

Surveil and Sanction: The Return of the State and Societal Regulation in Ecuador

Catherine M. Conaghan
Queen's University, Kingston

Abstract

The return of the state in Latin America under the auspices of leftist governments is often equated with an expansion in the state's role as a regulator of the economy and social welfare provider. This article focuses on an equally important dimension of recent state development: the rise of dense societal regulation. Analysing the case of Ecuador under the administration of Rafael Correa (2007-present), the study shows how the design of policies aimed at the media, civil society organizations, and higher education have enlarged the scope of regulation and enhanced the powers of the executive branch. Applying Daniel Brinks' notion of analysing the 'state-as-law', Ecuador stands as example of politicized legalism (*estado de derecho politizado*). *Keywords*: regulation, civil society, normativity, state, Ecuador.

Resumen: Vigilancia y sanción: El retorno del estado y la regulación societal en el Ecuador

El retorno del estado, bajo el auspicio de los gobiernos de izquierda en América Latina, es frecuentemente asimilado con la expansión del rol del estado como regulador de la economía y la provisión de bienestar social. Este artículo trata sobre una dimensión igualmente importante en el desarrollo de esos estados: el ascenso de una densa regulación societal. Analizando el caso ecuatoriano, bajo la administración de Rafael Correa (2007-al presente), este estudio demuestra cómo el diseño de políticas para los medios de comunicación, organizaciones de la sociedad civil y, instituciones de educación superior han ampliado el alcance de la regulación y afianzado los poderes de la función ejecutiva. Aplicando la noción de 'estado-como-ley' de Daniel Brinks, Ecuador se ha convertido en un caso ejemplar de un estado de derecho politizado. *Palabras clave*: regulación, sociedad civil, normatividad, estado, Ecuador.

Latin America's latest generation of leftist presidents came to power on the promise to end neoliberal experiments and 'return the state' to a full-bodied role in national life. Nowhere has the return of a proactive state been more evident than in the Andean region where three presidents identified as 'radical left' set their governments on a course to that end (Ellner, 2012). As the last leader elected in the Andean left turn, President Rafael Correa of Ecuador closed ranks with Venezuela's Hugo Chávez and Bolivia's Evo Morales in the quest to 'rebuild' and 'reclaim' the state (Grugel and Riggirozzi, 2012).

In some policy realms, the return of the state in the Andes took relatively predictable forms. Expansionary fiscal policy emerged as a central feature of the radical left's statist projects. In all three countries, public spending on health and education accelerated along with expenditures on infrastructure. Targeted social assistance programmes expanded benefits to the poor and other vulnerable groups. Not surprisingly, dismantling neoliberalism entailed recalibrating policies toward the domestic and foreign private sector. Stricter rules on investments, finance, business practices, and taxes prevailed, shifting power to the state and regulatory agencies. Reflecting the activist agenda, public administration grew in size and public sector employment increased. In all three countries, state expansion was underwritten by hefty revenues reaped from hydrocarbons and mineral exports.

While the state indeed returned in the Andes, many analysts judged it as project that failed to make good on the lofty promises of twenty-first century socialism. Rather than revolutionary change, the radical left governments produced what Eduardo Gudynas (2012) describes as a 'compensatory state': one dedicated to distributing revenues from natural resource industries in ways that legitimize the extractive model and help keep incumbent governments in power (Stefanoni, 2012).

As important as the state's 'return' as economic manager and social welfare provider has been in defining the policy trajectory of these governments, developments in other policy and institutional realms merit equal consideration in our debates about how to categorize the kind of states being built in the post-neoliberal era. Daniel Brinks' (2012) notion of studying the 'state-as-law' offers one such approach for analysing state transformations through the lens of legal development. Brinks identifies the two key dimensions that comprise a state's legal regime: 1) density – the extent to which the state seeks to regulate diverse areas of human activity and different kinds of interactions; 2) autonomy – the extent to which laws and regulations are enforced without political interference. Brinks notes that most Latin American states have moved generally in the direction of broadening the scope activities subject to law, but substantial variations across these two dimensions still remain and allow for categorical distinctions. Countries may develop high legal density and high institutional autonomy (*estado social de derecho*), but high legal density can also be combined with low institutional autonomy (*estado de derecho politizado*). Al-

ternatively, lower levels of legal density can be coupled with high autonomy (*estado liberal de derecho*) or low autonomy (*estado politizado*).¹

In the Andean left turn, the state's regulatory drive, so crucial to the project of dismantling neoliberalism, has not been confined to the economy; it also encompasses policies aimed at component parts of civil society. As the following case study of the Correa administration shows, the 'return' of the state vis-à-vis society in Ecuador has been 'dense', i.e. expansive in the range of actors and behaviours targeted for regulation. At the same time, the design of new regulatory bodies has not optimized their autonomy from the executive branch. Indeed, dense societal regulation and the development of executive-captured regulatory agencies stands out as one of the most important and distinguishing features of Andean 'Left Turn' governments.

Like Venezuela and Bolivia, Ecuador's regulatory 'return' of the state involved sequential initiatives in law-making and bureaucracy building. Taking the same approach as Chávez and Morales, Correa championed a new constitution in 2008 as an indispensable first step for reshaping and fortifying state power. Correa subsequently deployed his legislative majorities and his own executive power to translate the statist project outlined in the constitution into a vast constellation of new legal norms (*normatividad*). An outpouring of organic laws and ordinary laws along with executive orders and bureaucratic regulations laid the basis for the state's reach into the workings of civil society.

This analysis focuses on the design and implementation of this new, high-density normativity aimed at societal regulation. Specifically, it examines the nexus of law and bureaucratic controls directed at three strategic sectors in society: the media, civil society organizations (CSOs) and higher education. In each of these areas, new government bureaucracies have been endowed with substantial powers. These include oversight of the day-to-day conduct of organizations as well as powers to apply sanctions for regulatory non-compliance that run the gamut from fines to the legal dissolution of organizations. Taken as a whole, the policies constitute a sweeping new regimen of executive-directed social control affecting the organizational matrix of civil society.

Before examining sector-specific regulation, it is important to understand how the Correa administration's governing philosophy and views regarding society's 'ills' provided the rationales justifying deep legal reforms in these three areas.

Diagnosing society in the Citizens' Revolution

In his inaugural speech of January 2007, Correa committed his government to making a 'Citizens' Revolution'. Starting with the new constitution, the process included plans for battling corruption, generating economic development, redistributing wealth, and reasserting national sovereignty in international affairs. From its inception during the 2006 presidential campaign, Correa's policy agenda was predicated on the notion of rebuilding the state and expanding

its power into every domain of national life; it pledged a ‘re-launching of public action in the form of an intense protagonism of the state’ (SENPLADES, 2009).

