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■ *Special Issue Paper*

Interest mobilization in public health and social insurance: Argentina, Colombia, and Mexico in comparative perspective

Viviane Brachet-Márquez[1]*, Guillermo V. Alonso[2] and
Mónica Uribe Gómez[3]

[1] *El Colegio de México, Mexico City, Mexico*
[2] *Universidad Nacional de San Martín-CONICET, San Martín, Argentina*
[3] *Universidad de Guanajuato, Campus Leon, Mexico*

One revealing test for gauging the extent to which pluralist democracy has advanced in the recently (re)democratized countries of Latin America is to determine the extent to which interest groups have come to participate in policy making in formal, open, extensive, and accepted ways as they mostly do in advanced liberal democracies. In other words, is this a new era or more of the same? To provide insights into this question, using six hypotheses, this article compares social insurance reform in Argentina and Mexico, and public health reform in Colombia.
It appears that the political processes through which the reforms were adopted were fairly democratic, although aspects of the old regimes in all three countries, particularly corporatist relationships, were indispensable backups. The weaknesses that were apparent, however, stem less from the old ways of doing political business and more from the immaturity of the democratic process. Plus, pressures were felt by the executive branches and their allies to show to the international community that their country was a safe place in which to invest. Copyright © 2012 John Wiley & Sons, Ltd.

INTRODUCTION

The 1980s and 1990s saw two major developments in the political economies of Latin American countries. On the one hand, there was a resurgence of democratic procedures. This meant a return to electoral competition, the legitimacy of opposition, and increasing direct public involvement of interest groups and social movements in the policy process. On the other hand, the region's countries experienced financial destabilization, economic restructuring along neoliberal lines, as well as social welfare reforms, all of which adversely affected the means of livelihood and quality of life of millions of Latin Americans, and do to this day.

This paradoxical situation has been repeatedly pointed out particularly in connection with the difficulties it presents for the success of democracy (Bresser Pereira et al., 1993; Acuña, 1995). There is, however, a need to examine case-by-case how these widely unpopular neoliberal reforms have been adopted despite adverse public opinion and the presence of active and vocal opposition that could no longer be ignored or suppressed as in the days of authoritarian regimes. In turn, this leads to ask what and who were the main forces involved in the adoption of these reforms, what resources they used to attain their objectives, and whether, in the pursuit of their political and policy goals, they respected democratic procedure or tended to circumvent them.

These questions directly relate to the issue of how interest groups in Latin America, whether institutionalized or emergent, or whether internal or external, have functioned after (re)democratization. To what extent have they come to participate in policy making in formal, open, extensive, and accepted ways as they do in advanced liberal democracies, as opposed to the privileged restricted, unofficial, and clandestine elite access characteristic of interest activity in the region's authoritarian past? To draw on the explanation of the difference between power groups, interests, and interest groups proposed in the introductory article to this Special Issue, a way to answer this question is to assess the extent to which the

*Correspondence to: Viviane Brachet-Márquez, El Colegio de México, Mexico City, Mexico.
E-mail: brachet@colmex.mx

activities of power groups working behind the scenes have been replaced by more formal and open interests and interest groups.

In authoritarian and low-quality democratic environments, power groups, such as key prospective external investors or international creditor institutions, tend to dominate interest and interest group activity, so much so that they can be the major influence on public policy, especially in the context of economic or financial crisis. They often achieve this by arm-twisting, actual threats of the imposition of sanctions, or acute awareness of their power in the minds of public officials. They also occasionally use bribes of various types rather than the advocacy and persuasion techniques institutionalized in established liberal democracies. In such environments, for example, private companies can threaten to relocate if policies alien to their interests are issued, or if their violations of labor or environmental laws cease to be ignored.

In these political contexts, governments have ways of pushing reforms through congresses while disregarding or dividing opposing forces, and generally ignoring public opinion. They also have a broader range of ways than those in established democracies to discredit opposition, labeling them irresponsible or subversive, and even repressing them, often with impunity. Moreover, external political forces such as the International Monetary Fund (IMF) and World Bank can, and often do, threaten to withdraw loans if governments do not comply with their policy "recommendations." Therefore, governments as well as international organizations, as much as large private companies or business associations in these systems, must be considered power groups insofar as they are major players in these power games and use their resources to win with relatively few constraints. Power groups in developing democratized environments, therefore, have resources at their disposal to either block or promote legislation, or to exert pressures against or in favor of strict implementation that are not available to interest groups in established democracies.

As the introductory article explains, however, this is not to say that power groups do not exist in advanced liberal democracies, or that governments and international organizations do no act as interests and exert power—they certainly all do and likely always will. Power groups are, however, less dominant in developed democratic systems than those in authoritarian or fledgling democracies. Interest groups in advanced democracies do not have to make secret deals with governments that are often in power for decades, or bribe officials (although they sometimes do) in order to be able to operate. They openly go about lobbying the legislative and executive branches and making campaign contributions to candidates favorable to their interests.

This article reviews the role of power groups in the processes of adoption of social security reforms in three Latin American countries. It does so to assess the extent to which such groups still operated, the degree to which interest group pluralism had developed, and, based on the assessment of these two conditions, the extent to which liberal democracy had advanced, as all three countries were democratizing or re-democratizing when these reforms reached the policy agenda.[1] The three specific cases considered are pension reform in Argentina (Alonso, 1999, 2007; Alonso and Di Costa, 2011) and Mexico (Brachet-Márquez, 2001, 2007a), and health reform in Colombia (Uribe Gómez, 2007, 2011a, 2011b)[2].

The cases are compared by using three main research questions.

