

# Metropolitan management in the Metropolitan Area of the Valley of Mexico: between legality and political will

Luis Alberto Salinas-Arreortua

*Universidad Nacional Autónoma de México*

## *Abstract*

Metropolitan management is one of the great challenges because of the economic, social, and above all political complexity that it represents. In the case of Mexico, it is an issue that attracts attention, however, there is no consensus on the most efficient type of metropolitan government, which, if we bear in mind, is the need for metropolitan management. However, it is important to mention that the formation of an administrative structure that manages a metropolitan area based on political-administrative boundaries and on a certain scale has been a problem for urban and metropolitan management. The objective of this text is to provide elements for the discussion of a metropolitan management for the Metropolitan Zone of the Valley of Mexico, considering mechanisms for the construction of relationships and actors at different scales, under the current legal conditions.

*Key words:* Metropolitan management, metropolitan government, scale policy, legal conditions and political will.

## *Resumen*

*Gestión metropolitana en la Zona Metropolitana del Valle de México: entre la legalidad y la voluntad política*

La gestión metropolitana constituye uno de los grandes desafíos por la complejidad económica, social, y sobretodo política que representa. Para el caso de México, es un tema que suscita atención, sin embargo, no hay un consenso sobre el tipo de gobierno metropolitano más eficiente, lo que si se tiene presente, es la necesidad de una gestión metropolitana. Sin embargo, es importante mencionar, que la formación de una estructura administrativa que gestione una zona metropolitana con base a límites político-administrativos y en una determinada escala, ha significado un problema para la gestión urbana y metropolitana. El objetivo de este texto es aportar elementos para la discusión de una gestión metropolitana para la Zona Metropolitana del Valle de México, a partir de considerar mecanismos para la construcción de relaciones y actores a distintas escalas, bajo las condiciones jurídicas actuales.

*Palabras clave:* Gestión metropolitana, gobierno metropolitano, política de escala, condiciones jurídicas y voluntad política.

## INTRODUCTION

**M**etropolitan management is a controversial issue due to the different proposals and experiences in cities around the world, Mexico being no exception. Concentration of economic and cultural activities in only 10 per cent of the national territory has caused that three fourths of the total population live in 383 cities and generate 97 per cent of GDP. Even more, 56.8 percent of the total population (63.8 million habitants) concentrate in 59 metropolitan areas<sup>1</sup>, which are integrated by 367 municipalities, all of which shows that urban population in Mexico is metropolitan (SEDESOL, *et al.*, 2012: 12). This constitutes a challenge for metropolitan management and underlines the need to bring forward elements to discuss different forms of metropolitan management in Mexico.

The economic, social and, political complexity in the creation of metropolitan governments poses a great challenge. Nevertheless, it is an issue that has a lot of available data from cities all over the world for its discussion and analysis (see Rodríguez and Oviedo, 2001; Borja, 2004; Lefèvre, 2005 and 2010; Klink, 2005; Orellana, 2013; Pérez, 2014; Rojas, 2005). In Mexico, several researchers have studied the relevance of metropolitan governments (Ávila, 2008; Álvarez, 2009; Eibenschutz, 2008 y 2009; García, 2008; Iracheta, 2003, 2008, 2009, 2009b; Moreno, 2006; Ugalde, 2007; Pérez, 2009; Ramírez, 2009; Negrete, 2010; Pradilla and Sodi, 2006; Pradilla, 2009; Ward, 2011). Despite being an issue that attracts attention, there is no consensus over the most efficient type of metropolitan government; what is evident, nevertheless, is the need for metropolitan management.

Generally speaking, there are two known models of metropolitan management: “supramunicipal” and “intermunicipal” governments (see Rodríguez and Oviedo, 2001:15; Klink, 2005: 139; Lefèvre, 2005: 201; Moreno, 2006: 9-10; Orellana, 2013: 7). Supramunicipal governments are institutions that lie between municipal and state governments and are centrally organized for decision making, creating a management structure called consolidation. The second model is based on an intergovernmental asso-

<sup>1</sup> A metropolitan area is defined as “...the set of two or more municipalities, where a city of 50,000 or more habitants is located, whose territory, functions and activities go beyond the limits of what the municipality originally contained, incorporating as part of itself or of its direct area of influence, the adjacent municipalities, mainly urban, with which they maintain a high degree of socioeconomic integration.”(CONAPO, SEDESOL, INEGI, 2012:25).

ciation (municipal, state and federal) for the metropolitan management, and depends on a decentralized management structure that is known as fragmentation (Ugalde, 2005; Ramírez, 2012).

The supramunicipal management is based on the Reform School, and rises in the context of a strong government, decision making being of national scale. Intermunicipal management is based on rational decision making, in a free market context, where the State thinning and the decentralization of public management determine the local scale of action.

The creation of a management structure that administers the territory based on political-managerial limits and on a given scale, has been a problem for urban and metropolitan management. This happens, partially, because the territory (space) is considered like scenery where activities take place, an abstract space that is limited to allow planning. This means that the understanding of the dynamics of a territory –neighborhood, city or region– is based on its delimitation. Doreen Massey (2012) questions: To what extent are “regional” problems, *regional* problems? How many times have problems of the center of the cities been “explained” exclusively taking into consideration internal features of these areas? (2012:87). This situation underlines the importance of considering space not as scenery but, as a social construct (Lefebvre, 2013). Being so, the scale policy allows relationships that give structure to processes to be knitted as neighborhoods, cities or regions and therefore basic for the urban management, and not only the formation of metropolitan managements *per se*, because it is a different delimitation of a government over a territory.