In the minds of Correa and his policy advisors, rebuilding the state was not simply a question of expanding and modernizing public administration. In their view, building a strong state and using it to make the Citizens’ Revolution required a simultaneous wresting of power from elements in Ecuadorian society. Correa’s own abundant rhetoric on the topic as well as the foundational planning documents produced by the *Secretaría Nacional de Planificación y Desarrollo* (SENPLADES) singled out certain constituencies in Ecuadorian society as regressive, anti-democratic forces that had to be confronted in the course of making the revolution (de la Torre, 2012).

Three overlapping rationales were at work in the administration’s hostility toward society and informed subsequent policy designs. The first had to do with the potential for political de-stabilization. Three previous presidents – Abdalá Bucaram in 1997, Jamil Mahuad in 2000, and Lucio Gutiérrez in 2005 – had been forced out of office early due in part to Quito-based street mobilizations in which a variety of social groups and media outlets had taken part. In light of recent history, Correa and his advisors had every reason to view societal actors as potential adversaries capable of posing an existential threat to the presidency. From a strictly political point of view, taking actions to undermine the power of groups, especially those with a track record of anti-government rabble-rousing, made perfect sense. Correa frequently warned of the threats posed by ‘de facto’ powers and the need to change the ‘correlation of forces’ arrayed against his government.

Along with concerns about political survival, broader policy considerations also figured in the government’s view. A second rationale identified interest groups as part of the syndrome of state corruption. Organized interest groups entrenched in the state, either through their connections with crooked politicians or by virtue of neo-corporatist arrangements that allowed them special access to government bodies, effectively ‘privatized’ the state by shaping public policy to serve their own purposes. ‘De-corporatizing’ the state (i.e. stripping interest groups of their legally-sanctioned prerogatives) was conceived as an essential part of restoring the state’s role as a guardian of the public interest.

A third argument revolved around the view that the organizational establishment (business chambers, professionally-based associations, labour unions, and even social movements) functioned as authoritarian enclaves. Lacking internal democracy and headed by self-serving leaders, organized society was cast as a site of corruption, inequality and discriminatory practices. Thus, like the state, society needed to be subject to mechanisms of oversight and accountability.

Whether or not the official critique rendered a wholly accurate portrayal of Ecuadorian society, the official emphasis on its malevolent condition was unmistakable. Correa regularly wove this pessimistic diagnosis of society’s short-

comings into his speeches and weekly Saturday-morning broadcasts (de la Torre, 2013; Pérez Ordóñez, 2010). Significant sectors in society, insofar as they opposed government policies or struggled to maintain some margin for autonomous action in the face of advancing statism, would be tagged as ‘enemies’ of the Revolution; as such, they constituted fair game for enhanced government surveillance and regulation.

Media in the ‘hard’ regulatory return

No enemy loomed as large in the dark societal landscape envisioned by Correa than the mainstream media. According to Correa and his communication advisors, the principal broadcast and print outlets were corrupt entities that plied the craft of journalism for their own benefit. Instead of serving the public interest, media companies manipulated information to serve their own business interests and those of allied economic elites and politicians (Correa, 2011). Correa’s view was by no means original; it was in keeping with the critiques formulated by groups on the left that had clamoured for the democratization of media access and ownership since the 1990s (Jurado Vargas, 2013; Ramos, 2013). For the first time, however, these ideas found fertile political grounds. Animated by no small measure of personal animosity toward media figures who criticized him, Correa set his sights on using the powers of the presidency to upend what he viewed as an unethical for-profit media establishment.

Controlled by a majority that included the government party and leftist allies, the 2007-2008 constituent assembly wrote language broad enough to authorize substantial state intervention in the media business and journalistic practices. On the business side, Article 17 of the 2008 constitution specifically prohibited the operations of media monopolies or oligopolies and reasserted state’s authority to allot broadcast frequencies and ensure their operation in ‘the collective interest’. Article 312 added to strictures on business by prohibiting banks and their shareholders from owning media outlets.

On the content side, Article 18.1 established the public’s ‘right to information’ as one that included access to information that is ‘true, verified, opportune, contextualized, plural, without prior censorship with regard to facts, events, and processes of general interest, and with subsequent liability’ (Constitución, 2011, p.14). By stipulating a complex yet indeterminate set of requirements about the nature of the information deemed to be a ‘right’, the constitution opened the door for government involvement in deciding whether media outlets were meeting these obligations. That media laws were on their way to a complete overhaul was signalled when the constituent assembly included the law of communication among the eleven legislative priorities listed in the constitution’s transitional provisions addendum.

Despite the administration’s keen interest in revamping legal norms on the media, the process proved to be problematic and controversial. Correa’s *Patria Altiva I Soberana* (PAIS) movement had a legislative majority in the 2009 na-

tional assembly, but it lacked the two-thirds majority required for passing an ‘organic’ law. Legislators from outside the folds of PAIS withheld support. Meanwhile, Correa was using the bully pulpit of the presidency regularly to denounce the press. His own campaign against the press included becoming a plaintiff in two high-profile, multi-million dollar defamation cases against journalists and media executives. On a weekly basis in his Saturday morning broadcasts, Correa denounced offending journalists as ‘corrupt’, ‘sick’, ‘perverse’, and ‘mediocre’ (Lauría, 2011).

With some government initiatives stalled in the legislature and looking to refresh his electoral support, Correa put the question of media reform on the ballot in the 2011 referendum. By a narrow vote of 45 to 42 per cent, voters approved a confusingly-worded proposition authorizing the creation of commission to curb ‘media excesses’ by regulating broadcast and print featuring violence, sexuality or discriminatory content (Political Database, 2011).

The referendum and the decisive victory for the government in the February 2013 national elections made political conditions ripe for a radical regulatory project. Winning his third consecutive term with 57 per cent of the vote, Correa also led his PAIS movement to an absolute majority of 100 seats in the national legislature (Eischerst and Polga-Hecimovich, 2014). Despite the continued criticism from opposition legislators and the myriad proposals offered by media and CSOs, the pathway was cleared for the government to eschew compromise and move ahead quickly with its version of regulatory reform. Setting aside numerous complaints about procedural irregularities in the legislative commission charged with preparing the draft law and in the subsequent debate proceedings on the floor of the assembly, the PAIS majority passed the *Ley Orgánica de Comunicación* (LOC) in June 2013 (Montúfar, 2013, pp. 115-129).