First: Were interest groups influential in the three reforms, or were power groups primarily responsible for the legislative outcomes? Second: Although the reforms were adopted in all three countries, the end products differed from the original templates of the executive branches or that of international multilateral creditor institutions. Does that mean that opposition forces were able to obtain important concessions? Third: Were processes in the three countries in any way comparable? All three studies upon which the data in this article are based conclude that the final measures adopted differed substantively from the original proposals, so that no legislation can be considered to have been easily rammed through Congress by the executive branch. Nevertheless, a closer examination of the role of power groups in interaction with parties, unions, and civil society organizations suggests that political pressures in favor of adoption were stronger than those opposed to these reforms.

Given space limitations, the three case studies used here cannot be reproduced. Instead, we highlight facts in each to test six hypotheses regarding the ways in which the interest groups involved pursued their objectives in support or opposition to the reforms. This enables us to tease out the mechanisms and procedures that shaped the passage of these reforms in the context of fledgling democracies.

THE GENERAL AND NATIONAL SETTINGS AND THE THREE PROPOSED REFORMS

With the debt crisis that struck most of Latin America in the 1980s, the countries of the region lost the policy-making autonomy that they had exercised during the era of import substitution industrialization. As a consequence, from the early 1980s onward, a kind of

[1]In this article, the term "social security" is used as understood outside the USA, to include both health and retirement insurance, but not unemployment insurance, which it includes in the USA and Europe.

[2]All three sets of works are based on original interviews and observation as well as secondary sources that we do not cite here because of space limitations. For more details, see these three sets of works.

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international directorate headed by lending organizations, particularly the IMF and the World Bank, was established that both prescribed and proscribed courses of policy action to the indebted countries for dealing with their problems as diagnosed by these international organizations. Often, they made the acceptance of these policy prescriptions by the executive branch a condition for keeping or receiving loans. The reforms, broadly described as neoliberal, which later became known as the "Washington consensus" (Williamson, 1990) were (and in many cases still are) seen by these organizations as solutions applying to all countries with only minor local modifications.[3]

Yet, not all countries found themselves in the same financial straits, nor did they all follow suggestions to the letter. Furthermore, when the financial crisis loomed, not all were at the same stage of economic development. Neither were their respective process of democratization identical when, following the primary stage of economic stabilization and restructuring, the second set of reforms—labor, education, health, and pensions—were undertaken, aiming at reassigning resources and reorganizing services while minimizing a degree of state responsibility for their provision and regulation. Thus, being at various stages of democratization and the first level of reforms having had varying effects on different countries, so did the second level of reforms. This was certainly the case in the early 1990s with Argentina, Colombia, and Mexico, each of which faced very different economic and political situations.

Argentina

Here hyperinflation had been overcome and the currency stabilized in 1989–1991, the first years of the Carlos Menem administration (1989–1999). Although it was not in danger of being cut off from international loans, Argentina was under pressure to send positive signals to the market so as to bring back the foreign investments that had flowed out during the hyperinflation period. Internally, Menem's initial "decreeing" style of government (Alonso, 1999), coined "delegative democracy" by O'Donnell (1994) was offset by rising opposition, even from his own party.

The particular reform of this period that we consider here is that of social insurance for pensions on retirement. Along the lines of the neoliberal reforms at the time, the goal was to reduce government spending on these programs and privatize them, essentially shifting the cost of saving for old age to the individual worker, although the state would also agree to contribute to these savings. The initial bill launching the reform was proposed in June 1992 by the executive. It established obligatory individual retirement savings for workers under 45 years, and the choice for older workers to stay within the existing system of tripartite contribution by state, employers, and workers. At retirement age (to be gradually extended to 65 and 60 years old for men and for women, respectively), workers in the old system would receive a fixed sum or Basic Universal Bonus (PBU). Those opting for the new system would receive, in addition to the PBU, what they would have saved in their new individual accounts.

One important factor that came into play in this particular reform in Argentina was labor' higher bargaining power than in the other two countries due to its weight in the pro-government parliamentary block on the one hand, and its ownership of the health component of social insurance (Obras Sociales) on the other.

Colombia

In the early 1980s, Colombia was in a better economic position than either Argentina or Mexico. Despite its internal tensions, it was able to evade the "lost decade" of the 1980s, although its economic growth had declined (from 5.5 to 3.5%) during those years. In the early 1990s, however, as Colombia opened its borders to international trade, its external debt soared primarily as the result of loans to its private sector. By contrast, the Colombian political scene was far less rosy. In the 1989–1990 presidential campaign, three presidential candidates were assassinated.[4] Students from public and private universities took to the streets demanding the end of violence and the reform of political institutions. Partly as a result of these protests, a new constitution emerged in 1991, replacing the old 1886 constitution that had made political participation a privilege of the few.

The government's reform agenda did not initially include the health reform considered in this article which grew out of the debate on pension reform, quickly becoming a separate and more salient political issue than pension reform. The initial debates on health reform took place in the Constitutional Committee on Social Security as part of the drafting of the Constitution of 1991. Following this, President Gaviria Trujillo (1990–1994) proposed a competitive system financed by individual citizens with subsidies for those unable to pay. However, those using public health would have to pay for "non-essential" health problems themselves. This became known as Ley 100 (Law 100). Economic crisis reached the country in 1997 long after the health reform was completed, generating conflict over implementing the new policies.

[3]The expression was coined because of the location in Washington DC of the main institutions promoting these reforms.

[4]Luis Carlos Galán, the Liberal Party candidate; Carlos Pizarro, candidate for the M-19 party (formerly a guerrilla movement); and Bernardo Jaramillo Ossa, candidate for the leftist Patriotic Union Party. Gaviria Trujillo, a close associate of Galán, was elected.

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Mexico

In the mid-1990s, Mexico was the most vulnerable of the three countries to pressures from international institutions, followed by Argentina, and then Colombia. In December 1994, announcement of a new lowering of the Mexican exchange rate with the US dollar caused a financial panic that nearly emptied the public coffers. Throughout 1995, the country was in deep recession and still reeling from financial shock when President Zedillo (1994–2000) launched a pension reform in October of 1995.

