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Association model design to achieve local governance in five Mexican municipalities in territorial dispute

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ARTICLE SECTION

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Abstract. This article has as a general objective to propose a model of municipal association that can favour a sustainable development of the region under study, which is inserted in a territorial dispute in the Yucatan Peninsula, Mexico. In order to carry out this research, a hypothetical-deductive method, fundamentally qualitative, was carried out, analysing the theoretical currents around governance, as well as the most outstanding trends in the current debate on the management model consisting of the association between municipalities. The predictive method is used to design a model of municipal association appropriate to the area under study, which is expected to mitigate the current problem. Likewise, the question of what motivates the territorial conflict in the case study is answered and concludes with the proposal to create a decentralized public body that acts as an intermunicipality environmental agency.

Key words: local technical agent, environmental agency, intermunicipal board, subsidiarity, cooperation.

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EXTENDED ABSTRACT¹

Since the Federal Territory of Quintana Roo was established in the Yucatan Peninsula, Mexico, in 1902, there is a territorial conflict between the States located there because there is no agreement about the territorial boundaries of the last entity created. This conflict situation, coupled with the absence of a “consistent intermunicipal management model” among the affected municipalities, is causing inefficiency and lack of timely responses to the problems faced by the population of this rural and tourist area of the Mexican state, which, in turn, is generating situations of “absence of state” or “disorderly intervention” of the same.

With the purpose of designing a model of association for the municipalities of the case study, the political theories are investigated to verify that governance is an effective way of exercising power in any democratic structure, depending on the new leading role that society civil has reached in the conduction of its future, thanks to the course and call to which the postulate and application of governance invites.

Through the hypothetical deductive method, the theory of governance is analyzed, in order to identify the scientific and analytical referents of the phenomenon, as well as the reconceptualization of governance, as the new tool that defines and exercises the political process in societies contemporary.

Finally, as a theoretical-empirical proposal and as a result of the academic reflection on the concomitance between the research categories, a model of governance and governance management capable of being applied to achieve the sustainable development of the territory is exposed and argued under jurisdictional indefiniteness, aligned with the Political Constitution of the United Mexican States, which mandates the possibility that municipalities can coordinate and associate, as well as their power to participate in the formulation of regional development plans.

Given the traditional scheme in force, which operates with greater verticality, centralization and concentration in planning and decision-making at the macro level of the Republic, a governance model is outlined here that embodies transversality in the management of the territory in conflict, adding the multilevel approach and multiactor to increase its development by including and privileging, first and foremost, the experience and local management capacity where the spatial phenomenon of the dispute occurs.

This model outlines an operational process in which the federal government is responsible for designing the general plans for regional development, while the state authorities have a facilitating role for the constitution of the association between municipalities of different federal entities, such as the case, and thus delegate the management of the territory to a Local Technical Agent, in agreement with qualified representatives of the private initiative, the social sector and the academic field, which will be called Local Development Agents.

For operational purposes, for this multilevel and multiactor model, a dual scheme is proposed that contains local governance management through the active participation of civil society and the private sector, as strategic agents that work alongside the local government sector. In addition, it also proposes a management of the territory that, under the principles of subsidiarity, co-responsibility and association between these actors, is responsible for the creation of the agenda for regional planning, its programming and

¹ Authors' exclusive translation.

local negotiation, the operational implementation of plans and projects, their monitoring and evaluation, as well as their control and accountability. Thus, the imperative of article 115, section V, subsection c) of the Mexican Federal Constitution may be fulfilled when it obliges that: “when the Federation or the States develop regional development projects, they must ensure the participation of the municipalities”.

Because environmental problems transcend territorial boundaries, attention to these complications and the current institutional arrangements are completely exceeded by the economic and social processes that affect the systems of land use.

When the federal and state programs and projects are lowered to municipal territories, resources do not respond to local strategic priorities, are atomized and can lead to incentive of counterproductive processes, such as land use changes, or antagonistic, such as extensive livestock that has been wanted to introduce into the territory under jurisdictional indefiniteness analyzed here, in front of its conservation or sustainable forest management.