Prior to LOC, regulations governing the media and journalism were skeletal and concerned mostly with the distribution of broadcast frequencies and licensing of television and radio stations. Enacted during the military dictatorship, the 1975 Law of Radio and Television established the state’s authority to regulate the broadcast industry and remained operative with amendments thereafter. By the 1990s, broadcasters operated under the purview of the agency that distributed frequencies, *Consejo Nacional de Radiofusión y Televisión* (CONARTEL), which included two private sector representatives from the television and radio associations. Broadcasters were obliged to transmit government communications and ensure that 25 per cent of its programming was nationally produced. Under the law, CONARTEL had the power to revoke a license if a station ‘conspired’ against the public order or undermined security. Offensive on-air conduct by individuals was subject to penal law and sanctions for ethical violations were laid out by privately-run professional broadcasters’ associations. Thus, while the framework set up some content rules for broadcasters, regulation was still relatively limited and within the norms found across the region at the time. Moreover, the print press operated without direct restrictions on the medium per se. With no obligations to seek licenses, print

outlets did not have to register with a government agency but like broadcasters, print journalists were subject to the penal code, national security law and ethical codes of their professional associations.

In contrast to the preceding framework, LOC (in conjunction with enabling executive decrees that both preceded and followed its enactment) was sweeping in its extension of state power and elimination of any role for professional associations. It constituted a decisive turn toward ‘hard’ regulation across the entire spectrum of communications, that is, LOC imposed elaborate rules on all media, including print journalism, with government monitoring and sanctions for non-compliance. This type of ‘hard’ regulation stands in contrast to other ‘soft’ forms of regulation that may involve setting benchmarks for voluntary compliance, or cooperative co-regulatory arrangements involving the government and organizations from civil society or industry representatives (Steurer, 2013, pp. 393-394).

LOC created two entirely new bureaucracies charged with managing the communications sector. At the apex of the system is the *Consejo de Regulación y Desarrollo de la Información y Comunicación* (CORDICOM). Its mandate includes a long list of duties that range from promoting access to the media and the rights of consumers to determining the rules for different types of broadcasting content and time slots. In addition, CORDICOM provides a binding report to be used by telecommunications superintendency in allocating broadcast frequencies. Composed of five board members, CORDICOM is headed by a representative of the executive branch; the remaining board members are representatives of government entities closely tied to the executive. There is no representation of the legislative branch or external CSOs. In CORDICOM’s first board, seated in July 2014, all five members had worked in some capacity with the Correa government prior to their appointments. Two had held high-level positions in the executive’s Communications Secretariat (Almeida, 2014, p. 128).

A second agency, the *Superintendencia de Información y Comunicación* (SUPERCOM), operates separately from CORDICOM and is charged with undertaking ‘intervention and enforcement’ to ensure compliance with LOC and CORDICOM policies. As the administrative enforcer, SUPERCOM can undertake actions ranging from issuing warnings to individuals or outlets deemed to be violating LOC to forcing retractions and apologies, and imposing substantial fines. SUPERCOM’s decisions are binding and do not provide for an independent appeals process. LOC stipulated that the SUPERCOM head be chosen from a three-person short list of nominees selected by the president. Correa’s top choice to be the first superintendent was Carlos Ochoa. Appointed in October 2014, Ochoa was a former television journalist turned critic of the media establishment. Expressing his commitment to vigorous regulation, Ochoa proclaimed in his inaugural address: ‘The law is the law; you don’t compromise it, you don’t negotiate it, you enforce it’ (Superintendencia, 2013).

By virtue of LOC's extensive provisions on media content and conduct, Superintendent Ochoa is charged with policing media practices. Broadly-worded rules on content endowed SUPERCOM with considerable discretionary powers in deciding what counts as an infraction of LOC. For example, following the language in the constitution, LOC Article 22 reiterated the public's right to receive 'truthful information' defined as that which is 'verified, contrasted, precise, and contextualized' (Registro Oficial, 2013b, p. 6); violating any of these criteria in media coverage allows for SUPERCOM sanctions. Another prohibition on content is found in LOC's Article 26 which bans 'media lynching' defined as information produced in a 'concerted manner' by media 'or through third parties' aimed at 'destroying the prestige of a natural or juridical person, or reducing their public credibility (Registro Oficial, 2013b, p. 6). Other provisions forbid reporting on 'irresponsible' conduct involving the environment (Article 10.4h), stipulate 'even-handed' coverage of legal cases (Article 27), mandate the media's 'duty to cover and report facts in the public interest' with the warning that 'failure to report issues in the public interest' constitutes an illegal act of prior censorship (Article 18), and make it the responsibility of media to 'respect and promote obedience to the Constitution, the laws and legitimate decisions of government officials' (Article 71.3).

In addition to these and other rules that editors and journalists need to take into account, LOC is replete with other requirements that enhance policing and mandate conduct inside media outlets. In an unprecedented development, LOC and its enabling regulations require each national-level outlet to work with (and pay the salary of) an 'audience ombudsman' appointed in a process controlled by the government. Responsiveness to citizen complaints in the form of replies and rectifications is compulsory. Media outlets must make copies of their work available within three days of a citizen request and allot equivalent space/time for a citizen's rebuttal within 72 hours of receiving a complaint about a story.

Non-compliance with any of the rules contained in LOC's 119 articles (along with the 89 articles in the follow-up Executive Decree No. 214 and binding CORDICOM rules) constitutes grounds for citizens to file complaints for adjudication by SUPERCOM or for SUPERCOM to take direct action. With over one hundred employees including those located in Quito along with seven regional offices, SUPERCOM also works with three private consulting firms that provide daily reports on media content based on their 24/7 monitoring of the country's principal outlets (Celi, 2014).

During its first year of operation in 2013-2014, SUPERCOM demonstrated its readiness to enforce LOC in all its details, large and small. Of the 93 cases it processed, SUPERCOM reported that over a third involved demands for rectifications in coverage (SUPERCOM, 2014). Government agencies, as well as individual citizens, were among the complaining parties. SUPERCOM identified objectionable content across the whole spectrum of journalism. For example, the agency fined the tabloid newspaper *Extra* for refusing to retract what it deemed to be unacceptably graphic headlines in the coverage of a traffic acci-

dent. In other cases, SUPERCOM mandated apologies for television content determined to be discriminatory toward specific groups and levied fines for various LOC infractions including failure to publish obligatory daily newspaper circulation figures.²

In the most high-profile case in its first year in operation, SUPERCOM imposed a US\$ 100,000 fine on the newspaper *El Universo* and condemned its veteran political cartoonist Xavier ‘Bonil’ Bonilla for inciting ‘social agitation’ by publishing a cartoon that lampooned government actions in a controversial legal case (Sociedad Interamericana, 2014). It was not the first time that *El Universo* found itself at odds with the government. *El Universo* personnel were the defendants in President Correa’s 2011 defamation suit. With SUPERCOM operational, any continuing conflict with the government carries the potential of ongoing financial penalties. Once an outlet is found in violation of LOC, SUPERCOM has the power to double the fines on subsequent infractions. In cases involving complaints lodged by government opponents, however, SUPERCOM has been markedly less inclined to intervene. When a pollster demanded the right to respond to the personal insults hurled at him by Correa in the president’s weekly broadcast, Superintendent Ochoa ruled that the broadcasts were among the president’s policy duties and therefore not subject to LOC’s provisions on the right to ‘reply’ (FUNDAMEDIOS, 2014b).

