Analysis of the Ecuadorian Higher Education Reform, period 2008-2013, considering Public Policy Instruments

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Abstract

This work will analyze the reform process of Ecuadorian higher education during the period 2008-2013 from the basis of Peter Hall's theory on this field of study, which from a neo-institutional approach seeks to find elements that are characteristic of a policy paradigm change. The explicatory factors of this change are linked, for instance, to the presence of anomalies within the policy. The interpretation of what is considered a paradigm change of policy comes from the analysis of policy instruments, and the consideration of how these instruments, when in a specific configuration, can characterize a given type of governance in determining new goals and objectives of public policy.

Keywords: Higher education - reform- paradigm change- policy instruments,

1. Introduction

Certain theoretical problems are addressed by the field of public policy analysis, and are studied and explained from different analytical fields that prioritize, among others, the roles of different actors, ideas, and institutions. This document will make an analysis of policy change within a neo-institutionalist approach, which was the basis for Peter Hall's (1993) seminal proposal of the third order change in policy, and that was in turn based on the theory of paradigm or cumulative shifts in science developed by Thomas Kuhn (1970).

In the light of this analytical framework, the case study is the higher education policy in Ecuador (2008-2013), amidst a process of constituent political reforms. That raises the question: What is the nature of the policy of Ecuadorian higher education? The hypothesis is that there was a paradigm shift in educational policy in terms of orientation because it went from being considered a good of limited access to a public good which meant a change to a free-of-charge access to higher education. This brought with it a re-engineering of the objectives, means, and instruments of the policy, which concerns us. Then, the degree of harmonization among these three elements explains the consistency of the said policy. In addition, it was assumed that the style of this new policy, from a governance point of view, represents a bureaucratic centralism, which means that the executive authority concentrates most of the power following top-down logic. Consequently, this type of policy, favors regulatory instruments -legal-, and represents the closest image of a traditional government with vertical distribution of power (Pierre and Peters, 2000).

The examination of the proposed case study, from the analytical policy change framework, derives from policy instruments analysis that is a proposal based on the typology presented by Christopher Hood (1987, 2007). This typology identifies for basic resources, which are: Nodality, Authority, Treasure, and Organization (NATO). In general, these terms are related to the different resources that a government has when facing political problems. This is done by means of the usage of information (nodality) resources that the government, being a politic actor with a vital role, possesses. Its legal power (authority), its monetary resources (treasure), and its institutional system (organization). Nodality/Information refers to the instruments that produce data and information, generally not available to general public/others, for and by the government. Authority designates a government's rightful legal or official power to demand, forbid, guarantee or adjudicate rights, reputation, status, duties or obligations.

Treasure denotes government's available fiscal resources, solvency, and other sources employed to initiate the chosen instruments. In the other hand, organization indicates the possession of a specific number of staff, and formal institutions (bureaucrats, workers), which serve the government to start-up new actions (Hood, 2007). Governments can use these resources to manipulate different political actors; for example, they can use these resources to conceal or make resources to use them as coercive power to force other actors to engage in activities beneficial for the government. Finally, it is important to consider two dimensions of the policy instruments that complement our analysis, substantive and procedural (Howlett & Ramesh, 2003). The first relates to the way a government influences the provision of goods and services within a society. This can provide to a government a form to alter and control social conducts concerning the production and distribution of goods and services. Then, the procedural dimension refers to the dynamics of the relationships among State and non-State agents, and it is utilized to promote or limit social interactions (i.e. among networks and policy communities, stakeholders, associations, etc.).

2. The Nature of Policy Change

On the field of public policy analysis, change and stability represents a complex problematic that leads to a diversity of questions such as: Why does it happen? When is it irreversible?, How should it be measured?, What is its nature? (Howlett & Capano, 2009). These questions may be prioritized and be treated differently in function of alternative epistemological and theoretical preferences (Fontaine, 2015). This involves considering a concrete manner of dealing with causes and modalities of change (Howlett & Cashore 2009; Howlett & Rayner 2006).

