

Constitutional autonomous agencies: autonomy vs. efficacy

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(DRAFT)

They have been recorded in the last two decades significant changes to refine and establish limits for States and governments to stop intervening in the economic field. This was one of the consequences of the changes that occurred in economic models, which affected in a very direct way the strategies of downsizing of the State. Those changes took place in many countries and demanded new forms of relationship between different actors, so that the States and Governments could send signals of certainty to encourage investment and the resources and earnings would be safeguarded, through economic policies and regulation based on principles of economic and non-political logic (GMajone, 1999; cited by MDussauge, 2008: 53-69). Mexico was by no means oblivious to these strategies; successive governments implemented policies of privatization and deregulation, which were understood, initially, as a solution to liberalize the economy and made the governmental apparatus less heavy. As these policies were maturing, it can be said that they transformed the role, functions and, ultimately, the fields of intervention of the State. The Government set up resources and mechanisms to encourage macroeconomic balance, the regulation of the markets, but also willing to assume essential tasks without subordination to the political mandates of Governments in turn in sensitive matters, such as the electoral, and the conduct of policies such as education, to not only ensure competition and investment, but also the freedom and rights of citizens.

The aim of this article is to review the appearance in the Mexican political and administrative structure of the so-called autonomous constitutional agencies (OCA's, abbreviation in Spanish) to try and outline some general reflections on his emergence, development, regulatory scaffolding, specialized technical demands, and ask if the autonomic attribute allows them to carry out their tasks efficiently. The work incorporates a general approach to these agencies to find traits that they share, as well as some references of more timely character in relation to certain agencies.

The OCA's analyzed are: the Bank of Mexico (BANXICO) (the abbreviations are from their names in Spanish) whose status as autonomous body changed in 1993, the Electoral National Institute (INE) in 2014, the National Commission of Human Rights (CNDH) in 1992, the National Institute of Statistics and Geography (INEGI) in 2006, the Federal Commission of Economic Competition (COFECE) in 2013, the Federal Telecommunications Institute (IFT) in 2014, the National Institute for the Evaluation of Education (INEE) in 2013, the National Institute of Transparency, Access to Public Information and Data Protection (INAI) in 2014, and the National Council of Evaluation of Social Policy (CONEVAL) in 2014.

Origins

Autonomous constitutional agencies emerged from the idea that it would serve to improve the Government's performance and must have, among other features that distinguish them, an operation that would require technical and specialized knowledge. To do this, it is important to try to understand his appearance in a positive sense, as Mauricio Dussauge puts it, and not as it has resulted in a good part of the debate in Mexico, as a ghost who haunts the origin of these organisms and bodies "evil" that appeared to render it almost of

intentionally "power" and capabilities to the field Executive of Government, (M Dussauge: 2015: 225-246).

To assume the new functions of regulation and monitoring these agencies were presented, in words of José Roldán Xopa, assuming a different "constitutional treatment", also taking into account different considerations that relate to technical skills, in addition to respond to different moments of change in the broader context of the Mexican political system: for example, "competition and telecommunications reforms were presented as part of a political agreement (the Pact by Mexico) attended by the three major political forces in the "formulation of the proposed reform" (J.Roldán X: 2016: 439-475). That is why we can say that the new conformation of the regulators and the different graduation of their autonomies could indeed have in some cases a political reading (JRoldán X: 2016:439-475). These agencies are thought to serve and regulate specific sectors which are linked with economic activities or to protect consumers from asymmetries of information or the risks of the market.

The emergence of these agencies also may be related to the fact that there was a healthy dose of distrust of the Government's ability to control actors do to assert their interests above the public interest. This would force to strengthen the regulatory capacity of the State to prevent 'capture' of these agencies by other actors. This situation, for example, would appear in the field of telecommunications in which private actors have power and a strong capacity to influence, or in the case of the subject of evaluation in the education sector where the INEE should must reconcile the interests of the central agency, (SEP), the Trade Union (SNTE) and organizations of society, as it could be the case of Mexicanos Primero.