LOC’s content-controlling ‘hard’ regulatory framework was controversial and contested, both at home and abroad. The law and its implementation by SUPERCOM became the subject of intense criticism by international civil liberties monitors, human rights associations, and media watchdog groups (FUNDAMEDIOS, 2014c). Urging the Correa government to rescind LOC, the Organization of American States’ Special Rapporteur for Freedom of Expression along with the United Nations Special Rapporteur identified various provisions in the law as restrictive of civil liberties and in violation of international norms on press freedom (Relatoría Especial, 2013; Relator Especial de Naciones Unidas, 2013). Meanwhile, more than sixty Ecuadorian activists and journalists challenged the constitutionality of LOC in three separate cases lodged with the country’s Corte Constitucional; they asked that LOC to be stricken down on the basis of procedural violations in its passage by the assembly, substantive provisions impinging on freedom of expression, and its contravention of international treaties signed by Ecuador (Alegato Colectivo, 2013). In September 2014, the Court ruled to keep the law intact, with only minor editing corrections.

Media outlets had little alternative but to adjust to the new legal environment in ways that minimized their exposure to sanctions. For many journalists and editors, complying with LOC meant engaging in ‘self-censorship’ in their approach to the news: a process underway even prior to LOC as a result of Correa’s defamation suits and the government’s intense public relations campaign against the media (Ricaurte, 2014). Investigative journalism, already impacted by Correa’s open hostility and a notable lack of access to sources inside

the government, became virtually impossible and too risky for many outlets. While not abandoning political reporting, the country's major newspapers (*El Comercio*, *Hoy*, *El Universo*) dialled down investigations in favour of 'soft' coverage on sports, lifestyle, and entertainment stories, mirroring the direction taken in television coverage (Otis, 2014).

After LOC's first year of implementation, government advocates and critics of the communications law agreed on at least one point: the regulatory framework had succeeded in altering the interactions of government and the media in a definitive way. The Correa administration hailed LOC as the gateway to 'responsible journalism' while opponents regarded it as an 'instrument of surveillance and punishment' intended to weaken civil liberties (*Hoy*, 2014; *El Universo*, 2014).

Registering and regulating civil society

The drive to ensure primacy of the 'public interest' – embodied in the state – over that of 'private' interests shaped the administration's approach to associative life. Like the media, Correa regarded much of civil society as a domain corrupted by self-serving organizations: some under the sway of foreign funders, others working to undermine his government, and many lacking in democratic credentials and legitimacy. Correa's attacks on '*oenegismo*' (NGOism) paralleled much of the thinking on the subject voiced by the leading ideologue of the Bolivian government, Vice President Álvaro García Liñera (2011).

Unlike the communications reform that required an entirely new bureaucratic apparatus to regulate media content, the government already had an existing system on which new rules could be layered to provide for enhanced regulation of CSOs of all sorts. In the twentieth century, Ecuador developed a patchwork of neo-corporatist arrangements linking interest groups to government in a variety of ways. Legal precedents recognized the rights of groups to organize, but also established the right of public authorities to afford legal recognition (*personalidad jurídica*) to groups as well as to rescind legal status. As the system evolved, presidents prescribed rules in executive decrees that gave cabinet ministries the task of affording legal recognition to organized groups in their sector of activity. Prior to Correa, President Gustavo Noboa undertook the last iteration of the rules in 2002. In Executive Decree 3054, Noboa ordered ministries to follow a unified set of rules in registering groups that included information on the identity of founding and current leaders, organizational statutes, and financial assets. Noboa's decree also stipulated that ministries could 'dissolve' organizations for actions that compromised state security or failure to comply with government regulations.

Correa's push to recalibrate the relations between the government and social groups began early during his first term; it included dismantling the neo-corporatist arrangements that allowed for interest group representation in government bodies.³ In 2008, Correa issued Executive Decree 982 which layered

on new, more stringent requirements for organizational registration (Appe 2012, pp. 145-181). Subsequently, Article 36 of the 2010 *Ley Orgánica de la Participación Ciudadana* reaffirmed the government's commitment to create a unified national registration system. That set the stage for a more elaborate framework that came in Executive Decree 16 enacted in June 2013 (Registro Oficial, 2013a).

Decree 16 re-packaged and expanded the rules governing organizational registration in what it named as the *Sistema Unificado de Información de las Organizaciones Sociales* (SUIOS). Officially, the objective of SUIOS is to foment citizen participation by enhancing the government's capacity to identify and engage with groups on projects of common concern. Nonetheless, the design of SUIOS and the rules it dictates for organizational behaviour also render it a powerful tool for societal regulation. Like LOC, SUIOS not only maps and monitors behaviour, but contains provisions that give government authorities extraordinary leeway in dictating behaviour and applying sanctions. In the case of SUIOS, the government can sanction organizations by either withholding legal recognition at the outset or ordering the dissolution of an organization even after it is registered.

SUIOS lays out a uniform, two-tiered registration process that applies to all organizations, regardless of their sort or size. Organizations as diverse as unions, business and professional federations, advocacy think tanks, indigenous groups, school-based parent associations, and even sports fan clubs are obliged to submit the same paperwork. As in the past, the first step in the process requires that an organization be granted legal recognition by the cabinet ministry pertinent to its activity; then the organization is registered with the cabinet-level *Secretaría Nacional de Gestión de la Política*.

The registration process requires groups to provide exhaustive information in both stages using on-line forms, Excel software, and certified hard copies of documents. Applications must include data on organization founders, current leaders, and financial assets; organizations involved in funded projects must add further detailed data about the type of project, time frame, finances, and the targeted beneficiaries. In addition, the organization's internal governance statutes must be structured in a way that meets fifteen criteria stipulated in Article 17.3 of the decree. These include specifying the organization's objectives, election procedures and rules governing meetings, along with procedures for conflict resolution. Any change in statutes requires an updated filing in the SUIOS system. Moreover, organizations are obligated to engage in annual reporting procedure to members (*rendición de cuentas*).

Billed officially as an information system, SUIOS clearly expanded the government's ability to intervene into the day-to-day operation of organizations by both prescribing and proscribing behaviour. Article 26 of Decree 16 lays out nine infractions that allow the government to 'dissolve' organizations. As in LOC, the broadly-framed language in the document allows for great bureaucratic discretion in deciding whether or not an organization is playing by

the rules. Technical grounds for dissolution include organizational inactivity, or falling below minimum membership requirement. Other infractions, however, target the content of group activity: 1) deviating from the ends or objectives for which the organization is constituted; 2) pursuing partisan activity which is reserved for parties or interfering in public policies in a way that contravenes internal or external security of the state or disturbs the public peace. Another broadly-worded provision allows dissolution for ‘non-compliance with obligations laid out in the Constitution, law, or this rule [Decree 16]’. Similar to decisions made by SUPERCOM, there is no independent appeals procedure to challenge ‘dissolution’ decisions; the only recourse is to re-apply or to re-organize into a new entity and begin the application process again.