Zedillo proposed reforming the social insurance system administered by the Mexican Social Security Institute (IMSS), moving to lengthen the period of obligatory contribution from 500 to 1250 weeks, individualize savings, and shift the responsibility of administering individual accounts to private financial institutions. In short, worker contributions and pension benefits would remain basically unchanged while their personal obligations to contribute would more than double. Again, this was all part of the neoliberal agenda of the international institutions that had bailed Mexico out of its two economic crises (1982 and 1995).

On the political side, the Institutional Revolutionary Party (PRI) that had held power for 60 years still held an absolute majority in Congress (up until 1997), but opposition was mounting, from the conservative National Action Party (PAN) as well as from the fast growing left of center Party of the Democratic Revolution (PRD). Despite the appearance of continuity, politics as usual in Mexico had changed in the 15 years following the beginning of the "lost decade." It had gone from routine and virtually obligatory behind-the-scenes consultation by the government with relevant corporate heads to public debates relayed by a largely uncensored press. Throughout the 1980s, the Mexican population had mobilized extensively around bread and butter issues. Two general strikes had successfully stopped all economic activity for 24 hours, and electoral fraud in state elections repeatedly triggered very vocal public protests that could not be ignored.

SIX HYPOTHESES TO EVALUATE THE ADOPTION PROCESS OF THE PROPOSALS

In what follows, we examine comparatively the evidence for six hypotheses intended to show how extensive or constrained were the democratic processes of adoption of the three reforms. However, we are not looking at these political processes from the normative perspective of reformers who, at the time, considered that poorly performing and fiscally expensive public agencies needed to be replaced with cost-efficient semi-private or fully private concerns. Neither are we labeling those opposed to these reforms as recalcitrant, selfish interests bent on protecting their vested interests, as reformers often have (Graham, 1998; Nelson, 2004). On the contrary, we consider that defending one's interests is an important aspect of the democratic process that is still far from accepted as politically legitimate in Latin American countries. Such opposition was often labeled as irrational, reactionary, unpatriotic, and unrealistic by pro-reform groups (Brachet-Márquez, 2007b).

The analysis that follows simply asks whether successful adoption of these three sets of reforms in the three countries resulted from the free-wheeling interplay of interests generally typical of pluralist democratic processes, as opposed to non-democratic procedures as used by one or several power or interest groups. As might be expected, the answers we find are not as cut and dry as these hypotheses that serve as guidelines and comparative benchmarks, not as ways to establish facts or evidence to bolster ideological stances.

The six hypotheses are grouped into two sets of three. The question of the extent to which power groups influenced the system is considered in the first group. This is for the reason that, given that the core of the old Latin American politics was elitist and exclusionary influence systems, if pluralism was present in these three cases, the influence of power groups should have been curtailed to some degree. These three hypotheses are as follows:

(i) International creditor agencies pressured debtor countries into carrying out the reforms.
(ii) Private health care providers (insurance, pharmaceutical interests, and banks) exerted pressures on government to carry out the reforms.
(iii) Technocrats who initiated the reforms were in collusion with private interests.

The second set of hypotheses postulates: (1) that health or pension reform constituted a recognized political issue in each country about which there was ample debate; (2) that interest and power groups, both within and external to government, were divided on the issue; and (3) that some checks and balances operated between these groups through parliamentary alliances and bargaining. These three hypotheses are:

(iv) Adoption resulted from the free interplay of parliamentary coalitions.
(v) Societal interest groups influenced parliamentary debates.
(vi) The executive mediated between power groups rather than acted as a power group in itself.

DID SOME POWER GROUPS BIAS THE POLICY PROCESS IN FAVOR OF THEIR INTERESTS?

As the presence of power groups has been the norm of interest group activity in Latin America, including

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the three countries considered here, Hypotheses 1, 2, and 3 are expressed as null hypotheses for which contrary evidence is sought, namely that power groups did not influence the reform process, or at least that their influence was curtailed.

Hypothesis 1: International credit agencies pressured debtor countries into carrying out the reforms

Argentina

Even though the reform was proposed and implemented by Argentine technocrats, the link with international financial institutions is very clear. Between 1989 and 1991, the link was one of direct consulting and loans to support 30 technical studies to prepare for the reform. In the agreement signed with the IMF in March 1992, Argentina's government was committed to implementing the reform by the following year.

Colombia

The situation here contrasted with Argentina. Even though Colombia was heavily indebted in the early 1990s, major pressure toward reforming came from government elites rather than international creditor institutions. These elites were, in effect, the direct if not always obvious advocates of this public health reform. Only after the 1997 economic crisis were pressures exerted by international institutions, including conditions for granting the 2.7 billion loan the government requested in 2001. The government was required to make further financial modifications to Ley 100, reform the labor code, the pension system, and privatize certain state enterprises.

México

In Mexico's case, there is no direct evidence that international financial institutions applied direct pressures to secure the reform. In fact, we have evidence that the reform was planned during Zedillo's presidential campaign in 1994, long before the so-called "Tequila effect" called for an international financial rescue. Like many economists at the time, it appears that the president to-be (himself an economist) was simply convinced that to deposit retirement funds in private banks would provide more capital for national development and diminish the nation's dependence on foreign loans. That a very large proportion of individual savings accounts would be inactive as a result of unemployment or informal employment was simply not contemplated at the time by the reformers, including Zedillo.

Hypothesis 2: Private health care providers (insurance, pharmaceutical interests, and banks) pressured government to enact the reforms

Argentina

Interests from the private sector proved to be powerful forces in the reform of Argentina's public health system. In particular, their influence was felt in the appointment of the president of the Association of Prepaid Health Care Enterprises (ADEMP) as Secretary of Health in 1991, and then as Minister of Health and Welfare in 1993. Plus, the insurance sector, a powerful newcomer on the political scene, was in favor of creating a mega-business, joining pension funds, work accident insurance, and public health care. These interconnections were clearly evident and reflect the cozy relationships of elites long associated with Latin American policymaking and, to some extent, present in the established democracies. Beyond this, however, there is no evidence that direct pressure was exerted on government by members of health care provider associations or any association to secure the reform.