Development

Since its inclusion in Mexican administrative structure, these agencies had autonomy technical and operational, acquiring some of them in their first versions the legal figure of de-concentrated or decentralized bodies. Again, the Mexican case is not an exception; throughout the world, these changes are linked to "the need of having administrations specialized and distanced from party politics" (JRoldán X: 2016: 439-475). Already centuries-old american agencies model cites Roldán Xopa, "you could add the sustained by more recent data in the regulation theory and the impulse of the model of autonomous regulatory agencies promoted from agencies like the Organization for Cooperation and Economic Development (OECD) and the World Bank (WB)" (JRoldán X: 2016: 439-475). The emergence of these organisms has been characterized by a development that we could identify as gradual and accompanied by laws, which were also gradually reforming, until, in some cases to consign them constitutionally were framed. In the same way, this development is marked by the complexity of the tasks that had to assume these organisms.

A clear example is the actual INE, not only in charge of organizing federal elections, in addition to facing a series of tasks that have become very broad in its field of action and much more complex. In this case its birth, but mostly its development is linked very directly to the expansion of the democratic life of the country and the series of demands that this situation to the passage of time has been causing (GVargas: 2015:37-58). The Bank of Mexico started its existence in 1925; one of their main activities is limited to the issuance of currency and these were gradually increasing and therefore to be construed as the only emission Bank, discussed then if it should be an institution, private or public, to finally decide that it would be under the control of the Government

(CMatute et al: 2015:59-82). The Bank was acquiring strengths and regulatory mandate, as well as credibility to become the regulator of economic policy with social maturity. In the case of the National Commission on Human Rights its evolution based on the interest of scholars on the issue of human rights. This interest gradually took place in the governmental agenda; it went from being a decentralized body of the Ministry of the Interior to one decentralized, to become an autonomous constitutional body in 1999. This transit resulted that its responsibilities would fall in different a bureaucratic office to become a Commission with the features and the importance which has in now days (GValdivia: 2015:83-98).

In the case of the National Institute of Statistics and Geography its evolution has meant moving from an organism of consumption of the information produced for the Government under the Ministry of Finance, to do so for the society, which means not only incorporate technical complexity, but resources that facilitate access and consultation by broad social sectors (E.Sojo:2015:99-112). The evolution and development of the National Institute for the Evaluation of Education is directly linked with the emphasis put in Governments, specially those coming from the party PAN, in the issue of the assessment of the quality of education, to improve and publicize the results of systematized tests, advanced the idea of having a body that had a much more autonomous (TBracho et al: 2015: 113-137) scope what it meant to not be under the control not of the Ministry of Public Education, but also not under the Union, the SNTE (Karen V. Martínez: 2016).

INAI emerges as Federal Institute of Access to Information in 2002, because of initiatives and a clear social pressure to demand the protection of the citizen

right to information of a public nature; this organism was support by the emergence of a law guaranteeing that right (PKurczyn V: 2015:139-154) .

On the other hand, the COFECE is also born as a clear result of the need to strengthen, through a defined regional status, the possibility that "in the separation of the traditional powers, the Executive, is guaranteed a professional, objective and efficient performance of the public sector, to the extent that there is any formal hierarchical dependence" (SValls et al: 2014:361). In this way, just as it happened with the actual constitutional autonomous bodies, this Commission is result of twenty years of experience in the field of competition policy and supported by the adoption of a law on the subject. It gradually passes from the Federal Competition Commission COFECO, as a decentralized body that was keeping a relationship of subordination with the Federal Executive, until the moment in which the Congress granted its constitutional autonomy in 2013. In the same way and for very similar reasons the IFT acquires the same range and transits from the Federal Telecommunications Commission (COFETEL), which was a decentralized administrative body of the Ministry of Transport and Communications (STC) to an autonomous constitutional body with the reform of telecommunications in 2014. According to international experience, old COFETEL had a relative autonomy to dictate decisions, which in the opinion of the experts resulted in limits to act efficiently. (Mariscal and Ramírez, 2008:12). In addition, telecommunications were not used as a resource to improve competitiveness, so that the country was in one relatively weak position with respect to others as Chile, India and Brazil, where the GNP and the distribution of income were similar, and even less than in Mexico (Pardo et al: 2017:87-106; J.C.Valdés:2015:169-188). Finally, the CONEVAL