Scale policy can be explained as a relational construct (Valenzuela, 2006:24). Focusing on urban space, fragmentation in the actual city is a result of fragmentation of the scale policy (Mansilla, 2011:63). In political terms, federal, state and municipal laws and regulations are proposed, even though some of them are contradictory in the same city or metropolitan area. That fragmentation and bad coordination is what characterizes the problems of metropolitan management.

What we try to pose, taking into account the scale policy, is to consider the construction of relationships and the identification of actors and functions that intervene in the metropolitan management, but taking into consideration the “space anchorage” (Harvey, 2003), that is to say, they need to be institutionalized and specific to be operative. That is what Ramírez (2012:514) calls an “institutional architecture”, understood as the creation of institutions, clear rules for decision-making and the adoption of public policies of regional interest. The degree of institutionalization will depend

on the current legal framework and on the political will of all the actors involved.

The purpose of this is text it to provide elements for the creation of the metropolitan management for the Metropolitan Area of the Valley of Mexico (MAVM), considering the mechanisms for the construction of actors and relationships at different scales, with the current legal conditions. In the first part of the text, we revise the most common models of metropolitan government, underlining its characteristics in terms of democracy, efficiency of public services and scale of decision-making. In the second part, we make a short review of the legal aspects in Mexico and in MAVM, highlighting that the current legal framework makes metropolitan management an intergovernmental association, where the political will, in the scope of the autonomy promoted by the process of the public administration, becomes a central element. In a third part, taking into account some problems in the recent history of metropolitan management of the MAVM, we outline some elements to consider a form of management that includes scale as something that can help understand which part of the local processes have multiple relationships on several scales, but that needs an institutional architecture for the coordination of the different levels of government that have influence in the metropolitan scope. As final conclusions, we establish that as long as short and long-term urban reforms that allow the legal creation of metropolitan government with full capacities are passed, more than a proposal, we need to discuss the elements for metropolitan management in the short run. Therefore, we think this is not a closed subject, but on the contrary, a list of elements to discuss the complexity of metropolitan management for the particular case of MAVM.

#### **CONSOLIDATION, FRAGMENTATION AND SCALE POLICY IN METROPOLITAN MANAGEMENT**

Generally speaking, there are two known models for metropolitan management: the first one is the “supramunicipal” government, which is what is generally understood as a metropolitan government. It consists of institutions that lie between state and municipal governments. In this model, the authorities are chosen by direct election, the government has legally allotted resources of its own that can be used with autonomy and its capacities are determined and different from the other levels of government, either of lower or higher levels. It is, therefore, the purest model, because it has direct political legitimacy, defined financial autonomy, precise and different capacities exercised upon its functional territory.

The second model is based on the coordination of local governments (state and municipal) for the metropolitan management. It is an “intermunicipal” government whose legitimacy is indirect, because it comes from authorities of territorial entities (municipalities and territorial delegations). It is usually not financially autonomous, its resources coming from the different municipalities or from state or federal budget. Local authorities from the government are the ones who define the capacities (IMCO, 2010:196; Rodríguez and Oviedo, 2001:15; Klink, 2005:139; Lefèvre, 2005:201; Moreno, 2006:9-10; Orellana, 2013:7).

Two main processes characterize supramunicipal metropolitan government: the integration and annexation of municipalities (e.g. Metro Toronto) and the creation of metropolitan governments that coexist with local governments (e.g. Greater London Authority)<sup>2</sup>. Meanwhile, intermunicipal metropolitan government can have the representation of several levels of government or depend on the creation of metropolitan commissions that depend on other governmental entities (see Yaro and Ronderos, 2011; Ramírez, 2012).

Both models exist in various cities throughout the world (Borja, 2004; Rodríguez and Oviedo, 2001; Yaro and Ronderos, 2011), its characteristics based on arguments that come from three main schools of thought: Reform, Rational Election and New Regionalism. Below we will discuss the aspects of democracy and efficiency of public services specific for each model of metropolitan government, considering these three schools of thought. We will also consider scale as an analysis perspective, for each metropolitan government, as a basic aspect of metropolitan management.

Supramunicipal metropolitan government has been developed since the second half of the twentieth century, based on the Reform School, depending on a centralized structure of public administration, a process also known as consolidation (see Ugalde, 2007; Ramírez, 2012). This kind of metropolitan government is based on the prevalence of the national scale in all the national economical organization (Brenner, 2002; González, 2005) and is deeply rooted in large cities. Its implementation, either by the integration of municipalities or the formation of a different government, leads to long term planning strategies.

<sup>2</sup> According to a World Bank study, out of the integration or annexation of municipalities, metropolitan governments that are greater entities in a regional scale or the amalgamation of authorities in a unified metropolitan government are created. The other type of metropolitan government is created by metropolitan commissions formed leaving local governments on line, but creating a coordinating organization over local authorities to coordinate planning and management issues in the regional scale, meanwhile local governments keep managing other systems, creating a two-leveled structure (Yaro and Ronderos, 2011.10).

Among the alleged advantages of metropolitan government is that being a larger entity it can acknowledge the problems that affect all the metropolitan area and suggest solutions to those problems avoiding duplicity in services. It is also argued that tending to the problems of a whole area, rather than to local issues, lowers costs, in what is called scale economy. This form of government tends to fiscal equivalency, that is to say, everything regarding the use of facilities, equipment and urban infrastructure by users that live and therefore pay taxes in other municipalities, a situation that generates fights between different jurisdictions (state and municipal).

Still, most criticism of this model of metropolitan management lies in the democracy perspective. Because a higher than municipal entity of government is created, citizen participation is reduced both in decision making, as in accountability (situation that, by the way, can't be guaranteed in small scale governments). This type of government model implies that local governments (municipalities) lose some degree of autonomy.

