



CHAPTER 2

Reshaping the State: The Unitary Executive Presidency of Rafael Correa

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Energy in the Executive is a leading character in the definition of good government. It is essential to the protection of the community against foreign attacks; it is not less essential to the steady administration of the laws; to the protection of property against those irregular and high-handed combinations which sometimes interrupt the ordinary course of justice; to the security of liberty against the enterprises and assaults of ambition, of faction, and of anarchy... A feeble Executive implies a feeble execution of the government.

—Alexander Hamilton, *Federalist* 70

1 INTRODUCTION

Rafael Correa would no doubt agree with Alexander Hamilton that a strong and active executive is the most effective form of presidential leadership. Over his ten years in office, Correa (2007–2017) radically reshaped the Ecuadorian government and its role in society using

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a variety of formal and informal unilateral powers, as well as a creative interpretation of the constitutional limits to his power. Through a series of constitutional and institutional reforms, Correa's left-wing *Revolución Ciudadana* (Citizen's Revolution) sought to strengthen the state, increase its regulatory and economic planning power, and broaden its social influence as a means of promoting his government's ambitious developmental plan of *buen vivir* (good living). Bolstered by high international oil prices, Ecuador's principal source of export earnings, Correa also made important investments in education, health care, and infrastructure and enjoyed record public approval ratings. Yet the president also used the combination of these powers to justify the erosion of Ecuadorian civil liberties and liberal democracy.

In this chapter, I argue that the radical transformation of the Ecuadorian state between 2007 and 2017 can be best comprehended through the application of theories on power, both president-centered and presidency-centered, as well as through an understanding of individual presidential interpretations of the reach and limits of their authority.

Correa's makeover of Ecuador was arguably more drastic than that achieved by any other presidential administration since the country's return to democracy in 1979, including the neoliberal reforms advanced under León Febres Cordero (1984–1988), Sixto Durán Ballén (1992–1996), or Jamil Mahuad (1998–2000). What truly separated Correa from his predecessors was not constitutional power—although the 2008 Montecristi Constitution endowed him with certain prerogatives not enjoyed by previous Ecuadorian presidents—but rather his vastly stronger informal powers and willingness to maximize his authority. In this sense, Correa appears to have adopted a “unitary” perspective of presidential authority, which argues that presidents should be able to act how they wish unless explicitly prohibited by the constitution.

In the next section, I explain how the Correa administration changed the structure, scale, and power of the executive branch, both by growing the size of the bureaucracy and by centralizing power. In order to interpret how he managed to do this, I review presidency- and president-centered theories of power and summarize four dominant claims that presidents may make to their constitutional powers. Subsequently, I expound on how Correa was able to realize change through a combination of strong formal presidential powers, complementary informal powers, and a constitutional interpretation of all these powers that was favorable to the presidency. The following two sections explain

how Correa exercised his formal and informal powers. The final section concludes by examining the permanence of these changes and by comparing Correa's presidential authority to other presidents in Latin America.

There are at least two implications to the argument that Correa was different from his predecessors on account of his informal powers and personal ambition. First, an accurate characterization of presidential power in comparative politics must incorporate both the formal rules of the presidency-centered approach as well as informal power—and each president's willingness to interpret his or her role within the Constitution differently. Secondly, the extent to which Rafael Correa was able to change the state and governing institutions to make them more responsive to his agenda demonstrates the sizeable clout of the Ecuadorian presidency, especially when the president in question is adequately motivated. Ultimately, any leader with sufficient informal power who is determined to use it expansively will have plenty of opportunities to do so.

2 CHANGES TO THE ECUADORIAN STATE AND PUBLIC ADMINISTRATION

One of the chief objectives of Rafael Correa's *Revolución Ciudadana* government was to promote a “post-neoliberal” project that reasserted the capacity of the state to intervene in the economy and society (Sánchez and Polga-Hecimovich 2019). At the inauguration of the Constituent Assembly on 30 September 2007, the president proclaimed that: “Certainly the new Constitution should return the capacities of control, regulation, and planning back to the central state, guarantee that public policies are developed by agents with democratic legitimacy, adequately define the concept of autonomy, and perfectly establish the reaches and limitations of different levels of government” (Correa 2007).