appears as an organism capable of giving credibility to the data on poverty, theme in which the backlog in Mexico was important and a deficit that also had the countries of Latin America (GHernández L:2015:189-204). Like others, its original version was marked by the idea of having a body with some margin of autonomy of management and technical capacity. Because of the adoption of a law on the subject, it reached the status of public body, in this case, decentralized. However, unlike other agencies analyzed, the granting of full autonomy for the CONEVAL is a matter that is still in the hands of Congress and until today, has not yet been resolved.

Normative support

As was described in almost all cases of the emergence and development of organisms known as constitutionally autonomous, has also been given a process in parallel with the emergence of norms and laws governing their respective areas of competence.

The INE has been regulated over time by a set of rules that even though they have been strengthening their role as organizer of the elections, have also gone complexity, at critical junctures its relationship with other actors, notably the political parties; it does not flow with haste and necessary agreements. An element to be considered in this complexity is undoubtedly the increasing participation of society and his interest in electoral processes that also have been the result of a breakthrough in the search for greater democratic maturity. In fact, the regulatory initiative ceased to be the exclusive privilege of the Executive level and began to be shared and taken with greater energy and enthusiasm by the legislative. Regulatory support part from the Electoral Federal law of 1946 in which appears a chapter dedicated to "electoral bodies". Since 1989 are introduced reforms whose results pressed for the

creation of a body with more autonomy to organize the election, that materialize in a constitutional reform and the emergence of regulatory laws in 1994. The presence of the Minister of the Interior remained in the Council, however, accepted national and international observers. The presence of the Minister of the Interior remained in the Council, however, accepted national and international observers and the creation of the Special Prosecutor for Electoral Affairs, the FEPADE. The changes continued and in 1996 it was emphasized the need to make this institution a more citizen oriented in order to take the fundamental decisions at that time by the IFE. Electoral processes, particularly the Federal ones which are voted by the candidates to the Presidency of the Republic became heard tests for the legitimacy and effective operation of the Institute. Pressures of citizenship, parties, the war of surveys, amounts to finance campaigns, fines to those who violated the rule, among other serious matters, returned to press for changes both to "harden" the requirements for the arrival of the members of the Council to, among other things, oversee the resources (G.Vargas: 2015:13). Arrives, then, to the approval of the General Law of electoral Institutions and Procedures (LEGIPE) which is the standard from which the IFE acquires greater autonomy, but also greater responsibility, as, for example, organise local elections, becoming the National Electora Institute (INE).

Given the importance that was acquiring the Bank of Mexico regulations also has suffered important changes and marked by the challenges that were faced resulted from problems such as instability of prices, imbalances in the balance of payments and inflation, which influenced clearly in the loss of confidence of investors facing a scenario marked by uncertainty about the most important economy variables. Therefore, in 1985 was approved a new Organic Law

from the Bank of Mexico and, in the words of Carlos Matute and Ana Luisa Hernández, is, "a history of the granting of constitutional autonomy in 1993" (C. Matute et al:2015:69-74). In that year, was issued a new law and the Bank ceases to form part of the state-owned sector to start his performance with full autonomy. In the case of CNDH operation does not release the adoption of a law, but because of an effort of political modernization and the importance that human rights were acquired so to grant their autonomous status, this reform "became the most important of all those that have been made to the Constitution since its enactment in 1917, because that changes the paradigm of the state and law in Mexico. Under this reform, the respect to the rights and fundamental freedom and the dignity of persons became the center and goal of the Mexican legal system"(GValdivia: 2015:96).