Moreover, changes in global accumulation regimes, relying in market economy, stress the importance of intergovernmental coordination such as the mechanism for metropolitan management. These ideas are based on the assumptions of the theory of Public Choice, which is in favor of local government autonomy (Pérez, 2008; Ward, 2011). To this respect, it forwards the idea that the excellence in efficiency and democracy is achieved in smaller municipalities (Tomàs, 2010:128). There is an appeal for the decentralization of public administration, meaning that each local government (municipal) will be responsible for the urban development in its territory, creating a fragmentation of the metropolitan management. In this scenario, a coordination level dependent on local governments is created. We can find some examples of this model in Santiago de Chile, Lille and Lyon in France or, in a different version, in metropolitan commissions, such as the ones that have been created for the MAVM.

Those who are in favor of this level of metropolitan coordination point out the attributes of decentralization of public administration in the context of the thinning of functions of the Nation-State, responsibilities being met by metropolitan governments who can ask for participation of the private sector. Municipal governments based on "will" actions can sign contracts, agreements or conventions to solve the problems in their territory. The formation of sectorial commissions is voluntary and makes them dependent of the intergovernmental coordination (federal, state and local) that created them.

It is thought that local governments, being small have greater involvement with society, in terms of elections, accountability, participation and closeness to specific problems of their territory, thus strengthening democracy. For that matter, if the citizens aren't happy with the management and services of their local government they are free to choose other municipality to live in, what is known as "voting with feet"<sup>3</sup> (see Brenner, 2002; Pérez, 2008; Tomàs, 2010; Ramírez, 2012). Competition between municipalities is therefore seen as a virtue.

Criticism to this form of metropolitan management falls on the lack of integral planning for the metropolitan area as a result of development of urban plans for limited areas. In many cases, problems are bigger than the capacity of each local government to find solutions. Efficiency-wise, metropolitan management is limited, in as much as socio-territorial problems can not be solved in a fragmented way (see Table 1).

It could seem that the efforts to construct metropolitan governments have been weakened in the neoliberal context<sup>4</sup>. Notwithstanding as a decisive reason, metropolitan areas have been forgotten in the decentralization process (Lefèvre, 2010:133), making room for fragmentation of urban management.

In the nineties, the interest and debate on metropolitan models did not focus so much in the size of the municipalities, but in the dynamic and practices of the local actors (Tomàs, 2010:129). Brenner (2002) questions why had the issue of metropolitan political reform been discovered in the nineties and underlines the main change in the discussion over metropolitan governments by quoting Swanstrom (1996) "...in regards with metropolitan regionalism (the objective) has been outplaced from the justification of social welfare to an economic justification of the redistribution of resources that aims at regional growth and prosperity" (Brenner, 2002:9). If this argument were true, fragmentation of metropolitan management lays the foundations for the planning of urban development relying on the encouragement of public and private investments to get economic resources that would be used to solve the problems of their own jurisdictions, without taking into account the metropolitan contexts where they are established. This means that territorial conditions can be established (land

<sup>3</sup> Tiebout (1956) takes up this idea and analyses the possibility of choice by the consumers-voters whose decision to live in another town depends on goods and services offered by each jurisdiction

<sup>4</sup> Some examples are: Corporación Metropolitana de Bilbao, suppressed in 1980; la Gran Valencia in 1986; the next year Generalitat de Catalunya removed the metropolitan authority from Barcelona (Lefèvre, 2010:134). The few metropolitan entities that still exist (Hanover, Stuttgart, Copenhagen) are weak and controlled institutions (Lefèvre, 2010:134).

use regulations, construction licenses, local tax-cuts and property taxes) to bolster investment in the large urban projects, with no consideration to the metropolitan scale, generating gentrification and segregation processes, deepening territory fragmentation.

Against this background rise New Regionalism, sharing with the school of Reform the need of some kind of metropolitan coordination, but rejecting the creation of metropolitan governments with strong capacities. New regionalism consequently falls within the step taken from “government to governance” (Tomàs, 2010:129-130, Brenner, 2002:9). Participation of the private sector is encouraged and citizen participation is considered in several scales, a main consideration in the analysis and implementation of metropolitan governments. Governance is based on cooperation and capacities (Yaro y Ronderos, 2011:11).

For the Reform School the national scale in the economic organization is dominant, which does not mean that local scales (municipal or regional) don't exist, but that they gain relevance in regards to the State-Nation (González, 2005:6). Meanwhile in the Rational Election theory local scale is the most important. For the New Regionalism, being governance a characteristic, the idea of scales has a close relationship (Trucco, 2012:120). It shares the notion that scale policy (Brenner, 2002; González, 2005; Harvey, 2003; Jessop, 2004; Mansilla, 2011; Massey, 2012; Trucco, 2012; Valenzuela, 2006) is a conceptual framework for the analysis and implementation of metropolitan governments.

Regarding scale policy, Brenner (2002:10) mentions “it is the way that several sociopolitical forces are trying to manage the multiple problems of governance of post-Fordism urbanization by the way of establishing different scales of urban and regional regulation”. We are transitioning from a model of metropolitan management that was based on State-Nation decisions and later to local (municipal) government decisions, to a pattern in which different actors make the decisions affecting metropolitan management.

In fact, the change in capacities of the local and metropolitan governments in regards with State-Nations and world forces (I'm thinking of every issue—from interurban capacities by multinational investments, as in the “urban entrepreneurship”, to the element of Agenda 21 in the agreement of Rio, that established a set of measures that local governments needed to put forward to curb Global Warming—in which a determined scale of human organization has increased its role for the last 20 years (Harvey, 2003:96)

Even though, thinking of smaller scales, municipal governments do develop associations to promote its interests in the regional, national, international and global levels (Jesso, 2004:32). This scale complexity is one of the main challenges of metropolitan management.

