, capacity, discipline, ethics and justice). Thus, Zapopan's internal agencies must have structural and regulatory conditions that allow the proper functioning of the local government; as well as an ethical and respon-

sible performance of public employees. The municipal system will promote and seek coordination with other local government anticorruption systems, as well as with state and federal systems.

### ***Functions of ZACS's entities***

The Coordinating Committee is responsible to establish coordination mechanisms between the municipal system, and the state and federal systems (article 8), and is in charge of the public policies regarding corruption in Zapopan (design, promotion, implementation and evaluation within all internal agencies). Zapopan's ICU is responsible to follow up and implement such policies. The Coordinating Committee has the following members (article 9 of the Regulation):

1. A representative of the Social Participation Committee, who chairs it;
2. The Municipal Syndic –represents the city council–;
3. The Director of the municipal Access to Information Office;
4. The Director of the municipal Internal Control Unit;
5. A Technical Secretary.

All members of the Coordinating Committee (except the Technical Secretary) have the right to vote. The Coordinating Committee may invite (with the right to speak, but no vote), representatives of other municipal, state and national systems, stakeholders of public entities and civil society organizations.

Responsibilities of the Coordinating Committee (article 12):

1. Develop an annual work program;
2. Establish the bases and principles for the effective coordination of its members;
3. Approve, design and promote municipal policies on auditing, control and fight against corruption, as well as their periodic evaluation, adjustment and modification;
4. Design and approve an indicators methodology for evaluation, based on the proposal from the Social Participation Committee;
5. Review the evaluations carried out by the Social Participation Committee and, agree on the measures or modification to take regarding the prevention and anti-corruption policies;

6. Request information from internal agencies regarding compliance with the municipal policy and other policies implemented; gather data and proposals to evaluate, review or modify, using the indicators generated;
7. Determine and implement mechanisms and principles to coordinate with authorities for oversight and control, as well as prevent administrative misconduct and corruption, focusing on their causes;
8. Issue an annual report (progress and results) of the evaluations carried out by the Office of the Comptroller General and consider the opinion of the Social Participation Committee's members. The Coordinating Committee derived from the annual report may issue public recommendations to the respective authorities and will follow up on them;
9. Determine mechanisms to supply, exchange, systematize, update and safeguard the information on corruption generated by institutions of different levels of government;
10. Propose guidelines and cooperation agreements between the financial and tax authorities, to facilitate the internal control bodies and auditing entities the timely consultation of the information they keep, related to enquiry of administrative offenses and corruption regarding public resources;
11. Participate in national and international cooperation mechanisms to fight corruption; learn and share best practices, to collaborate and, where appropriate, share with the national and international community the experiences related to anti-corruption policies evaluation mechanisms.

Another of ZACS's component is the Social Participation Committee. Its purpose (article 17 of the Regulations) is to contribute to the fulfillment of the objectives of the Coordinating Committee, and link with social and academic organizations related with anti-corruption issues. It is integrated by five citizens.

The Chairperson of the Coordinating Committee also chairs the Social Participation Committee, and has the following powers:

1. Preside the meetings of the Coordinating Committee and those held jointly with the Social Participation Committee;
2. Follow up the agreements of the Coordinating Committee;
3. Submit an annual report to the City Council, in which it will account anti-corruption actions, identified risks, potential costs generated and the results of recommendations, based on the annual report approved by the Coordinating Committee, with the observations made by the members of the Social Participation Committee and following the methodologies issued by the National and State System, respectively;

4. Report to members of the Coordinating Committee on the follow-up of agreements and recommendations;
5. Present to the Coordinating Committee recommendations against corruption.

### ***ZACS's technical body***

The ICU through its Administrative-Legal Liaison Area (article 19 of the Regulations), is the Technical Secretary of the Social Participation Committee, and provides the technical assistance and necessary inputs –administrative, material, human and financial resources– for its duties. The objective and integration of the Social Participation Committee are established in articles 17 and 18 and is a space for citizens' participation in ZACS. The Technical Secretary has the following functions (article 28): prepare the meetings documents and minutes of the Social Participation Committee and submit them to the Chairperson.

On March 3, 2020, the Coordinating Committee and the Citizen Participation Committee of Zapopan's Anticorruption System was installed.<sup>6</sup>

### ***By-laws of Zapopan's ICU and auditing processes***

Zapopan's council members attempted to modify two relevant attributions of the ICU (the power to start and resolve administrative procedures) and pass them to the Syndic. This contravenes several provisions of the General Law of Public Services Responsibilities, the Political and Administrative Responsibilities Law of Jalisco and the recommendation by the Coordinating Committee of SEAJAL to all public entities to strengthen Internal Control Units dated June 5, 2018<sup>7</sup>.

The Social Participation Committee (CPS) of Jalisco's State Anticorruption System (SEAJAL, in Spanish) on June, 2019, agreed with Zapopan's mayor on a proposal of a new regulation to establish a minimum structure for the municipal ICU (Figure 3).

Once the City Council passed the proposal, the PSC based on the recommendation of the Coordinating Committee to strengthen ICU (June 5, 2018), and using the guidelines of the Administrative Responsibilities Federal Law, and the Political and Administrative Responsibilities Law of Jalisco,

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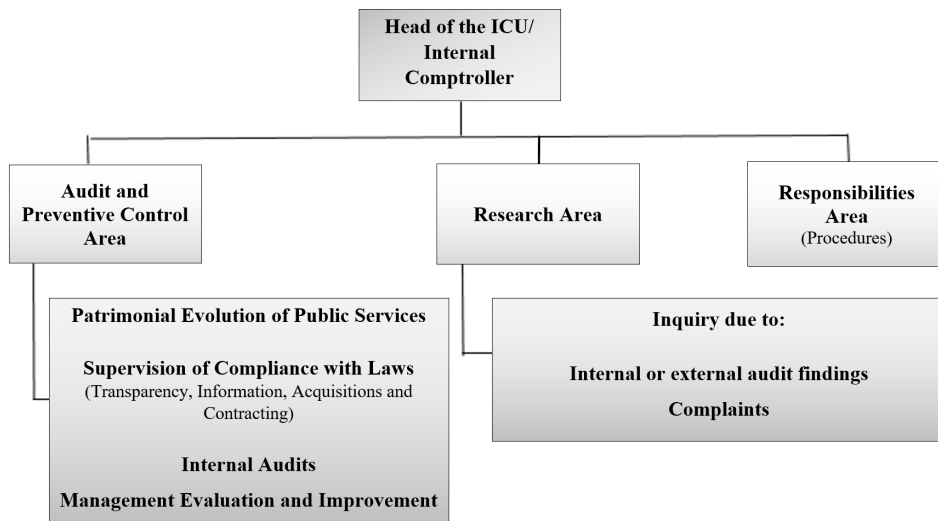
<sup>6</sup> Its members were: Coordinating Committee: Rafael Martínez Ramírez, Zapopan's Trustee; Rocío Aceves Ramírez, Director of Transparency and Good Practices and Marco Cervera Delgadillo, Municipal Comptroller. Municipal Social Participation Committee: Gerardo Velazco Gutiérrez, Paola Yazmín de la Rosa Toledo, David Delgado Ahumada, María de Jesús Pereda Hernández, Juan Antonio Quintanilla Ríos, José Juan Sánchez Contreras and Mónica Esther Molina Jasso.

<sup>7</sup> <http://cpsjalisco.org/comitecoordinador.php>

applied the evaluations and interviews to the candidates to chair the ICU, presenting a non-binding evaluation, with the following components:<sup>8</sup>

- ✓ An evaluation of the candidates' work plan
- ✓ A Technical Opinion supported by:
  - o Curricular information
  - o Case study evaluations
  - o Conflict of interest statement

FIGURE 3. ICU BASIC STRUCTURE



Source: SEAJAL Coordinating Committee's Recommendation on ICOs. <http://cpsjalisco.org/comitecoordinador.php>

The Internal Regulations of Zapopan's ICU were amended on June 1, 2019.

### ***Regulation's purpose***

These regulations establish the attributions and faculties of the ICU, as well as the bases for its organization (operation and auditing –procedures–, etc). The authorities empowered to apply these regulations, are the City Council, the Mayor, the ICU and others (articles 2 and 6).

<sup>8</sup> Applications, interviews and evaluation reports of Zapopan Citizen Comptroller candidates are available at: ([www.cpsjalisco.org](http://www.cpsjalisco.org)).



### ***ICU's Purpose***

To process, examine and determine administrative proceedings for non-serious offenses, unifying the three processes in the ICU, as well as approve amendments to Zapopan's Municipal Public Administration Regulations.

### ***ICU's Integration***

Based on the mentioned article, the exercise of the powers and attributions of ICU are integrated in the following organizational structure: Audit Directorate, Investigation Directorate, Substantiation and Resolution Directorate and Administrative-Legal Liaison Unit.

According to the Archives Law of the State of Jalisco, archival audits shall be carried out annually by ICU in order to verify compliance with the norms, as well as the guidelines issued by the National Council within the obligated subject and to discover flaws and vulnerabilities in their structures (article 131). The objectives of the archival audit are (article 132):

- I. Be a working tool for the internal control bodies that allows them to verify and evaluate the processes aimed at the classification, organization, follow-up, location, transfer, safekeeping, conservation, selection and final destination of the archival documents generated, obtained, acquired, transformed or preserved by any means, issuing the necessary recommendations;
- II. Evaluate regulatory compliance and archival technical processes that must be complied with by the regulated entities to ensure the integrity, accessibility and preservation of documents through document management systems; and
- III. Evaluate the activities carried out within the institutional archives system, allowing for the continuous updating of archival services and establishing strategies aimed at improving document management.

### ***ICU's Functions***

Article 13 states the functions of Zapopan's ICU:

act as the internal control unit of Zapopan's Municipal Public Administration, responsible for preventing, correcting and investigating, substantiating and resolving administrative proceedings arising from non-serious administrative offenses committed by Zapopan's public employees, in accordance with the provisions of the general and local laws, as well as to supervise and review income and expenditure, management, supervision and use of public resources and that auditable agencies comply with the applicable regulatory provisions,

as well as the authorized budgets and refer the procedures regarding serious administrative offenses to the Administrative Justice Court of Jalisco so they resolve the issue.

### ***b) San Pedro Tlaquepaque's anti-corruption system***

The nature of Jalisco's municipalities is heterogeneous. The structure of the territory, its population and belonging to the metropolitan area of Guadalajara are factors that influence budget distribution and, consequently, the organization of its services and administrations. We can identify in these scenarios and processes within the municipal service those that are prone to the incidence of administrative irregularities and corruption.

Public works contracting systems, award of municipal works, purchases to suppliers, payments for services or those involved in public safety are areas exposed to the incidence of irregularities and, therefore, must be subject to inspection mechanisms and strengthened control.

As of 2020 in Jalisco, two anti-corruption systems had been established in municipalities (Guadalajara and Zapopan), and one (Tlaquepaque) is restructuring. The population and budget of these three counties present the following features (Table 4).

TABLE 4. COMPARISON OF MUNICIPAL POPULATION AND BUDGETARY BASE

Municipality	Population	Budget	ICOs Complaints	Anti-corruption system
Guadalajara	1,385,629	\$9,208,437,438	412	Yes
Tlaquepaque	687,127	\$2,074,189,257		Restructuring
Zapopan	1,476,491	\$7,186,008,650		Yes

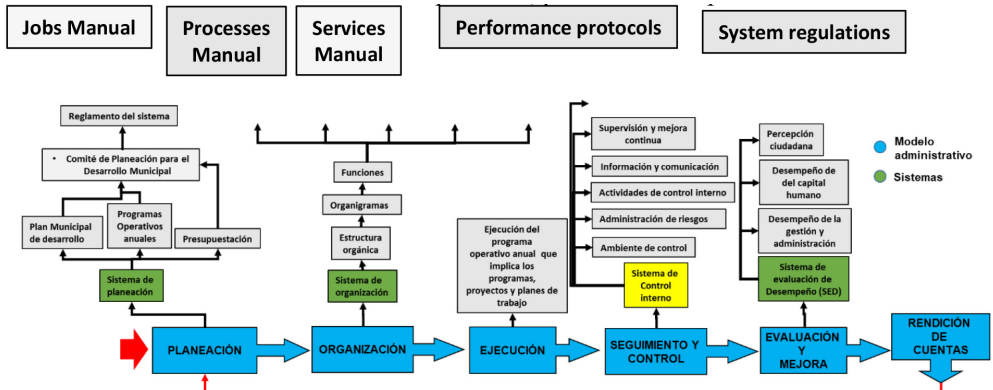
Source: INEGI 2020 Municipalities Census with population over 450,000 inhabitants and information from ASEJ.

Such conditions leave open different possibilities to organize and coordinate municipal systems. In Tlaquepaque, notwithstanding the particular nature and different administrative capacities to establish an anti-corruption system, it was decided, at first, to replicate the structure and functions of the national and state systems. This model installed an extensive organizational structure with multiple instances and processes.