In this respect, this study comes from a neo-institutionalist approach where certain theories, which emphasize the importance of formal and informal institutions in the unfolding of public policies, are located. From this perspective, the comprehension of change implies centering the analysis to the institutional aspects of the process which has, undoubtedly, benefited from history, sociology, and economy contributions (Hall y Taylor, 1996; Peters, 2003; Lowndes, 2010). Under this umbrella, one of the analytical proposals is the one developed by Hall, the third order change of policy, which was based on his seminal text published in 1993. The book presented the thesis for the policy paradigms on the analysis of the British economic policy change (1970-1989). During this learning process, ideas played a fundamental role. The same process set the groundwork and limits of what to do and how to do it, and what now constitutes a policy paradigm.

The British case during the postwar period, illustrates how the Keynesian ideas and principles set the tone and defined the field of action that is equivalent to the prism form which policy makers conceived economy. From that point on, the configuration of British macroeconomic policy showed that the interaction among social and politic agents enabled the implementation of policy responses adjusted to an entire regulatory package of perceptions. Furthermore, the institutional arrangements molded the negotiations as well as being a product of these, which helped to realize the adoption of a monetary policy. According to Hall (1993), this change of terms is paradigmatic -third order, structural or revolutionary change, which is comparable to the proposal presented by Thomas Kuhn¹ - because it resulted from a process of deterioration and ideological shift. There are certain conditions behind this deterioration and shift: an assemble of anomalies, experimentation with policies, the failure of these policies, and the treatment given to policies by actors inside the government. Sustained by the diversity of parties -State, public, and private-, a new paradigm gained shape and sense when legitimized by its advocates who participated in the creation of -social learning- a new reality in order to generate solutions for problem areas.

First and second order changes are part of an incremental proposal where the policy feedback mechanisms depending on their intensity- configure an incremental type of change that do not disrupt balance; on the contrary, the equilibrium is maintained because the policy objectives or ends do not change since they just go through marginal changes which are subjected to the consensus of all the parties. In public policy transformation, there are certain degrees that are comparable to institutional changes. Changes are defined by systemic change and the institutional dimension determines the route of these changes. In addition, the State's capacity to resist social pressure depends on the institutional structure and intellectual coherence of the public policy paradigm².

¹ Borrowing Kuhn's scientific revolution theory (1970) for the development of a theory of policy formulation that was useful for the engineering of an institutional understanding of the policy ideas.

² Peter Hall (1993) took as explanatory reference the institutional and ideological factors although he emphasized the resolution of ambiguity between both instead of the continuous need of interpretation.

3. Ecuadorian Higher Education Policy Change

The context in which Ecuador was immersed at the end of 2006 was very particular. After ballotage, Rafael Correa was elected as the country's new president. Indeed, his governmental Project (2007-2011) announced the intention of making profound changes distributed on the "programmatic axes for the radical transformation of Ecuador". This main offer consisted on carrying forward a political reform starting with a Constituent Assembly. In concordance, the importance of recovering the vital role of the State on planning, regulation and rectory was established, especially within strategic areas for the development of the country, which included giving further impetus to education. For this, the developmental regime would have to set the tone for public policy, including higher education. Thus, Ecuadorian higher education system would have to articulate to the national education system as well as to the National Development Plan (Government Project, 2006).

To have a single institution that could oversee the country's development planning, the National Council for Modernization of the State (CONAM) and the Millennial National Secretariat (SODEM) were fused together and formed the National Secretariat of Planning and Development (SENPLADES)⁴. One of it lines of work was to technically consolidate the reforms made to Ecuadorian higher education system. Accordingly, it is stated that the legitimacy acquired by SENPLADES, since its emergence, is closely related to the importance given, by the president, to the consolidation of an entity from the Executive. Even more when this entity is commissioned to articulate and guide the changes and reforms announced during the campaign; thus, positioning the national planning and the new development regime (dubbed Good Living, "buen vivir") as a coordinating axis of all that. Thereby, SENPLADES took over a strategic role as an articulator of the reform, promoting and arranging debates with agents with knowledge on subjects such as higher education quality, leveling, access, and permanence. New policy objectives were configured in connection with the aspects mentioned above. The first action taken on the policy area mentioned took form with the Decree No. 14⁵, which gave way to a process of evaluation of the institutions of higher education (IES), with posterior preparation and sanction of a new Organic Law on Higher Education which substituted the one previously in force.⁶