The construction of economic and social relationships on different scales and the recognition of actors and functions that play a role in the metropolitan management through “space anchorage” (Harvey, 2003) or, what is to say, its implementation, will depend on the legal framework, and more pointedly in the political will of the actors, situation that will be explained in the following section.

## **LEGAL ASPECTS OF METROPOLITAN MANAGEMENT IN MEXICO**

When analyzing the possibility of the formation of metropolitan governments it is relevant to consider, on one hand, the regulatory aspects that define the possible metropolitan management. On the other, it is important to contemplate the political and economic factors that enable or represent obstacles to the creation of these governments. We will focus on the case of the MAVM.

### **National context**

Lets start by mentioning Mexico’s form of government as a federal republic with three levels of government: federal government, state governments (31 states and one federal district) and municipal governments (2,445) and delegations (16)<sup>5</sup>. State and municipal governments imply a territorial dimension. That it to say, they are responsible of territorial planning of their jurisdiction, in accordance with the laws emanated from the Mexican Constitution (Constitución Política de los Estados Unidos Mexicanos), and from general regulations such as the General Law for Human Settlements (Ley General de Asentamientos Humanos).

<sup>5</sup> Both the Federal District and the delegations that constitute it, have different characteristics in regards to its levels of government (states and municipalities). For example, the Federal District, which is not a state, does not have its own Constitution, making it dependent on many decisions taken by the federal government. That is the case of public security, whose head authority depends on ratification from the federal government. Meanwhile delegations of the Federal District don’t have the autonomy to sign intergovernmental agreements.

Table 1: Metropolitan management: consolidation, fragmentation and scale policy

Consolidation	Fragmentation	Scale policy
<b>Main features</b>		
Reform school Centralization of public administration National scale Metropolitan government Public election Financial autonomy Clear qualifications Political legitimacy Governance based on cooperation	Public Choice school Decentralization. Territorial polycentrism Local scale Municipal coordination Entity dependent on authorities (state and municipal) Dependent Budget Capacities defined by authorities Indirect legitimacy Governance dependent upon capacities	New Regionalism Scale policy, actors, relational construction Coordination between government and private sector Interdependence Financial autonomy Clear capacities defined by actors Political legitimacy Governance dependent un cooperation and capacities
<b>Type of government</b>		
Integration or annexation of municipal governments  Metropolitan authority (coexists with municipal governments)	Municipal government: responsible for urban development  Intergovernmental association (contracts, agreements, conventions)  Metropolitan commissions	Intergovernmental association (contracts, conventions or agreements) that include several actors. Responsibilities and mandate defined by the federal government. Mechanisms that include participation of public, private, national and international organisms and citizen participation
<b>Alleged advantages</b>		
- Issues raised in metropolitan scale - Greater capacity for tax collection - Reduction of costs (scale economy) - Fiscal equivalence	- Issues raised in a territorial delimitation (rational use of financial resources) - Each municipal government participates according to its possibilities - More citizen participation is presumed	- Issues raised in a inter-scale relationship - Chance of greater economic resources - Fiscal equivalence - Participation of public, private and social sectors
<b>Alleged disadvantages</b>		
- Government and citizens are distant - Citizen participation is not encouraged	- Difficult metropolitan planning and coordination - Metropolitan issues are larger than the local governments capacity to solve them	- Inter-scale complexity discourages actors involvement - Friction between the three levels of government

Source: Self elaboration based on: Brenner, 200; González, 2005; Jessop, 2004; Klink, 2005; Lefèvre, 2005; Morales and García, 2004; Moreno, 2006; Orellana, 2013; Pérez, 2009; Pradilla, 2009; Rodríguez and Oviedo, 2001; Ramírez, 2012; Tomás, 2010; Trucco, 2012; Ugalde, 2007; Ward, 2011; Yaro and Ronderos, 2011; Zentella, 2007).

In the Constitution there is no recognition of the metropolitan areas as social and territorial entities, and less so as managerial and political ones. There is only mention to “zonas conurbadas” (surrounding urban areas) as established in Article 122, where it is noted that they have the possibility to sign agreements to create metropolitan commissions<sup>6</sup>.

Regarding the Law of Human Settlements, Chapter 4, “About conurbations”, establishes the commitments of federal, state and municipal organisms to plan and regulate the surrounding urban areas, according to a program of orderliness of the area (Art. 22) that will be consistent with the national program for urban development, the program for the urban development of the states, and the municipal urban development programs.

There is no general law, based on the Constitution that allows the creation of metropolitan governments of supramunicipal status: “... there will be no intermediate authority between this (municipal authority) and the state government.” (Art. 115, Secretaría de Gobernación, 2014;167). Nevertheless, it is important to point out that there have been several analysis that underline the need to promote legal changes that allow the formation of governments for metropolitan areas (see Iracheta, 2008 and 2011; Ávila, 2008; García, 2008; Monterrubio, 2013; Pradilla and Sodi, 2006; Pradilla, 2009).

The federal legal framework allows metropolitan management by means of coordination and association of the diverse levels of government (municipal, state and federal), either through agreements and contracts or by the creation of commissions in which the three levels of government cooperate.