In addition to the creation and establishment of the Social Participation Committee and the Municipal Coordinating Committee, its design demanded a complex structure.

We promoted the design of an organization of procedures aimed to build the municipal anti-corruption system, establish strategies to identify corruption risks and contingency plans and detect and penalize corruption. Thus, the formulation of a manual of positions, processes, services and protocols was reproduced (Figure 4).

FIGURE 4. MANUAL OF POSITIONS, PROCEDURES AND PROTOCOLS



Source: Sistema Municipal Anticorrupción, Gobierno de Tlaquepaque, n.d., no publication data.

In the project for Tlaquepaque’s anti-corruption system, the arrangement of the national system and its association with Jalisco’s system was adopted, but without estimating the different limitations and obstacles experienced by other committees. The 60 articles of the National Anticorruption System General Law, do not mention a criteria or guidelines to create or operate a municipal system ICU, with the figure of the municipality appearing only as a link in the national system.

In comparison, the “Organic Regulation of the Decentralized Public Body called Executive Secretariat of the Municipal Anticorruption System of San Pedro Tlaquepaque” presented 33 articles and 6 transitory articles. In turn, the “Regulations of the Municipal Anticorruption System of Tlaquepaque” added another 54 articles. This illustrates an excessive regulatory framework without the corresponding working backups and scarce administrative resources to solve the regulatory burdens. In short, the municipal anti-corruption system was born full of legal responsibilities without an institutional support.

The original difficulties in creating this anti-corruption system derive from the complexity of the general norms approved by the federal Congress that did not consider that most municipal governments barely have the resources, infrastructure, human and financial capital to attend the population’s basic

needs. At the same time, state laws omitted to highlight auxiliary municipal guidelines to create their systems.

Consequently, the establishment in Tlaquepaque does not seem to have contemplated the possible juxtaposition of responsibilities of functions with respect to the administrative and auditing structures of the municipality itself. We notice there was a lack of steps or stages necessary to adapt the procedures regarding the ICU's actions.

On the other hand, although a period was considered to design and delineate the organizational structure of the Social Participation Committee, the Municipal Coordinating Committee and the Executive Secretariat of the municipal system, the design and description of the operational structure was not entirely accurate, nor was the preparation of the inventory of corruption risks in a contingency plan.

If the management and supervision of a local government's service and administration processes must guarantee the control, assessment and supervision of public resources under the principles of legality, definitiveness, impartiality and reliability, Tlaquepaque's ICU design faced several challenges:

- Simplify control and auditing tasks without juxtaposing or encroaching on the competencies or regulatory functions of other municipal administration bodies.
- Reorganize and align the creation of instances that duplicate functions of administrative structures.
- Avoid excessive regulation of procedures for the control of administrative irregularities.
- Assess the establishment of the structure and operation of the anti-corruption system in accordance with local needs, as well as the current budget and financial conditions.

In sum, having Tlaquepaque an ICU, it was unnecessary to implement a complex anti-corruption system as a decentralized unit, with committees that would require budgetary resources and administrative services. If needed, these resources could be applied to strengthen the ICU under the supervision of a plural and impartial city council commission.

Tlaquepaque's ICU underwent a restructuring based on the General Law of Administrative Responsibilities with the purpose to establish a new regulatory framework aligned with the guidelines and criteria of the national and state anti-corruption systems.

***c) The non-existence of an anti-corruption system in Poza Rica***

The local congress of Veracruz approved on December 2015 an initiative (Decree 881) by the governor, trying to anticipate and install a local anti-corruption system before the constitutional deadlines of the federal law. The initiative sought to appoint the heads of the new local institutes and maintain control of the system.

In view of such attempt, on September 2016, the Supreme Court of Justice of the Nation (SCJN, in Spanish) invalidated Decree 881. The SCJN argued that the state congress did not have power to create related norms before the laws of the National Anticorruption System were approved. Similarly, the anti-corruption systems of Chihuahua and Quintana Roo were also annulled as they contravened the certainty and legality of the Constitution (articles 14 and 16).

Subsequent stages to establish an anti-corruption system in Veracruz did not turn out to be fortunate either. The subsequent reform in Veracruz –now aligned to the national system–, 11 state laws were modified and four new ones were created. As a result, four judges were elected for a new Administrative Justice Court and an Anti-Corruption Prosecutors Office was created. The election of the five-member citizen anti-corruption participation committee was criticized for prioritizing a political criteria and give access to representatives without professional creditworthiness or, in some cases, linked to groups dedicated to illegally taking public assets. This committee’s responsibilities are to foster coordination settings, design evaluation methodologies, present non-binding recommendations and establish a state level digital platform.

In addition, the transition from PRI (Javier Duarte) to PAN (Miguel Ángel Yunes) and the arrival of Morena (Cuitláhuac García) at the executive state level, this structure was dismantled. Between political excesses and as a political payback, the state information transparency commissioner was accused and arrested for incorrect exercise of public service and abuse of authority. Later on, the Executive Secretary of the System, vetoed three members of the citizen participation committee. At the same time, the Commission of Justice and Constitution of the local congress determined the extinction of the Administrative Justice State Court, arguing inefficiency to solve cases.

As a result, in Veracruz no real guidelines exist to establish norms, mechanisms or tasks regarding the promotion of anti-corruption systems at the municipal level. Also there is no disposition of the responsible governmental entities to push internal control processes, nor is there any echo in the state congress to promote policies to curb illicit practices in the local level. Likewise, municipal governments have no initiatives to create local systems. Consequently, ICU of local governments lack actions and protocols to guide them in this issue.

We can underscore that of the 212 municipalities Veracruz has, the majority lack resources to establish local systems. The Superior Audit Office of the State of Veracruz (ORFIS, in Spanish) evaluated 182 municipalities, and only 105 ICU met the legal requirement of academic background. Regarding the requirements –profiles– to be in an ICU or in audits and accounting tasks, local governments suffer deficiencies with a 38% compliance, regarding areas responsible to investigation and gather evidence only 11% comply (89% do not). It is important to remember that the General Law of Administrative Responsibilities, establishes that the ICU will have an organizational structure to perform the functions corresponding to the investigating and substantive authorities, and will guarantee the independence between both in the exercise of their functions” (ORFIS, 2018).

When reviewing experiences at municipal level, Poza Rica is a unique case. The city council promoted tasks related to transparency and publish city council’s sessions. However, no initiatives or commitments directly linked to accountability policies nor programs focused on anti-corruption were passed.

The ICU is responsible of supervising –examine and evaluate– the municipal administration with the purpose of preventing corruption practices and fostering an accountability culture.

According to the government of Poza Rica, the municipal ICU has the task and responsibility of:

Evaluating the systems and procedures of the agencies and entities of the municipal public administration; review operations, transactions, records, reports and financial statements; verify compliance with the rules, legal provisions and policies applicable to the entity, in the development of its activities; examine the allocation and use of financial, human and material resources; to review compliance with the objectives and goals established in the programs of the agency or entity; to participate in the determination of performance indicators regarding the programs’ operational and results audits, and analyze and give opinion on the information produced by the agency or entity for evaluation purposes.<sup>9</sup>

To carry out its functions, the municipal ICU has the following areas: an Audits office, a Responsibilities of Public Servants office, and an office to audit Ramo 033.<sup>10</sup> ICU’s Procedures Manual establishes that the entity must prepare and update an annual audit program; prepare handover documents/ minutes;

<sup>9</sup> Retrieved from <https://www.gobiernodepozarica.gob.mx/area/3/contralor-a>

<sup>10</sup> Ramo 33 refers to federal resources –stipends– to local governments for education, public safety, health and infrastructure.

analyze follow-up and punish acts or omissions of municipal servants. Also it must review public works processes; intervene bidding processes; supervise inventories, verify financial compliance, and attend complaints and suggestions.

The municipal ICO also has responsibilities related to the execution of public works (i.e. intervene in bidding processes, review public works processes and prepare annual audit programs). The importance of public works underscores the need for bids to be reliable and comply with the rules established for their execution, acquisition and management. Regarding the review processes of public works, the tasks of verifying expenditures, budget planning, execution and control subject to the provisions of the law are highlighted. Regarding the preparation of the annual audit program, the procedures manual is generic in mentioning the chronological formulation of objectives, the procedures applicable to ICU's staff.

Regarding the results of these rules and guidelines –a transparency requirement–, Poza Rica's local government shows limitations. For example, the System to Access Municipal Works and Actions of Veracruz, COMVER,<sup>11</sup> in the fiscal year 2021 reports an amount of public works for Poza Rica of \$ 243,830,256 for 115 registered works, also in the item of "Audits" it adds \$5,100,000 (Table 5).<sup>12</sup>

However, when accessing Poza Rica's transparency page, neither the execution of any annual audit program nor its results are published. The transparency page does not show these amounts or its breakdown regarding the hired auditing firms. The public bidding or direct assignment procedures by which the audit contracts for fiscal year 2021 were awarded are not shown. In addition to the above, the annual audit programs during the same fiscal year are not publicly presented.

On the other hand, when browsing in the transparency portal for, which lists the public servants with administrative sanctions (item XVIII) –including cause and legal provision–, there is no account of the number of administrative sanctions applied by Poza Rica's ICU. Similarly, actions taken to implement the online declaration of assets of municipal servants is unknown, and there are no records of the review of asset declarations to check the inexistence of illicit enrichment.

Likewise, despite having the General Archives Law since 2018, Poza Rica has not implemented any action to move towards an organizational regime with documents and information ordered under the new legal criteria. Presenting freedom of information requests, it was reported in the media that the head of

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11 COMVER is an instrument to monitor municipal public works of the Superior Audit Office of the State of Veracruz, ORFIS.

12 Retrieved from: <http://sistemas.orfis.gob.mx/SIMVERP/Home/Municipios>



the municipal ICU until mid-administration did not have a professional license. Finally, the city council is unaware of the existence of initiatives to promote an anti-corruption system in the municipality.

TABLE 5. POZA RICA’S PUBLIC WORKS, FISCAL YEAR 2021

PROGRAM	AMOUNT	PROGRAM	AMOUNT
Water and sanitation (drinking water)	\$1,337,790.07	Audit	\$5,100,000.00
Water and sanitation (drainage and sewage)	\$1,350,794.02	Municipal public security	\$41,801,996.60
Municipal urbanization	\$89,100,075.28	Municipal strengthening	\$16,267,019.65
Electrification	\$0.00	Urban equipment	\$19,279,573.13
Health	\$0.00	Ecological protection and preservation	\$50,784,906.46
Education	\$95,704.84	Movable property	\$315,914.74
Housing	\$7,825,532.11	Property	\$0.00
Rural roads	\$0.00	Municipal planning	\$0.00
Rural productive infrastructure	\$0.00	Incentives to education	\$4,650,000.00
Studies	\$0.00	Basic social actions	\$0.00
Municipal Institutional Development Program	\$0.00	Cultural and artistic projects	\$0.00
Indirect expenses	\$0.00	Violence prevention	\$0.00
Budget prevention	\$0.00	Human Rights	\$0.00
Public debt	\$5,920,949.56	Total:	\$243,830,256.46

\*Amounts in mexican pesos

Source: Veracruz Municipal Works and Actions Access System (COMVER), Veracruz State Superior Audit Office (ORFIS).

Under these processes, the non-existence of, the lack of capacity or limited citizen powers to initiate procedures to oversight municipal resources, then counterweights are adrift to face abuses, arbitrariness and impunity. These makes it possible for traditional groups to reposition over the structures and resources of local administrations (Durán, Galindo y Andrade, 2020).

## FINAL CONSIDERATIONS

This review of three experiences of the performance of internal control bodies has shown the heterogeneity of conditions and variants in the functioning of local oversight and control structures. Legal frameworks may concur and be common, but their application and results are sometimes contrary to their objectives. The selection and installation strategies are supposed to be the most open and swift; however, the consistency and durability of the systems represent



setbacks and administrative wear and tear. The audit and evaluation technical procedures are often thought of as efficient and bulletproof, however, they are also susceptible to being captured and plundered in corruption contexts.

The review of three local ICU's shows the prevalence of tensions experienced by municipalities which need to incorporate anti-corruption policies within their structures. We find the persistence of at least two trends in the form of projects to be consolidated, but also opposed as resistance to change in openness and operation.

Under the view of how much progress has been achieved, certain aggregation features can be identified according to the prototypes designed legally and institutionally. These municipalities are characterized by three general features focused on municipal auditing adjustments, simplifications or improvements. First, they incorporate innovation mechanisms and methodologies to integrate or appoint their members with an evident incidence of citizen and professional representation. Second, in addition to regulatory compliance, they add or adjust guidelines to simplify or make operations more efficient. Thirdly, they seek to apply penalties in accordance with the law as soon as possible, accompanied by guidelines to restore damages. They submit their results to transparency controls and seek to be evaluated impartially by accredited external agents.

