

Guardians of the Civic Revolution: The institutionalization of patronage in Ecuador

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Abstract

This article addresses the relationship between resource nationalism and the politicization of the civil service in Ecuador. From the very beginning of the Civic Revolution, the 2008 political Constitution and the 2009 National Plan for Good Living claimed the necessity for a professional civil service based on meritocracy. Yet during 10 year the executive leadership has been glorifying the personalization of the relationship between the state and the society. This populist presidential style was epitomized by the diffusion of more than 500 Saturday-morning shows by the state's TV, radio networks and daily press. So why would the government professionalize the Ecuadorian civil service?

The argument developed here is that the initial reform launched to strengthen the state apparatus and provide for an efficient workforce was hindered by contradictory aims and means, which ended institutionalizing patronage in Ecuador. Section 2 displays the analytical framework utilized for the research, based on policy design, theory-driven process tracing and logical Bayesianism. Section 3 presents the methods including a brief explanation of the theoretical causal mechanism and the empirical tests design. Section 4 presents the results and implication of the empirical tests for each part of the causal mechanism. Section 5 draws some conclusions on the policy implications of the institutionalization of patronage in Ecuador.

Key words: policy design, bureaucracy, instruments, institutions, causal mechanism, Bayesian statistics

1. Introduction: Why professionalize the civil service?

The professionalization of bureaucracy became a priority for governments in the 1980s and 1990s in Latin America (Iacoviello, Llano and Strazza, 2011; Iacoviello and Strazza, 2011). It aimed at fostering the efficiency of the state administration and ensuring its fairness in dealing with citizens, by preventing the civil service from overt political control. These reforms forced the inclusion of public management techniques which were key to strengthen the civil service system, under the premise that processes of organizational improvement and consistent implementation of policy decision-making required a highly-trained governing workforce.

Like other new public management reforms, including government by results, public-private partnerships and network governance, it followed a pattern of policy diffusion enhanced by the OECD (Organization for Economic Co-operation and Development), the World Bank, the IADB (Inter-American Development Bank) and the CLAD (Spanish acronym for Latin American Center for Development Administration) (Martinez Puon, 2012).

Yet changing patronage structures deeply rooted as part of their corporative tradition generated resistance (Longo, 2002). The shift to post-liberal policies in the 2000s in most part of the region announced a return to the politicization of the civil service. As in other traditional or recent democratic regimes, the need for control over public administration by new governments increased through *“the substitution of political criteria for merit-based criteria in the selection, retention, promotion, rewards, and disciplining of the public service”* (Peters and Pierre, 2004: 2).

The politicization of the civil service may vary in scope and nature—from one country to another and from one policy area to another—according to the level of political involvement in workforce issues that is considered appropriate, and the kind of partisan political loyalties to policy and stylistic issues. But it generally aims at controlling state organizations, in a context of rapid and radical changes in party systems and changing arenas of decision-making, as a consequence of decentralization, regional integration and increasing participation of non-state actors (Pierre and Peters, 2000). Hence it is expected to produce more responsiveness and high levels of commitment with the policy agenda.

The politicization of bureaucracy in Latin America is commonly related to “patronage”, which is a way for political parties to colonize and control the state apparatus, and “clientelism”, which refers to the use of state resources for political purposes (Panizza, Ramos and Scherlis, 2017). On the one hand, *“patronage functions simultaneously as a mode of government and as a mechanism for party building”* (Kopecky, Spirova and Scherlis, 2011: 18). On the other hand, it depends on the relationships between the executive leader and the governing party (Scherlis, 2013). Therefore, the motivations of appointers and the features of appointees depend on the degree of institutionalization, the programmatic nature and the internal organization of parties and party systems.

Three types of patronage have been identified, according to the motives or intentions of the appointing authority, the designation level and the appointees (Panizza, Ramos and Scherlis, 2014). In the “client-activists” type, motivations are electoral and designation level mainly concerns street-level bureaucrats and local government authorities. In the “cadres-commissioners” type, motivations are organizational and designation level mainly concerns middle-range and higher administration in strategic areas. In the “technocrats technopolitics” type, motivations are directive and designation level mainly concerns higher administration and the executive power or strategic agencies.

Contemporary Ecuador presents a case of low institutionalized party system, where the politics of patronage have been changing dramatically after the election of Rafael Correa as President in 2006 (see Fontaine and Fuentes, 2011). Nationalism replaced neoliberalism, after a decade of gov-

ernability crisis and a campaign for a major change regarding the political system, the development model and the state apparatus.

These reforms coined as “the Civic Revolution” (“*la Revolución Ciudadana*”) were carried out by a new, anti-system political movement, Alianza PAIS (Spanish acronym for *Patria Altiva I Soberana*). They constituted a policy paradigm shift (Hall, 1993), based on a change in the cognitive framework regarding the objectives and means of public policies, which materialized at the normative, strategic and operational levels of decision-making (Howlett and Cashore, 2009). Further, the confluence of political and economic stability was foreshadowing critical conjuncture to foster the civil service modernization with the opening of a policy window for the development of a new regulatory framework, secondary laws and further regulations.

This article addresses the relationship between this policy paradigm shift and the politicization of the civil service in Ecuador. From the very beginning of the Civic Revolution, the 2008 political Constitution and the 2009 National Plan for Good Living claimed the necessity for a professional civil service based on meritocracy. Yet during 10 years the executive leadership has been glorifying the personalization of the relationship between the state and the society. This populist presidential style (De la Torre, 2013) was epitomized by the diffusion of more than 500 Saturday-morning shows by the state’s TV, radio networks and daily press. These programs provided a stagecraft for itinerant cabinets featuring the President and selected members of the government who would deal publicly with current affairs. They were also a usual stage-play for the President’s diatribes against his opponents, including journalists, academics, social movements and international actors.