This marked a sharp contrast to constitutional reforms carried out during the 1980s and 1990s that reduced the state's rigid institutional control over certain strategic sectors and political-economic processes. For the first time, the country's political constitution recognized a wide catalogue of individual, collective, and historical rights and guarantees. It also incorporated the rights of nature and respect for other cosmovisions, and it integrated the indigenous concept of *buen vivir* as a basis for rights and as the central axis of the country's development model

(Constitución de la República del Ecuador 2008 Articles 71–74). The need to guarantee and enforce these rights meant giving the state greater political and institutional capacities.

In order to achieve all of this, the Correa administration significantly altered the structure, scale, and power of the branch. The president vastly increased the number of public sector employees and government bureaus, increased the state's budget, and used powerful planning agencies to reinsert the state into political and economic life in pursuit of his *Revolución Ciudadana*, all while centralizing decision-making.

2.1 *Growth of the Public Administration*

Ecuador's public administration has never been larger than from 2007 to 2017, during which the government increased both the number of public servants and the public sector budget. Although official government statistics are difficult to obtain, the Inter-American Development Bank finds that the number of civil servants more than doubled between 2003 and 2011, from 230,185 to 510,430 (Iacoviello 2006, 2014). While some of these hires filled new agencies, the majority were sent to staff existing administrative bodies in strategic policy areas. According to Correa, 97% of the positions created were in just five sectors: public education, public health, the judiciary, policing, and social welfare. An overwhelming percentage of these were street-level bureaucrats providing frontline services to citizens: between 2006 and 2015, the government added 26,328 teachers (a 15% increase, from 197,000 to more than 230,000) and 31,407 health care workers (marking an astounding 81% increase, from 28,626 to 70,033) (Enríquez 2015). Moreover, total public sector salaries more than tripled, from US\$3.161 billion in 2006 to US\$9.6 billion in 2014, representing a bump from 7% of the country's GDP in economically lean times to 9.5% in more prosperous ones. The state's prioritization of improvements to social services was clear.

There was concomitant growth in the number of bureaucratic bodies. Admittedly, the state had also grown under neoliberalism: in 1976, the branch consisted of a mere eleven ministries and 37 other public agencies; by 1999 this had expanded to 15 ministries and 112 agencies. However, the scale of the expansion under Correa was unprecedented, with the number of ministries and other agencies ballooning to 28 and 152, respectively (Arroyo 2015). Figure 1, which shows the evolution of ministries between 1979 and 2017, illustrates the relative magnitude of

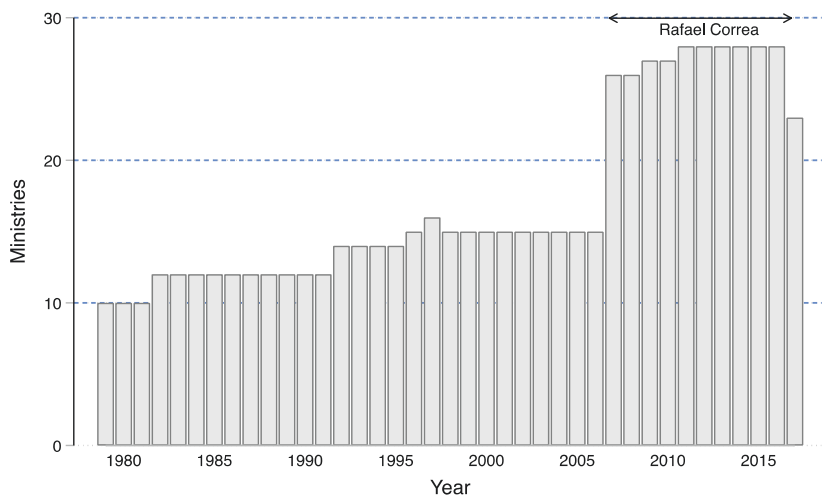


Fig. 1 Cabinet ministries in Ecuador (1979–2017) (*Source* Author’s own data)

ministerial expansion under the Correa administration and how it compares to prior growth of the executive branch—as well as the subsequent decrease in ministries following the election of Lenín Moreno in 2017.