In contrast to these processes, there is a set of obstacles; experienced in the establishment of the system that are not necessarily linked to the difficulties to adapt regulatory guidelines, or to the stages in installing and developing the systems. These strategies seek to reproduce legally established schemes, but without incorporating or innovating changes to their operation.

In any case, its broadest scope is in its adherence to the legal requirement's framework for an easygoing compliance with the system's operation. Its review processes are internal guidelines with few transparency quotas, which are carried out with limited attention to the requirements of professional profiles and without including citizen oversight or innovation input.

These experiences do not implement or introduce institutional mechanisms to improve or simplify bureaucratic processes. First, they refrain from adding open participation measures. Their action protocols are limited to regulatory compliance to designate its operating instances. Second, they promote a technical application of the law, and avoid adding new trends or mechanisms outside the legal framework. Finally, their performance is overall with a limited compliance with the law and without being accompanied by guidelines aimed to restore damages. They do not submit their results to transparency controls to evaluations by external agencies.

In sum, the designs of local anti-corruption systems, specific conditions lacked guidelines to install and performance mechanisms regarding local level

government administration, as well as guarantees an autonomous and impartial compliance of municipal internal control units. The evidence of multiple points of view caution of the risks of having a technical structured administration, but under the control of disguised or hidden interests.

The anti-corruption systems implemented at the municipal level will continue to raise concerns regarding their institutional design, as well as the guidelines for their future performance. Overall, the political capture of the appointments of the heads of the new agencies will continue to be discussed, and their dependency and subordination to the traditional power structure and interests of local groups will be questioned.

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# GOOD GOVERNANCE IN TIMES OF COVID-19. BUILDING GOVERNANCE IN THE PROVINCE OF CARCHI-ECUADOR

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**ABSTRACT:** COVID-19 pandemic deepened the crisis of public institutions, already weakened as a consequence of their incapacity and product of a multifactorial situation. Such a context, allowed our qualitative research to reveal aspects related to the practice of governance regarding the management of the health emergency. Through semi-structured interviews with eight key informants of provincial institutions, we investigated to what extent these stakeholders –who by law belong to the Emergency Operations Committee– were considered active subjects of the emergency management process in its early stages, and involved in the issues related to the attention and management of the crisis. Likewise, we consulted the perspectives regarding the post-covid scenario. The results show that the dynamics of the emergency did not allow the effective incorporation of all the social actors in the Emergency Operations Committees considered in the Ecuadorian legislation. Our research provides recommendations aimed to mitigate the economic effects of the health crisis, and lead to the economic reactivation of the province based on the governance paradigm.

**Keywords:** *governance, emergency operations committee, COVID-19, health emergency, social actors*

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## INTRODUCTION

This research is part of the project “Overview of good governance in the province of Carchi: towards the construction of a public governance representing all interests in times of COVID-19”. The pandemic, caused by SARS-COV-2 virus, represents a threat to humanity, since the World Health Organization (WHO) issued the first warnings –March 2019–. All countries have concentrated efforts to minimize its effects, both on human health and the economy. The policies applied are focused on how to address the virus’ transmission and generate response mechanisms in the face of collateral effects on the already vulnerable world economies, such as Ecuador’s. Governments face the challenge of devising public policies focused on addressing the situation and generating response mechanisms for the post-covid scenario.

The outlook for countries with profound economic imbalances is not very flattering, thus the importance to focus on how the Ecuadorian State has handled the pandemic. Although all countries follow WHO guidelines, –which acts as a supra-state–, each government develops its own distinctive actions in dealing with the crisis, which is evident when studying vaccination plans, with variable success indicators.

To fulfill the objectives of our research, we seek to obtain findings that indicate the actions and how the pandemic is addressed by government agencies and the participation of social actors. We study the actions carried out by the Emergency Operations Committee (COE, in Spanish) and the different documents issued by law and the real-world situation by COE.

We interviewed the main authorities of the province of Carchi (prefecture, governor’s office, municipality and COE). We also applied semi-structured interviews to gather experiences from different perspectives, thus providing an overview and knowledge of Ecuador’s approach regarding the pandemic. This will serve as a reference to improve the performance of state institutions in the immediate future. Another aspect to highlight is that the province of Carchi is located in the north of Ecuador, bordering Colombia.

The importance of the research is that it identifies the conditions of today’s society, characterized by constant risk and uncertainty, marked by the climate crisis and the emergence of new pandemics. Therefore, the State and citizens must rethink institutions to face this type of events that promise to mark the future.

## MATERIALS AND METHODS

This research, due essentially to its human characteristic, is more pertinent to approach from a qualitative paradigm. This method is adequate for a process

that forces us to navigate in the uncertainty and complexity of the courses of postmodernity (Giddens, 1990). COVID-19 pandemic has overturned the conventional parameters of science and knowledge generation, and thus we considered that traditional perspectives are unfit to study it.

Emphasis was placed on the holistic aspect, thereby taking into consideration a diversity of components (institutional, political, economic, health, cultural, among others) (Carhuancho *et al.*, 2019). This holistic understanding made it possible to determine and infer findings related to the complexity and multiplicity of aspects that require the implementation of equally complex policies and strategies (Barrera, 2010).

The aforementioned idea underscores the need to move away from simplistic and reductionist interpretations in order to evaluate in a systemic manner the normative policies issued by COE, in the province of Carchi in Ecuador, and their impact as a response policy for the control and epidemiological encirclement in the face of COVID-19. We propose knowledge from a perspective that adopts a polysemic view of an emerging phenomenon that is difficult to predict by traditional scientific methods, in terms of its effects in the short, medium and long term (Solana, 2005).

Our research is phenomenological, characterized by studying people's subjectivity, beliefs and interests, who are immersed in the research phenomenon (2014). This method is aligned with Husserl and the Frankfurt school approach, as they state that: "knowledge is not conceived as objective, measurable, verifiable, rigorous, universal, typical of positivism, but rather as subjective, non-measurable, comprehensive, interpretative, non-verifiable and provisional" (p. 37).

According to the interpretative and phenomenological paradigm, the selection of informants took into account the quality of the information they could provide regarding our research objectives, thus the statistical or numerical aspect was not relevant (Rojas, 2014). In this regard, it is applicable to consider Izcara's (2014), choice of interviewees based on the wealth of information and their availability to provide important elements.

For the purposes of this study, the five informants selected, had a prominent role in the decision making process regarding the pandemic. Delegates of the following public institutions were interviewed: Decentralized Autonomous Government, Ministry of Health, Ministry of Economic and Social Inclusion, Secretary of Risk Management and Carchi's Governor's Office. Even though there are different types of interviews, the semi-structured one was considered the most relevant, since it allows a degree of flexibility, and gives the interviewee the possibility to freely highlight their meanings, testimonies and experiences of interest to the cognizable object (Bautista, 2011).



Also due to the nature of the research, documentary sources were a fundamental input. Our research is based on different normative instruments issued by COE –authorities in charge of pandemic control–, in its different hierarchical levels, i.e. national, provinces or cantons.

Along the use of documentary sources, Valles (1999) refers to “non-reactivity”, i.e., unlike information obtained through primary sources, such as interviews or surveys, documentary information is generated as a product of social interaction. In fact, such information offers objectivity insofar as the informants do not feel investigated, in this sense, it is transparent and reliable. Another aspect of importance is historicity, which means that the information remains in time, allowing to retrieve or compare at any time by other researchers.

## RESULTS AND DISCUSSION

### *Out of the State Crisis into the Pandemic Crisis*

The crisis of the State in the developed world was announced in 1975 with a report from a group of intellectuals linked to the “Trilateral Commission”. They described the difficulties in the governance of advanced capitalist democracies. Well into the 1980’s, the fiscal crisis was evident and notable, which was revealed by the liberal critique –denouncing the enormous size of the power of the government and the State– and it was even held that it would put an end to the welfare state. For neoliberal thinkers, the crisis of the State is chronic and the only way out is the withdrawal of the social State to pave the way to the liberal State. A managerial and less bureaucratic State, which would be in charge of reducing the fiscal deficit, control inflation, end unemployment and, above all, reduce bureaucracy’s excessive growth.

The dilemma of the welfare state and the enthronement of neoliberalism as an economic model has not only had an impact on the exercise of government, but also regarding the development of public administration. This crisis, exposed by the difficulty in fiscal matters in which governments are immersed in order to meet their commitments to citizens, gave rise to a series of reforms within the public sector. Its purpose: adapt the administrative apparatus of the State to the new times, framed in a globalizing and deregulating philosophy. Accelerated economic, political and social changes on a global scale lacerate the forces of the States, and when they enter into crisis, consequently, so does Public Administration as it is the machinery that makes the functioning of the State possible (Ramió, 2017).

This scenario, characterized by public institutions subjected to different attacks from various flanks and the health emergency according to the perception of Enriquez and Saenz (2021), forced to focus towards a vindication of the



State as a vital entity to plan and manage public policies aimed to address the pandemic. It's the State that has been summoned to implement the measures and actions to manage the health crisis in all its dimensions.

### ***Public Administration Challenges in Times of COVID-19***

Specialists insist on the need to reform Public Administration as a guarantee of survival in these turbulent times. The future of Public Administration lies not only with specialists, but also with public employees and citizens. It's future or decline, and even its hypothetical disappearance depends on other variables that are related to technology, economics, sociology and political science (Ramío, 2017).

As explained in the previous section, the State is in crisis, but with the emergence of the pandemic it has moved into a state of calamity. This has allowed reform and changes processes that Public Administration needs to speed up. Undoubtedly, COVID-19 came to fracture more the State's structure foundations characterized as absent and oppressive. There are two types of State that we have in times of pandemic, but fundamentally the one we can highlight is the absent one. An irresponsible type of State with an aging Public Administration, reluctant and unreceptive to innovation, captured in many countries by the following aspects: cronyism, unions, large corporations and a judiciary resistant to any type of administrative modernization. It is criticized that public innovation is not assumed in times of crisis such as this health emergency, and the need to design innovative public policies.

In order to be effective, public policy must be part of the framework of public innovation, it must take into account digital tools such as Big Data and Artificial Intelligence. In current public policies, Big Data is generating a set of transformations both in the construction of the Agenda Setting and in the formulation of public policies, as well as in their implementation and evaluation. (Mariñez y Calzada, 2021, p. 195)

COVID-19 has taught the world a lesson: that public administrations and political systems have failed. There is no distinction between centralized or decentralized, unitary or federal, presidential, semi-presidential or parliamentary models, republics or monarchies. The failure is worldwide and in all political systems. Given the suddenness of the pandemic, the shortcomings of these systems became evident. As the inability to respond promptly became manifest, and a thought-provoking debate initiated among specialists as to the causes of this global debacle and why some countries, either by chance or by planning, managed to lessen the pandemic's impact.

So the question lingers, what should be the role of public administration in the future? Undoubtedly it is necessary to update and bet on an institutionalized and intelligent governance with a significant expansion of the State, where prospective analyses are carried out that enable scenario analyses, predictions and protocols, with the aim of anticipating problems that may arise on the horizon. An element proposed by Ramió (2021) is to be able to have experts; given that the global problems that the UN addresses in the Sustainable Development Goals, such as the climate crisis and scarcity of drinking water, require technical and scientific actions. In this context, the comparative advantages that public administrations possess with its professional human resources should be used for an efficient and effective public service. In other words, the ideal scenario is for public managers to support policy power, since COVID-19 is a public problem that must be addressed from a policy perspective, with the support of academia and research centers.

Thus, we can infer that the pandemic has helped to make the State more visible and strengthened it. It is not perceived as an intervening, authoritarian or absent State; on the contrary, it is a State that is vigilant of people's health behavior and their mobility. In this situation, the state's institutions have spared no effort in making investments in health –in the face of the private sector's inability to strengthen health systems–, as well as safeguarding the pharmaceutical industry. However, incorporating the expansion of the State is a challenge for the Public Administration of the future, considering that we are facing a docile society, a weakened economy and fragile institutions. Now, more than ever, it is necessary to strengthen the State; citizens are asking for more State, but a better one, not absent or authoritarian, but democratic, participatory, transparent and open.

Undoubtedly, the world is no longer what it was just a decade ago. If we do not rethink institutions on a global scale, taking advantage of the empowerment of the State thanks to COVID-19, there will be a major setback regarding the old nation-States paradigms, which would have to sacrifice part of themselves in order to integrate into large macro-States in the manner of the European Community. In short, the authority of States is no longer a dogma, it is a constant mutation that has not ceased to produce its effects; States would gain a great deal if they were to pursue an innovative and participatory polices.

### ***Pandemic, Risk and Uncertainty. Ecuador's Perspective of Public Policies***

According to the National Constitution of the Republic of Ecuador, drafted by the National Constituent Assembly in 2008, risk management is related to the exercise of public powers. The subsidiarity and decentralization principles

are an integral part for the management and action in events such as those presented by COVID-19 pandemic. Articles 189 and 190 of the Magna Carta serve as normative and legal support to prevent, cope, mitigate and recover from unusual situations with catastrophic characteristics (Rebotier, 2016).