So why would the government professionalize the Ecuadorian civil service? The argument developed here is that the initial reform launched to strengthen the state apparatus and provide for an efficient workforce was hindered by contradictory aims and means, which ended institutionalizing patronage in Ecuador. Section 2 displays the analytical framework utilized for the research, based on policy design, theory-driven process tracing and logical Bayesianism. Section 3 presents the methods including a brief explanation of the theoretical causal mechanism and the empirical tests design. Section 4 analyzes the results of the empirical tests for each part of the causal mechanism. Section 5 draws some conclusions on the policy implications for the professionalization of bureaucracy in Ecuador.

2. Analytical framework

2.1. Patronage as a governance problem

Institutional theory of governance traditionally emphasizes the dual nature of systems and processes in the relationships between the state, the society and the market (Kooiman, 1993; March and Olsen, 1995; Peters, 2012). The systemic dimensions of governance refer to the regulation of these relationships, while the procedural dimensions refer to the conditions in which these relationships are deployed (also conceptualized as governability).

Generally speaking, governance refers to ways or modes of governing that involve non-state actors such as NGOs and private corporations (Levi-Faur, 2012). However hierarchical governance tends to submit these actors to a government's will, in order to guarantee the state authority (Kooiman, 2002). This is generally done through bureaucratic centralism, which defines policy problems in terms of direction, redistribution and intervention (Pierre and Peters, 2000: 201).

Centralizing bureaucracy commands both a performant, and a politically committed civil service (May and Winter, 2007). These may be complementary policy aims that become contradictory when treated simultaneously or when granted the same importance in the policy design, which is a source of implementation gap (Bovens, Hart and Peters, 2001). As a result from contradictory objectives, the policy design faces two sources of inconsistency: one coming from a phase difference between the aims and means of the policy, the other coming from a lack of complementarity between policy instruments (Howlett and Rayner, 2007).

Before the policy being submitted to a new design, the implementation gap is filled by informal institutions, which refer to non-written rules and practices (March and Olsen, 1984). These can provisionally help to solve problems, until governance actors agree on more formal rules. However, when lasting they can become a way to conceal discretionary practices, hence becoming a source of accountability deficit (Bovens, Schillemans and Hart, 2008).

Eventually the institutionalization of discretionary practices becomes possible when both the appointers and the appointees of the civil service agree they are regular practices. The institutionalization of patronage then creates lock-in and path-dependent effects (Pierson, 2000) that exclude dissenting civil servants or candidates to a career in the civil service, which becomes more and more difficult to break out. The institutionalization of patronage thus becomes a way to secure hierarchical governance, hence bureaucratic centralism.

The analytical framework of the present research focuses on the instruments mix utilized by a government, to explain this policy outcome. Even if policy instruments remain constraining institutions (Lascoumes and Le Gales, 2007), their combination results from a rationalized decision-making process combining ideas and interests from different actors (Hogan and Howlett, 2015). The

causal mechanism of the institutionalization of patronage in Ecuador results from the combination of instruments either created *ad hoc* or inherited from former governments.

These instruments can be gathered in four categories, according to the state's resources of nodality, authority, treasure and organization (Hood, 2007; Hood and Margetts, 2007). Information, either used as detector or effector by a government, best describes the state's nodality in governance interplays. Regulation, either used as positive or negative incentive, refers to the state's authority. Public spending, either regarding investments or operational spending, correspond to the state's treasure. Public agencies, either political or administrative, refer to the state's organization.

2.2. A theory-driven process tracing based on logical Bayesianism

The research was based on a theory-driven process tracing, in order to identify the causal mechanism linking hierarchical governance and patronage. A causal mechanism consists in the intertwining parts of a process (A, B, C, etc.) linking a trigger (T) to an outcome (O) (see Beach and Pedersen, 2013: 29-30). It is not necessarily a sequence of historical events, since the intervening parts operating at one moment can be made out of elements coming out from different processes, following a pattern of institutional change by layering (see Mahoney and Thelen, 2010). Therefore, instead of starting with a congruence analysis or a pathway, the present research initiated with a map of the policy instruments whose combination resulted in the policy outcome to be explained.

In a theory-driven process tracing, not only the causal mechanism is theorized as a whole, but each part of the causal mechanism, the trigger and the outcome are treated as separate hypotheses. Empirical tests performed on these elements have sometimes been assimilated to tests of necessity and sufficiency (Collier, 2011), but they are not subject to symmetry nor to standard linear regression since they come from a deterministic logic of causality (Beach and Pedersen, 2016).

In Bayesian terms, the evidentiary confirmation depends on the degree of certainty and uniqueness of empirical tests (Bennett, 2015). Certainty is the probability to find evidence given a theory [$p(e|h)$]; uniqueness is the probability to find the same evidence if this theory is false [$p(e|\neg h)$].

The prior degree of confidence [$p(h)$] is the initial confidence in a theory before performing an empirical test. The posterior degree of confidence is the probability of a theory to be true, given the available evidence [$p(h|e)$]. It is measured by Bayes theorem as follows:

$$p(h|e) = \frac{p(h)p(e|h)}{p(h)p(e|h) + p(\neg h)p(e|\neg h)}$$

Conversely, the posterior degree of confidence in absence of evidence $[p(h|\neg e)]$ is measured as follows:

$$p(h|\neg e) = \frac{p(h)p(\neg e|h)}{p(h)p(\neg e|h) + p(\neg h)p(\neg e|\neg h)}$$

The difference between the posterior degree of confidence $[p(h|e)]$ or $[p(h|\neg e)]$ and the prior $[p(h)]$ gives an update of the confidence in a theory. That is $C = p(h|e) - p(h)$ if the test is positive or $C = p(h|\neg e) - p(h)$ if the test is negative. Eventually, a theory can be confirmed (*if* $C > 0$), disconfirmed (*if* $C < 0$) or indeterminate (*if* $C = 0$).