By mandating a new regimen of rules that applies to virtually every recognizable social organization, Decree 16 charged the public administration of the central government with a gargantuan task. Administration officials put the total number of organizations in ministerial rosters to be 58,232 and admitted that the potential applicant pool could rise to 200,000 (Cedeño, 2013; *El Telégrafo*, 2013). Moreover, the ministerial workload was disproportionate. The *Ministerio de Inclusión Económico y Social* had the single biggest caseload, handling 46 per cent of all registered organizations. In a ten million dollar upgrade of its digital document system, the government dedicated over \$2.5 million to a computing platform system to handle the projected flood of on-line paperwork (Comité Empresarial, 2012).

As in the case of LOC, Decree 16 prompted angry responses from groups subject to the new regulatory regime. Advocacy groups, unions, and social movement organizations known for their opposition to government policies felt most directly imperilled. Whether the Correa administration would deploy the provisions to ‘dissolve’ contentious organizations or not, the breadth of Decree 16 and the complicated registration requirements consigned organizations to operating in an environment of constant anxiety and uncertainty. Decree 16’s broadly-framed language makes it impossible to know exactly what counts as a breach or when a minor technical violation might be used to involve the dissolution clauses.

Challenging the constitutionality of Decree 16, multiple groups filed petitions to overturn it with the *Corte Constitucional* (FUNDAMEDIOS, 2014b, pp. 108-150). FUNDAMEDIOS, a media watchdog group argued that the decree contravened a number of articles in the 2008 constitution. The lack of appeal procedures, for example, violated Article 76’s assurance of the right of due process while other provisions ran contrary to the rights of free association laid out in Article 66. In another filing, the *Confederación de Pueblos de la Nacionalidad Kichwa del Ecuador* (ECUARUNARI) argued that indigenous communities were endowed with legal status in Article 57, and thereby should not be subject to registration requirements. Moreover, ECUARUNARI identified the decree’s ban on political activity as a blatant move to strip indigenous organizations and unions of their right to free expression.

Viewing LOC and SUIOS as an assault on civil liberties, CSOs joined forces with media activists in alerting the international community. ECUARUNARI, along with the teachers' union *Unión Nacional de Educadores* (UNE) and vendors in the *Confederación Unitario de Comerciantes Minoristas y Trabajadores Autónomas de Ecuador* (CUCOMITAE) sent representatives to a public hearing on the matter held by the Inter-American Commission on Human Rights at the headquarters of the Organization of American States in October 2013 (FUNDAMEDIOS, 2014b, pp. 80-81). Among the international actors that joined in the criticism were Human Rights Watch, Amnesty International, and the OAS' Special Rapporteur for Freedom Expression. Not surprisingly, the campaign against Decree 16 fell on deaf ears as the Correa government pushed back with its own campaign against OAS intrusion in domestic affairs.

Without judicial redress, organizations plunged into the complex process of registration marked by the inaccessibility of the on-line platform, delays, and endless requests for further documentation. Boggled down by confusion over the rules and the number of organizations requiring processes, the multiple bureaucracies charged with administering SUIOS failed to process applications to meet Decree 16's mandatory 20 June 2014 deadline, leading to a six-month extension for organizations to qualify. But SUIOS troubled rollout did not preclude the government's first application of the dissolution clauses. In December 2013, the *Ministerio de Ambiente* invoked Decree 16 in its closure of *Fundación Pachamama*, an advocacy group closely aligned with environmental and indigenous activists. The move came on the heels of a confrontation between protestors linked to the foundation and guests at a government-sponsored meeting on the petroleum industry. The ministry's order charged that the foundation was in violation of two provisions in Article 26 of the decree: deviating from original organizational goals and interfering with public policy and security (Ministerio de Ambiente, 2013). The decision sent a powerful signal to organizations that, despite all the bureaucratic bungling and delays in the registration system, the government regarded the sanctions contained in Decree 16 to be fully operational.

Regulatory restructuring in higher education

Unlike the contentiousness that surrounded media and civil society reforms, enhancing regulation in the realm of higher education was an idea that, at least at its inception, enjoyed widespread support. The public, students, educators and policymakers agreed that institutions of higher education were mired in myriad problems that included a lack of quality control in instruction and the design of programmes. While manifest in both public and private schools, these quality control problems were most visible in proliferating for-profit institutions that Correa often derided as 'garage universities'.

Correa's thinking on higher education paralleled his views on the media and organizational establishment: it was a corrupt domain where private interests had been allowed to run amok. As a former university professor, Correa was especially eager to apply his expertise to educational reform. Re-establishing the notion of education as a 'public good' and ensuring a culture of 'excellence' was the message framed by René Ramírez Gallegos (2013), the economist and public ideologue chosen by Correa to head the national planning board, SENPLADES.

The 2008 constituent assembly identified higher education reform as a top priority by including it in the list of urgent legislation to be acted on in the constitution's appendix. Ramírez opened up discussions with societal stakeholders which included university officials, union leaders, and representatives from student federations along with legislators. But the broad consensus on the need for reform gave way to serious conflict when it came to hammering out details on thorny matters impacting university governance and autonomy (Ortiz Lemos, 2013). Correa used his extensive powers vis-à-vis the assembly to settle the argument in his own favour. After the assembly delivered a compromise version of the *Ley Orgánica de Educación Superior* (LOES) that garnered grudging support from the Socialist Party, Correa returned the law with 107 'modifications' that changed it in a substantial way (Instituto Internacional, 2010). In the absence of the two-thirds majority necessary to override the presidential amendments, the revised LOES automatically became law in October 2010 (Registro Oficial, 2010). Educators and students denounced the move as a disrespectful blow to the university community that had negotiated with the government in the lead-up to the law and yet another example of the president's authoritarian approach to policymaking.

The president's modifications to LOES made the executive branch the locus of all policymaking. Among the most contentious of the amendments was the role assigned to a new supra-entity, the *Secretaría de Educación Superior, Ciencia, Tecnología e Innovación* (SENECYST). While originally defined as a coordinating body in the legislature's draft, Correa's amendment to LOES' Article 182 turned SENECYST into the principal governing/guiding body (*rectoría*) in higher education to be headed by a secretary directly chosen by the president. Correa tapped René Ramírez for the top job at SENECYST. Acting as the education czar, Ramírez set the government's policies on scholarships and university research while directing the creation of four new 'flagship' universities.⁴

SENECYST's secretary, along with three other cabinet ministers, is one of four government members in the principal regulatory body charged with executing LOES, the *Consejo de Educación Superior* (CES). Like its regulatory predecessor, CES has broad jurisdiction over the conduct of all public and private institutions, with powers that allow it to sanction, suspend and close institutions. Adding to its punitive powers are rules that permit CES to fine individual administrators for malfeasance. Underscoring the administration's

commitment to robust regulation, CES made the closure of ‘garage universities’ an immediate priority; fourteen institutions were forced out of business while several others, including the University of Guayaquil, were subject to CES interventions in their management.