With this frame, the situation was defined by Ecuador's government authorities as a "Health Emergency", related to the affection of our collective health, generated by natural or anthropogenic factors. The State's intervention was required as a guarantor of public health and maintain security and social coexistence. Within the framework of the regulations issued, we can underscore the Executive Decree 1017 (March 16, 2020), declaring a State of Exception in the Ecuadorian territory, as a consequence of the social crisis originated, in by the pandemic.

From the perspective of integral risk management included in Ecuador's National Constitution, under the principle of subsidiary decentralization, decentralized entities are called upon to perform functions within the framework of public action aimed to address the health emergency. In this context, article 24 of the Regulation of the Law of Public and State Security of 2010, amended in 2017, establishes that Emergency Operations Committees are inter-institutional instances responsible in their territory for coordinating actions focused on risk reduction and response, and recovery in emergency and disaster situations. It should be noted that COE's will operate under the principle of subsidiary decentralization, which implies the direct responsibility of the institutions within their geographical scope (article 390 of Ecuador's Constitution). Furthermore, the legislation includes the existence of National, Provincial and Cantonal Emergency Operations Committees. The National Technical Secretariat for Risk Management is responsible of determining their conformation and operation.

It is important to mention that for Decentralized Autonomous Governments (GAD, in Spanish), their operational aspects are narrowed to their territory or area of action. Likewise, for emergency situations their responsibilities are limited to being part of the social fabric in compliance and execution of governmental guidelines dictated by upper centralized instances. From the dimension corresponding to the top-down public sphere, such policies are framed within the governmental sphere; they do not transcend this space, since the active role corresponds to the State and not to civil society (Canto, 2020). Nevertheless, the declaration and implementation of this policy model responds to the need to offer immediate responses in unforeseen circumstances; however, it is necessary to gradually incorporate mechanisms that resume the course of democratic participation (Alvarado y Arévalo, 2020).

The strategies to deal with the health emergency were distributed among national and subnational levels, to act quickly and effectively due to the unforeseen nature of the event, characterized by the virus' capacity to spread and become contagious. Restrictive and control measures adopted by all citizens were necessary. Fundamentally, the actions taken by COEs in their various instances were aimed at containing community transmission, reducing mortality, guaranteeing the functioning of the public health system and protecting health workers and vulnerable population (WHO, 2020).

It should be noted that the pandemic happened in Ecuador –and in many countries–, in a precarious economic situation, which meant a limited availability of fiscal resources to cope with. This constituted an aggravated ingredient to the already existing crisis. As a result, the economy's contraction led to an income and unemployment drop, exposing many families to a more vulnerable situation. Social policies were put in place, including: price controls for public services, extension without surcharge to pay personal credit installments, deferment of tax payments and the extension of the Human Development Voucher to the informal sector and vulnerable population, in order to cover a percentage of the basic food basket (UN, 2020; IDB, 2020).

Public policies issued by the national COE are legitimate regulatory measures that are mandatory for Decentralized Autonomous Governments. In addition, these instances, being closer to citizens and private agents, become the executing and supervising arm of their compliance. However, we must consider that regulatory policies from the perspective of governance must assess benefits and costs, so that their application does not generate greater harm than the situation they are intended to remedy. Similarly, the existence of a Social Rule of Law indicates the circumstances and requirements that generate public policies:

In social states regulated by law, which emerged from the French and American revolutions, it is considered that the guidelines now recognized as public policies must meet the following conditions: a) they can only be set by state institutions as legitimate authority; b) they are binding for the whole of society, for the governed and for the rulers; c) they must be carried out with the participation of those involved; d) they must conform to legal norms; e) they must favor the common good. In this context, the term public policy usually refers to the actions of the State, its relations with other members of society and the way in which government is exercised. (Gómez, 2012, p. 224)

As mentioned above, regulatory policies are a role reserved to the functionality of the State, particularly in circumstances in which intervention is

necessary due to the transcendence and impact generated by situations of potential risk or impact on collective security. Naturally, such policies require adaptation to the prevailing legal system. As a consequence, it is possible to affirm that the enactment of this type of policies is fully justified, since the threat to public health has required the enactment of rules that regulate the behavior of individuals, as well as some social processes.

To understand the functioning and implementation of public policies by the Ecuadorian State in emergency situations, it is necessary to review the Emergency Operations Committee Manual issued according to Resolution SGR-142-2017 (August 9, 2017). This document details the decentralized structure foreseen to deal with emergency situations or public disasters, in accordance with article 389 of the National Constitution of the Republic of Ecuador, related to the protection of citizens and nature in the face of adverse events.

Ecuador's decentralization capacity to respond, as established in the manual and considered in the constitutional framework to handle, manage and intervene in catastrophic events conceives a multilevel governance model. Thus functions and responsibilities are carried out according to the country's political and administrative structure, in this case provinces, cantons (municipalities) and parishes as strategic areas for public attention in the face of the challenges of dealing with complex situations that are difficult to control. The existence of structures at the local level leads to a more efficient use of resources and a major role of various instances that allow to achieve a greater impact on the territory due to the proximity to citizens (Morejón-Santistevan, 2019).

Multilevel governance, constitutes a space for the active participation of the various stakeholders, and paves the way for interaction between national, provincial, canton and parish levels. In other words, local entities become executors of the hierarchical guidelines of the national level. Without doubt there is a relatively flexible space for those at a lower level to incorporate formal aspects in this play of intergovernmental relations. As the pandemic developed, the provincial, and cantonal COE's were granted powers to make decisions according to the reality imposed by the dynamics of the epidemic, among them the traffic lights and the issuance of resolutions in accordance with the situational diagnosis.

Considering the paradigm of multilevel governance and the contents of the "Emergency Operations Committee Manual", it is possible to point out the existence of a decentralized intergovernmental cooperation system between most public institutions and, subsidiarily, civil society. To this end, the following bodies were established: A National Risk Secretariat, which functions as the

governing body and, in a hierarchical manner, a functional structure of Emergency Operations Committees at the national, provincial and parish level.

Consequently, Carchi's provincial COE directed the pandemic's management in coordination with municipal and cantonal COE's and their respective levels of government. Above all, its actions were aimed at addressing aspects of the geographic dynamics and the behavior of the virus in terms of its range. Policies focused on the following aspects: implementation of traffic lights, control of religious, sports, cultural, recreational and social activities, in terms of the number of people allowed in different public spaces. In addition, the maintenance of strict control and surveillance in spaces that do not allow social distancing, as well as the sale of alcoholic beverages and the necessary restrictions in relation to human mobility and the use of masks, face protection and gloves.

### ***Responses to the Pandemic from Carchi's Provincial COE***

From the findings obtained during this research, the information provided by key informants and the documentary review, we can determine that in the critical months of the pandemic during 2020, the action of the State through its institutions offered different responses to society according to the competence of each government's level. The institutions mostly involved in the crisis were: Ministry of Health, ECU 911, Risk Management, National Police, among others. Interviewees mentioned that the action taken by local governments required them to redirect planning and budget implementation to other areas such as the acquisition of medical supplies, including the donation of artificial respirators to hospitals. In addition, Tulcán's Municipal GAD carried out disinfection campaigns throughout the city and donated food rations to families located in sectors with a high prevalence of vulnerability, among other activities.

Our informants highlight the organizational capacity, which allowed the formation of COE's, which is part of the National System for Emergencies and Disasters. The purpose of these committees is to gather information regarding the health emergency and coordinate with public institutions, productive sectors and civil society to make decisions and issue resolutions to address and resolve the different problems generated by COVID-19. At the operational level, technical and support groups were formed at both the provincial and canton level.

Interviewed stakeholders consider that possibly, due to the imperiousness of making decisions in an immediate and unplanned manner, in some cases there were no adequate mechanisms to organize and articulate between institutions of the central and the sectional governments to face the emergency in an efficient manner and focused on the collective good. Consequently, from the



point of view of good governance, the actions of the institutions of the province of Carchi focused on contagion prevention and strict application of biosecurity measures. Policies that had a good level of acceptance among citizens, and allowed for a better control of the pandemic by government agencies.

Finally, the findings indicate that the institutions that had direct responsibility to address the pandemic focused on biosecurity and health care problems. However, we question the lack of attention to some issues that were not incorporated into policies to comprehensively address the health emergency. For example: occupational safety and mental health, particularly for children and the elderly.

### ***Post-Pandemic Impacts and Challenges in the Province of Carchi: A Governance Perspective***

To overcome this and future crises that will surely occur in the future, it is necessary to strengthen state institutions at all levels—including the province of Carchi—. Especially those aspects that allow to generate immediate responses to events of this nature. Priority should be given to social areas such as health and education, as well as the empowerment of the various social actors in terms of organization and awareness regarding risk governance. There is no doubt that this pandemic highlighted the importance of having an excellent quality public health system in order to preserve the population's collective well-being. In order to achieve these goals, it is necessary that there is political will from those in power to work in coordination and articulated with programmatic pillars or plans. Only in this scenario can effective public policies be designed from a governance approach.

The challenge for Carchi's institutions is to generate suitable mechanisms of communication and inter-institutional action for the welfare and collective benefit. The role of all sectors of society is essential, particularly the public university as an assembly place between state institutions, civil society and the productive sector to generate solutions based on modern paradigms related to the management of public affairs.

Other important actions are the generation of spaces for citizen participation, in which cultural and social collectives and other social organizations have a direct influence and are oriented to construct Bottom-Up policies. In this context it is essential that local governments exercise their areas of attribution with better technical and administrative autonomy. Likewise, a more resilient and innovative Public Administration is required, which adapts more easily to changes without forgetting its core, which is to seek the welfare and development of human beings, both individually and collectively. It is reasonable to under-

stand that the adoption of these aspects will make it possible to configure a true democratic governance that is strengthened to face future events.

## CONCLUSIONS

The management of the crisis generated by the pandemic revealed serious shortcomings in the traditional way in which the State and public policies attempt to solve problems. The current situation questions the affectivity of the nation-state and certain paradigms, assumed as infallible to address issues of collective interest are under suspicion or exhausted. However, the State as an institution, somehow has oxygenated to its essential role as a result of the pandemic. Governments were forced to rethink how to recompose the social fabric to make governance effective as a way to relate between different power instances, not only at citizens and stakeholders level, but also between centralist hierarchies as is the case of Ecuador.

Public policies implemented in the pandemic's context in the Carchi province were oriented towards regulatory issues in order to control SARS-Cov-2 virus spread, and prevent the collapse of the health system. Emergency Operations Committees fulfilled their legal attribution by managing the health emergency in accordance with the guidelines of international organizations such as the World Health Organization.

The pandemic scenario, challenges to strengthen the health system and, at the same time, generate organizational and participatory awareness among citizens in order to strengthen structures for rapid and efficient response to emergency situations. Experience shows that only the active participation of the different actors allows for an adequate management of emergency situations. Therefore, the governance paradigm should be internalized and assumed as the ideal model for future scenarios marked by events such as those experienced during the COVID-19 pandemic.

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# MOVING FORWARD: THE DEMOCRATIZATION OF SOCIAL POLICY IN JALISCO

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**ABSTRACT:** In this study we analyze whether social policy in Jalisco leans towards assistance or development, and if the actions for development promote Civil Society Organizations (CSOs). The study hypothesis is that social policy in Jalisco can be democratized by improving the CSO's participation to solve public problems. We discuss the importance of civil society towards the democratization of the State's activities, and we make a historical review to learn about the trends of social policy assistance and development in Jalisco. Also, we analyze the State's social policy qualities, including institutions, programs and the legal and fiscal framework to promote CSOs. Our conclusions present Chihuahua's social co-responsibility model as an example of intersectoral cooperation for development.

**Keywords:** *social policy, social development, social assistance, civil society, Jalisco*

## INTRODUCTION

For this case study our hypothesis is that social policy in Jalisco can be democratized by improving the participation of civil society organizations. Our case study applied to social policy in Jalisco is sustained by the following reasoning:

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- a. The shift from assistance to social development implies considering the beneficiaries as accomplished citizens, responsible agents and involved in the solution of public problems that affect them, particularly poverty.
- b. Civil associations are an important element to shift from assistance to development, and thus democratize social policy. CSO's existence implies that society can organize to solve public problems from a citizen's perspective.
- c. A historical overview can provide a glimpse of the trends in social policy in Jalisco in terms of assistance and development.
- d. The legal-fiscal framework and the institutions responsible for social policy in Jalisco should identify the difference between assistance and development, and seek to democratize social policy by promoting organizations.
- e. Finally, by presenting and proposing, the case of Fideicomiso Fondo Social del Empresariado Chihuahuense (FOSECH)<sup>1</sup> is presented as a local success case regarding the inter-sectoral promotion of organizations that can serve as an example to advance a more democratic agenda.