2.3. Tests of certainty and uniqueness

Based on a conservative value of the prior, the research started from the premise of an equal probability for a theory or its alternate to be true, so that $[p(h) = 0,5]$ and $[p(\neg h) = 0,5]$. Then two different kinds of empirical tests were performed on each hypothesis: hoop tests and smoking-gun tests defined below (see Van Evera, 1997). The multiplication of independent tests on each part of the causal mechanism aimed at increasing their confirming or disconfirming value (see Beach and Pedersen, 2013). Each test within the same series (e.g. performed on the same part of the process tracing) was assigned an equal value of certainty and uniqueness, so that it could be performed in different orders —according to practical criteria rather than logical arguments— without violating the rules of conditional probability (see Fairfield and Charman, 2017).

Table 1 presents the typology of the empirical tests used for the research design, as detailed in the next section.

Table 1. Typology of empirical tests following logical Bayesianism

Type of test	p(h)	p(¬h)	p(e h)	p(¬e h)	p(e ¬h)	p(¬e ¬h)	p(h e)	p(h ¬e)	C ₁ =p(h e)-pr(h)	C ₂ =p(h ¬e)-pr(h)
Straw in the wind	0,50	0,50	0,40	0,60	0,40	0,60	0,50	0,50	0,00	0,00
Hoop	0,50	0,50	0,80	0,20	0,40	0,60	0,67	0,25	0,17	-0,25
Smoking gun	0,50	0,50	0,40	0,60	0,10	0,90	0,80	0,40	0,30	-0,10
Doubly decisive	0,50	0,50	0,80	0,20	0,10	0,10	0,89	0,67	0,39	0,17

Applying the same precautionary principle, policy instruments can be used as hoop tests combining high certainty [$p(e|h) = 0,8$] with low uniqueness [$p(e|\neg h) = 0,4$]. This conventional measure, with a degree of likelihood $LR(e) = p(e|h) | p(e|\neg h) = 2$, means there is an 80% probability to find evidence in a policy instrument if a policy exists and a 40% probability to find evidence in a policy instrument even if the policy does not exist.

Considered separately, hoop tests may present the lowest confirming value when positive ($C = 0,17$) but the highest disconfirming value when negative ($C = -0,25$). When performed positively on instruments of nodality, authority, treasure and organization, they would raise the posterior degree of confidence up to 0,94%, by which a theory would be certainly confirmed. Even if one test out of four was to result negative, the posterior degree of confidence would still reach 0,73%.

A similar logic was applied to the three elements defining the trigger (direction, redistribution and intervention) and the three administrative levels defining the outcome (higher, middle and lower levels). However, these qualify as smoking-gun tests (see Van Evera, 1997) combining low certainty [$p(e|h) = 0,4$] with high uniqueness [$p(e|\neg h) = 0,1$]. This conventional degree of likelihood $LR(e) = p(e|h) | p(e|\neg h) = 4$, means there is a 40% probability to find evidence of direction, redistribution and intervention if the governance mode actually rely on bureaucratic centralism, and a 10% probability to find such evidence in absence of a governance mode relying on bureaucratic centralism. Likewise it means there is a 40% probability to find evidence at each administrative level in the case of institutionalization of patronage, and a 10% probability to find such evidence in absence of institutionalization of patronage.

Considered separately, smoking-gun tests may present a higher confirming value when positive ($C = 0,30$) but a lower disconfirming value when negative ($C = -0,10$). Based on the conventional values mentioned above, three positive tests of this kind would raise the posterior degree of confidence up to 0,99%, by which a theory would be certainly confirmed. Even if one test out of three was to fail, the posterior degree of confidence would still reach 0,91%.

3. Methods

Table 2 presents the core elements of the theoretical causal mechanism and the empirical tests designed for each part of this mechanism displayed in the following sections.

Table 2. Causal mechanism of the institutionalization of patronage appointment					
Theory	Adoption of a hierarchical mode of governance (T)	Inconsistent policy design (A)	Implementation gap (B)	Informal institutions (C)	Institutionalization of informal practices (O)
Operationalization	Bureaucratic centralism aimed at strengthening the state (T)	Policy formulation featuring contradictory aims (A)	Uncompleted reform of the civil service (B)	Politicization of civil service (C)	Institutionalization of patronage appointment (O)
Hypotheses	Governance problems are defined in terms of direction, redistribution and intervention (H _T)	Civil service reform aims at professionalization and politicization likewise (H _A)	Reform of the civil service remains incomplete in absence of civil career (H _B)	Politicization hinders professionalization of the civil service (H _C)	Informal appointments become the rule in civil service (H _O)
Alternate hypotheses	Governance problems are not defined in terms of direction, redistribution and intervention problems (\neg H _T)	Civil service reform does not aim at professionalization and politicization likewise (\neg H _A)	Reform of the civil service is completed (\neg H _B)	Politicization does not hinder professionalization of the civil service (\neg H _C)	Informal appointments do not become the rule in civil service (\neg H _O)
Predicted empirical observations	Direction: Central administration is organized top-down (P _{T1})	Nodality: Official information values professionalization and politicization of the civil service likewise (P _{A1})	Nodality: Information published by government shows absence of a professional career (P _{B1})	Nodality: Official information justifies political appointment in civil service (P _{C1})	Higher level: Free removal contracts used as a major policy instrument in civil service (P _{O1})
	Redistribution: Economic model aims at fighting poverty (P _{T2})	Authority: Civil service regulation refers to professionalization and politicization of bureaucracy likewise (P _{A2})	Authority: Professional career is not regulated by law (P _{B2})	Authority: Regulation on civil service supports political appointment (P _{C2})	Middle level: Occasional contracts used as a major policy instrument in civil service (P _{O2})
	Intervention: Economic development is state-driven (P _{T3})	Treasure: Government encourages professionalization and politicization of civil service by increasing wages (P _{A3})	Treasure: Civil servants wages are not indexed on professional career (P _{B3})	Treasure: Variation in public spending aims at controlling civil servants (P _{C3})	Lower level: Persistent biased internal promotion in civil service (P _{O3})
		Organization: Different state agencies pursue professionalization and politicization of civil service (P _{A4})	Organization: Main state agency in charge of implementing the reform has no incidence on professional career (P _{B4})	Organization: main state agency in charge of implementing the reform has little incidence on standard operating procedures of recruitment (P _{C4})	