Colombia

Here private health insurance companies exerted considerable influence in the design of Ley 100. This included securing specific proposals, such as supplementary health plans, which offered, for those able to pay, more comprehensive health care coverage than the minimum universal package. These plans, which the government initially rejected, were modeled on those in Chile.

The significance of private interests in the implementation phase was particularly apparent with the members of the Colombian Association of Integrative Business Medicine (ACEMI), which represented prepaid health care organizations on the National Social Security Council, and acted in alliance with the Health Ministry. It was evident that ACEMI had information to which no other Council member had access, as well as direct communication with the Health Ministry and the Treasury. Thus, much of ACEMI's influence was of the old power group type based on personal ties and on informal elite relationships rather than on more open communication, information, and decision networks characteristic of modern liberal democracies.

Mexico

We found no evidence of direct pressures being exerted on government by private interests with a stake in the reform. However, the following points are enlightening regarding subtle and indirect private pressures.

DOI: 10.1002/pa

In 1984, a constitutional amendment was passed by Congress making private health care part of the public health sector. This enabled public facilities to subcontract to private enterprises for lab tests and X-ray procedures. Originally, the government claimed that the amendment was intended to make health care a citizen's right in Mexico. Yet, following IMF recommendations, the uninsured were required to pay fees for services in Health Ministry facilities. Furthermore, the Mexican Health Foundation (Funsalud), technically a private non-profit organization, but in practice a think tank for government policies, organized informal meetings between public health officials and private health care providers in which the advantages of the reforms to the private sector were outlined.[5] As a consequence, the fact that there is no evidence of direct pressures on government or Congress from the private sector may be caused by the lack of need for such pressure, given the government's tireless efforts to pass a pension reform that favored private sector interests.

Hypothesis 3: Technocrats who initiated the reforms were in collusion with private interests

Argentina

There is no evidence of collusion between the private sector and technocrats who developed and pushed the reforms. The fact that the views of both groups coincided can, in part, be attributed to their sharing common ideological principles regarding the need to control costs and improve service efficiency. Plus, neoliberal technocrats were not the only ones pushing for reform. The so-called political wing of Menem's government also strongly supported the reform, but was inclined to bargain with the powerful labor unions and willing to accept something less than total deregulation. In other words, the major political option was partial deregulation, exemplified by competition between Retirement and Pension Fund Administrating Companies, some of them owned by labor unions.

Colombia

There is no evidence of such collusion in Colombia, but we do find evidence of a "revolving door," of key individuals between the private sector with a direct interest in the reform and positions in the public health sector. Such was the case, for example, with Nelcy Paredes who was part of the government team headed by Juan Londoño, the Minister of Health, who designed and administered the health reform, and later became president of ACEMI. A reverse "revolving door" occurred in 1997 when implementation of the reform encountered obstacles and the then president of ACEMI, Maria Teresa Forero, was appointed Minister of Health.

Mexico

As in Argentina and Colombia, there is no evidence in the Mexican case that the technocrats who developed the reforms had any links with the private health care sector either as investors or as recipients of money or other forms of corruption. It appears that these technocrats simply believed that they were doing what was best for the social security sector.

As genuinely holding a neoliberal perspective, these technocrats firmly believed that public health needed to be privatized. Their belief was based on three broad reasons. First, the health sector provides good opportunities for private investment. Second, privatization offers incentives to develop the health care system. And third, the economic discipline of the market promotes efficiency and diversity in health care services and delivery (World Bank, 1987, 1993; Frenk, 1994). From the neoliberal perspective, public health for the uninsured was not to be seen as a right but as a public policy to reduce poverty. The goal was to reduce outlays to low cost "essential" packages of less than $100 per person per year.

WERE THERE DIVISIONS BETWEEN POWER CENTERS AND INTEREST GROUPS AND SOME CHECKS AND BALANCES OPERATING BETWEEN THEM?

Besides an all-important curtailing of the influence of power groups, if the three countries in this study are to be assessed as advancing toward a pluralist democracy in regard to the role of interests in policy formation, then it is most likely that there would be different perspectives on the issue at hand among different governmental institutions and in civil society, and that these would clash to a degree. Was this so in these three case studies?

Hypothesis 4: Adoption resulted from the free interplay of parliamentary coalitions

Argentina

In Argentina, there was a complex and lengthy process of negotiation over the first bill proposed in June 1992 by the executive. The bill proposed obligatory individual retirement savings for workers under 45 years, and the possibility for older workers to stay within the old financing system.

This initial bill came up against three obstacles. First, members of Congress from the governing Peronist Justicialist Party (PJ) were unwilling to sacrifice re-election by blindly following instructions from their president. Second, some opposition groups put

[5]One of the co-authors of this article, Viviane Brachet Márquez, attended several of these meetings as guest speaker.

DOI: 10.1002/pa

forward technically well-founded alternative reform proposals. For example, the Radical Civic Union party (UCR) proposed keeping the old financing system with more control over fund administration by pensioners. Third, despite internal differences, opposition to the government bill formed a broad coalition able to block the legislation for a long time.

The parliamentary process of amendment and final approval of the government bill took from June 1992 to September 1993, resulting in a law that was, for private financial and insurance groups, so disconcertingly different from that initially proposed that they expressed their displeasure at the final result and their intentions to revise their initial investment plans. They argued, among other things, that the reform biased workers' choices in favor of the public sector Retirement and Pensions Funds Administrating Company that had been included in the final version of the bill to satisfy opposition to the proposal. Plus, whereas the original bill had maximized fiscal savings, the bill that was passed added considerably to public spending. In this final bill, all workers were included in the new individual account scheme regardless of age, and received, in addition to a PBU, a 2% per active year up to a maximum of 30 years. Both contributions were to be publicly funded. The version finally approved also allowed for a public bank (Banco Nación) to receive retirement savings accounts guaranteed in dollars by the government. Plus, those remaining in the old system received a 0.5% bonus per active year.