The political decentralization process has made an impact on the relative autonomy for states, and particularly, for municipalities. Article 115 of the Constitution establishes the functions and capacities of the municipalities<sup>7</sup>; in its 1983 reforms, and later, in the reforms approved in 1993, municipal governments gained more responsibilities (see Tecco, 2001:4; Ziccardi, 2003:327; Borja, 2004:69; Rojas, 2005:44; Chavoya and Rendón, 2010:2; Iracheta, 2009 and 2011:15-16). Thus, they became responsible for the planning of urban development, in accordance with the approach

<sup>6</sup> In 1993, Art. 122 is reformed with the following addition: “Agreements can be signed by local, municipal and federal governments to create metropolitan commissions that can dwell on territorial issues as in functions for the execution of public works and services and for other actions, as well as define common human, material and financial resources input and further rules to regulate the development of surrounding urban areas, the provision of services and agreed upon actions made by the members of the commissions.” (Secretaría de Gobernación, 2014:571).

<sup>7</sup> It is important to consider that municipalities have a legal financial situation different than that of Federal District delegations who have no economic autonomy (for further analysis see: Bird y Slack, 2005).

of the Rational Election theory. This allows municipalities to have a say over their finances<sup>8</sup> and be the ones responsible for their public services<sup>9</sup> and their urban development. Art 115 establishes that municipalities will be in charge of:

Defining, approving and managing zoning and the plans for municipal urban development; b) Participating in the creation and management of its territorial reserves; c) Participating in the creation of regional development plans, which will be in agreement with general plans for the subject matter. When states or the Federation create regional development projects they will ensure municipal participation; d) Authorizing, controlling and looking out on land usage in its field of competence in its jurisdictional territories; e) Intervention in the regularization of urban land possession; granting of licenses and permits for construction; g) Participating in the creation and management of ecological reserves and in the elaboration and implementation of programs of regulation on this issue; h) Intervening in the formulation and implementation of passenger public transport programs when they affect their territory, and i) Establishing agreements for managing and guardianship of federal areas. (Secretaría de Gobernación, 2014:171-172).

Still, intergovernmental associations as mechanisms of metropolitan management have scarcely been used, being voluntary instruments that usually clash with several political and economic interests. According to the municipalities and delegations census (Censo Nacional de Gobiernos Municipales y Delegacionales INEGI, 2011) during 2009 and 2010, 889 intergovernmental associations were established among municipalities and/or state governments and/or federal government. 59 of those were contracts, 629 conventions and 201 agreements, basically dealing with public services. This census was also carried on in 2013, showing that in 2011 and 2012, 52 contracts, 387 conventions and 161 agreements, with a total of 387 intergovernmental associations were established, 289 less than during 2009 and 2010. Based on this data, and according to 2011 census, during 2009 and 2010 only 36.1 per cent of municipalities or delegations declared any intergovernmental association. That percentage decreased to 24.4 percent for the years 2011 and 2012, according to 2013 census. As we can

<sup>8</sup> Municipalities will have free management over their estate, which will be formed by the income of its assets, as of contribuitons and other income that Legislatures grant them, (Secretaría de Gobernación, 2014:170).

<sup>9</sup> Drinking water, sewer system, sewerage, waste water treatment; b) Street lighting, c) Solid waste collection, transportation, handling and disposal; d) Central and local markets; e) Cemeteries; f) Slaughterhouses; g) Streets and parks and its furnishings; h) Public security in terms of Art. 21 of this Constitution, preventive police force and traffic (Secretaría de Gobernación, 2014:169).

see, municipal governments show little interest in building any form of intergovernmental associations. Nevertheless, it should be noticed that many intermunicipal cooperation efforts exist *de facto*, with no legal binding in the form of contract, convention or agreement.

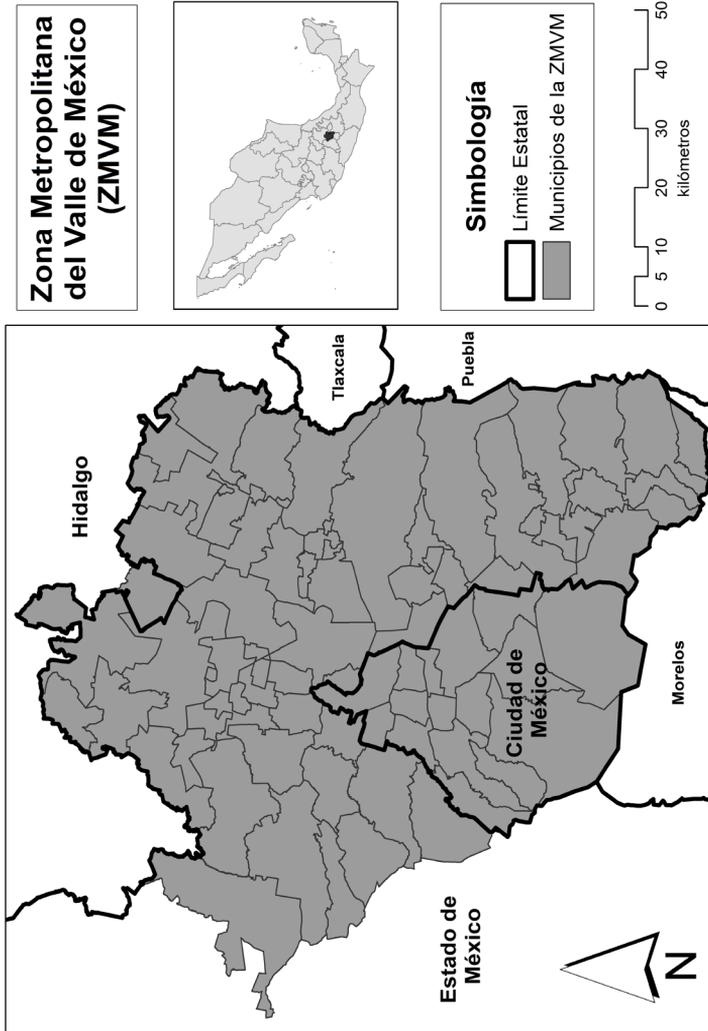
The volunteer nature of intergovernmental associations, favors that each local authority create its own plan of urban development based on the “potential” of its territorial jurisdiction, without taking into account the territorial repercussions with surrounding neighbors. The lack of relation with other agents and the scarce construction of relationships for urban management, limits urban planning of metropolitan areas to a local scale, encouraging managerial and territorial fragmentation.