3.1. A causal mechanism of institutionalization of patronage

The theoretical causal mechanism of this process include three parts (A, B and C) besides a trigger (T) and an outcome (O). It states that the adoption of a hierarchical mode of governance (T) triggered an inconsistent policy design (A), which caused an implementation gap (B), filled by informal institutions (C) that ended in the institutionalization of informal practices (O).

The operationalization of this causal mechanism states that the process was triggered by bureaucratic centralism aimed at strengthening the state, the hypothesis being that governance problems are defined in terms of direction, redistribution and intervention (H_T). This caused the formulation of a civil service reform featuring contradictory aims since the civil service reform simultaneously aimed at professionalization and politicization (H_A). This prevented the completion of the reform in absence of a civil service career (H_B). This had the politicization of the civil service hindering professionalization (H_C). This ended in the institutionalization of patronage appointment since informal appointments became the rule in the Ecuadorian civil service (H_O).

The alternate hypotheses include all possible theories which are not part of the former hypotheses. Bayesian analysis is not about testing symmetry in a causal relationship, so these alternate hypotheses are only taken into account in order to assess the degree of uniqueness of empirical tests. For the record, they state that governance problems were not defined in terms of direction, redistribution and intervention ($\neg H_T$), civil service reform did not aim at professionalization and politicization likewise ($\neg H_A$), the civil service reform was completed ($\neg H_B$), politicization did not hinder the professionalization of the civil service ($\neg H_C$), and informal appointments did not become the rule in civil service ($\neg H_O$).

3.2. Empirical tests design

To assess the validity of H_T , three tests were performed regarding the aspects of governance problems definition. If the theory was true, we expected to find that the central administration was organized top-down (P_{T1}), that the economic model aimed at fighting poverty (P_{T2}), and that the economic development was state-driven (P_{T3}). Actually these are non-cumulative tests, since they deal with three separate attributes of the trigger. Hence if one test was negative, then the theory could not be confirmed, which would require to perform further tests.

To assess the validity of H_A , H_B and H_C , three series of tests were performed on the four kinds of policy instruments mobilized by the civil service reform. If H_A was true, we expected to find that professionalization and politicization is valued by official information (P_{A1}), regulation (P_{A2}), public spending (P_{A3}) and state organization (P_{A4}). If H_B was true, we expected to find that the ab-

sence of a professional career in the civil service reflects in official information (P_{B1}), in sectorial regulation (P_{B2}), in public spending (P_{B3}) and in state organization (P_{B4}). If H_C was true, we expected to find evidence of the government justifying political appointment in the civil service through official information (P_{C1}), sectorial regulation (P_{C2}), public spending (P_{C3}) and state organization (P_{C4}).

Eventually to assess the validity of H_O, three tests were performed on the contractual regime of civil servants. If H_O was true, we expected to find evidence that major policy instruments used in the civil service would include free removal contracts (P_{O1}), occasional contracts (P_{O2}), or persistently biased internal promotion (P_{O3}).

3.3. Evidence recollection

Evidence were recollected at two different stages. First, a series of 15 interviews were conducted in May and June, 2016 among upper and mid-level civil servants involved in the reform of the civil service, within the National Secretary of Public Administration (SNAP for its Spanish acronym) and the Ministry of Labor, respectively in charge of designing and implementing the reform. Second, a series of 30 interviews were conducted in April and May, 2017 among upper and mid-level civil servants from the Ministry of Finance and the Ministry of Social and Economical Integration.¹

Information analysis was based on the main official documents elaborated by the government during the Civic Revolution. Information on nodality instruments came from the National Plan of Good Living published by the National Secretary of Planning and Development (Spanish acronym SENPLADES), programmatic documents produced by the SNAP and policy papers produced by higher administration employees from the SNAP and the Ministry of Labor. Information on authority instruments came from the Organic Law on Civil Service and its regulation, including resolutions by the Ministry of Labor regarding human-resource management. Information on treasure instruments came from the annual provisional state budget and their corresponding execution assessments.² Information on organization instruments came from administrative charts and official regulation on public administration regarding the restructuring of the executive estate.

¹ Additional interviews in three other agencies from the central administration should be conducted from June to September, 2017. So far, the Minister of Foreign Affairs never answered to petitions of interviews, addressed in March, 2017, and the Ministry of Oil refused to attend the research team, due to a political scandal involving higher bureaucrats from this administration.

² It should be mentioned that this information is no longer available on official websites, so it was provided by the Ministry of Finance on formal requirement. The data provided by the Ministry remain partially inconsistent, even though they could still be utilized for the present research.