Adoption of the legislation, however, was not caused exclusively by parliamentary action. President Menem's government put pressure on his own party and resorted to corporatist tactics, offering important concessions to the General Labor Confederation (CGT), the majority Peronist trade union, particularly that of opening its own Retirement and Pension Funds Administrating companies. Upon parliamentary approval, however, Menem sent Congress a bill to remove the Banco Nación deposit guarantee clause that had been the source of much resistance from private financial institutions. Eight months later, he introduced changes in the law via presidential decree, although the main aspects of the legislation remained intact.

Overall, the process of adopting the law in Argentina reestablished a prominent political role for parties, unions, and various civil society groups, one that had been eclipsed during the economic and monetary reforms of the previous decade. These previous reforms were largely instituted by presidential decrees.

Colombia

There was considerable disagreement and conflict involved in the Colombian case. Among the broad range of interests and political ideologies represented in drafting the Constitution, where the first discussion of the health reform was held, were leftist parties and unions, formerly excluded from politics.[6] Yet, although this broad representation marked a step forward for democracy, it likely inhibited consensus on the reforms. In addition, the initially left-leaning Health Ministry proposed a universal and decentralized social security system, while President Gaviria proposed a competitive system financed by individual citizens with subsidies for those unable to pay.

Because no agreement could be reached, in December 1992, the President sent Congress Bill 155, prepared by a technical team that largely ignored the Constitution Committee's recommendations, excluded health care, and phased out ISS. The Seventh Congressional Committee (7th C) created by the 1991 Constitution, which oversees all social policy (including social security, public employee wages, unions, public housing, communitarian organizations, women, and family concerns), composed of various interest groups, such as pensioners and the new left parties, promptly vetoed the bill. They requested that it be broadened to a comprehensive reform of social security including both health and pensions.

The government then assembled a team of specialists representing various perspectives on the issue with the purpose of reconciling the conflicting opinions evidenced in the first debates. Nevertheless, debates on the bill continued until December 1993, despite the fact that the initial bill had been amended to include, among other provisions, a universal health care package the specifics of which were to be determined by the Social Security General Council. The use of generic drugs in the reformed system was also agreed upon. This was opposed unsuccessfully by the pharmaceutical industry. President Gaviria then turned for support to traditional opinion leaders from the old party system to help build the coalition needed to pass the bill. He also neutralized opposition from some interest groups by exempting from the reform oil workers, public school teachers (later rescinded), the military, and members of government.

The government bill was finally approved as Ley 100 on 23 December 1993. A day close to Christmas was likely chosen to minimize adverse public reaction to its passage. Ley 100 created the General Social Security System (SGSS) that includes health, pension, and disability insurance, in addition to some special services for elderly and indigent recipients.

[6]The Constitutional Assembly elected in December 1990 represented a broad spectrum of political perspectives, from the ex-guerilla movements Alianza Democrática M-19 (AD-M-19) and Ejército Popular de Liberación (EPL) to the conservative Movimiento de Salvación Nacional and the more traditional parties. The new constitution was an attempt to promote and give credibility to a multi-party system that, it was hoped, would replace the traditional bi-partisanship between conservatives and liberals.

In sum, adoption resulted, in part, from the free interplay of parliamentary coalitions, but also from more traditional forms of congressional horse-trading.

Mexico

In 1995, when President Zedillo submitted his pension reform to the legislature, the PRI, which had assured presidential absolutism since 1946, still held 60 per cent of the seats. Two of the opposition parties, however, had reservations about the reforms, as did some disaffected members of the PRI. The PRD was particularly vocal in opposing the reform, arguing that IMSS was not in such bad financial shape as the government claimed, and might be able to regain its former financial power if employment grew by as little as 5 per cent. Surprisingly, the conservative PAN also had reservations about many aspects of the project, but for different reasons, and an alliance with the PRD was out of the question. Although by itself the PRD did not have the votes to successfully oppose the government bill, it could count on a few votes among disaffected members of the PRI.

Given its initial approval by the Confederation of Mexico's Workers (CTM), the official labor federation, and by employers' organizations, the presidential bill proposing the privatization of the IMSS pension system should have been adopted "al vapor" (steamed right through). The PRD, however, found an ally in the IMSS labor union (SNTSS) whose members were adamantly opposed to the reform that threatened not only their very generous pension plan but also future employment, and hence union membership. This alliance between a major party and a very militant union substantially lengthened the parliamentary debate, and was able to change major provisions in the original bill. In particular, it was able to remove Article 89 allowing employers to transfer their IMSS contributions to private health care providers, and Article 213 authorizing IMSS to subcontract services to private institutions. An important concession made to the opposition by the government was to allow the creation of Siglo XXI, a Pension Fund Administering Company (afore) managed by IMSS but under the same leonine conditions as private afores.

Not all the debates on the proposal took place in parliament, however. First, Fidel Velazquez, CTM's aging and increasingly powerless leader, was consulted behind closed doors in order to get the unconditional support of PRI-controlled CTM-affiliated unions [7]. As a result, these unions openly supported the reforms. Second, the Zedillo administration conducted behind-the-scenes bargaining with SNTSS resulting in the exemption of its members from the new law and the preservation of their extremely generous pension plan [8].