In line with the administration’s thinking on the need to ‘de-corporatize’ and eliminate direct interest representation in governmental bodies, CES’s six non-governmental board members are senior academics selected in a merit-based public competition run under rules set out by the national election council, *Consejo Nacional Electoral* (CNE). Thus, the CES board differs sharply from that of the previous regulatory agency in which members were designated by their own respective peak organizations in explicit representation of different types of institutions and functional interests (public and private universities, polytechnic schools, faculty, and students).

A second regulatory body charged with overseeing academic accreditation, the *Consejo de Evaluación, Acreditación y Aseguramiento de la Calidad de la Educación Superior* (CEAACES), experienced a similar make-over. Prior to the 2010 LOES, accreditation was managed by a diverse body of eight academic representatives nominated or elected by collegial or professional bodies; government representation was confined to two officials. CEAACES, in contrast, has just six members: none of them are designated with reference to specific groups in the academic community. Instead, three academics are appointed directly by the president and three academics are chosen in public competition supervised by CNE.

The changes in the policymaking and regulatory bureaucracies governing higher education accomplished what Correa had set out to do: it side-lined establishment elites like university rectors and de-corporatized decision-making bodies by casting aside professional academic organizations. At the same time it shifted power to the executive-controlled SENECAST and significantly restructured regulatory agencies. LOES simultaneously tamped down student representation at various levels. CES incorporates just one non-voting student representative in its board. In contrast to previous rules that allowed for the participation of student representatives, CEEACES has none. In internal ‘co-government’ bodies elected in each university, the number of seats allowed to student representatives in the assembly’s version of LOES was as much as 50 per cent of the body; Correa’s amendment of LOES’ Article 60 scaled back the allotment in the range of 10 to 25 per cent with the rationale that it would limit ‘politicization’ (Instituto Internacional, 2010).

Length limitations do not allow for a comprehensive analysis of all the ramifications that flow from the new regulatory regime in higher education. In addition to the changes in the structure regulatory apparatus itself and the selection of regulators, the new normative framework laid down extensive and strict rules to standardize the internal operations of all public and private institutions. For example, the CES regulation (2012) governing professors and researchers includes specifications on everything from their number of publications (and

their weighting according to citation indices) to the number of student supervisions required and hours spent in activities. Critics view this micro-managerial, one-size-fits-all approach to academic life as little more than stifling bureaucratization bent on erasing diversity and creativity: a product of SENE CYST's simplistic and 'neocolonial' conceptualization of how knowledge production and scientific advances take place (Castro Riera, 2013; Villavicencio, 2013).

State and society in the regulatory return

The regulatory return of the state in Ecuador was part and parcel of the Correa administration's drive to centralize power in the executive branch. In virtually every sphere of the state and society, the administration's reforms resulted in a decisive shift of power in favour of the executive branch; centralism trumped de-centralization at the local level, the national legislature was consigned to a secondary role and regulation rained down on the private sector (Eaton, 2013; Spurrier Baquerizo, 2013). As this analysis has shown, Correa further expanded executive power by extending the state's role in societal regulation. Ecuadorian analysts aptly pointed to the Foucauldian nature of these developments: how onerous regulatory policies serve to 'discipline and punish' troublesome actors in civil society (León Trujillo, 2013; Machado, 2013; Ospina Peralta, 2013).

For strategic social sectors, the return of the state involved not just a more stringent application of existing rules, but the accumulation of new ones. Certainly, the Correa administration did not build its regulatory apparatus entirely from scratch. Regulatory practices had already been established to varying degrees in each of the three sectors discussed here prior to Correa's election. Before Correa, the media, civil society organizations and higher education operated under a more limited stock of regulations and with enforcement that was often lax. Under Correa, societal regulation took a 'hard' and ambitious turn. Regulatory infractions were subject to a combination of more robust policing and more onerous sanctions, such as financial penalties in the case of media outlets and university administrators or suspensions or dissolution in the case of CSOs. In addition to tougher punishments, the range of behaviour covered by regulation was expanded; procedures to be followed by organizations as well as the range of permissible actions were prescribed in the new normativity. Previously unregulated behaviour – like editorial practices in print media or the politically-related activities of CSOs – was now fair game for regulators.

Institutional restructuring went hand-in-hand with the normative change; new bureaucracies were created to administer the new rules. Moreover, the entities charged with administering the new norms would do so without interference from the subjects of their regulation. Corporatist formulas used in the past that allowed interest group access to regulatory bodies were swept away. In their place, bureaucracies involved in regulation were either under the direct control of presidential appointees (SENECYST, SUPERCOM, *Secretaría*

Nacional de Gestión Política) or recomposed with significant executive-branch representation (CES, CEAACES).

In its justification of ‘de-corporatization’, the administration resorted to a conventional argument on regulation: that government agencies must avoid being ‘captured’ by ‘private interests’ so that they can function for ‘the public good’ (Levi-Faur, 2013, p. 41). But instead of maximizing the autonomy of regulatory agencies, the new institutions were subject to another sort of ‘capture’: that of the executive branch. If, as Dubash and Morgan (2012, p. 262) maintain, the concept of regulation ‘connotes greater reliance on institutions operating at arm’s length from government, insulated from daily political pressures and embedding their decisions in technical expertise’, the new institutions were formed in an environment entirely at odds with the conventional understanding. Rather than separating the sphere of regulation from politics, the two were enmeshed. Labouring in the shadow of a powerful, pro-active executive branch, regulators directly beholden to that branch undertook their duties attuned to the government’s political agenda and the president’s unceasing exhortations. Moreover, working in an environment in which the judiciary has also been subject to executive interference, these executive-captured regulatory agencies operate with virtually no outside checks on their conduct (Pásara, 2014).

In terms of Brinks’ categories, Ecuador’s dense normativity in the realm of societal regulation and the executive-centric composition of regulatory agencies in this super-presidential system make for a state immersed in politicized legalism (*estado de derecho politizado*). Whether or not the state will remain immersed in this mode is a question that will not be determined solely by Correa’s duration as president. As noted in the analysis, large swathes of the normativity underlying politicized legalism involve instruments that are not easily changed – notably, the constitution along with organic laws that require a two-thirds majority in the national assembly to amend or abolish. Moreover, even in the case of regulations not entirely elaborated in organic law (for example, Decree 16), the current rules are layered on top of existing law with a long history; the pattern of layering on top of existing regulations is a good example of just how embedded a legal template can become, even across administrations of varying partisan persuasions. As Latin America’s recent history of political transitions shows, regime change and comprehensive legal change are not neatly overlapping processes. Thus the regulatory wave described here should not be dismissed simply as ephemera of this particular *gobierno de turno*. Embedded in law and bureaucratic practices, these reforms have the potential to shape the state’s regulatory approach and impact societal development for years to come.