Table 3. Bayesian formalization of empirical tests and results

Empirical tests	$p(h)$	$p(\neg h)$	$p(e h)$	$p(\neg e h)$	$p(e \neg h)$	$p(\neg e \neg h)$	$p(h e)$	$p(h \neg e)$	$C=p(h e)-pr(h)$	Tests results
P _{T1}	0,50	0,50	0,40	0,60	0,10	0,90	0,80	0,40	0,30	+
P _{T2}	0,50	0,50	0,40	0,60	0,10	0,90	0,80	0,40	0,30	+
P _{T3}	0,50	0,50	0,40	0,60	0,10	0,90	0,80	0,40	0,30	+
P _{A1}	0,50	0,50	0,80	0,20	0,40	0,60	0,67	0,25	0,17	+
P _{A2}	0,67	0,33	0,80	0,20	0,40	0,60	0,80	0,40	0,13	-
P _{A3}	0,40	0,60	0,80	0,20	0,40	0,60	0,57	0,18	0,17	+
P _{A4}	0,57	0,43	0,80	0,20	0,40	0,60	0,73	0,31	0,16	+
P _{B1}	0,50	0,50	0,80	0,20	0,40	0,60	0,67	0,25	0,17	+
P _{B2}	0,67	0,33	0,80	0,20	0,40	0,60	0,80	0,40	0,13	+
P _{B3}	0,80	0,20	0,80	0,20	0,40	0,60	0,89	0,57	0,09	+
P _{B4}	0,89	0,11	0,80	0,20	0,40	0,60	0,94	0,73	0,05	+
P _{C1}	0,50	0,50	0,80	0,20	0,40	0,60	0,67	0,25	0,17	+
P _{C2}	0,67	0,33	0,80	0,20	0,40	0,60	0,80	0,40	0,13	-
P _{C3}	0,40	0,60	0,80	0,20	0,40	0,60	0,57	0,18	0,17	+
P _{C4}	0,57	0,43	0,80	0,20	0,40	0,60	0,73	0,31	0,16	+
P _{O1}	0,50	0,50	0,40	0,60	0,10	0,90	0,80	0,40	0,30	-
P _{O2}	0,40	0,60	0,40	0,60	0,10	0,90	0,73	0,31	0,33	+
P _{O3}	0,73	0,27	0,40	0,60	0,10	0,90	0,91	0,64	0,19	+

Additional information on the civil service reform came from secondary sources like the official newspaper *El Telégrafo* and the daily *El Comercio*, publications by NGOs like the Corporation for Development Studies (Spanish acronym CORDES) and Corporation EKOS, and international consultants from the IADB.

4. Results and discussion

The available evidence and the results of empirical tests are presented in table 3. As already mentioned, the initial degree of confidence in each part of the mechanism was defined on a conservative basis [$p(h) = 0,5$]. Each test was performed independently so that the posterior degree of confidence, either for a positive result [$p(h|e) = x$] or a negative one [$p(h|\neg e) = x$], could be used as a prior [$p(h) = x$] for the following one, without generating endogeneity.

4.1. *Strengthening the state by bureaucratic centralism*

We found positive evidence on the three dimensions of bureaucratic centralism, showing that central administration is organized top-down, the economic model aims at fighting poverty, and economic development is state-driven. Hence the hypothesis is almost certainly confirmed [$p(h|e) = 0,80$].

The principles of the Ecuadorian state reform, coined as “the Civic Revolution”, are the defense of post-liberal values, sovereignty as a superior principle and a preference for a hierarchical mode of governance. Post-liberal values include a socialist-oriented ideology, “good living” ethics and state-centered development beliefs. Sovereignty refers to the country’s autonomy from international financial institutions and the United States, proactive south-south diplomacy and the control over national resources through state companies. Preference for a hierarchical mode of governance means the government favors bureaucratic centralism of the state apparatus, top-down procedures of decision-making and a strict control over the relationships with society.

Since 2007 the government has been able to take advantage of a stable legislative majority, with high party discipline combined with political opportunism and presidential authoritarianism. However, the hyper-presidentialism and the highly personalized political movement epitomized by President Correa have also been enhanced by the ability of the executive to pass bills in force, under the criteria of “partial veto” (a way to oblige deputies to adopt a text after the second debate within a month).

Hence bureaucratic centralism has been at the heart of this reform since the first quinquennial National Plan for Development, later labeled National Plan of Good Living (PNBV for its Spanish acronym). This gives a special importance to planning and technocracy for a new model of development, to the point where the President has the ability to call for new legislative elections when a majority of the National Assembly hinders the achievement of the Plan objectives. Moreover, it grants *de facto* the SENPLADES with extraordinary powers over sectorial ministries and even dedicated agencies formally ranking at the same level in the executive organization, such as the SNAP.

The Civic Revolution was launched in 2007, in the wake of the creation of the SENPLADES, as a technical agency directly accountable to the President. This agency played a key role in the preparation of a new political Constitution, adopted by way of referendum in 2008, and the consecutive stages of the administrative reform placing planning at the center of the government’s politi-

cal project. The state reform was completed by a new organization of the executive power, after the second reelection of Rafael Correa in 2013 (already reelected in 2009). Eventually until May, 2017 —when he left power to Lenin Moreno— the plan was implemented by 27 sectorial ministries, under the supervision by key agencies directly accountable to the President, including four national secretaries³, five technical secretaries⁴, six coordinating ministries⁵.

4.2. *Formulating contradictory aims*

We did not find evidence of civil service regulation referring to professionalization and politicization of bureaucracy likewise. However, we did find evidence of official propaganda valuing professionalization and politicization of the civil service. We also found evidence of the government encouraging the professionalization and politicization of civil service by increasing wages, and different state agencies pursuing simultaneously the professionalization and the politicization of civil service. Consequently the hypothesis of policy formulation featuring contradictory aims is almost confirmed [$p(h|e) = 0,73$].