Hypothesis 5: Societal interest groups influenced parliamentary debates

Argentina

The government's proposal was sent first to a special congressional commission for review before the general debate on the measure. This general debate involved a wide range of organizations that voiced their opinions and, in some cases, proposed alternatives to the draft bill. For instance, retired workers' associations gathered large crowds every Wednesday in front of Congress to protest against the measure as proposed. Occasionally, they were joined by opposition parties and unions. Among the latter was "Las 62," a federation of labor unions associated with Peronism but which was strongly opposed to President Menem's pension reform. In the end, however, they backed it, but only after the government had agreed to allow workers to sign up for either the old or the new pension system and to own Retirement and Pension Administrating Companies.

During the early debate, unions also exerted pressure through parliamentary as well as corporatist channels. However, the private financial sector to which the government had long given privileged access to their inner circle strongly supported the reforms.

Colombia

Civil society groups participated extensively throughout the debates on Ley 100. Despite the relative weakness of Colombian labor unions, the pressure exerted by the Social Security Institute Employees Union (Sintra ISS), the National Association of Hospital Employees (ANTHOC), and the Physicians' Union (ASMEDAS) were effective in preventing reformers from both abolishing ISS and the public hospital network (although it was later drastically reduced, and ISS was abolished in 2006). Additionally, the pressures exerted by the teachers and oil workers unions enabled them to bargain for a special retirement system (although this was later changed for teachers). Physicians, however, were less successful in consolidating their power as a union. The long-time divisions within the profession, and insistence on maintaining the separation between private and public health care, placed them in an isolated minority position.

Civil society forces, such as the National Movement for Health, indigenous and professional organizations

[7]Velazquez was head of CTM from 1946 until his death in 1997.

[8]Until it was rescinded in 2005, this was 140% of the last wage earned.

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were also mobilized by the implementation of Ley 100. Although they failed to block adoption, they had some success in modifying the basic service packages as well as the qualifications for eligibility under the subsidized noncontributory health care system. Indigenous groups, for example, were able to obtain health care services that, in part, accommodated their cultural needs.

Civil society groups also made their presence felt on this policy through a large number of lawsuits against the government's non-compliance with its obligations under the new law.

México

Confederation of Mexico's Workers had opposed the government's attempt to carry out a similar reform in 1992, agreeing nevertheless to a 2% complementary retirement fund (SAR) to be deposited in individual accounts in private banks. In 1995, however, it was willing to support the reform after due consultation by the government with Fidel Velazquez.

Employer associations (such as the Employers Council of the Mexican Republic or Coparmex and the Economic Coordinating Council or CCE) favored the proposal. In fact, they were privately contacted by the government to insure their approval, so that they saw no benefit in publicly advocating for the reforms. In contrast, associations of retirees mobilized against the proposal, seeing it as undermining the government's ability to pay their small pensions. These organizations had been intermittently involved in similar political battles since the early 1980s during which time their average monthly pension had declined to 70% of the minimal wage, a far from sufficient amount on which to subsist even at 100%.

Hypothesis 6: Rather than act as a power group itself, the executive mediated between power groups

Argentina

In Argentina, the executive initially acted as much more than a mediator. As the sole initiator of the reform, President Menem constituted a power group in his own right that was far from neutral. But when he encountered initial difficulties in convincing the labor unions and his own party, he adopted bargaining strategies that worked to fragment the opposition, placing him in a position to mediate between different opponents. He was able to do this without abandoning one of his two primary purposes of privatizing the pension system and saving public moneys. However, because of the concessions made to the unions to secure adoption of the bill, fiscal frugality had to be sacrificed.

Colombia

From the beginning, the government adopted a stance favorable to the interests of private health care enterprises and the recommendations of international financial organizations. It also placed in key government positions technocrats known to be strong advocates of the reform, particularly Juan Luis Londoño, one of the major architects of the reform.

Paradoxically, although fiscal savings was a major executive rationale for the health reforms, the provisions finally enacted increased expenditures over the existing system. This lends support to the contention of many reform opponents that the real purpose was privatization at any cost.

Mexico

In Mexico, the main opponents to the bill to privatize the IMSS pension system were SNTSS and PRD, the new left party under pressure to demonstrate its political clout.[9] By making offers to SNTSS, the government, in effect, attempted to mediate the conflict between opponents and supporters of the bill. It did so, however, in a traditional corporatist negotiating fashion, by offering SNTSS exemption from the reform. On the other hand, PRD's opposition could not be neutralized in this traditional fashion, so that in this case, the government was under pressure to demonstrate that the increasingly weakening PRI was still on the side of workers. In both cases, the mediation involved a political balancing act by the Zedillo administration between acting in its own interests and making concessions that were neither to its advantage nor in the spirit of the original bill.

Other specifics of how the government appeared not to act in its own interest were evidenced in several ways. One was that the New Social Security Law (NLSS) had a lower worker contribution, the difference being covered by a higher government contribution to employee retirement (from 5 to 13.85% of payroll), a ploy used to encourage workers to support the measure. The government also covered the cost of the transition from the old to the new system. For workers affiliated before 1997, who were free to opt for the old system, the cost to the government for 1997 alone was estimated at 0.263% of the Gross National Product.

The government also agreed to pay a life pension of one month's minimum wage to all those workers who, although they complied with the increased

[9]In Mexico, social insurance is divided between various institutions, the two major ones being IMSS and the Institute of Social Services at the Service of State Workers (ISSSTE). The reform contemplated in 1995–1996 only concerned IMSSS, which serves workers employed in the private sector. A similar reform would be carried out for state employees covered by ISSSTE in 2007 despite ample evidence of the failure of IMSS' reform to have brought the expected benefits either to public employees, the economy, or the government.

number of years for contribution (from 500 to 1250 weeks) had not saved enough to cover the minimum pension. Plus, the banks (afores) responsible for administering individual accounts were under no obligation to make profits. They drew their commissions as percentages from deposit flows.

In one way, however, by pursuing the reform at all, the government was acting in its own interest. It had obtained a $50 billion international rescue package, and was under pressure to demonstrate its financial orthodoxy as defined at the time by international leaders and organizations. The original bill reflected these international prescriptions, even though the foundation of their rationale ultimately proved to be flawed [10].