INEGI governs its institutional life following the publication of the law on the national system of statistical and geographic information in 2008. This law and the system which it derives gave to the Institute its autonomous status, and contribute to count for example, with statistics that are useful to society and not only for offices in which decisions were supported or designed public policies (ESojo:2015:110. The INEE takes its legal support of the law on the National Institute for the Evaluation of Education approved in September 2012, which ratified his status as an autonomous public body, with legal personality and with full autonomy technical, budget management, and to determine their internal organization. In the words of Bracho y Zorrilla, the autonomy of the INEE should be strengthened to promote, on the one hand, that its is equal to other constitutional bodies, and, secondly, the extension of its responsibilities will be properly guaranteed to strengthen his legitimacy as

a governing body in the field of education policy (TBracho et al: 2015:135-136).

In the case of the INAI, the Federal Law of Transparency and Access to Public Information Government (LFAIPG) issued in 2002 (P.Kurczyn:2015:139-154), is the normative instrument that condenses past efforts to guarantee the right of access to information that was raised as a citizen demand that was gradually acquiring density in parallel to international efforts also reported on this matter. In 2007, the 6th constitutional article, which in its various fractions appointed the principles and bases that should govern access to information in the federation, states and municipalities and also in the city of Mexico. Later in 2009, modified the Constitution to add the issue of the protection of personal data, which also became a responsibility for the actual INAI. Finally, in 2014 the Congress gave the status of an autonomous constitutional body.

In the case of the COFECE, the Federal Law of Economic Competition in its original version in 1992, is the precedent that allowed the creation of the missing Federal Competition Commission (COFECO) which, as in other cases analyzed, transits from a decentralized body of the Ministry of Industry and Commerce to development a status of an autonomous constitutional body in 2013, in correspondence with a new law that regulate this matter. This autonomy, according to Alejandra Palacios (A.Palacios: 2015:166) does not isolate this organism, but favor its coordination with other agencies of the State and private actors, to ensure that economic competition operate and function as a lever of the development for the country, favoring thus the removal of barriers that impede. In a similar way, the IFT has as background in telecommunications enacted in 1995, federal law legal substrate which also

gave support to the creation of the Federal Telecommunications Commission (COFETEL), which is the antecedent of the current IFT and which also had status of decentralized body of the Ministry of Transport and Communications.

This law is reformed in 2006 and adjustments are made so that the Commission would have more authority and expanded the number of Commissioners. Finally, in 2013, is issued a Federal Law on Telecommunications and Broadcasting and creates the current Federal Telecommunications Institute, granting it the status of an autonomous body, as an authority in the field of economic competition in the broadcasting and telecommunications sectors (J.C.Valdés:2015:171-177).

The CONEVAL emerges as a decentralized body divided into sectors in the Ministry of Social Development and because of the adoption in 2004 of the General Law of Social Development, with the task of assessing policy and social development programmes. The CONEVAL work so far in which raises the possibility of granting the status of autonomous constitutional body, status, as it was pointed out, is under discussion in Congress, with the support of independent counselors that allowed to generate its legitimacy on the difficult task of evaluate and generate reliable figures on the sensitive issue of poverty. According to Gonzalo Hernández the credibility of the CONEVAL was built, among other reasons, because of the role played by the members of the Council, the use of rigorous information produced by INEGI and the transparency of its results (G.Hernández L:2015:196). This legitimacy has earned respect for the work of the Council by the Government, in its executive and legislative fields, but also by society.

Technical complexity

All analyzed organisms share the characteristic that they transit from deconcentrated or decentralised bodies to acquire the autonomous status, due to at least for two reasons: one very important was the fact that their responsibilities are conducted in a logic of technical complexity which, no doubt, required an specialised operation and decision-making with technical and expert knowledge. The second has to do with the legitimacy that is required in many of these decisions that should be taken aside from political pressures: both the Government in turn, as parties, but also of social groups with clear interests in the subjects responsible for these bodies. This "neutralization" using the concept of Carlos Matute, (C.Matute:2015:p.23) means in fact that they must carry out tasks that do not require the existence of a relationship or subordination between public agencies or agents, and the need to encourage horizontal communication and coordination. However, this author also points out that autonomy should not be translated as freedom to do no matter what, but freedom to do whatever the laws impose on these organisms.