The Civic Revolution included a series of reforms aimed at modernizing the state administration, by improving and organizing civil servants duties, creating a recruitment system based on merits and approving compensation and the offering of public tenders. These reforms would adapt the Ecuadorian civil service to international standards, like for instance the government by results praised by new public management (Iacoviello and Strazza, 2011).

The former Law 2004-30 on civil service (also known as LOSCCA), already aimed at increasing the professionalization of the Ecuadorian bureaucracy (Iacoviello and Zuvanic, 2005). However it had limited results, according to a report by the IADB assessing the evolution of the Ecuadorian civil service between 2004 and 2009 (Iacoviello, 2014). In compliance with good labor practices covered by the Inter-American Charter of Civil Service, Ecuador presented the second to last record in Latin America, in terms of efficiency (investment in human capital), merit (guarantees against the politicization of recruitment), strategic coherence, incentives and integrative ability.

The 2010 Organic Law on Civil Service (LOSEP for its acronym in Spanish) and its 2011 regulation were the cornerstone of the modernization of the civil service through innovations in human resources subsystems, with a special emphasis on the implementation of meritocracy and the

³ Public administration, Communication, Policy management, Planning and Development.

⁴ Water, Superior Education-Science Technology and Innovation, Amazon Development, Risk Management, and Good Living.

⁵ Social development, Economic policy, Production-employment-competitiveness, Strategic sectors, Security, Knowledge and Human Resources.

generation of comprehensive human resources information, improving fair wages. Five years later, Ecuador had jumped from the 21st to the 6th rank on the IADB efficiency scale, exceeding the Latin American average with 41 points, below Chile and Brazil (who achieved 60 points) (Strazza, 2015). Based on a sampling of 7 public institutions where the performance of officials were assessed, the IADB consultant praised the government for the investment quality of human resources within international standards.

Yet, these encouraging results regarding the professionalization of civil service in Ecuador were somewhat hindered by the state reform presented above, which made civil servants at all levels functional to the implementation of the National Plan for Good Living. On the one hand, the SNAP and the Ministry of Labor in charge of the reform continuously advocated for meritocracy and a civil service career. But on the other hand, the SENPLADES in charge of the Plan insisted in securing the government's program by clear-cut political alignment of non-elected bureaucrats.

The organic law itself was based on the premise that effective implementation required the Plan to strengthen the civil service and align its operations with the overall strategy of the government. The 2009-2013 Plan included a dozen general objectives, each related with research, diagnosis, policies, guidelines and goals. Objective 12 expressed the need to build a new state, in the following terms:

[...] build a close and friendly state that plans and coordinates actions in a decentralized manner. [...] promote public investment to achieve the satisfaction of human needs with a high quality civil service. It is about building the society of the good living in which diversity is recognized and ensuring compliance with constitutional rights.

Once decentralization and de-concentration of the state apparatus were reversed in order to become functional to the National Plan for Good Living, the transfer of public goods to local authorities (including local "autonomous" governments) relied on the SENPLADES approval, according to political criteria of "relevance" and "opportunity".

Eventually the preference for politicization over professionalization in the civil service can be observed through the difference of treatment of higher, middle and lower levels of administration, to the benefits of the higher. Before the 2010 reform, monthly wages ranged from 690 USD to 1600 USD for street-level and mid-level civil servants, and from 1800 USD to 5000 USD for higher administration (the highest being the gross salary perceived by the President). In 2012, lower and middle administrative levels ranged from 817 USD (+18% compared to 2010) to 1760 USD (+10%) and higher administration ranged from 2226 USD (+20%) to 6957 USD (+39%). This shows a si-

significant difference in favor of higher wages, even if they were affected by a 5 to 10% reduction in the aftermath of the 2015 financial crisis caused by the dramatic decrease of oil prices.⁶

4.3. *Creating an implementation gap*

All tests on policy instruments resulted positive, confirming that information published by the government shows absence of a professional career, that neither is the professional career regulated by law, nor are civil servants wages indexed on a professional career, and that the main state agency in charge of implementing the reform (the Ministry of Labor) has no incidence on professional career. Consequently the hypothesis of an incomplete reform of the civil service is certainly confirmed [$p(h|e) = 0,94$].

Public spending in the civil service increased by 128% (from 4 billion USD to 9,1 billion USD⁷), between 2008 and 2014 (again, before the 2015 financial crisis). In the meantime, the number of civil servants from the central administration of the executive increased by 21,4% (from 331.274 to 402.237 persons).

The workforce in the central administration increased dramatically during the heydays of the Civic Revolution, in the wake of the Constitution reform. In 2009 the civil service accounted for 454304 employees (6.7% of the labor force), divided as follows: 363962 in the central administration and 50161 in local governments. The central administration was divided into education (29%), professional services (20%), public service (16%), Defense (9%), Internal Affairs (10%), professional contracts (5%), judicial power (1%) and others (10%). Local governments employees were distributed among public service (41%), higher education (25%), professional services (23%), judicial power (4%), subjects to the labor regulation (3%) and others (4%). (Fontaine, 2010: 21).

After the 2010 reform, the structure of public spending in the central administration remained almost unchanged, with four sectors receiving almost 80% of operational and investment spending. In 2015, Education got the lion's share with 36,5% (40,24% in 2011), followed by Defense with 14,14% (16,3% in 2011), Internal Affairs with 14,95% (15,15% in 2011), Health with 14,41% (10,77% in 2011) and the Judicial estate with 5,56% (3,95% in 2011).

It took nine months to adopt the LOSEP (from November 2009 to August 2010). During this time, the National Assembly commission on labor collected extensive information and consulted many stakeholders and other social and political actors. The final bill was the result of a broad consensus, to the point that this law received the most votes both from the ruling coalition and the op-

⁶ In 2015 the WTI, which is the spot market on which the Ecuadorian crude is calculated, fell from 93,28USD to 48,71 USD (BP, 2016).