3.1. Organization

By the year 2007, Ecuador had two separate autonomous instances for the regulation of the national system of higher education: the National Higher Education Council (CONESUP), which was the regulating, coordinating, and planning agency of the System, and the National Council of Evaluation and Accreditation of Higher Education (CONEA), that oversaw leading and coordinating internal and external evaluation processes for the corresponding accreditation. Both institutions were subject to constant criticism not only from the academic community but also from the student population especially for its composition, lack of tools to perform evaluation and accreditation processes, and incapacity to regulate the demand since the majors offered by public universities had no relation with the country's needs (CONEA, 2009). The privatization of the public universities, and the "dismantling" of the System, as was qualified by some actors, sets the layout for an anomaly in policy. In fact, the constitution of CONESUP⁷generated questionings relating to the possibility of universities becoming both judge and jury of the System.

⁵ Decree issued by the National Assembly on July 2008 that establishes as a duty of CONEA "...prepare a technical account on the institutional level of performance of higher education institutions so as to ensure their quality, and securing their purge and improvement" (CONEA, 2009).

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³ Constitutional and democratic revolution, Ethic revolution: head-on fight against corruption, Economic and productive revolution, Educational and health revolution, Revolution for dignity, sovereignty, and citizen integration (Government Project, 2006).

⁴Executive Decree No. 103 of February 2007.

⁶ Even if during the same period other strategies and documents on the subject were drawn up, for the purposes of this work only these two instruments of policy are taken into account being considered, as they are, the most relevant ones of the reform process.

⁷ CONESUP has nine members: a) Two Principals chosen by public colleges; b) A Principal elected by the public polytechnic schools; c) A Principal chosen by the private colleges and polytechnic schools; d) A Principal appointed by the technical and technological institutes; e) Two representatives of the public sector (The Minister of Education and Culture, and the ombudsman of the State organism of science and technology, or his or her deputy, who has to be or have been college or polytechnic professor and fulfill all the conditions specified by the law); f) A representative of the private sector, who had to be or have been a college or polytechnic professor or a professional of high academic prestige and who was designated by an electoral collegeformed by the presidents of the national chambers of production and the national federation of professional schools; g) A Council President elected form outside the Council and who had to be an former college principal or a prestigious academic.

This had also to be coupled with the discretionality towards the private sector for the construction of higher education centers without effective regulation in terms of quality, pertinence, and coverage. Furthermore, the persistent disengagement of this service from developmental necessities of the country, as well as, of the social, more demanding, sectors, increased social and economic inequalities, and, therefore, the lack of adequate job opportunities for a large portion of the population (Minteguiaga & Prieto, 2012).

Much of the academic program of the time (Table 1) was closely linked to trade and the levels of academic quality diminished. Since the procurement of a degree was a constant pressure, there was a multiplication of short-duration degrees (Associate Degrees) in certain sectors such as management, commerce, auditing, and jurisprudence, among others. The institutional system then arranged, appeared to debilitate the role and process that up until then were on public colleges hands, stigmatizing this type of education, and strengthening the part played by the private offer (Minteguiaga & Prieto, 2012).

As for coverage and access, more and more population was excluded from the System. In the years between 1995 and 2006, the enrollment rate of the lowest quintile did not change significantly; however, the opposite was true for the highest quintile during the same timeframe. This data is illustrative of which groups were benefitted by the institutional system of the time (CONSESUP, 2006). The explained context of the institutional system delegitimation highlighted the necessity of renovating the System.

Thus, the constituent process became the spark that provoked the emergence of new programmatic guidelines inside the system of higher education. Actually, the central reforms made on institutional matters implied the development of a new governing Institution for the System which is part of the executive power (Secretariat of State for Higher Education, Science, and Technology, SENESCYT) the Higher Education Council (CES), and the Council of Assessment, Accreditation and Quality Assurance of Higher Education (CEEACES). Contrary to what happened before, the conformation of the two collegiate bodies will have an important participation quota from the Executive.

What was mentioned before gives a clear image of a policy for higher education in which State agents undertook the leadership role. With this, the reforms were driven from the substantive spaces of the policy, under a bureaucratic logic. Despite this, during certain moment of inflection of the policy, State actors have made concessions with non-State actors in order to prevent certain degree of conflict that could delay the implementation of reforms or even hinder the functioning of the System.