Changing the existing ‘state-as-law’ in Ecuador would involve marshalling a collective political consensus and a Herculean effort to excavate and reconfigure the legal foundations described here: something akin to the Citizens’ Revolution in reverse.⁵ Failing that, future governments stand to inherit a

tempting arsenal of executive powers and legal precedents. In the meantime, bureaucrats continue to go about the daily business of managing civil society in an ever expanding regimen of surveillance and sanctions.

* * *

Catherine M. Conaghan <conaghan@queensu.ca> is the Sir Edward Peacock Professor of Latin American Politics at Queen's University in Kingston, Ontario. She writes extensively on Andean politics and is the author of *Fujimori's Peru: Deception in the Public Sphere* (University of Pittsburgh Press). She has been a visiting scholar at the Woodrow Wilson International Center for Scholars, Princeton University, the University of San Diego, American University, the Instituto de Estudios Peruanos and FLACSO-Sede Ecuador.

Catherine M. Conaghan
Department of Political Studies
Queen's University
Room C401, Mackintosh-Corry Hall
68 University Ave
Kingston, ON K7L 3N6
Canada

Acknowledgments: The author thanks the Departamento de Estudios Políticos of the Facultad Latinoamericana de Ciencias Sociales-Sede Ecuador and the Center for Latin American and Latino Studies of American University in Washington, DC for the opportunity to develop this research while in residence during 2013-2014.

Notes

1. Brinks argues that since 1975 Latin America as a region has moved generally toward exhibiting greater legal density and more autonomy on the part of institutions that apply the law. His empirical data measures autonomy with respect to the judiciary. In this analysis, however, the focus is on the structure and behaviour of regulatory institutions that apply law. As Brinks (2012, pp. 563) notes the 'sublegal regulatory framework' and bureaucracies are also important components of the rule of law.
2. For a complete listing of SUPERCOM sanctions directed at media outlets, see the Fundamedios archive at <http://lamordazaec.com/category/sanciones-de-la-supercom-y-denuncias/>
3. Correa successfully challenged the constitutionality of neo-corporatist legal arrangements in cases that he lodged with the Constitutional Court early on his administration.
4. The new universities are specialized in the arts, education, and Amazon-based technology respectively. The most important new institution, however, is the Universidad de Investigación de Tecnología Experimental Yachay located north of Quito in Imbabura province. The university specializes in science and technology. Its mission is to lay the groundwork for Ecuador's version of Silicon Valley.

5. Historian Enrique Ayala recently offered a somewhat similar observation: that a post-Correa Ecuador will require an entirely new constitution in order to re-establish the principles of the separation of powers and checks and balances (Plan V, 2014).

References

- Alegato colectivo contra la Ley de Comunicación de Ecuador (2013). Retrieved from <http://lamordazaec.files.wordpress.com/2014/05/esta-ley-ha-sido-impugnada.pdf>
- Almeida, M. (2014). Estado, medios y censura soft: Una comparación transnacional y transideológica. *Nueva Sociedad* 249 (January-February), 119-136.
- Appel, Susan (2012). The development and regulation of civil society: Perspectives from the Andes. PhD dissertation. The University at Albany, State University of New York, Nelson A. Rockefeller College of Public Affairs and Policy. UMI 3514479.
- Brinks, D. (2012). The transformation of the Latin American state-as-law: State capacity and the rule of law. *Revista de Ciencia Política* 32(3), pp. 561-583.
- Castro Riera, C. (2013). La revolución ciudadana y la universidad. In Alberto Acosta (Ed.) *El correísmo al desnudo* (pp. 232-245). Quito: Montecristi Vive.
- Celi, E. (2014, June 16). 225 funcionarios para la vigilancia de los medios. *El Comercio*. Retrieved from <http://www.elcomercio.com/actualidad/ecuador-ley-comunicacion-supercom.html>.
- Consejo de Educación Superior (2012). Reglamento de carrera y escalafón del profesor e investigador del sistema de educación superior (Codificación), RPC-SO-037-No. 265-2012.
- Constitución de La República del Ecuador (2011). Quito: Corporación de Estudios y Publicaciones.
- Correa Delgado, R. (2011). Sociedades vulnerables: Medios y democracia en América Latina. Speech delivered at Columbia University, September 23. Retrieved from <http://presidencia.gob.ec/discursos>.
- De la Torre, C. (2012). Rafael Correa's government, social movements and civil society in Ecuador. In Barry Cannon and Peadar Kirby (Eds.) *Civil Society and the State in Left-Led Latin America* (pp. 63-77). London: Zed Books.
- (2013). El tecnopopulismo de Rafael Correa: ¿Es compatible el carisma con la tecnocracia? *Latin American Research Review* 48(1), 24-43.
- Dubash, N., & Morgan, B. (2012). Understanding the rise of the regulatory state in the South. *Regulation and Governance* 6(3): 261-281.
- Eaton, K. (2013). The centralism of 'Twenty-First-Century Socialism': Recentralizing politics in Venezuela, Ecuador and Bolivia. *Journal of Latin American Studies* 45(3), 421-450.
- Eichorst, J., & Polga-Hecimovich, J. (2014). The 2013 Ecuador general election. *Electoral Studies* 34(5), 361-365.
- Ellner, S. (2012). The distinguishing features of Latin America's new left in power: The Chávez, Morales and Correa governments. *Latin American Perspectives* 39(1), 96-114.
- FUNDAMEDIOS (2014a). La LOC, una ley cuestionada por más de 40 organizaciones de DDHH. Retrieved from <http://lamordazaec.wordpress.com/2014/05/04/ley-comunicacion-cuestionada-derechos-humanos/#more-430>.
- (2014b). Fundamedios deplora resolución inconstitucional de Supercom. May 30. Retrieved from <http://www.fundamedios.org/monitoreo-de-libertades/alertas/fundamedios-deplora-resolucion-inconstitucional-de-supercom>.
- (2014c) *El derecho de reunirnos en paz: El decreto 16 y las amenazas a la organización social en el Ecuador*. Quito: FUNDAMEDIOS.