## DEMOCRACY FROM CIVIL SOCIETY

One of the uppermost ideals of democracy is citizen participation. A state is democratic when its citizens, in addition to being recognized as equals, have the capacity to influence public issues. Individuals can do so individually or through civil groups, thanks to the guarantees of the modern State. Organized and institutionalized civil participation comes under the name of civil society and is made up of groups as diverse as their interests.

The government, the democratic representation and institutionalization of power relations in the State, regulates, drives, frames and directs the issues which are within its capacity and legal function, safeguards collective sovereignty and citizen's rights, but, given the system's complexity from which it emerges and exists –human life– it cannot go beyond its capacities, even administratively, and thus democracy gives way to organized civil society.

Civil society represents the economic interests and philosophy of the private sector which, through organizations and institutions, conveys customs and values, ways of life and ideals through associations such as churches, parties, unions, associations, collectives or movements. By social capital, we refer precisely to the public good that citizens have acquired by belonging to

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<sup>1</sup> FOSECH is a trust fund where businesses in Chihuahua give an overhead.

and participating in CSOs, which are of public interest made up of private individuals.<sup>2</sup>

In this order of ideas, public actions of common interest and shared responsibility become *corporatized* when they are carried out by private parties (public works, mines, banks, schools, hospitals, nursing homes, etc.). The incorporation of civil society into public goods does not always imply privatization, but rather the corporate specialization of the good or service provided. In the best scenario, it democratizes public goods, provided that the State protects, promotes and establishes parameters for access to public goods and safeguarding their *transparency*. The government promotes public goods in three ways; 1) provides them directly, 2) contracts or encourages their provision from civil society or, 3) subsidises and regulates civil society so that the service is provided in an adequate manner.

For Norberto Bobbio, civil society is something more than the economic or business sector; it is defined as the gathering of people associated by the common recognition of law and a set of common interests.<sup>3</sup> For this reason, Lester Salomón refers to organized civil society without profit intentions as the *third sector*, because they are not the government (first sector), nor are they comparable to companies (second sector). Other theories support the same term, but in view of the interest to provide public services for the benefit of third parties. Here we refer to *third sector* those that do not have commercial or enrichment purposes; that are characterized by being autonomous, self-managing and participative.<sup>4</sup>

An example of the importance of CSOs is that in developed countries such as Germany, France, Belgium, the Netherlands and Ireland, the government provides more than 50%—and often more than 70%—of public revenues to the nonprofit sector. This highlights that public action involves partnership and collaboration among all three sectors, and is a path to a stronger governance.

We now move forward to describe the route followed by Jalisco's social assistance which has been an activity predominantly in the government's hands until the emergence of CSOs.

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2 Aguilar Valenzuela, R. (2006). *Las organizaciones de la sociedad civil en México: Su evolución y principales retos*. Ph.D. thesis in Social Sciences, Universidad Iberoamericana, pp. 110-115.

3 Bobbio, N. (1994). *El futuro de la democracia*, Mexico, FCE, 1994, p. 33.

4 Salamon, L. (2001). *Perfil del sector no lucrativo en México*, Mexico, The Johns Hopkins University, Institute for Policy Studies, Center for Civil Society Studies and Centro Mexicano para la Filantropía, p. 6.

## JALISCO'S WELFARE AND SOCIAL ASSISTANCE BACKGROUND<sup>5</sup>

### *Past History*

San Juan de Dios founded in 1557, was Guadalajara's first hospital, in charge of the Juaninos and exclusively for Spaniards. In 1558, under the sponsorship of the Cabildo Eclesiastico, Hospital de San Miguel de Nueva Galicia was founded. These antecedents are isolated and poorly articulated efforts in the provision of health care services in the region we know today as Jalisco.

It was not until Fray Antonio Alcalde, appointed on January 16, 1788, when the activities –today known as high impact– of social policy began. He founded parish dining halls, hospitals and promoted the foundation of the University of Guadalajara. The Church was in charge of charity, so it is not correct to attribute these interventions to *civil society*. The actions preceded the Church-State separation of the Juarista reform, and were the product of a cooperation driven by religious interests.

### *Recent History*

In the 20th century, before the promulgation of the 1917 Constitution, the Magna Carta governed the guarantees of citizenship, which did not include the basic “rights” of subsistence, so that social assistance was not among the urgent interests of the State. There was, however, attention to the disinherited of fortune, to the needy and destitute. The main activities were carried out in Hospicio Cabañas, the Civil Hospital and the Polytechnic School. The government contributed with hospital or kitchen equipment, acquisition of supplies and food for the institutionalized works, generally in charge of private individuals.

After the promulgation of Jalisco's Constitution (1824), the first efforts were the foundation of *Casa Amiga de la Obrera* and the Lottery of Jalisco for the Public Beneficence in 1933. The former to care for the children of working mothers and the latter functioned as a fundraising measure to continue supporting schools, hospitals and dining halls. The enormous investment that Jalisco made in the Civil Hospital's infrastructure to offer specialized services in urology, dermatology among others is noteworthy.

In 1942, the Department of Social Assistance (first government assistance institution) was founded, promoted by then governor Silvano Barba. This meant the public recognition of poverty as a social problem that should be institutionally addressed by the state. This institution only lasted four years, was

<sup>5</sup> Piedra Ascencio, R. I. (2019). Asistencia y política social en el estado de Jalisco: un estudio desde el discurso y los programas, Mexico, *Intersticios Sociales* 20, Colegio de Jalisco, pp. 261-286.

suppressed and its functions were integrated to Jalisco's General Secretariat, in its place the Patronato de Asistencia Social was created in 1946. This patronage collected contributions from the Central de Autotransportes, an underground public parking, the Independencia Gas Station, the Agua Azul Casino, boxing tickets and bullfights to be given to the Hospice and the Hospital.

In 1953, governor Agustín Yáñez created the Children's Assistance Commission. We can highlight two actions developed by the Commission: breakfasts for students (*Desayunos Escolares*) and baby bottles for malnourished infants (*Biberones para lactantes desnutridos*). These were the first social programs in the state with labels and some kind of "rules of operation", but without planning analytical tools or results. These programs were important because they were not related to direct institutionalized care, they were itinerant government programs that solved problems that public opinion considered urgent, and Social Work as a profession was promoted at the University of Guadalajara.

By 1959, the Patronage directed its assistance efforts to support housing, via multi-family buildings and created the program *Popular Housing and Humanization of Neighborhoods* (*Habitación popular y humanización de los vecindarios*). The initiative was so innovative that it reached the federal congress and the Inter-American Congresses when they focused with housing issues.

### ***Jalisco's Institute of Social Assistance (IJAS)***

Public and private assistance eventually found a place in IJAS; founded in 1960 and operated until 2019 (59 years). During this period, IJAS provided support to civil society, implemented its own programs and integrated or operated those of the federal government. The Institute was overwhelmed in its technical, administrative and budgetary capacities and had to make adjustments and cuts to its programs.

At the beginning of the 21st century, the New Public Management and transparency and accountability mechanisms strengthened the institutionalization of public social programs, established tools to measure the impact of interventions with logic frameworks, indicator matrices, operating rules and budget allocation by results. These changes were largely achieved thanks to the application of the General Law for Social Development (LGDS) of 2004, which was implemented in Jalisco.

Although Jalisco has never ranked first in reducing poverty and inequality, its commitment to a coherent and transparent public administration has been one of its strengths in the design and implementation of social policy, although this



is a generalized achievement of the state and is not specific to the commitment to social development, nor to its links with organized civil society.

IJAS disappeared in 2019 predominantly due to two factors, an administrative failure and a new political party in office. What started as a measure to collect taxes turned into a hindrance. IJAS was in charge of operating four state car deposits as a financing strategy, however citizens litigated against the agency when they received their vehicles incomplete or could not receive them because they “disappeared”. IJAS was responsible of the deposits and attributed its problems to a lack of budget to properly operate them. Facing lawsuits and economic compensations IJAS reached a debt of 129 million pesos at the time of its disappearance, whose promoter was governor Enrique Alfaro of Movimiento Ciudadano, elected just a year before.<sup>6</sup>

## JALISCO’S SOCIAL POLICY

### *Legislation and Social Policy Organizations in Jalisco*

On September 19, 2019, through Social Assistance Code of Jalisco (CAS, in Spanish) the Social Development Law of Jalisco (LDS, in Spanish) –published in 2004– was amended. These legal bodies present confusion in two ways: one due to its terminology and ideology and two the way it which there are implemented.

They define similar terms differently (Table 1). They intermingle and use development and assistance interchangeably to articulate a common policy.

TABLE 1

LDS	CAS
<p><b>Social Development:</b> Is the process through which people’s capacities are expanded to freely choose and develop their life projects, allowing each person to extend his or her potential within the framework of equal social opportunities for all. People are conceived as actors of development; the exercise of their freedoms implies active participation in the improvement of their quality of life as individuals and their social group, in a full exercise of their will.</p>	<p><b>Social Assistance:</b> the set of actions aimed to modify and improve the circumstances that prevent people from an integral development, includes physical, mental and social protection of those who are vulnerable, unprotected or with a physical or mental disadvantage, until they achieve a full and productive. Social assistance includes promotion, prevention, protection and rehabilitation actions.</p>

Source: Author’s elaboration.

6 Toral, J. (2020). *Por tardanza del IJAS y Fiscalía, pide CEDHJ cubrir el costo del corralón y vehículos subastados*, Líder 919.



Current federal and state legislation distinguishes between assistance and development. Assistance is aimed at vulnerable or historically disadvantaged groups that need urgent attention to ensure the coverage of basic and subsistence services. Development refers to actions to promote citizen participation, prioritize human rights, promote culture and research, and encourage organized civil society's actions.

This terminology confusion has an impact on how agencies work and materialize the state's social policy. CAS replaced IJAS with the Secretariat of the Social Assistance System (SSAS, in Spanish). IJAS disappearance was not a surprise, but neither was it planned, nor the result of a necessary adjustment after an insightful analysis of social policy. It was rather an urgent and necessary measure due to the entity's administrative detriment. In a certain manner CAS was merely a confusing administrative act through which the state executive assumed as its own an out of date social policy.

According to articles 4 and 14 of the amended LDS, executive actions relating to social development are the responsibility of SSAS; thus, social development is compared with assistance, and the state assumes as the sole entity the urgent needs of vulnerable sectors, reducing actions aimed to improve social cohesion and foster citizen participation. This type of criteria is usually common in states where the poverty condition (moderate or extreme) reaches or exceeds the national average of 43.9% of the population in 2020. However, Jalisco is in 21st place regarding all 32 states, with 31.4% of the population living in poverty, so its actions should be focused towards development, although, without neglecting the needs of vulnerable sectors. This change can be justified as an urgent measure due to a 3.6% increase with respect to 2018. Although CAS does not explain it in this way.<sup>7</sup>

Another executive branch confusion is found in the other organisms. In addition to SSAS, the LDS incorporates Jalisco's Social Development Council and the Social Development Commission. In CAS it is similar to the Social Assistance Council and the Subsidies Allocation Technical Committee (Table 2).

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7 CONEVAL (2021). *Medición Multidimensional de pobreza en Jalisco*, in: [https://www.coneval.org.mx/coordinacion/entidades/PublishingImages/Pobreza\\_2020/Cuadro\\_1\\_Jalisco.JPG](https://www.coneval.org.mx/coordinacion/entidades/PublishingImages/Pobreza_2020/Cuadro_1_Jalisco.JPG)

TABLE 2. PARTICIPANTS WITHIN THE DIFFERENT ENTITIES.

LDS Council	CAS Council	LDS Committee	Subsidies Allocation Technical Committee (CAS)
SSAS Chairperson	Chairperson	SSAS Chairperson	SSAS Chairperson
Two representatives of civic and welfare NGO's	SSAS Chairperson	13 secretariats	Interior government secretariat
Two entrepreneurs	Representative of the Notaries Bar Association	Three municipal presidents	Secretariat of Treasury
Two academic representatives	Child Assistance Representative		Comptroller's Office
Two trade union representatives	Social Welfare Representative		Two representatives of civic and welfare NGO's
	Educational Care Representative		Academic representative
	Gerontological care representative		
	Rehabilitation and Special Education Representative		
	Medical Services Representative		
	Corporate representative		
	Health representative		
	Social club representative		
	Two people with social background		
<b>9 people</b>	<b>14 people</b>	<b>17 people</b>	<b>7 people</b>

Source: Author's elaboration.

CAS does not explain any of this legal dissonance and a further hindrance is that LDS promotes setting up Regional Social Development Councils –that do not have a geographic delimitation–. These councils include a secretariat representative and seven citizen councilors who shall promote social policy.