In the case of INE, for example, the questions that have been made to the credibility of the electoral process forced to create and strengthen an organism that is able to withstand the pressures coming from the moment of campaign finance, through the mechanisms to give publicity to campaigns and candidates, up to the counting of votes in a clean way, and before all that, having a reliable census.

These concerns were based on the creation and evolution of this organization that presumably its autonomy will favored decisions away from political and social pressures. The complexity of the tasks in the INE which are summarized in the organization of the elections at the national level and

control of resources to carry them out, had justified the fact that the agency has that autonomous status which, among other things, allows that Congress approved his budget and that their mandates and responsibilities are designated in the Constitution.

All that led to that INE had to set in motion a career service for civil servants who entered in the center and local bodies and who are called to play a central role espousing the civic consciousness and civic participation. Now days, the INE has one challenge more ahead and is the organizing the vote of Mexicans residing abroad, which evidence that its responsibilities were expanded, but mostly became technically more complex.

The complexity of the tasks for the case of the Bank of Mexico is a constant in its institutional life and development. Move from bank issuing currency to become the most important economic variables regulator as a central bank has required technical knowledge that once favored, even the integration of a sort of civil service in which the officials of this institution acquired expert knowledge that allowed them to improve their performance and to ascend in the bureaucratic hierarchy. By referring to the National Commission on Human Rights its development also has been marked by technical demands as well as by the need for its intervention to ensure legal certainty; these tasks are done in a climate of greater and better democratic strength. The role of the CNDH is to intervene and to guarantee citizens rights constitutionally consigned. This also requires technical complexity as part of an ambiguous logic, since the Commission is making recommendations, but these may or not be properly handled and resolved. The Commission faces diverse challenges, on the one hand its recommendations form part of a non-judicial system, but the judicial system works in a very poorly performance. Thus, the CNDH

cannot supplement the deficiencies of the judicial system in Mexico, which places it in a sort of guarantor body that applies the law, particularly in terms of human rights violations, but cannot require its full compliance. Second, its recommendations should be made with all the necessary technical rigour so that they can sustain in terms of its legitimacy. It is important also to communicate their performances to the society to be aware of the value of the work. Finally, the CNDH is also governed by pressure from international agencies in this area that require that Mexico is a country that signed several international agreements, which also makes it an open flank for criticism if it fails to respond with the necessary opportunity and efficiency.

The technical complexity of the responsibility of the INEGI is no doubt crossed by the technological advance that has been recorded in everything that has to do with the production, dissemination and disclosure of the information. The complexity of the task of the INEGI is part of international trends to provide official statistics under logic of professional independence that ensures the integrity of information systems to generate confidence in the information produced and disseminated.

This confidence has a double track: informants delivered more and better information to the Institute and this does a better job to process it and return it in an orderly and systematic way to the society. This accumulation of reliable information is useful for a better and more agile decision-making. INEGI produces a very important set of surveys, indicators and statistical series in different subjects and areas, which is set up a mass of valuable information and that can be used by an important number of actors for their decision-making processes, mounted on innovative technological resources.

The INEE had also face the challenge of assuming more and more complex tasks. In the law that grants his status autonomous is not only responsible for educational evaluation, but to coordinate the national education system by issuing guidelines and binding guidelines; that is, that it should be attended by education authorities across the country. The INEE is also empowered to generate information independently that the one isdesignated in the Government's plans. The INEE is involved in the processes that are related to the teacher's professional career in terms of evaluation teachers, the verification and monitoring of the guidelines and training for future evaluator's plans and proceeds to its certification. Finally, the Institute is the body responsible for developing technical rigor assessments that become references for the work carried out in this area; the results of these evaluations, in addition, can spread, with the purpose in the words of Bracho and Zorrilla detonate compulsory educational services quality improvement processes. The Institute has, then, to work in a coordinated manner, since it is the institution leadership in educational evaluation.