⁷ Prices are in current USD, that is regardless of inflation.

position in the 2009-2013 legislative period. Yet it was partially vetoed, so the National Assembly had to accept every amendment by the President.⁸

The law provided a model of processes and modernization of the public sector that was difficult to achieve on a short term basis. In particular, the Ministry of Labor never had a chance to fully standardize recruitment procedures. In particular, they could not conclude the reform by the creation of a civil service career. Before the 2010 reform, the civil service hierarchy included 14 categories (SP, for *Servidor Público*). The reform intended to create a new 10-ranks hierarchy for higher administration, that would substitute the upper level of the existing ranking (from SP9 above), which would end in an 18-level career. However the reform was never completed and resulted rather confusing since both hierarchies remained separated. Moreover, there is no process of internal ascension for civil servants, which means they have to enter in open competition in order to ascend from one category to another, regardless of their professional experience.

4.4. *Politicizing the civil service*

We found no evidence of the civil service regulation supporting political appointment in the civil service. However, evidence was found of information produced by the government justifying political appointment, variation in public spending aimed at controlling civil servants, plus evidence confirming that the main state agency in charge of implementing the reform has little incidence on standard operating procedures of recruitment. Consequently the hypothesis of politicization hindering the professionalization of the civil service is almost certainly confirmed [$p(h|e) = 0,73$].

The Civic Revolution commanded a fast-growing workforce in the civil service and the alignment of all development programs with the National Plan for Good Living. Hence beyond the proclaimed necessity of highly qualified and professionalized civil servants, the government established a link between policy change and the political discourse of effectiveness, excellence. Therefore the motto of meritocracy and change justified the demands imposed on the public administration to achieve results in the implementation of public policies.

The 2010 reform aimed at strengthening the ruling of the Ministry of Labor over the public sector, for instance by assigning this Ministry the control and supervision of the system of human resources management, including contractors working for the state administration. While qualifications were established by each organization, as is the case for local governments, universities and

⁸ This caused unrest and a violent conflict on September 30, 2010 with police officers protesting against a partial ban on medals, buttons, rings and Christmas baskets for the military and police. During this conflict, also known as the “30-S events”, besides massive street protests, the President was illegally confined in the National Police barracks in Quito, ending in a military intervention and several dead people. Later on, the issue of approval meant an improvement on wages for the armed forces.

public enterprises, the LOSEP allowed the Ministry of Labor to interfere in other estates and dedicated agencies, beyond the common rules of accountability found in modern democracies. Therefore the official aims of rationalization and modernization pursued by the government could easily become an excuse to convert human resources management in political control over institutions that were used to managing their staff according to professional specialty.

As a matter of fact, the recruitment of civil servants suffered from the structural weaknesses of the higher education system as a whole (see Fontaine, 2010). The excessive dominance of specializations in administration and law derived from an opportunistic behavior of many higher education institutions. Not only this orientation by market demand affected the overall coherence of the educational offer, but it reflected an instrumental and bureaucratic conception of training in public affairs. In particular, the lack of regulation favored the profusion of academic degrees and cumulative graduates, which would be converted into higher-education diplomas, specializations and master's degrees, based on time commitment and the number of academic credits, rather than specialized professional training. This was never reversed by the civil service reform, even after the Institute of Higher National Studies (IAEN for its Spanish acronym) became the official postgraduate school for higher ranking public officials⁹.

Public spending in central administration by professional levels reflect the current situation in 2015. While most public spending concentrate on graduated civil servants (3rd level degrees in the Ecuadorian educational system) with 41,09%, bachelors and technical professional represent 6,14%, and post-graduate professional (4th level degrees) 14,22%. The military career reaches 8,43%, the police career represents 9,75% and security guards 0,92%. It is impossible to analyze the evolution of these public spending by professional level, because of the extreme informality affecting the higher education system before the adoption of the Organic Law on Higher Education and its regulation, in 2011. Unregistered professional titles still represented 19,45% in 2015.

By 2012, the government started “buying” resignations and around 9000 civil servants were laid off or forced to retire. However there was no real government program set up for economic compensations. The Ministry of Labor assigned 50 million USD to the payment of compensations for retirements, so the volunteers who would retire with five basic salaries (292,00 USD at that time) for each year of service, up to 150. The same rule was applied to civil servants from the executive but the Federation of Workers of Pichincha, one of the country's most important unions, de-

⁹ The IAEN was created during the 1970s under a military dictatorship. It was based upon the same structure as other National Schools of Government and Strategic studies. On a peculiar turn of events, this institution mirrored some of the vices affecting civil service over the past decade, with several cases of corruption and nepotism publicly reported by the media.

manded the state for their non-conformity with the legal resolution and in certain cases with the amounts for compensation. Unions threatened to multiply law suits against the state, especially in education and health sectors. Eventually a majority of public servants never had a chance to retire.

After the 2015 financial crisis, the follow up of the Civic Revolution relied on dramatic short-fall in public spending. The first measures consisted in the reassignment of funds initially created for training purposes and the overall improvement of the public service. By 2016 most public tenders for positions amongst middle level bureaucracy had been postponed and many private contractors were waiting to be paid for past consultancy jobs. In the meantime, the government decided the non-renewal of 5000 public contracts. Yet in 2015 the overall public spending in central administration still increased by 8,29%, and the central administration workforce increased by 2%.

4.5. Institutionalizing patronage

We did not find evidence of the use of free removal contracts as a major policy instrument in higher bureaucracy. However we did find evidence of occasional contracts used as a major policy instrument at middle level, and persistently biased internal promotion at the lower level of bureaucracy. Consequently the hypothesis of informal appointments becoming the rule in the civil service was almost confirmed [$p(h|e) = 0,91$].