There is, then, a need for integrality and continuity in environmental management, given the ecological, economic, political and social complexity of virtually all regions of Mexico. It is required to have the technical and management capacity for the design and implementation of environmental management programs and the provision of public services, with an adequate and successful achievement of municipal responsibilities.

The strengthening of municipal autonomy has allowed the revaluation of local and regional spaces, and this has given municipal governments greater relevance for the resolution of the problems of development and management of natural resources, pollution and management of the territory, through a policy of decentralization of public management that gives them new functions.

In Europe, the LEADER approach consists in transferring the planning initiative to the local communities of each rural territory that, organized in GAL (public-private associations of assembly operation), develop and implement a development strategy for that territory, taking advantage of its resources.

In Mexico, the incorporation of constitutional, legislative and regulatory reforms during the last four decades causes a process of institutional and structural change thanks to the introduction of new public management mechanisms that, based on decentralization and deconcentration models, make cooperation in intergovernmental relations and development planning a reality. These reforms to the applicable regulations also give Mexican municipalities new powers and competences in aspects of environmental management, land use planning and natural resources.

The problem here is the lack of correspondence between the attributions, faculties and, therefore, obligations and resources that the Mexican municipalities have to fully comply with them, due to the lack of trained human resources, to an insufficient institutional and legal scaffolding, since the information they have for decision making is scarce. In addition, the municipalities in Mexico have short periods of government and difficulties for their immediate re-election, lack resource management capacity individually before the state and federal government, and face high transaction costs.

In this scenario, other concertation mechanisms that are agile and respond immediately to the demands and initiatives generated by the local population and social and institutional actors in the region are necessary. The municipal associations that lead to the creation of an intermunicipal environmental agency for multiple reasons are convenient and relevant.

When several municipalities share territorial management problems in the same ecosystem, being linked to each other by ecological and socio-economic processes, as in this case study, it is essential to strengthen their institutional capacities comprehensive environmental management through intermunicipal arrangements in the context of comprehensive management of shared territory.

Municipal association schemes allow solidarity and cooperation between neighbouring municipalities and make possible the realization of projects in common or the operation of a public service that would exceed the resources of each of the municipalities by their magnitude or cost.

The aim here is to create a scheme similar to the local consortiums that in Spain have proven to be an adequate instrument within the inter-administrative coordination relationships of a stable and permanent nature, since it involves the creation of a person of an instrumental nature, which contributes to achieve the constitutional principles of effectiveness and efficiency.

For all the above, it is that in this research work the constitution of a horizontal and vertical intergovernmental cooperation model is proposed, under the multiactor and multilevel approach, constituted by an Intermunicipal Board, which would be the governing body, whose decisions would be executed through a Local Technical Agent, who would comprehensively attend the entire territory under conflict.

Decisions taken by the collegiate governing body would be the result of the advice of a Citizen Council, composed of inhabitants of the associated municipalities, which have the support of public, private or social, non-governmental non-profit organizations or the scientific community.

The idea is that the association will initially be constituted by municipalities inserted in the border problem between the States of Quintana Roo and Campeche, such as those of Othón P. Blanco, José María Morelos and Bacalar, by the former and those of Calakmul and Hopelchén, by the second federative entity. And, once the project began to generate satisfactory results, in the medium term, various municipalities of the State of Yucatan whose territories are also in dispute with Quintana Roo, along with their respective Delegation of Development Programs.

The result that it aims to achieve with the design of this model is to have a shared territorial vision, necessary to achieve sustainable territorial cohesion. This requires the existence of adequate intellectual capital (territorial intelligence), of a sufficient level of knowledge available among the actors involved in territorial development in order to achieve a shared understanding of the available knowledge, and thus be able to provide a common framework of reference for cooperation between actors. This interaction between the municipalities under study is currently in the form of dispute and discord, but it can also occur in harmony and peace.