Regarding the INAI it is evident that apart from being the guarantor agency the right to information to which the public must have access, their tasks became more complex beginning by having to resolve disputes that arise between individuals and the public administration about this right. But it added to their responsibilities that is also the guarantor of the so-called rights arc; this is the access, rectification, cancellation and opposition of the personal data, expanding not only the matters within its competence, but its jurisdiction from federal responsibility to national.

In the same way also expanded catalog of obligors, including authorities, institutions, bodies, agencies forming part of the areas executive, legislative

and judicial, self-employed, political parties, trusts and public funds, as well as any physical or moral person and even unions that receive and exercise public resources. Their decisions are likewise binding which has also meant a greater complexity since now the INAI can regulate and enforce constraints and even sanctions. Finally, INAI will become the center of the so-called national system of transparency which will allow having a comprehensive public policy in this area in the future and also is one of the organisms that are included in the Anti Corruption National System that is also in a stage of construction.

The complexity of the COFECE and the IFT increased significantly governing areas of activity that in recent decades can be considered one of the most dynamic: competition and economic competition in the case of the first telecommunications and broadcasting in the case of the second. These bodies act in very complex scenarios where there is a very important private investment, as well as the issue of the preponderance, which requires that the State mechanisms fine-tune for its regulation.

Become the governing bodies of this vital economic activities required a legal and organizational scaffolding to allow regular monopolies, and even carry out tasks for research and prevention. The two bodies must deal with powerful actors and for that is a very important reason that required independent performance and sustained decisions sustained in technical precision that support decisions that have legitimacy and avoid the possibility of being reversed, although it has not been possible to avoid it, especially in the case in which their decisions affect vested interests such as concessions.

Finally, the CENEVAL also records a clear moment in which duties were expanded and demanded greater technical capabilities. Social policy acquired

range of constitutional obligation and society gradually became an essential asset for the evaluation of programs, which the Council demanded an unprecedented organisational effort. Two features have allowed that the CONEVAL work is consistent and recognized. One is the independence of the members of the Council, academics who does not have the status of officials. The second is the rigor and quality of the information produced, which is also advertised.

Is autonomy enough to be efficient?

On the basis of the definition of Mauricio Dussauge's Autonomous Constitutional Agency (OCA) as those "independent formal organizations, not subordinate to any power of the Union, acting in accordance with its own criteria without attached to the political priorities of the incumbent Government" (Dussauge, 2016), and accepting his pointing that aren't evil entities that appeared with the only intention of subtract power to the executive level of Government, lead however to the question: autonomy is enough for performances to be efficient and contribute to the achievement of the strengthening of the institutional/organizational structure and the achievement of its objectives and those of the area or sector to which are related? The central premise is the separation of these agencies of the traditional powers, specially those exercised by the Executive, guarantee a professional, objective and efficient performance of the public sector to the extent that there is no formal hierarchical dependency.

These agencies have several constitutional guarantees/conditions which should allow them a proper performance and, again, in questions to do their jobs in a better way? These conditions are: own heritage, own legal personality, technical and operational autonomy, organic autonomy, own budget,

regulatory autonomy, and control mechanisms in the appointment of officials. These inputs summarized in two lines represent opportunities for performance in a field that comparing with the hierarchical and bureaucratic in which the regular agencies work, seems to be better. Its appearance is part of international trend within, on the one hand, the administrative progressive Anglo-Saxon tradition in which linked the administrative efficiency with the need of having agencies specialized and apart from partisan politics; the first independent agency in the United States could be an example of this since 1887: the Interstate Commerce Commission. On the other hand, as a result of the promotion since 1990 of the trends of the so-called institutional isomorphism in the European Union, which has resulted in the emergence of multiple non-ministerial departments / *autorités administratives indépendantes*? But also appear as a result of the mistrust among political actors which encourages a phenomenon of *sobre-constitucionalización* of the agreements as a guarantee of stabilization and impossibility of judicial review, which not necessarily credited the effectiveness of those bodies, as we will point out it later.