Now, in any policy process, those who lead or direct the policy making process need to consider and work with the structure and the existence and operation of any organized civil society network of actors with clear levels of influence and action to recognize the potential of these in the process of definition or adjustment of the objectives, media or operational processes of the policy in question. This is precisely the procedural public policy plane, where the non-State actors, linked to policy subsystems such as guilds of academics/professors; unions of public servants related to administrative matters; federations of college students belonging to private or public institutions, are located. In the case of the evaluation processes, much of the academic guild was actively involved, and most of it agreed on the need for a comprehensive assessment of the higher education System, and an assessment of the quality of both public and private IES. However, the involvement of these actors on a second process of evaluation and accreditation - after a 5-year period- suffered significant wear, due to the frequent readjustments made by the Executive in terms of the technical instruments that support these processes.

3.2. Authority

Decree No. 14 constitutes the cornerstone of the process of reform of the higher education system as it represents one of the instruments proposed by a major rift from what, until then, represented higher education policy, by suggesting, fundamentally, the recovery of the regulatory role of the State, which until that point was "run-down during decades of Governments, that increasingly abandoned the System and left it to the market forces" (CONEA, 2009, pp.56). The objective of the referred decree was to commission CONESUP to determine, within a year, the academic and legal situation of all educational institutions under its control, and to instruct CONEA to deliver to CONESUP, and to the National Assembly, in the same amount of time, a technical report evaluating the institutional performance of Ecuadorian colleges and Polytechnic Schools. The results of this report, showed openly the need of improving the System by means of emphasizing in: the depuration of colleges; gradual suppression of college extensions; regulation of the academic offer; strengthening of the postgraduate studies system; reinforcement of colleges on category D.

The report achieved to pave the way from formal, subjective and indulgent assessments, to an objective and transparent evaluation exercise, technically supported, and, above all, "based on a conceptual framework that incorporated with clarity and consistency the dimensions and criteria on the quality of higher education" (IAEN, 2012, pp.17). The new law, sanctioned on October 2010, embodied the legitimacy of the Executive power, as is a normative body that materializes the technical recommendations of the former CONEA, but also sets a new institutional where the central Government acquired the leading role.

3.3. Information (Nodality)

As already reviewed, the information generated in the field of higher education associated with the processes of evaluation and accreditation of the IES is ample. Indeed, the reports that came out of these processes exposed the situation of higher education, as well as set the later development of the IES after the first evaluation done in the line of what was established in the Constitution (2008)⁸, and the Organic Law of Higher Education (2010). In addition, it gave way to the configuration of the National System of Information of Higher Education, which feeds the policy and its adjustments.

3.4. Treasure

The objectives of policy, and the ensuing public policy and instruments only materialize when there is a determined budget item for them in the State Budget. It is the actual expenditure what attests to the level of implementation of the policy and if so, the emphasis of the expenditure in one area or another of the policy determines the areas or actions prioritized by a Government by means of the expenses. In this case, this would be shown by the analysis of budget allocations for higher education in the General Budget of the State (PGE). On this basis, the allocated budget for the operations of the Higher Education System (CES-CEAACES-IES), the agency of the Executive in charge of public policy on the subject matter (SENESCYT), and the projects for the development of 4 new public colleges were reviewed.

The funding for the IES operates via four main sources: those resulting from the revenue established on the 1996¹⁰Law for the Permanent Fund for College and Polytechnic Development (FOPEDEUPO), and form the allocations coming from the income tax levied yearly, both sources feed the PGE, and, per the resources allocation formula¹¹, the budget appropriations are directed to the public universities. For the year 2013 this formula was established by the CES based on criteria as: quality and growth, academic efficiency and pertinence, excellence, administrative efficiency. Since the greater percentage of funding for the higher education policy corresponds to the PGE, the analysis will focus on these items.

Table 2. summarizes the budget allocation of all the public institutions that conform the organization surrounding higher education policy. As may be seen, the total expenditure between 2011 and 2013 was USD 2.799.056.000,21. Most of this money, the 88% of the total is concentrated on IES. Then, the second higher amount is the one used by SENESCYT, which corresponds to approximately 11% of the total budget. About the budget of the IES, what we can observe is that in the period 2008-2013¹² the budgetary implementation (includes current expenditure and investment) was USD 3.987.428.737,46. However, only the 9% of this value corresponds to investment, which means that the other 91% includes current expenditure.