- García Liñera, Á. (2011). *El 'Oenegismo' enfermedad infantil del derechismo*. La Paz: Vicepresidencia del Estado Plurinacional.
- Grugel, J., & Riggirozzi, P. (2012). Post-neoliberalism in Latin America: Rebuilding and reclaiming the state after crisis. *Development and Change* 43(1), 1-21.
- Gudynas, E. (2012). Estado compensador y nuevos extractivismos: las ambivalencias del progresismo sudamericano. *Nueva Sociedad* 237(January-February), 128-146.
- Hoy (2014, June 25). Ley de Comunicación: 25 expertos analizan el primer año de vigencia. Retrieved from <http://www.hoy.com.ec/noticias-ecuador/ley-de-comunicacion-25-expertos-analizan-el-primer-ano-de-vigencia-608988.html>.
- Instituto Internacional para la Educación Superior en América Latina y el Caribe (2010, Oct 18). Modificada Ley de Educación Superior en Ecuador. Retrieved from <http://www.iesalc.unesco.org.ve/>.
- Jurado Vargas, R. (2013). Hechos y derechos de la comunicación: Debate social y político sobre la re-significación de la libertad de expresión, 2d edition. Madrid: Editorial Académica Española.
- Lauría, C. (2011, September 1). Confrontation, repression in Correa's Ecuador. Committee to Protect Journalists Report. Retrieved from <http://cpj.org/reports/2011/09/confrontation-repression-correa-ecuador.php>.
- León Trujillo, J. (2013, July 29). Disciplinar a la sociedad civil. *El Comercio*. Retrieved from <http://www.elcomercio.com/opinion/disciplinar-sociedad-civil.html>.
- Levi-Faur, D. (2013). The odyssey of the regulatory state: From a 'thin' monomorphic concept to a 'thick' and polymorphic concept. *Law and Policy* 35(1-2), 29-50.
- Machado, D. (2013). Estado autoritario, disciplinamiento ciudadano y control social. In Alberto Acosta (Ed.) *El correísmo al desnudo* (pp. 91-101). Quito: Montecristi Vive.
- Ministerio de Ambiente (2013, December 4). Se disuelve la Fundación Pachamama, tras comprobarse violó el Reglamento de Organizaciones Sociales. Retrieved from <http://www.ambiente.gob.ec/se-disuelve-la-fundacion-pachamama-tras-comprobarse-que-la-ong-vio-el-reglamento-de-organizaciones-sociales/>.
- Montúfar, C. (2013). *Las reglas del silencio: Análisis de la Ley Orgánica de Comunicación del Ecuador*. Quito: 13 ediciones.
- Ortiz Lemos, A. (2013). *La sociedad civil en el laberinto de la Revolución Ciudadana*. Quito: FLACSO, Sede Ecuador.
- Ospina Peralta, P. (2013). La revolución ciudadana en Ecuador: Conflicto social, régimen disciplinario y proyecto del estado. In Alberto Acosta (Ed.) *El correísmo al desnudo* (pp. 26-32). Quito: Montecristi Vive.
- Otis, J. (2014, June 24). Ecuador's year-old media law stifles in-depth reporting. Committee to Protect Journalists. Retrieved from <http://www.cpj.org/blog/2014/06/ecuadors-year-old-media-law-stifles-in-depth-repor.php>.
- Pásara, L. (2014). *Independencia judicial en la reforma de la justicia ecuatoriana*. Washington, DC: Fundación para el Debido Proceso.
- Pérez Ordoñez, P. (2010). El presidente Rafael Correa y su política de redención. *Ecuador Debate* 80(3), 77-94.
- Plan V Redacción (2014, September 11). Correa está destruyendo los valores democráticos: Enrique Ayala Mora. Retrieved from <http://www.planv.com.ec/historias/entrevistas/correa-esta-destruyendo-valores-democraticos-enrique-ayala-mora/pagina/0/2>.
- Political Database of the Americas (2011). Resultados referendum consulta popular 2011. Retrieved from <http://pdba.georgetown.edu/Elecdata/Ecuador/refl1.html>.
- Ramírez Gallegos, R. (2013). Tercera ola de transformación de la educación superior en Ecuador. Quito: Secretaría Nacional de Educación Superior, Ciencia, Tecnología e Innovación.
- Ramos, I. (2013). Trayectoria de democratización y desdemocratización de la comunicación en Ecuador. *Iconos Revista de Ciencias Sociales* 45(May), 67-82.

- Registro Oficial, Suplemento, No. 298 (2010). Ley Orgánica de Educación Superior. October 12.
- Suplemento, No. 19 (2013a). Decreto Ejecutivo Numero 16. June 20.
- Third Supplement, No. 22 (2013b). Organic Law of Communication. June 25.
- Relator Especial de Naciones Unidas para la Promoción y Protección del Derecho a la Libertad de Opinión y Expresión (2013). Comunicado de prensa. June 17.
- Relatoria Especial para la Libertad de Expresión, Comisión Interamericana de Derechos Humanos. Comunicado de prensa. June 28.
- Ricaurte, C. (2014). Las costuras de la camisa de fuerza contra los medios. *Plan V*, July 9. Retrieved from <http://www.planv.com.ec/historias/politica/costuras-la-camisa-fuerza-contra-medios>.
- SENPLADES (2009). Recuperación del Estado nacional para alcanzar el buen vivir. Memorial Bienal 2007-2009. Retrieved from <http://www.planificacion.gob.ec/biblioteca/>.
- Sociedad Interamericana de Prensa (2014). Informe Ecuador, Asamblea 2014, Reunión de Medio Año. Retrieved from <http://www.sipiapa.org/asamblea/ecuador-132/>.
- Spurrier Baquerizo, W. (2013). Escenarios políticos y económicos 2013-2014. Grupo Spurrier, October 29, 2013.
- Stefanoni, P. (2013). Latin America's progressive governments: Origins, nature, and challenges. *Links International Journal of Socialist Renewal*. Retrieved from <http://links.org.au/node/3389>.
- Steurer, R. (2013). Disentangling governance: A synoptic view of regulation by government, business and civil society. *Policy Sciences* 46(4), 387-410.
- Superintendencia de la Información y Comunicación (2013, December 13). Posesión de Carlos Ochoa. Retrieved from <http://www.supercom.gob.ec/content/carloschoa-superintendente-comunicacion-posesion-Ecuador>.
- (2014, April 7). 93 casos han sido atendidos por la Supercom. Retrieved from <http://www.supercom.gob.ec/contenido/93-casos-han-sido-atendidos-por-la-supercom>.
- El Universo* (2014, June 25). Ley de Comunicación, un año de cuestionamientos y elogios. Retrieved from <http://www.eluniverso.com/noticias/2014/06/25/nota/3147821/ley-comunicacion-ano-cuestionamientos-elogios>.
- Villavicencio, A. (2013). ¿Hacia dónde va el proyecto universitario de la Revolución Ciudadana? In Alberto Acosta (Ed.) *El correísmo al desnudo* (pp. 216-230). Quito: Montecristi Vive.