### **Legal aspects for the MAVM**

The MAVM is constituted by 60 municipalities belonging to 2 states (Hidalgo and Mexico) and 16 delegations (municipalities with restrictions) from the Federal District, for a total of 76 municipalities and delegations from three federal entities. The legal framework in which the MAVM functions pursuant of federal laws, allows the possibility of metropolitan management through intergovernmental association in the form of contracts, conventions or metropolitan commissions (Figure 1).

The Federal District government considers the conditions for the coordination of the metropolitan area both in the Law for Metropolitan Development 2008 (*Ley de Desarrollo Metropolitano 2008*) and in Law for Urban Development 2010 (*Ley de Desarrollo Urbano 2010*). The Law for Metropolitan Development (Art. 3) establishes that the coordination of strategic planning and execution of coordinating actions with the federation, states and municipalities of the urban surrounding areas will fall upon the Secretary of Government (*Secretaría de Gobierno*), through the Undersecretary of Metropolitan Government and Governmental Liaisons (*Subsecretaría de Coordinación Metropolitana y Enlace Gubernamental*). Meanwhile, the Law for Urban Development states that among the functions of the Legislative Assembly (*Asamblea Legislativa del Distrito Federal*) and the Head of Government the participation in the commissions of metropolitan and mega metropolitan planning and development (Art. 5 and 6).

Mapa 1: Municipios y alcaldía de la Zona Metropolitana del Valle de México



Fuente: elaboración de Alan Immit López Meza con base en SEDESOL, CONAPO e INEGI, 2012.

State of Mexico's government and, particularly, Article 139 of its Constitution establishes that the state government and the town councils of the municipalities will subscribe conventions with the federation, states and municipal neighbors of the Distrito Federal in a coordinate manner and in accordance with the Mexican Constitution to execute public works, provide public services and take action in several fields as described by the different metropolitan commissions and the diverse administrative branches. On the other hand, Article 37 of the Organic Law of the Public Administration (*Ley Orgánica de la Administración Pública del Estado de México*, art 37) entrusts the Secretary of Metropolitan Development as the entity in charge of promoting, coordinating and evaluating the actions and programs oriented to the harmonic and sustainable development of metropolitan areas at state level.

In the case of the state of Hidalgo, it is Article 7 of the Law for the Coordination of Metropolitan Development 2009 (*Ley de Coordinación para el Desarrollo Metropolitano del estado de Hidalgo*, 2009) the one that states that the State Metropolitan Commission will be responsible of advocating for the celebration of conventions with the federal, state and municipal authorities to tend to the necessities generated by the metropolitan areas. Meanwhile, Article 23 of the Law for Human Settlements, Urban Development and Territorial Ordination, 2007 (*Ley de Asentamientos Humanos, Desarrollo Urbano y Ordenamiento Territorial*, 2007) provides that: state and municipal authorities will participate in coordinate manner with the federation in cases regarding metropolitan areas with the state territory in accordance with the Federal Law for Human Settlements.

Federal and local laws (state and municipal) provide a legal framework for the creation of intermunicipal metropolitan governments. Nevertheless, as has been mentioned, the creation of metropolitan governments is influenced not only by legal aspects, but also by economic and political factors that put obstacles in the construction of metropolitan governments, subject that will be discussed in the next section.

## **METROPOLITAN MANAGEMENT IN THE METROPOLITAN AREA OF THE VALLEY OF MEXICO**

The legal framework examined has made possible urban management through the associations of local authorities by means of the creation of metropolitan commissions. Notwithstanding, these mechanisms haven't showed the expected outcomes. Lets start with the metropolitan commissions.

During the nineties, and as the result of the reforms to Article 122 or the Constitution, the federal government (through the corresponding federal entity), the government of the Federal District.<sup>10</sup> and the government of the State of Mexico created the following metropolitan commissions for the MAVM: Water and Sewage Commission for the Metropolitan Area (CADAM), 1994; Metropolitan Commission for Transport and Road Administration (COMETRAVI) 1994; Metropolitan Commission for Public Security and Justice System, 1994; Metropolitan Commission for Human Settlements (COMETAH), 1995; Metropolitan Environmental Commission, 1996; and Metropolitan Commission for Civil Protection, 2000 (DOF,2008:2).

Metropolitan commissions were created to evaluate, coordinate and promote, the most delicate issues pertaining each commission, with the purpose that the decision makers involved in the management of public policy can recognize the scope of their responsibility in the sustainability of the territory and focus their activities in the cooperation of its implementation. (CAM, 2010:1-4). That is to say, implementations of policies that affect the metropolitan areas rely on the will of the state and municipal governments.

There is a consensus that the inefficiency of metropolitan commissions is due to its non-binding status and the lack of enforceability of all actors involved (see González, 2009; Iracheta, 2009, 2010; Pradilla, 2005, 2009, 2013; Ward, 2011). That is the reason why the work carried by metropolitan commissions end up as mere diagnostic reports of the metropolitan area.