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⁸ Transitory Provision number twenty. - "Within five years from the moment of the entering to force of this Constitution, every institution of higher education, as well as their majors, programs and postgraduate degrees should be evaluated according to the Law..." (Ecuadorian Constitution, 2008)

⁹ Amazon Regional College-IKIAM; College of Arts; National University of Pedagogical Training-UNAE; Yachay University (the items destined for the operations of the public company of the same name are not analyzed in this work).

¹⁰ Establishes the 11% of the income tax: 10% for public Colleges and polytechnic schools (EP) (96% for tertiary levels and 4% for postgraduate studies); 1% for private Universities and EP that receive allowances from the government. The corresponding percentage of the VAT: 1% of current net income of the PGE. 5% of the metallic and non-metallic mining (the revenues originating from oil are excluded): 94,5% to public Universities and EP (96% for tertiary levels and 4% for postgraduate studies). 5,5% for private colleges and EP that receive assignments from the Government. (LOES, 2010)

¹¹Within the PGE we find: compensation for cost-free education up to the tertiary level by means of the formula for the allocation of resources, in accordance with the Transitory Provision Number Eighteen of the Ecuadorian Constitution; compensation which was established by the Second General Provision of the Reformatory Law for Tax Equity. The complete allowances made to the Technical, Technological, Pedagogical, and Arts Higher Education Institutes, and to the conservatories of arts are distributed in accordance to the formula mentioned before formula.

¹² There is information available since 2008 only for the IES because the other institutions were created on 2011.

This information, broadly and without having more precise data on how these resources were expended, implies that almost all the resources spent and executed by the IES are directed to the maintenance of both academic and administrative staff. This demonstrates that there is scarce investment on key aspects like research, infrastructure, technical and scientific equipment, teacher training, and others that are fundamental for the development of Ecuadorian universities.

That said, with respect to the Councils the total of the resources spent is USD 21.217.121,48, of this amount 39% (USD 8.208.566,61) corresponds to the amount allocated for CES, which means, that more than half; specifically, 61% was spent by CEAACES. One could suppose that the concentration of resources on CEAACES responds to the processes driven by it, and that the resources might be destined for nationwide evaluation and accreditation. With regards to SENESCYT, it is important to mention the marked difference between the investment budgets versus the current expenditure. In this case, the information shows that a great part of the executed investment budget was destined to two main projects. One of these projects is "strengthening of human resources" which consists on the amount by the government to the scholarships policy. Only, up to 2012 the amount spent for this program was USD 45.868.475,2; in other words, half of the total assigned for investment for that institution for that period was used in the scholarship program. Moreover, for 2013 the same project increased its expenditure to USD 85.520.694,17 that corresponds 60% of the investment budget for that period.

Another sum that grabs our attention is the one destined to the Contingency Plan; this plan's objective was to guarantee, to approximately forty-two thousand students coming from Universities that were situated in category E because of the report of former CONEA, the continuity of their studies, as well as the settlements for employees of these closed institutions. Besides, among the important items of the budget we have the National System of Leveling and Admissions (SNNA), which constituted 20% of the budget implementation for 2012 with USD 17.055.746,56 spent. Again, for 2013 the amount spent increased to USD 37.410.400,36, more than double the amount of the previous year. In summary, from what we have reviewed we can conclude that the priority on expenditure is focused on three important policies: Overseas Scholarship funding program meant for Ecuadorians who want to pursue undergraduate, graduate, and postgraduate studies in areas related to the model of change of the productive matrix; namely, all the areas connected to natural sciences. Furthermore, the consolidation of SNNA with its objective to guarantee the relevance of academic offer by taking standardized tests to all applicants those want to study in a public university.