CONCLUSIONS: WAS THERE EVIDENCE OF LESS INFLUENCE OF POWER GROUPS, EXPANDING INTEREST GROUP PLURALISM, AND ADVANCES IN LIBERAL DEMOCRACY?

To be sure, this study is only a thin slice of policymaking involving interest groups in three countries working toward a liberal democratic system of governance. Nevertheless, it does provide insights into the extent to which power groups still exerted political clout, and how this related to the degree to which the interest group system had either become more pluralistic or had remained unchanged. Through the answers to these two questions, we can draw tentative conclusions about the advancement of liberal democracy at that time in the three countries under study.

Was there evidence of less power group influence?

There is no black and white answer to this question; it is a matter of degree. On the one hand, the evidence shows that, compared with the past, when power groups such as unions and prospective external investors were a major force influencing policymaking, this was not the case in the three situations under study. It appears that powerful interests did not act behind the scene to influence congressional outcomes. The governments launching the reforms and the technical teams behind the drafting of the bills appeared genuinely sold on the measures, so that private capital interests, which stood to gain by the reforms, had no need to engage in surreptitious lobbying or make secret deals with their government.

Moreover, the political impact of international financial institutions was more indirect and less one of applying direct pressure to counter recalcitrant unions and opposition parties. Their indirect influence can be seen in the commitment of heads of government and their technical teams to the essentially neoliberal policy recommendations of these institutions, such as the reduction of budgets and the privatization of many public enterprises.

In the course of the reforms, however, ideology was sacrificed to political pragmatism, at least regarding government spending. Argentina, Columbia, and Mexico acted under the constant pressures of the market to the point of eventually shouldering heavy fiscal burdens in order to attract private capital. This, in essence, was a statement that then, as before, capitalism needed to be subsidized in order to flourish within their national borders. So both international financial institutions and private capital in general (but not pharmaceutical or health concerns who acted more directly) had minimal direct influence judged by the final outcomes of these reforms.

On the other hand, the age-old relationship between private elites and government officials is clearly evident in these reforms as, in some cases, is the circulation of key elites between the private and public sector. However, such relationships also exist in advanced democracies, and in the three cases presented here, there is no evidence of deliberate collusion between private power groups and public officials.

Certainly, power groups still exist in all three countries in the policy areas of reform considered here as in all policy areas, and they most likely always will, as they also do in advanced democracies. Moreover, because of the fledgling nature of the three democracies under study and the economic difficulties they were up against and still face, power groups likely carry more sway in these countries. Their influence does appear to have been curtailed, however, to the extent that a more pluralist interest group system has emerged.

Was there evidence of expanding interest group pluralism?

As just noted, there was, indeed, evidence of expanding interest group pluralism. Again, however, its extent is a matter of degree and depends upon which aspects of pluralism are emphasized. The three overlapping but distinguishable aspects of pluralism considered in this article are: the free expression of various viewpoints pro and con the issue; the participation and free interplay of those

[10] It is not clear why such organizations failed to see that the cost of the transition was extremely onerous and would take decades to bear fruits, if ever. Eight years later, the World Bank admitted publicly that a retirement system that excluded four out of five workers from the right to have a pension (for failing to contribute long enough or just enough) could not be considered successful (World Bank, 2005). Yet this was the system they had forcefully sponsored in the 1990s, and one whose failure was predicted by many specialists at the time (chief among them Orszag and Stiglitz, 1999). As with many aspects of the policies imposed by members of the Washington Consensus, such as the World Bank, one can speculate that ideology trumped practical economics in this as in many others of their actions.

DOI: 10.1002/pa

groups, organizations and interests affected by the policy in the efforts to find a solution; and a degree of transparency in the involvement of interests in the process, particularly as particular groups and organizations are consulted by government.

To be sure, the initial bills were very similar in all three countries. They appear to have reflected World Bank orthodoxy: privatization and individualization of pension savings (Argentina and Mexico) and health care (Colombia), all within the logic of saving public moneys by cutting governmental social expenditures. In addition, the three governments initiating the reforms had access to democratic as well as non-democratic resources in order to force them through Congress.

Yet, nothing seemed to have been pre-ordained, as evidenced by the legislative outcomes being quite different in each case from those initially intended, and the fact that in no case was there a smooth process of adoption, the executive's bills being repeatedly re-written to adjust to opposition. The question here is: Was this caused by the genuine emergence of interest group pluralism in these countries, or to other reasons? We offer the following observations in answer to this question.

All three governments sought input from a broad range of organizations and associations during the preparatory phase of debate on the proposals in specialized commissions, although in the case of Colombia, this was more a window dressing strategy than a way to display genuine democratic credentials. Plus, all three initial bills encountered significant opposition, even though all three governing parties held the majority in their respective legislatures. And yet, there was not a widespread public opposition to the reforms but rather a specific and narrow range of interests bent on supporting or thwarting them. This reflected that, at the time, social security was still a privilege of formally employed labor. Thus, those mobilized against the measures were mainly trade unions or, for Argentina and Colombia, relatively small left-wing parties and NGOs, to fight proposed increases in workers' obligations while reducing their benefits.

Moreover, evidence reveals extreme fragmentation in opposition parties in all three countries. In no case did we see opposition groups uniting and, therefore, making important concessions to each other in order to counter the government proposal with one single alternative reform bill to the one proposed by the executive. For example, those opposition forces could have united behind a proposal put forward by the International Labor Organization (ILO) that combined inter-generational transfer and individual savings. As a result, the governments were able to deal with most opponents to their proposals one by one, or disregard them altogether, as they did, for example, with retired workers' associations.