### ***Programs and actions in Jalisco's Social Policy***

Beyond legislation and institutions, social policy is materialized in programs and actions considerably coherent with the national social policy. In Jalisco only 16 of the 125 municipalities are on the Social Wellness Secretariat's national list of Priority Attention of Rural Zones (Table 3). Twelve because of crime, two due to their indigenous status with a very high marginalization and social gap, and two because of their high marginalization.<sup>8</sup>

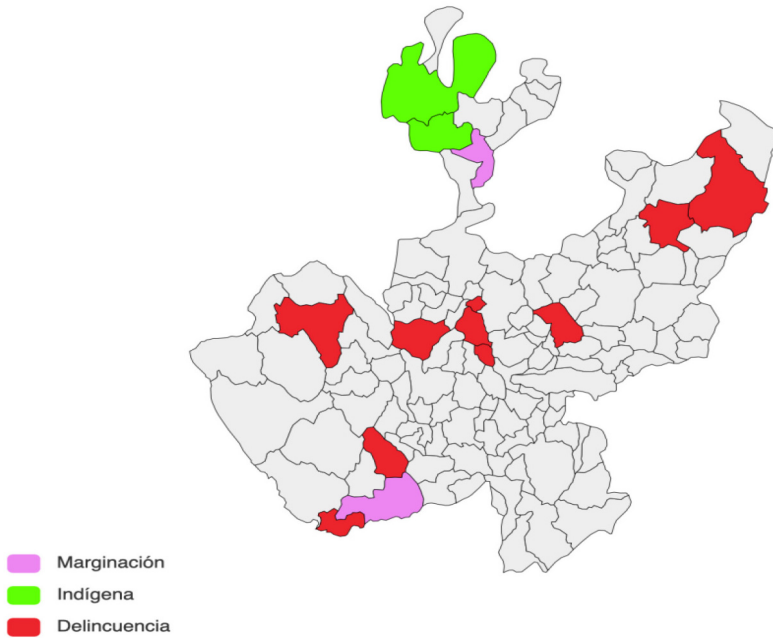
TABLE 3. LOCAL GOVERNMENTS IN THE PRIORITY ATTENTION OF RURAL ZONES

<b>Municipality</b>	<b>Marginalization 2020</b>	<b>Social gap 2020</b>	<b>Extreme poverty (population %)</b>	<b>Crime</b>	<b>Indigenous presence</b>
Acatlan de Juárez	Very Low	Very Low	2.23	High	Dispersed
Ameca	Very Low	Very Low	3.24	High	Dispersed
El Arenal	Very Low	Very Low	1.33	High	Dispersed
Autlan de Navarro	Very Low	Very Low	4.32	High	Dispersed
Bolaños	Very High	Very High	33.51	Low	Indigenous Municipality
Cihuatlán	Very Low	Very Low	6.31	High	Dispersed
Cuautitlán de García Barragán	High	Medium	21.63	Low	Dispersed
Chimaltitán	High	Medium	19.42	Low	Dispersed
Encarnación de Díaz	Very Low	Very Low	3.52	High	Dispersed
Lagos de Moreno	Very Low	Very Low	3.07	High	Dispersed
Santa María del Oro	High	Medium	20.28	Low	No indigenous population
Mascota	Very Low	Very Low	2.61	High	Dispersed
Mezquitic	Very High	Very High	54.29	Low	Indigenous Municipality
San Juan de los Lagos	Very Low	Very Low	3.40	High	Dispersed
Tala	Very Low	Very Low	2.58	High	Dispersed
Zapotlanejo	Very Low	Very Low	4.19	High	Dispersed

Source: DOF, Declaratoria de las Zonas de Atención Prioritaria Rurales para 2022.

<sup>8</sup> DOF (2021). 2022 Priority Attention of Rural Zones. November 29, 2022. Number 5636711.

MAP 1.



Source: Author’s elaboration.

Jalisco’s Family Integral Development System is another institution responsible of implementing the federal social policy. In Jalisco it focuses in: 1) care for homeless, 2) administration of specialized therapy centers, 3) administration of funeral homes, 4) job training centers and 5) the shelter “Leonidas K. Demus”.

For its part, SSAS has 11 development or social assistance programs (Table 4).<sup>9, 10</sup>

9 Government of Jalisco (2022). *Sistema de Monitoreo de Programas Públicos*, at: <https://programas.app.jalisco.gob.mx/programas/sistemaDeProgramasPublicos>.

10 Secretaría del Sistema de Asistencia Social del Estado de Jalisco (2021), Informe Final Anual de Programas Sociales y Acciones de Gobierno 2020.

TABLE 4. DEVELOPMENT OR SOCIAL ASSISTANCE PROGRAMS

	<b>Program</b>	<b>Human Right</b>	<b>Budget</b>
1	CSO's grants	Social cohesion and community life	\$40,000,000
2	Jalisco Incluyente	Health	\$25,804,400
3	Jalisco por la Nutrición	Adequate food and nutrition	\$62,001,000
4	Jalisco te Reconoce (elderly support)	Health	\$157,574,000
5	Mujeres Líderes de Hogar (Women Household Leaders)	Adequate food and nutrition	\$83,344,000
6	Jalisco, revive tu Hogar (Housing support)	Housing	\$100,000,000
7	Mi Pasaje Estudiantes (Bus aid for students)	Access to mobility	\$156,477,000
8	Mi Pasaje Adultos Mayores (Bus aid for elderly)	Access to mobility	\$144,758,000
9	Mi Pasaje Personas con Discapacidad (Bus aid people with disabilities)	Access to mobility	\$816,000,000
10	Mi Pasaje Mujer (bus aid for women)	Access to mobility	\$90,000,000
11	Recrea, educación para la vida (School supplies –backpack, uniform and shoes–).	Education	\$5,000,000

Source: Author's elaboration.

Of these programs, only CSO grants includes a monitoring processes and an Subsidies Allocation Technical Committee. The other programs function in accordance with the established criteria (rules of operation) and are delivered directly by the agency through a list of beneficiaries. In some states, to democratize the delivery of this subsidies are made through reviewers summoned by public applications, who must apply multi-sector and multi-representative criteria, since some programs include a vulnerable or historically discriminated population (indigenous, disabled, LGBT, etc). However, Jalisco's social programs do not operate this way.

With regards to social policy evaluation, Jalisco is classified as an entity with high progress in monitoring and evaluation regarding the implementation of public policies, ranking number one at the national level. However, with regard to the programs that make up the state's social policy, there are no mechanisms to interrelate the impact of the programs, which not only depend on SSAS but also on other agencies belonging to the three government levels.

According to Carlos Moreno (2021):

...the analysis of social policy in Jalisco shows that its formulation has a weak internal logical consistency and that it is a highly atomized, with too many programs and actions focused on very particularized interests. This occurs in the state that for several years has been a national leader in the formulation, monitoring and evaluation of programs, so we could assume that policy making in states with lower levels of institutionalization is even less articulated.<sup>11</sup>

The weak internal logic mentioned by Carlos Moreno is due to the fact that in some programs the definition of the problem is not directly related to their intervention or it is not clear what impact the program achieves by reducing the vulnerability conditions (e.g., the cultural support program for children). Regarding the programs' scattering, it refers to the fact that out of 256 social interventions, 53 (46% of all the state's social policy) target population groups with only one intervention (e.g. elderly teachers residing in rural municipalities, CSOs that help people with disabilities, or basic education schools in the metropolitan area of Guadalajara) and beneficiaries center to the particular interests of those who designed the program. On the other hand, of 108 social interventions, 41 target identical population groups and are therefore complementary to each other, but do not achieve *comprehensiveness* because they are not implemented by the same agency, and even those implemented by the same agency do not have the capacity to report the interrelated impact.

As far as Jalisco's social policy is concerned, we can conclude that the state's social interventions intermingle development and assistance; but they tend predominantly towards assistance, granting direct aid for families in vulnerable situations, transportation and housing subsidies, or municipal infrastructure support. Developing better initiatives would mean promoting programs, projects and actions related to human rights, encourage citizen participation or strategies for the professionalization of the provision of assistance services.

We now evaluate how progress has been made in the promotion of CSOs in Jalisco as an effort to involve and professionalize associations in the provision of assistance services.

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11 Moreno Jaimes, C. (2021). *Formulación fragmentada de políticas en México: el diseño de programas sociales en un caso subnacional*, Mexico, ITESO, Gestión y Análisis de Políticas Públicas, no. 27, pp. 131-145.

## CSO'S AND JALISCO'S DEVELOPMENT LAW

The Federal Development Law discussed in 2000, summoned more than 400 organizations to participate (during a period of three months) in its debate. Among the main promoters were Centro Mexicano para la Filantropía (CEMEFI), Convergencia de Organismos Civiles (Convergencia), Foro de Apoyo Mutuos (FAM) and Fundación «Miguel Alemán», all had promoted since 1993, along with partisan initiatives and regional forums, debates on the content of the proposed bill.<sup>12</sup>

In December 2000, the Final Report: *Conclusions and Proposals of the dialogue between civil society organizations and the transition team in the social and political areas of the government of President Vicente Fox Quesada* was made public. This led to a commitment to establish a link between the federal executive and CSOs, thus the establishment of the Citizens' Alliance Presidential Coordination, abolished in 2002 and its functions were assumed by the Ministry of the Interior and the Ministry of Social Development.

In 2004, the Federal Law regarding NGO's Promotion of Activities was published. The state law was published in 2014. Its purpose is to promote and regulate civil society organizations, and organizations are required to have a distinctive registration number (CLUNI), and submit an annual report where they present statistical data on their activities, funding received (public and private) and their social impact.

This federal law conceives civil society as a channel to participate in public life, recognizes that democracy does not end with an electoral process, and organized civil society participates in defining social problems, and in the design, follow-up and evaluation of public policies. The law seeks to incorporate the voices of civil society in federal and state agencies to address problems of public interest according to their activities.

2019 data from the Information System of CSOs Federal Registry indicates there were 42,269 organizations in Mexico, and according to CEMEFI's 2021 registry counted 46,403. Of which, 1,914 (4.12% of the national total) work in Jalisco, and 1,659 have a CLUNI. These organizations directly or indirectly address one or more of the deficiencies established in the multidimensional poverty measurement (Table 5).<sup>13</sup>

12 Aguilar Valenzuela, R. (2006), *Op. cit.*, pp. 148-163.

13 Centro Mexicano de Filantropía (2021). *Compendio Estadístico del Sector No Lucrativo 2021*, Mexico, p. 24.

TABLE 5. NUMBER OF CSO ACCORDING TO THEIR FOCUS

Education	Nutrition	Health	Social security	Housing	Basic services
783	527	712	1,197	249	

Source: CEMEFI, Compendio Estadístico del Sector No Lucrativo 2021.

Jalisco’s Development Law establishes a Committee for the Promotion and Participation of Civil Society Organizations with the involvement of the Secretary of the Social Assistance System, the Citizen Participation Commission, Jalisco’s Supreme Court of Justice, the Electoral Institute, a metropolitan area municipal president, five representatives of CSOs from the metropolitan area and five from the rest of the state, three academics and a state secretary. The Committee has public influence in matters related to CSOs and their activities in Jalisco, which is an advance in the democratization of the state’s social policies.

## STATE TAX POLICY FOR SOCIAL DEVELOPMENT

In some cases, the state allocates public budgets to develop non-governmental organizations, such as universities, labor unions and political parties. Each of these allocations is justified by historical reasons: the promotion of science and research, workers’ rights protection or the promotion of a fair electoral competition. These diverse contributions are a step to consolidate democratic societies, but require clear and transparent regulatory provisions in terms of allocation and exercise. The fiscal regulation of resources allocation varies according to the nature of the organizations, in some cases it is allocated directly as in the case for universities or for political parties through regulatory bodies such as INE and local electoral entities (OPLES, in Spanish). These organizations are financed by mixed funds, including contributions from individuals, but given the significant public interest of their activities and the perception of public resources, these organizations are subject to transparency obligations and periodic reporting of results.

In relation to CSOs, the National Institute for Social Development (INDESOL, in Spanish), was the legacy for the current administration regarding the national efforts to advance in the promotion regarding development activities and social assistance carried out by persons, CLUNI registry was established and activities and impact statistics started to be generated. In December 2021, president Andres Manual Lopez Obrador canceled INDESOL,



its attributions were delegated to the Wellness Secretariat, and a major setback in the democratization of Mexico's social policy.

The Ministry of Finance and Public Credit (SHCP, in Spanish) allows non-profit institutions to receive public funds, and defines them as a group formed mainly by charities, trusts and civil associations that provide services free of charge to the community, or with selling prices lower than or equal to their production costs. Also CSOs may apply to the Tax Administration Service for authorization to receive tax deductible donations deductible. At sub-national levels the provisions vary according to each state's law and one can find trusts, public programs, special tax collection measures or tax waivers.

Jalisco has a history to raise funds for welfare purposes, such as the creation of Jalisco's Lottery for Public Welfare and the distribution of income from bullfights to charitable institutions (predominantly state-run). These strategies reflect the public's awareness of the need to contribute to assistance or development institutions.