Since the local scale (municipal authority) is the one responsible for urban development, there is no involvement with metropolitan commissions. Generally speaking, such commissions are dependent on the entities that constitute them, particularly the federal and states governments. One clear example is the COMETAH created by a convention between the Federal District, the State of Mexico and the Secretary for Social Development (federal government). Such commission approves the Program for the Regulation of the Metropolitan Area of the Valley of Mexico (POZMVM), a planning instrument that aims to

... establish metropolitan coordination mechanisms that can make the entities involved make a commitment towards the design of a common strategy for

<sup>10</sup> Up to 1997 it is constituted as government of the Federal District, due to legal reforms that made possible popular election of a government for the Federal District. Before that date, it was the Department of the Federal District.

the ordering of the territory and to build a inter-institutional framework that includes actions from the private, public and social sectors in the sustainable and integral development of the MAVM (POZMVM, 2001:3).

Nevertheless, the POZMVM, is not a binding or mandatory program, which reduces it to a diagnostic report.

On the other hand, and according to the existing legal framework, the other mechanism of metropolitan management is attained when municipal governments and, in certain cases, state and federal governments reach agreements to deal with the most important issues of the metropolitan areas. This situation is possible legally, due to the fact that Article 115, mentioned beforehand, provides the possibility of coordination between municipalities from the same or different states:

The municipalities of the same state, abiding the Law and considering the agreements between town councils, will be able to associate and coordinate to achieve more efficient public services. Whenever the associations include two or more municipalities from different states, they will need the approval of the legislatures of the states involved (Secretaría de Gobernación, 2014:108).

This mechanism of intermunicipal metropolitan coordination is the most common in cities all around the world (Borja, 2004:283). Still, in the MAVM, intermunicipal coordination meets further resistance due to the political competition staged by political parties, both in the municipal and state levels (Iracheta, 2003:232; Ziccardi, 2003:339; Rosenbaum and Rodríguez, 2005:11) (see Table 2).

Note: The data shows the number of entities for each political party, whether they participate individually or in coalitions. Others represent every other party and coalition that does not include PAN, PRI or PRD.

Political diversity and the freedom that municipal governments have to construct intermunicipal associations has become an obstacle of those associations. Though, municipal associations are left to political will. This has meant a complete failure for the MAVM. According to 2013 Municipalities and Delegations Census, conducted by the National Institute of Geography and Statistics (Instituto Nacional de Geografía y Estadística, INEGI), by 2012 only 7 of the 76 municipalities or delegations that are part of the MAVM had a convention or contract for the associations of a municipality and/or a state and/or the federal government (see Table 3).

Table 2: Political parties in the Metropolitan Area of the Valley of Mexico

METROPOLITANA AREA OF THE VALLEY OF MEXICO	Political party				Total
	PAN	PRI	PRD	Others	
Delegations in Distrito Federal	1	1	14		16
Municipalities in State of Mexico	9	44	4	2	59
Municipalities in State of Hidalgo		1			1
Total	10	46	18	2	76

Note: The data shows the number of entities for each political party, whether they participate individually or in coalitions. Others represent every other party and coalition that does not include PAN, PRI or PRD.

Source: Self-generated with information from the National Institute for Municipal Development and Federalism (Instituto Nacional para el Federalismo y el Desarrollo Municipal).

The need for federal coordination of mandatory character for metropolitan management becomes evident both for being a territory belonging to three states, 60 municipalities and 16 delegations, and for having a history of political will being insufficient to comply with agreements for the urban development of the Valley of Mexico.

It is also important to consider the economic factors that have influenced the fragility or the metropolitan management of the MAVM. The before mentioned process of decentralization in Mexico in regards to municipalities, was quite limited, because the reforms weren't accompanied with decentralization of resources, making municipalities legally, but not financially, autonomous (Monterrubio, 2011:11). Powers conferred by Article 115 allow municipalities to collect revenues, though the possibility of agreement between municipal governments for the creation of metropolitan commissions face the resistance or economic interests of the local governments.

On the other hand, with the change in economic policies focused on free market –foundation of the Rational Election theory–, a transformation of urban management that occurs when urban management turns urban to entrepreneurship can be noticed (Klink, 2005:133). According to De Mattos (2009) (planning) went from a managerial kind of management to other of entrepreneurial scope (governance<sup>11</sup>).

<sup>11</sup> "Governance suggests the fact that the power needed to manage the city surpasses the urban government; it includes a broad coalition of forces mobilized by several social actors (industrial enterprises, commercial business, urban developers, educational and religious organizations, unions, parties, social organizations, state entities)." (Cuenya and Corral, 2011, p.27).

Table 3: Municipalities and delegations of the MAVM with associations with other entities, 2012

Delegation/ Municipality	Association	Entity	Topic
Alvaro Obregón	Contract	State government	Drinking water
Xochimilco	Contract	State government	Drinking water
	Agreement	Federal and state government	Sewage treatment and disposal
	Convention	State government	Solid waste collection and transportation
	Contract	State government	Central markets and/or local markets
	Contract	State government	Cemeteries
	Contract	State government	Maintenance and furnishing of Green areas
	Agreement	State government	Maintenance and furnishing of streets and avenues
	Agreement	State government	Maintenance and furnishing of public spaces
	Contract	State government	Public security
Gustavo A. Madero	Contract	State government	Transit
	Convention	State government	Solid waste collection and transportation
	Convention	State government	Maintenance and furnishing of Green areas
	Convention	State government	Maintenance and furnishing of streets and avenues
	Convention	State government	Maintenance and furnishing of public spaces
Chiconcuac	Convention	Federal and state government	Public security
	Convention	State government	Drinking water, drainage and/or sewage
	Convention	State and municipal government	Solid waste collection and transportation
	Agreement	Federal government	Maintenance and furnishing of streets and avenues
Hueyoptla	Convention	Federal government	Public security
	Convention	State government	Maintenance and furnishing of streets and avenues
La Paz	Convention	State government	Other
La Paz	Agreement	State government	Drinking water, drainage and sewage
Tecamac	Convention	State government	Other

Source: Self generated with information from 2013 Municipalities and Delegations Census.