The governments had to take notice of the unions, however. These appear to have been the major political forces that made the heads of state re-evaluate their original proposals, particularly in Argentina where unions held a very powerful political position. In all three cases, governments dealt with union opposition by exempting their members from several provisions of the reforms. Rather than accept defeat, the governments went to great lengths to guarantee smooth conditions of transition from the old to the new systems. Union opposition prevented total privatization and forced the government to spend a great deal more money, rather than less, to secure the reforms. Thus, the cost-cutting purposes of the reforms were sacrificed.[11]

In the end, adoption was assured not fully through the free interplay of parliamentary coalitions but via the frequent use of corporatist (Argentina and Mexico) or traditional political (Colombia) channels, and through presidential modifications following adoption (as in Argentina). Moreover, several opposition groups, such as teachers in Colombia and members of SNTSS in Mexico that had been exempted in order to neutralize their opposition, were eventually forced to be part of the new system.

Were there consequent advances in liberal democracy?

How might we assess this combination of a reduced role for power groups and limited advances in interest groups pluralism? The short answer is that of slowly advancing liberal democracy with some particular Latin American elements to it.

From one perspective, given that most of the opposition was easily dealt with, should we conclude that the three policy processes under study reflect a mixture between democratic and non-democratic executive strategies typical of imperfectly democratized politics in Latin America? Such a conclusion would imply that no deals are typically made in established democracies to obtain a favorable vote from reluctant members of legislatures, or to exempt particular interest groups from a measure, which they oppose. Although developing countries are more often accused of violating democratic rules, such pork-barreling is not unknown in established democracies, at least according to available evidence from the USA. Yet, in the case of Latin America, we are not talking about scattered exceptions with broadly based implementation but ingrained political cultural traits. Corporatism such as in Argentina and Mexico, and 19th century oligarchic party schemes such as in

[11]In any case, the cost-cutting purpose of such reforms was illusory from the start, given that these necessarily created a fiscal gap between older workers whose pensions would no longer be financed by contributions from the younger generation, and those workers young enough to start their own savings. Hence the exemptions of older workers from the new system or the bonuses offered them were measures of transition between the old and the new system that both implied high public expenditures.

DOI: 10.1002/pa

Colombia before the 1991 Constitution, are traditional and powerful instruments in the hands of the executive branch that are not likely to disappear, and will tend to co-exist with democratic procedures, as demonstrated in the three cases presented.

From another perspective, the weaknesses that were apparent can be seen as stemming less from the old ways of doing political business and more from the immaturity of the democratic processes. In fact, the political systems through which the three reforms were adopted were fairly democratic. One weakness (in some cases, an absence) was that of alternatives to the government proposals, rather than behind-the-scenes maneuvering and pressuring by interest or power groups. Such little formalized and coordinated opposition and proposals are not surprising in countries that have barely begun to practice politics in multi-party systems. Another weakness stemmed, again, not so much from deliberate intentions to stifle interest group pluralism, but from the urgency, as perceived by the executive branches and their allies, to demonstrate to the global community that their country was a safe place to extend loans to and in which to invest.

Overall, we can describe the state of the democratic processes in these three examples as that of modified corporatism, a form of limited interest group pluralism and, therefore, a nascent form of liberal democracy. On the one hand, this democracy goes far beyond electoral democracy with its competition between power groups, interest, and interest groups. On the other hand, it remains constrained by the old corporatist systems in Argentina and Mexico, and by the old exclusionary party system in Colombia (Thomas, 2009: pp. 24–28). The nature of this modified pluralism or limited liberal democracy, depending on one's perspective of how to label it, is different in each country.[12] Moreover, the subsequent development of (neo)corporatism/democratic pluralism followed different paths in each country following this study.

Postscript

Looking back over the 15 years since these reforms, by and large, they have had disappointing results (Brachet-Márquez, 2007c). As pointed out by Huber and Stevens (2000: pp. 16–18), individual account systems have proven more expensive to run than collective accounts; coverage and compliance rates under the reformed systems have not improved; and the promise of capitalized system to contribute to the strengthening of national capital markets and economic growth has remained largely unfulfilled. Yet, except for Argentina, no efforts have been made to revise them, even though, in all three cases, mass mobilization against their implementation have taken place, and international organizations have changed their tune, now arguing that social expenditures are a vital determinant of economic growth, and therefore a necessary investment (World Bank, 2005).

In Argentina, the Kirchner administrations, after attempting to improve the reformed pension system by expanding coverage and upgrading pension levels, have finally opted for restoring the intergenerational system (Alonso and Di Costa, 2011), whereas the conservative Uribe government in Colombia has resisted all pressures to reform the *status quo* despite an injunction by the Constitutional Tribunal to do so, thereby unleashing a huge mobilization, which is finally motivating the diverse opponents of the reformed system to adopt a united front (Uribe Gómez, 2011b). Finally, Mexico's conservative Fox and Calderón administrations (2000–2012) have turned a deaf ear on the mobilization in 2006–2007 of teachers and public servants against an exact repetition for public sector employees of the 1996 reform adopted for IMSS. This despite ample evidence that the latter has failed to bear the expected fruit. In all three cases, however, pension and public health systems have periodically become highly salient public issues that current and future leaders of these countries can ignore only at their peril, judging from the politically significant mobilizations of interests they have proven capable of unleashing.

[12]For an explanation and discussion of modified pluralism as it relates to Latin America, see Clive S. Thomas, "Understanding the Development and Operation of Latin American Interests (2009), cited in the references next.

BIOGRAPHICAL NOTES

Viviane Brachet-Márquez is professor of sociology, El Colegio de México. She has published on social policy and democracy in Latin America.

Guillermo V. Alonso is professor of political science, Universidad Nacional San Martin, Argentina, and works for the Consejo Nacional de Investigaciones Científicas y Técnicas, Argentina. He has published on the politics of health and pension policy in Argentina.

Mónica Uribe Gómez is assistant professor of sociology, Universidad de Guanajuato, Mexico. She has published on health reform in Colombia and social policy in Latin America.

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