The only way in which CSOs can have access to the public budget in Jalisco is through the state's CSO Support Program run by SSAS –or others if a municipality offers any–, which in 2020 had four modes: 1) Co-investment in intervention projects run by CSOs; 2) Co-financing: Promotion of special projects covering a percentage of the cost according to the Committee's criteria; 3) Contingent for CSOs affected by natural or social contingencies; and 4) Training: strengthening and development of CSOs through grants, courses or workshops. Those who receive resources in any of the modalities are subject to the transparency criteria established in the rules of operation.

In addition to direct monetary support for non-profit institutions that promote social assistance registered in the state –the registry has a cost– the only tax exemption in Jalisco is payroll tax, and the only tax incentive to encourage donations is the national policy and is limited to 7% of the donor's earnings.

Jalisco is one of the states with the least incursion into tax exemptions for non-profit organizations. Other states integrate into their social policy tax exemption from payments regarding vehicle ownership or license plates, transfer of assets, and procedures related to the public registry and notarized documents. At the federal level and in several states, tax provisions related to the third sector have been deeply debated because the legislation wants to avoid that the business-private sector uses these incentives as a reason to change regime and evade taxes.

Despite the difficulties involved, it is necessary to establish a comprehensive policy, including the fiscal aspect, since the establishment of tax collection measures and remissions in favor of CSOs can mean progress regarding

development policies, contribute to transform the notion of the population as subordinates and evolving into one that sees them as citizens, and reduce the patronage use of the government's public programs.

## SHARED SOCIAL RESPONSIBILITY MODEL

There are few administrations that have ventured into inter-sectoral social assistance models that, through the coordination of laws and favorable fiscal measures promote the activities of organizations. We highlight Chihuahua's business community shared social responsibility program as a distinctive case in Latin America.

### *FOSECH and FECHAC*<sup>14</sup>

At the request of the business sector, since 1991 Chihuahua's Secretariat of Finance collects a surcharge from businesses corresponding to 10% of the payroll tax (which in Chihuahua is 3%). This revenue is pledged to Chihuahua Businessmen's Social Trust Fund (FOSECH, in Spanish), an entity with no organizational or operational structure comprised of a committee of four representatives of the state's executive branch, five congressmen, two municipal presidents and 20 businessmen elected by business organizations. This fund is to be used by *Fundación del Empresariado Chihuahuense, AC* (FECHAC, in Spanish), a second-tier association operated by specialists and technicians that analyze projects of small associations and government agencies. The Foundation guides them, refine them and present them every two months to the Trust Fund committee for approval.

### *Implementation Attempt in Jalisco*

The intent in 2000 to establish a similar model in Jalisco, began with meetings between a group of Jalisco's businessmen and FECHAC to guide the implementation of the shared social responsibility model. As result the *Fundación del Empresariado Jalisciense, AC*,—a second-tier foundation financed with contributions from the business community— was created. Currently, the foundation is focused in implementing a program to reduce addiction among workers in the state's business sector.

Although a fruitful effort, it did not have adequate support from Jalisco's government, as it did not involve the Secretariat of Finance, nor did it have a trust fund or included public officials into its decision making committees.

<sup>14</sup> González, R. (2015). *Modelo de Responsabilidad Social Compartida (Shared Social Responsibility Model)*, Mexico, Fundación del Empresariado Chihuahuense, AC.

This underscores how inter-sectoral social policy efforts must be collaborative, nourished by the shared visions and actions of the public, business and civil society sectors to remedy the problems that afflict vulnerable sectors.

## CONCLUSION

Jalisco's population has a patent philanthropic orientation, however its history and the state's current social policy tends to provide or focus more on assistance. The theoretical framework of Jalisco's Social Development Law published in 2004, its actions focus on social development and human rights promotion. On the contrary the 2019 Social Assistance Code of 2019 is awkward; a hurried, uneven, incoherent code and a setback in the social policy of Jalisco. It emerged to solve the situation of IJAS and does not propose any transformation of social action in the state. Thus a review of its relevance and scope is necessary.

Fortunately, there are advances regarding the promotion of Civil Society Organizations within the state, even though there are other forms of cooperation that can be implemented, such as the creation of inter-sectoral committees to design, evaluate, assess or allocate resources for public programs, or a social trust similar to Chihuahua's Entrepreneurship (FOSECH).

If Jalisco seeks to advance in a social policy reform to reverse the increase in its poverty rate experienced in recent years, it must consider incorporating in its legislation the participation of citizens, and the second and third sectors regarding the operation of public programs. Inter-sectoral cooperation in social policy improves citizen participation by democratizing development, improves the commitment of the business sector, provides accountability of its resources, promotes the professionalization of CSOs and reduces the costs of direct investments by the state's social assistance.

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## BOOK REVIEW

# INNOVACIÓN DISRUPTIVA. RETOS Y OPORTUNIDADES PARA MÉXICO

Cabrero, Enrique; Carreón, Víctor; Guajardo, Miguel (2021)

*México frente a la sociedad del conocimiento.*

*La difícil transición. Siglo XXI/CIDE*

Christian Arturo Cruz-Meléndez\*

La tecnología ha estado presente en todas las etapas de la humanidad. Desde que los seres humanos aparecieron y tuvieron que enfrentarse a necesidades y problemas, han hecho uso de tecnologías y artefactos que han permitido su sobrevivencia y desarrollo. Con el paso del tiempo la humanidad ha evolucionado, sus problemas, necesidades, contextos y relaciones también han cambiado, por lo que inevitablemente han ocurrido cambios en las tecnologías presentes en cada época. Incluso se pueden clasificar etapas de la historia de la humanidad en función de la tecnología, por ejemplo, la edad de piedra y la edad de los metales, y más recientemente las revoluciones industriales, marcadas por adelantos tecnológicos: primera revolución y la máquina de vapor, segunda revolución marcada por la electricidad, la tercera revolución promovida por el uso de la electrónica, y por último, la era que se vive actualmente, la era de la información, la cuarta revolución industrial, marcada por el uso intensivo de las Tecnologías de la Información y Comunicación (TIC), las cuales están presentes en prácticamente todas las actividades humanas. Estas TIC representadas por el Internet, la Web, los dispositivos móviles, las computadoras, han tenido una imparable y rápida evolución desde la última década del siglo XX, y esta evolución o aparición se ha dado incluso de modo disruptivo.

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El cambio tecnológico se ha dado siempre, pero el cambio disruptivo es un fenómeno reciente que ha impactado a la economía y a las sociedades. Y es en este sentido el objetivo de la obra de Cabrero, Guajardo y Carreón, explicar la importancia del cambio tecnológico disruptivo.

En principio, se hace una contextualización histórica de la importancia de la tecnología para la humanidad. Conceptualmente se deja en claro la diferencia entre innovación, ciencia y tecnología, y la inevitable relación entre estos conceptos.

El ser humano ha tenido necesidades que satisfacer y problemas que resolver, por lo que tiene que innovar permanentemente, creando conocimiento y aplicándolo en artefactos de utilidad. Se explica también que es el cambio tecnológico, y muy importante como se debe de diferenciar del cambio tecnológico disruptivo, lo cual es parte central del libro. La característica disruptiva significa que no solo es rápido y constante, sino que de forma inmediata impacta al mercado de un producto o servicio, cambiar hábitos, formas de producción, y las relaciones económicas y sociales a nivel mundial, y que no hay aspecto de la vida humana que pueda dejarlas fuera. Ejemplos de estas tecnologías disruptivas, son la Inteligencia Artificial (capacidad de objetos de imitar la inteligencia humana), la Biotecnología (basada en productos realizados con moléculas y células en beneficio de la salud de las personas), el Cómputo Cuántico (nuevo paradigma de la computación para resolver problemas complejos), la Manufactura Aditiva (basada en la construcción de objetos mediante la impresión 3D), la Nanotecnología (sistemas más pequeños que un milímetro aplicados a áreas como medicina, robótica y la milicia), y la Realidad Aumentada (gráficos virtuales presentes en la vida real para usos como la teleeducación o telemedicina).

Para la humanidad la tecnología ha sido una dualidad. Por un lado, ha traído beneficios que han favorecido su desarrollo y sobrevivencia. El otro lado es la parte riesgosa de la tecnología. Este punto es también importante en este libro, pues ejemplifica que si bien, una nueva tecnología trae beneficios, también puede afectar empresas, empleos y la economía de una gran cantidad de sociedades y personas.

Relacionado a esto, los autores enfatizan que los gobiernos tienen el reto de enfrentar entornos más complejos, nuevas necesidades y problemas públicos que nunca antes habían enfrentado y que rompen los esquemas clásicos de gobierno. Este tema se torna de interés para los estudios y encargados de políticas públicas, al abordar el tema de como deben los gobiernos afrontar la transición hacia una sociedad y una economía basadas en el conocimiento y en el uso cada vez más intensivo de TIC y tecnologías disruptivas.

Al respecto, es importante hacer un análisis de capacidades en dos sentidos: uno referente a las capacidades científicas, considerando el capital humano; y por otro lado, analizar las capacidades de innovación en cuanto a industrias de innovación.

Posteriormente el libro se enfoca en estos dos rubros en referencia al caso de México, país que ha tenido avances innegables e importantes hacia esta nueva economía y la utilización de tecnologías disruptivas, pero ha ido lento comparado con otros países. En este sentido, se han desarrollado centros de investigación, programas de posgrado encaminados al desarrollo de innovación científica y tecnológica, apoyo a empresas desarrolladoras de nuevas tecnologías. Todo esto es sustentado con datos y estadísticas que permiten al lector tener un panorama claro de la innovación, ciencia y tecnología en México. De igual forma, en México se ha tenido un desarrollo de tecnologías disruptivas y es relevante que no solo por parte de empresas grandes, pues en este mercado también han estado presentes las micro, pequeñas y medianas empresas.

Otro riesgo y oportunidad del desarrollo de tecnologías disruptivas tiene que ver con el aspecto del capital humano, en el sentido de la posible sustitución del trabajo humano por máquinas, algo que ya ha ocurrido. En este sentido, los autores utilizan una metodología para estimar la probabilidad de sustitución tecnológica en diversas ocupaciones y profesiones. En este sentido se tiene que reforzar la formación y capacitación de recursos humanos, y en México el desarrollo de tecnologías ha sido desigual entre regiones y entidades de la república. Un riesgo de no generar recursos humanos capacitados para las tecnologías disruptivas, es que se incremente el desempleo en esta nueva economía y sociedad de la información.

En este sentido, los autores señalan de manera muy puntual que se necesita una agenda de políticas públicas para la transición de la economía y sociedad del conocimiento. Esto debe incluir cómo se abordarán los problemas públicos derivados de la nueva economía y las nuevas tecnologías, pues los países o incluso regiones que no vayan a la par de los cambios tecnológicos y las tecnologías disruptivas, enfrentarán problemas como el cierre de industrias que quedaron desfazadas en el uso de las nuevas tecnologías, el desempleo de trabajadores sin preparación o habilidades para trabajar en un mercado de tecnologías disruptivas, lo que implicaría que fueran despedidos y además sustituidos por máquinas y les sea más difícil incorporarse al mercado laboral.

Por último, se menciona que se vive en entornos de constante crisis e incertidumbre como lo es la pandemia de COVID-19, y dichas crisis deben prevenirse, solucionarse y dejar un aprendizaje, y es aquí donde se tienen en las tecnologías disruptivas grandes oportunidades para afrontar y superar escenarios de crisis.

En suma, esta obra es útil para los estudiosos de la administración pública, las tecnologías, y también para quien se dedica a la elaboración de políticas públicas, ante un inevitable escenario de tecnologías disruptivas con sus pros y sus contras.



## BOOK REVIEW

Meza, Oliver (coord.) (2022). *Un mejor Estado: Lecciones de la pandemia para administrar lo público*. Tirant Lo Blanch México. ISBN: 978-84-1113-163-6.

Aldo Adrián Martínez-Hernández\*

A tres años de la crisis sanitaria provocada por la pandemia del virus SARCoV-2 iniciada a finales de 2019, se han evidenciado y profundizado sus efectos en diferentes áreas de la vida pública. En la actualidad, las preguntas correspondientes a la intervención del Estado son más pertinentes que nunca. Dichas interrogantes tienen que ver necesariamente con las funciones clásicas atribuidas al Estado y las nuevas provocadas por este hecho paradigmático (Crespo, 2006; Merino, 2013). Las cuales se pueden identificar (entre otras) en un creciente proceso de globalización, la apertura tecnológica, una hiper especialización de las actividades sociales y las migraciones cada vez más recurrentes en todo el mundo (Subirats, Knoepfel, Larrue y Varone, 2008).