In other words, the transit goes from managerism, that looks for efficiency in the distribution of collective services to all citizens, to entrepreneurship, that seeks a strategic approach for economic growth, friendly with risk taking, and innovation and prone to taking sides with the private sector. Now again, quoting Brenner (2002) the transitions is from justifying social welfare to an economic justification.

### **Towards metropolitan management**

A reform proposal that could make the creation of supramunicipal metropolitan governments legally viable is appealing; several concrete proposals have been generated (see Morales and García, 2004; Pradilla and Sodi, 2006). Nevertheless, in the short term, it seems rather far-fetched (Ugalde, 2007:453; Ward, 2011:26). That is why, under current legal conditions, some basic features for metropolitan management have been posed.

One kind of metropolitan management implies the involvement of the three levels of government that have to take into consideration the participation of citizens and private, local, regional, national and international sectors. The inter-institutional and inter-scale complexity will be implemented through the space anchorage (Harvey, 2003) that is to say, taking into account the possibility of an operational metropolitan institution, that through agreements in the three levels of government establish:

- Free determination of financial management: Studies, programs, projects and actions should be the exclusive responsibility of the metropolitan institution. Furthermore, it is essential that state and federal budgets consider financing for the institution and, still more crucial, that the right mechanisms be established for the generation of internal resources through procurement of budget from the Metropolitan Fund, and private sector participation. It is important to highlight that a true financial autonomy won't be possible with the current legal framework, that forbids the generation of income through taxes, that are in municipal governments' jurisdiction (Art.115 Mexican Constitution).
- Binding decisions of mandatory compliance: the three levels of government will agree that all decisions coming out of the metropolitan institution should be mandatory. It is important to state that the federal government should be responsible for the formation of such institute so the state and municipal governments recognize its legitimacy. Until today, the binding and mandatory character is still optional for the

three levels of government, till a constitutional reform is submitted and approved.

- Private sector participation: national and international private sector and international financial institutions participation is needed. It is essential that certain conditions be met to allow the metropolitan institution to clearly regulate such participations and to make certain that these participations are in the benefit of metropolitan projects.
- Integrating citizen participation: to this day, politicians and political parties consider citizens exclusively as voters and not as active subjects of democracy (Pradilla, 2009:199), whereby, it is important to take into account the mechanisms that will encourage citizen participation in the metropolitan institution so that direct individual participation is possible for the elaboration of projects and indirect participation, though mechanisms of accountability.

This are just some of the characteristics that a metropolitan institution should have under the current legal framework that would show efforts towards metropolitan management, until there is an urban reform that allows the creation of a metropolitan government with all its capacities.

## CONCLUSIONS

Proposals for metropolitan management stem from the current economic and political context framework. The decentralization of public management that has strengthened competitiveness has also fostered its fragmentation. Constitutional reforms, before mentioned –Art. 115 and Art. 122 in 1993– fall within the framework of public administration and governance decentralization, understood as an enterpreneuristic management (Harvey, 1989 and 2001) that are part of the strategy for economic development. Legal foundations (modification of Art.115) and the economic scope (enterpreneuristic management) are elements that are immersed in the current management of the territory.

Consequently, the current legal framework promotes coordination and cooperation of local authorities for the metropolitan management but of volunteer character. This, more than strength is a liability, as have been stated by the Mexican Institute for Competitiveness: “Mexico is still far away from a cooperative model in its federal system. Especially cities have no legal, administrative or institutional instruments, nor the culture of metropolitan cooperation, that makes its operation adequate. City management

dilutes in dispersed wills of several municipalities of the metropolitan area.” (IMCO, 2010:195).

Until a urban reform is passed, the volunteer character of intermunicipal coordination needs metropolitan management coordination stemming from federal government initiatives (IMCO, 2010, Iracheta, 2010; Pérez, 2010) that include tax and financial incentives, in as much as mechanisms for the construction of relationships in different scales that will allow the completion of projects, public works and infrastructure, with the support of several organisms.

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## CURRICULAR INFORMATION OF THE AUTHOR

### *Luis Alberto Salinas Arreortua*

Es investigador del Instituto de Geografía de la Universidad Nacional Autónoma de México donde imparte seminario de Geografía Política en el Colegio de Geografía y en el doctorado en Urbanismo. Ha publicado diversos artículos en revistas internacionales indexadas, así como capítulos de libros. Ha realizado varias estancias de investigación así como una estancia postdoctoral. Así también, ha presentado más de 40 ponencias en Congresos Nacionales e Internacionales. Sus temas de investigación son: políticas de vivienda, gentrificación y ciudad neoliberal. Recibió el reconocimiento a la mejor tesis doctoral en Geografía Social, 2013. Desde el año 2015 ha sido miembro del Sistema Nacional de Investigadores del Consejo Nacional de Ciencia y Tecnología, CONACyT, México. Publicaciones recientes: Salinas, Luis (2014) "Empresarialismo urbano y transformación urbana en áreas centrales de la Ciudad de México", en *ANDULI*, Revista Andaluza de Ciencias Sociales (en prensa); Janoschka, Michael; Sequera, Jorge y Salinas, Luis (2014) "Gentrificación en España y América Latina. Un diálogo crítico", en *Revista Geografía Norte Grande*, núm. 58, pp. 7-40; y Salinas, Luis (2014) "Problemas para la conformación de gobiernos metropolitanos. Apuntes para su discusión", en *Revista de Políticas Públicas*, vol. 18, núm. 2, pp. 647-658.

Dirección electrónica: [luis\\_arreortua@hotmail.com](mailto:luis_arreortua@hotmail.com)

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