The Ecuadorian regulation acknowledges four contracts in the civil service. Tenure is the permanent status of a civil servant after passing the regular trial period. Occasional contracts are two-year-maximum contracts signed either for provisional or recently created positions. Free removal contracts are two-year-maximum contracts alike, dedicated to higher administration positions on political appointment. Service contracts are short-term contracts signed for specific missions with private people, NGOs or companies working temporarily for the state.

From 2008 to 2014 free removal contracts in the central administration have increased by 118% (from 1523 to 3320) and they still increased by 10,9% after the financial crisis (up to 3682). Yet these contracts do not exceed 1% of the total workforce after all. Meanwhile, occasional contracts increased by 4,73% (from 50970 to 53278) before the crisis, and they decreased by 9,35% in 2015 (down to 48296). Tenure contracts increased by 23,94% (from 278881 to 345150) until 2014 and remained stable afterwards (+0,1% in 2015).

Beyond these official figures, the survey conducted during the present research reveals that civil servants perceive political appointment as a common rule at all levels of the central administration. Half of the interviewees believe that it applies to more than 50% of positions in lower-level administration. Two thirds believe that it applies to more than 50% of positions in mid-level admini-

nistration. More than three quarters believe that it applies to more than 80% of positions in higher-level administration.

Political appointment at higher- and mid-level is believed to rely mainly (for two thirds of positions) on personal trust by the President or the Minister in charge and secondarily (for one third of positions) after consultation to the government party. Political appointees are believed to be selected essentially to design and implement public policies, especially at a higher level (66,66% to 93,33%), but also at mid-level (40% to 73,33%) and lower level (40% to 46,66%). Among other motivations, the conduct of public administration comes in second position (20% to 73,33% for higher level, 33,33% to 46,67% for mid-level, and 13,33% to 53,33% for lower level), before the relationships of the executive with the government party and the National Assembly (20% at higher level, 13,33% at middle and lower levels). A significant number of interviewees think that these appointments aim at performing electoral politics, either at a higher level (13,33% to 20%), mid-level (13,33%) or lower level (20%).

These political practices commonly assumed by a majority of interviewees also reflect in non-formal recruitment practices at lower and middle levels. When answering open questions from the survey, several interviewees report having witnessed informal practices of selection on political rather than professional criteria. This is even considered a normal practice by interviewees who acknowledge an ideological loyalty to the President and the government party. Interviewees with more than 10 years of experience in the civil service notice that these practices have become more common under the Civic Revolution.

This may be done by overvaluing personal interviews in order to secure the selection of politically committed candidates who may have underscored on professional criteria. This can also happen during the conversion of occasional contracts into tenure, by designing the selection criteria according to the skills of well-known employees willing to work zealously for the political project. Other practices mentioned include applying different evaluation criteria regarding formal procedures (such as the necessity for a candidate to provide certified copies of their diploma, personal information and other proofs of professional experience), introducing highly specific skills in the job profile in order to reduce the number of potential candidates, or even communicating information to in-house employees before making the competition public.

The overall available empirical evidence supports the theoretical causal mechanism linking hierarchical governance to the institutionalization of patronage in Ecuador. Hence this mechanism is

almost certainly confirmed [$p(h|e) = 0,73$] inasmuch as its weakest parts (A and C) remain almost certainly confirmed.

5. Conclusions: Policy implications for the professionalization of bureaucracy

The causal mechanism linking hierarchical governance with the institutionalization of patronage is supported by empirical evidence. Regardless of the progress registered by the professionalization of the civil service during the Civic Revolution, Ecuador features a persistent and increasingly politicized bureaucracy. The institutionalization of patronage resulted from a combination of structural factors, like the educational system and the state financial capacity, with the conjunctural priorities brought out by the shift to resource nationalism. These priorities include securing the political project by the government party, showing results to the President and controlling the political arena.

After 10 years of contradictory reforms in the civil service, the question remains whether the government can rely on highly qualified civil servants at all administrative levels, notwithstanding their political commitment. This is a major issue for the newly elected President Lenin Moreno, which could become a factor of governability crisis when it comes to adjust the state budget to lower oil prices. It has major policy implications in the short and in the medium term, to increase the performance of the government by results which has proven erratic in many central administration agencies so far. In particular, the professionalization of the civil service would benefit from a greater coherence between aims and means and a more integrated policy instruments mix.

As for the instruments of nodality, the government should keep up with previous efforts to create a unified system of human resources management. This would improve the knowledge on the state actual capacity and it would allow the government to adjust supply and demand of the labor force within the central administration. It would also allow to introduce some flexibility through more individuals mobility across the different careers of the central administration.

As for the instruments of authority, the government should proceed with formulating specific regulation of the LOSEP, so as to create an effective civil service career. This would grant bigger incentives to civil servants interested in ascending the administrative scale and combine their professional experience with continuous training. It would also guarantee stability in the internal organization of the state, hence a major continuity in political processes.

As for the instruments of treasure, the government should revise budget allocation to increase access to higher education in public administration, and move towards financing an effective public administration training system. Such a reform would require more than a mere adjustment of exis-

ting educational organizations, such as the IAEN, since they have not been able to attend the government's needs so far.

As for the instruments of organization, the government should clarify the responsibilities of the main agencies involved in the civil service reform. This implies in the first place to grant the Ministry of Labor with the competences that were so far assigned to the SNAP, so as to guarantee that further contractual processes do not violate basic rules of professional specialization, in the name of political loyalty. Further, enforcing this agency would provide for efficient means to increase the implementation of the National Plan for the Good Living.

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