The appearance of the OCA's means a solid institutional development due to the listed attributes: personality, own patrimony and possibility of procedural action in case of invasion of responsibilities. This situation would perhaps yield to excellent results if there is a clear articulation of the whole of these organisms. However, today is a set of disjointed agencies whose results are irregular to say the least.

Finally, three aspects can be seen wanting to rebuild the sense that should sort these trends towards autonomy: weakness of elected politicians to address issues of highly specialized technical performance; human capital needs for

tasks which require complexity, but also independence; urgency to recover legitimacy in areas sensitive and visible to the whole of society. The emergence of the OCA's in Mexico is close to a model of presidential administration where the execution of the Government's actions has migrated to new centers of decision. The new conformation of the regulators and the different graduation of their autonomies have, as mentioned, also a political reading.

The partial or complete demarcation of the field Executive may suggest one intended to limit presidential powers including an apparent paradox: the Executive exercises his responsibilities through these organisms, but these are autonomous in its area of decision?

The OCA's are a type of agency in very different public administration specific areas; not all carry out responsibilities assumed by the Executive directly. Regardless of the success of its management, in some cases the OCA's represent a new legal figure for the performance of new or expanded Government responsibilities. Its creation represents a set of new institutions with greater capacity to integrate the changes in the political-administrative reality- However, these institutional resources are not a guarantee of the existence of administrative and organizational capacities of these 'new' bodies inside and that as noted, have yielded mixed results.

Regarding the mechanisms of control, it can be said that the organizational logic has been modified; there are less instruments that the Executive has to verify and forced accountability in comparison with those that are exercised of those it has to control the rest of the administration. But on the other hand, legislative controls are most relevant, although with a greater politicization and less technical infrastructure.

A constant criticism that is made is that they are institutions or independent regulatory agencies but that they can go away from the democratic logic; the cost of 'neutrality' would isolate them from the will of the elected representatives. In a similar way, the autonomic status can eradicate traditional control mechanisms through the hierarchical relationship. However, they may develop administrative values such as merit, expertise and specialization, through schemes such as career services. Also the critics are in the sense that these organisms lack of internal controls because the regulations they applied to the rest of the federal public administration do not applied to them.

A final critical issue is the potential capture of decisions by external actors or politicization through appointments that are not governed by criteria such as technical ability, merit or expertise.

Final remarks

The arguments about the disjunctive autonomy vs. organizational capacity and efficiency is relevant to point out that in the evolution of the traditional administrative organization, appears directly related to the type of public service and, therefore, very clear according to the requirements of the type of tasks that could be accomplished.

Under the logic of empowerment and in a negative sense "despresidencializacion" appears as a new legal status for these organizations which exercise various public functions from its own organic identity and their own legitimacy; but these organisms, with that constitutional status, do not have a relationship of belonging to any structure. This model of reform, then, may in the Mexican case, throw a set of problems resulting from

insufficient reflection, political pragmatism, and above all lack of defined policies and limited concerns about the magnitude of their effects.

Autonomy does not necessarily translate into best management practices; internal organizational improvements are also required. Enlargement of responsibilities in the case of the OCA's represents a management challenge by new processes which should integrate its structure functionally. In addition processes and internal organizational culture often behaves in an inertial way and inhibits the necessary innovation to meet the new challenges. While collegiate decision making is valuable because it incorporates different visions, in the case of some of the OCA's this has caused delays and conflicts that have hampered work. Finally the institutional transitions are not properly established only from changes in legal status; they are gradual and incremental processes that develop experiences and organizational learning

In fact in some cases have 'uploaded' to constitutional procedures underpinning decisions that action margins sketcher only instead of allowing flexibility and innovation. Finally it remains, on the one hand to establish a relationship of what they do or should these agencies with their resources from its budget; these agencies have to respond to the severe criticism concerning tht they have been equipped with a bulky and expensive bureaucratic structure. Finally an exercise of monitoring and systematic verification is missing which allows answering categorically if the equation $autonomia-eficacia$ is giving good and even better results.

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