La pandemia en específico no solo dejó ver las carencias de las estructuras sanitarias en cada país, sino que la misma, permitió avizorar sus graves consecuencias en otras áreas de la administración de lo público. En donde se destacan no solo las acciones concretas de los gobiernos, si no, además, las propias estructuras del Estado y su capacidad de reacción ante momentos críticos. La objetivo central en que gira el libro *Un mejor Estado: Lecciones de la Pandemia para administrar lo público*, es precisamente poner en balanza a la políticas públicas, la administración pública y la revalorización del Estado. La obra coordinada por Oliver Meza se pregunta cuáles fueron las políticas

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implementadas y cuáles fueron los efectos de la pandemia en México. Pregunta que se responde en once capítulos enfocados cada uno a diversas problemáticas asociadas a la crisis sanitaria. La particularidad de la obra es precisamente que se desarrolló dentro del contexto pandémico, permitiendo, por la prontitud del contexto, obtener información y decisiones de política pública de forma inmediata.

El capítulo I, elaborado por Oliver Meza, delinea los principales conceptos que se abordan en el compendio, además incluye un esquema narrativo que sirve al lector para avizorar los elementos analíticos en los cuales los capítulos se concentran. Así mismo, este capítulo introductorio, permite identificar las problemáticas generales producto de la pandemia y las posibles áreas de oportunidad del Estado mexicano. El capítulo inicia atendiendo los efectos de la pandemia con la invitación a repensar al Estado posterior a ella. La centralidad del análisis y que en sí mismo configura como pregunta guía del libro es responder teóricamente a ¿Cómo administrar lo público?, esto va cobrando relevancia en la medida en que se redefinen las prioridades del Estado producto de la pandemia.

El capítulo II elaborado por Guillermo M. Cejudo entiende a la pandemia como un problema “súper perverso” (Peters, 2017). En ello, el autor esboza un recuento histórico sobre los momentos críticos en diversas sociedades, con lo cual pretende establecer una relación entre estos y los cambios en los procesos administrativos de los Estados. El autor identifica que la administración pública ha sufrido cambios radicales detonados por coyunturas críticas (pandemias, crisis económicas, etc.). El capítulo busca evidenciar aquellas condiciones políticas y de las administraciones públicas previas a los momentos críticos identificando aquellos elementos más propicios para enfrentarlos. El análisis señala que las experiencias de pandemias en el mundo y particularmente en México, dejaron muestra de los procesos de construcción de respuestas y lecciones aprendidas. Una de ellas fue la necesidad de adaptar una idea de la salud como bien público, estableciéndose políticas de salud pública por encima de otras medidas. En el marco de la pandemia, el capítulo ubica hallazgos que permiten vislumbrar la identificación de los trabajadores esenciales del Estado como actores nodales para su operatividad. Los funcionarios a nivel de calle revalorizaron los servicios públicos en general y evidenciaron con claridad la carencia de las condiciones necesarias para el desempeño de sus labores. Por lo cual se posicionan en las prioridades de necesaria inversión por parte del Estado. Esto, entre otros elementos como la disparidad en la seguridad social o servicios sociales, la cobertura y calidad de los servicios públicos y las desigualdades sociales. El capítulo finaliza ubicando en el centro de la agenda

pública y académica estas disparidades, así como la necesidad de inversión en las capacidades del Estado para su mejor adaptación en contextos críticos.

El capítulo III, escrito por Ana Razo, esgrime un examen sobre la magnitud del desafío provocado por la pandemia en la educación. Lo cual ocasionó un replanteamiento sobre las políticas adoptadas durante y previo a la pandemia. En ese contexto crítico, la educación se convirtió al mismo tiempo junto con la pandemia sanitaria un problema de Estado. En el país, indica la autora, poco más de 90% de los estudiantes no acudió a clases, trasladando el servicio educativo a cada hogar. El capítulo analiza cada intervención del Estado en México, dejando ver la necesidad de modificación de la perspectiva curricular, la atención a los rezagos educativos históricos, la atención a las brechas que con la pandemia se potenciaron, además de las propias atribuidas a las persistencias desigualdades entre regiones e incluso la falta de presupuesto en muchos casos. La educación, por lo tanto, se posicionó como otro tema relevante y que más afectada se vio frente a la pandemia, pese a algunas acciones eficientes por parte del Estado.

El capítulo IV desarrollado por Fabiola Perales y Rik Peeters, pone a discusión a la administración digital, primero como una agenda de investigación en auge, y segundo, como un pendiente en la configuración de un mejor Estado. El capítulo esboza las problemáticas asociadas a la burocratización de los procesos administrativos como excesos de la presencialidad, con la pandemia, en contraposición, se evidenció esta condición frente a los limitados esfuerzos digitales e intercambio de datos e información entre las capas administrativas. El texto escrito por los autores realiza un valioso esfuerzo por evidenciar un principio rector del Estado, la accesibilidad, lo cual no es exclusivo de la digitalización a la cual obligó la pandemia, sino que, además, exigió al Estado a entender y atender las diferencias de la sociedad (Young, Bullock y Lecy 2019). Para ello, el capítulo concluye con algunas reflexiones que permiten una mejoría en el desempeño de los gobiernos mediante el establecimiento de una agenda de administración digital con una visión exhaustiva y la generación de un diagnóstico de los servicios públicas capaces de digitalizarse, así como un diseño de los trámites centrado en el ciudadano e inversión en la infraestructura de la información.

El capítulo V elaborado por Mariana Chudnovsky y Sergio Campos, pone a discusión el cómo pensar las emociones desde la Administración Pública. El capítulo se mueve entre el *rational choice* y el *behavioral public administration*, intentado ubicar a la carga emocional como variable determinante en la interacción con el Estado. El análisis detalla el cómo la carga emocional es un factor definitivo en la interacción ciudadano-Estado, situando no solo a los procesos administrativos como limitante para esta interacción, sino que

esta se da en un marco de desgaste emocional, en el que se involucran tanto el ciudadano como del prestador del servicio público.

El capítulo VI elaborado por César Rentería, analiza el entorno de las organizaciones públicas. Destacando el cómo los entornos dinámicos tienen efecto en la gestión pública y el cómo esta es susceptible a sufrir cambios promovidos por el entorno. El capítulo deja ver la capacidad de adaptación de la administración pública frente a lo acontecido por la pandemia, siempre contemplando áreas de oportunidad.

El capítulo VII., desarrollado por Enrique Cabrero Mendoza y Ana Díaz Aldret, plantea la premisa de que la pandemia funcionó como un detonador para avanzar en una agenda de ciudades inteligentes en el país, acelerando las agendas de diversos gobiernos. Una problemática íntimamente vinculada se presenta en el capítulo VII, desarrollado por José Jaime Sainz Santamaría. El capítulo centra su atención en la resiliencia urbana y gobernanza adaptativa en ciudades y gobiernos locales, destacando la gobernanza de los bosques y parques urbanos en México. El autor invita a transformar la administración pública ante la necesidad de replantear los lugares en función del bienestar público.

El capítulo IX. elaborado por Elizabeth Pérez-Chiqués y Oliver Meza reflexiona sobre la importancia de la profesionalización para enfrentar la incertidumbre, principalmente en los gobiernos municipales, aunque no exclusivamente. Los autores apuntan a la observación del personal médico-hospitalario frente a un contexto crítico, quienes se obligaron a adaptar sus comportamientos, estructuras organizacionales, jerarquías e incluir nuevos protocolos de atención con el objetivo de mejorar la atención hospitalaria durante la pandemia. Lo cual fue condicionado por la profesionalización y la discreción de sus acciones.

El capítulo X desarrollado por Grisel Salazar Rebolledo, analiza el papel de la prensa durante la pandemia. Encuentra que la influencia de la prensa en la concepción de lo público es nodal. Identifica las limitaciones del Estado para informar, aunado a las carencias de la prensa, por lo que la necesidad de información se definió como una de las necesidades públicas en el marco de la pandemia, en un momento en donde la información dejaba de ser confiable y oportuna. Es por ello por lo que la prensa jugó un papel relevante en la comunicación y el proceso de evaluación de las acciones y decisiones de política pública por parte del Estado mexicano. Además, la autora señala que el periodismo científico fue fundamental para la evaluación de aquellos instrumentos e intervenciones públicas. El capítulo identifica tres rasgos que caracterizan al periodismo mexicano que limitaron su ejercicio. La contradicción entre la información y el juicio político. La falta de familiaridad

con la ciencia como actos noticiosos. La falta de conocimiento sobre la ciencia. La falta de profesionalización del gremio periodístico, elementos negaron la legitimidad de las políticas públicas. El capítulo concluye con las lecciones, entre ellas destaca la de repensar el rol de la prensa, enfocada en la información y orientación del servicio público. Así como la obligación del Estado para proporcionar de información como insumo para el establecimiento de diversas perspectivas para el debate público, evitando la opacidad y generando confianza ciudadana en que se genera por la información pública fidedigna.

El capítulo XI escrito por Gabriel Purón Cid señala uno de los problemas recurrentes de los gobiernos: la sostenibilidad financiera, esto con una marcada referencia a los contextos subnacionales. El autor logra condensar diferentes herramientas para el entendimiento de la estabilidad financiera aún durante la pandemia. La evidencia abordada logra identificar casos positivos pese a la carencia de una política nacional que proporcionara una consolidación de las actividades económicas de los estados y sus diversas realidades.

La obra intenta observar la capacidad de adaptación del Estado, así como la vuelta a observar aquellas actividades olvidadas. El libro invita a redefinir la estructura y funciones del Estado mexicano. En ello se observa la oportunidad de observación de la gobernanza, la administración pública, y la consolidación de un Estado como el ente mediador que administra lo público. Para concluir, la pandemia permitió generar diversos planteamientos sobre los posibles efectos en diversas áreas, la demanda por un mejor Estado fue evidente como lo señalan los autores en sus diversos capítulos.

Una idea de ello es presentada por el Oliver Meza en el capítulo introductorio, en donde se señalan tres propuestas que, resultado de sendos análisis desarrollados a lo largo de la obra, apuntan a la consolidación de un mejor Estado. La primera supone una mirada a los principios asociados al acceso a los derechos y servicios públicos por parte de la sociedad. Lo anterior, asume la necesidad de establecer como eje rector del Estado a la garantía de acceso a ellos. La distinción de este punto radica en la relevancia de los factores socioemocionales y cognitivos tanto de los ciudadanos como empleados del Estado, estableciendo una interacción sociedad-Estado bajo nuevos parámetros del entendimiento de lo público.

La segunda propuesta asume la relevancia sobre la atención de las problemáticas asociadas a la estructura de la sociedad. En ella, se señala la pronta atención a los altos niveles de desigualdad, esto no solo en el ámbito económico, sino principalmente en aquellos temas relacionados al acceso de grandes grupos sociales a la educación, la salud, cultura, seguridad, vivienda, etc., en

general al bienestar de las personas. Lo cual refiere a la capacidad del Estado para atender, en contextos como el mexicano con debilidades institucionales, momentos de crisis, en donde con el uso de mecanismos tecnológicos y de innovación institucional sea capaz de adaptarse y garantizar una mejora en las condiciones de vida de su población.

La tercera propuesta resultado de la lectura de Meza (y del libro en general, particularmente el capítulo de Grisel Salazar Rebolledo y el de Fabiola Perales y Rik Peeters), refiere a la comunicación e información que provee el Estado, tanto para la toma de decisiones como para informar y rendir cuentas a la sociedad. Lo cual deberá regirse bajo un marco ético capaz de regular los comportamientos de las administraciones públicas, a la vez que permitirá mejorar el propio de los medios de comunicación (público y privado).

Finalmente, el libro navega entre el análisis de los implementadores, las políticas públicas, las estructuras administrativas y la redefinición del Estado y sus funciones. La obra colectiva, al ser enfocada desde esta perspectiva, en donde la identificación de un cúmulo de problemas perversos comentados por Peters (2017) y enfatizado por Fabiola Perales y Rik Peeters en su capítulo respectivo (IV), en el contexto crítico ocasionado por la pandemia, los burócratas a nivel de calle sobresalen en cada uno de los ejemplos enunciados por la obra (Dussauge, Cejudo y Pardo, 2018). Pese a ello, y la falta de reconceptualización en la obra, de un Estado moderno pospandémico, el libro logra identificar aquellas problemáticas y sus posibles soluciones, siempre contemplando las tareas atribuidas a un Estado de Bienestar clásico, no obstante, con nuevos retos (Crespo, 2006 y Merino, 2013). Por ello, el libro, se ubica como una obra relevante, con una vasta articulación de instrumentos teóricos para entender la tarea del Estado en momentos contingentes. Con ello, se dota de mecanismos analíticos para el entendimiento del Estado y su mejoramiento. En este sentido, el conjunto de temáticas, marcos conceptuales y perspectivas teóricas abordadas en la obra aquí reseñada ubica posibles respuestas a las problemáticas que en el contexto crítico se exacerbaron, presentando a la estructura del Estado, la administración pública y las políticas públicas como eje central para su mejoramiento. Por lo anterior el libro será de gran valor para aquellos interesados en líneas de investigación antes mencionadas, y mucho más para aquellos hacedores de políticas y gestores de lo público. Esta, es una de esas obras que destacan por su precisión, claridad conceptual y firme convicción por incidir en la mejora del Estado mexicano.

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