Regarding the projects for the formation of the four Universities set out in the Constitution and the LOES (2010) it is only necessary to mention that, even if the values for this items have been relatively small compared to the other institutions of the System, these projects had bigger budgetary allocations for 2014 when compared to the budged given when they began to operate. What can be concluded from this section is, first, that during time (2008-2013) the expenditure dynamic of the IES has not changed, the gap between the percentages of current expenditure versus investment budget is still great, and constantly so. This means that changes and efforts made by and in the other policy instruments have not had repercussions on the spending culture of the IES. After all, the new formula for resources allocation does not translate to a change in the manner of spending these resources; in fact, it continues to be primarily destined to maintain the IES personnel. After those big administrative expenses, the most important values are the ones corresponding to the Scholarship Program form SENESCYT, as well as the consolidation of SNNA. Contrary to what was believed at the beginning of this investigation, the Prometheus program does not represent a relevant amount over all money spent by SENESCYT during the period analyzed. To sum up, even when public spending on higher education as a percentage of the GDP has increased in 1,1 point over the last six years, it is evident that the reform process of the System has not resulted in an improvement of the expenditure quality of the IES. For example, money and spending is channeled to maintain the existing offices instead of improving their principles, academic and organizational paradigms, and their quality principles.

4. Conclusions

The characteristics analysis of the reform under consideration, and of the change sub-processes, proves the hypothesis about the nature of a paradigmatic change (Cashore & Howlett, 2007). After some insufficient attempts to make adjustments to the anomalies and contingencies presented, which the previous paradigm was not able to face in a consensual manner with all the actors and taking into account the ideas managed and shared, with the arrival of a new government which had new programmatic ideas and values, a constituent process was instituted.

These new ideas and values presented a difference in how a higher education policy should respond to quality and equity issues. The style of centralized bureaucratic governance (Pierre & Peters, 2000) determines the policy objectives and the means that were used to implement the reform. Thus, the goals and preferences of the higher-level determined, in great part, the intermediate levels where rationales of the policy regime where printed. Since these rationales are associated with the preference of a certain way of using the instruments: authority, financial resources, organization, ad information; the mixture of instruments is adjusted in this space. In fact, bureaucratic centralism that stands out during the whole process of reform is sustained by the primacy granted, by the new government, to the development of a new regulatory framework. Therefore, instruments of authority, as was seen, articulated and gave way to the remainder changes at an instrumental level.

Concerning the institutional system, it materialized the policy goals outlined, above all, at the level of the two-major axis of the referred reform: quality of higher education, via continued processes of evaluation and accreditation, and; on the other hand, equity based on free-of-cost access to education. However, it is important to point out that during the analyzed period the equity axis lost relevance, especially because the government and its agencies set up to materialize the reform with more, mostly technical, emphasis in quality. The level of involvement of non-State actors was paramount to carry out the reforms, all of them agreed on how the problem of the higher educations was structured. Consequently, this meant that there was a convergence, as it was explained before, of policy tools and instruments prioritized by the government. Specifically, the creation process of a new Organic Law for Higher Education mobilized expectations among non-State actors; however, a problem emerged when it was defined that the Executive should have the leading role inside the higher education system.

Then, the financial instruments are employed when there is a high level of fiscal capacity; the groups of recipients always react to these "financial signals" -or incentives- that seek to change the recipient's behavior. All of this is related to the quality of the expenditure analyzed before. Following the theory, we could see that when the State, from the bureaucratic centralism logic, is in front of a major objective, it is forced to use the best sources of organization and treasure to be able to materialize the said objective.

Finally, third order changes have a discontinued nature, they always try to get over the insufficiencies of adjustments done in previous levels in order to face anomalies or unforeseen developments which cannot be understood on terms of a previous "policy paradigm". These are the characteristics existing in the case study revised for this work.

Table 1: Academic Tertiary Education Offer. 2009

Areas	Percentage
Management and Commerce	34%
Agriculture and Livestock	3%
Arts and Architecture	4%
Basic Sciences	2%
Health Sciences	11%
Education	14%
Humanities and Cultural Studies	0%
Technologies	16%

Source: CONESUP 2009

Table 2: Total Budget Allocation on Higher Education 2011-2013

INSTITUCIONES	2011	2012	2013	TOTAL
IES	779.851.765,95	797.065.704,99	890.596.738,21	2.467.514.209,15
CES-CEAACES	623.367,49	7.501.691,88	13.092.062,11	21.217.121,48
SENECYT	33.951.192,06	95.882.193,03	174.849.136,47	304.682.521,56
PROYECTOS				
NUEVAS	-	1.342.608,40	4.299.539,62	5.642.148,02
UNIVERSIDADES				
TOTAL POR AÑO	814.426.325,50	901.792.198,30	1.082.837.476,41	2.799.056.000,21

Source: Compiled by the author based on information supplied by Ministry of Finance 2013.

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