That is not all. Correa also added an array of new secretariats during his time in office, bringing the number from three to eleven. In fact, the cabinet more than doubled in size from 2007 to 2017, from 16 ministries and three secretariats to 28 ministries and eleven secretariats. Some of these new agencies were designed specifically to help design and implement the state’s *Plan Nacional para el Buen Vivir* (National Plan for Good Living, PNBV), including the *Secretaría Nacional de Planificación y Desarrollo* (National Secretariat of Planning and Development, SENPLADES), the *Secretaría Nacional de Administración Pública* (National Secretariat of Public Administration), and the *Secretaría Nacional del Buen Vivir* (National Secretariat of Good Living). Others were broken off from existing ministries or elevated to cabinet-level status by the president.¹

In addition to the regular ministries and secretariats, the president created an additional bureaucratic layer in the form of “coordinating

¹For an in-depth examination of this evolution, see Basabe et al. (2018).

ministries”. These bodies, linked to different dimensions of the national development plan, were in charge of managing a common fleet of ministries and affiliated agencies, while coordinating between the central government and local governments. For instance, the Coordinating Ministry of Strategic Sectors managed the Ministry of Electricity and Renewable Energy and the Telecommunications and Information Society, as well as at least eight other public agencies and corporations dealing with energy and telecommunications issues.

2.2 (Re)Centralization of the State

Despite reforms ostensibly aimed at decentralization, Correa’s government managed to centralize a great deal of political power. On the basis of Article 264 of Ecuador’s Political Constitution (República del Ecuador 2008) and Article 108 of the *Código Orgánico de Organización Territorial, Autonomía y Descentralización de Ecuador* (Organic Code of Territorial Organization, Autonomy and Decentralization, COOTAD) (2010), the government launched its *Plan Nacional de Decentralización 2012* (National Decentralization Plan of 2012). In theory, this plan relied on provisions of the organic code on local government units, creating the *Consejo Nacional de la Competencia* (National Council of Competencies), a technical body composed of one representative from each level of local government charged with coordinating the process of transfers of power from the central government to local government units.

It is not clear, however, that any significant political or fiscal devolution took place. On the contrary, several articles in the COOTAD refer to the centralization of power at the national level, and some reforms may have actually made it easier for the central government to penetrate the local level (Ortiz 2017). The same was true economically. Formally, the 2008 Constitution gave the president power over monetary, credit, exchange rate, and financial policy formulation, all of which became exclusive faculties of the executive branch (despite dollarization), and it relegated the Central Bank to an instrument of the executive. Also, despite the adoption of rules for fiscal decentralization and decentralized political competition, the commodities boom that occurred under Correa undermined such devolution, allowing the central government to recentralize the allocation of fiscal transfers and to gain greater political leverage over the country’s decentralized autonomous governments (Mejía Acosta and Meneses 2018).

In fact, Ecuador's score in the Regional Authority Index (RAI), a dataset that tracks regional authority on an annual basis from 1950 to 2010 in 81 countries, remained the same after these constitutional and legal changes (Hooghe et al. 2016). Moreover, in the cross-national sample, Ecuador ranked 40th out of the 80 countries in terms of decentralization, behind other unitary systems such as Peru, Uruguay, and Paraguay. With respect to the authority exercised by provincial governments over those who live in their provinces, the RAI classifies provincial autonomy as "non-deconcentrated" and focused on general-purpose administration, subject to veto by the central government (Hooghe et al. 2016). The central government sets the base and rate of all regional taxes, and provincial governments may only borrow under prior authorization from the central government, with certain centrally imposed restrictions. Moreover, in terms of "shared rule", Ecuadorian subnational representatives do not co-determine national legislation, or national policy in intergovernmental meetings, or the distribution of national tax revenues, or subnational or national borrowing constraints, or constitutional change. The Correa government's *de facto* concentration of power becomes clearer in observance of its use of the state bureaucracy to centralize policy-making, especially through bodies such as SENPLADES.

In short, Correa significantly increased the size of the Ecuadorean bureaucracy and its interventionist power with the goal of allowing the president and his administration to better pursue their developmental and policy goals. Moreover, far from decentralizing political and fiscal decision-making, constitutional changes and *de facto* behavior may have actually resulted in an increase in the centralization of power and a decrease in horizontal checks on the executive branch.

3 PRESIDENCY- VERSUS PRESIDENT-CENTERED APPROACHES TO POWER

Correa was able to realize these modifications to the public administration—and more broadly, to the state in general—through a combination of his formal unilateral powers (more or less common across post-transition Ecuadorian presidents), his unique informal tools, and, perhaps most importantly, through an interpretation of these powers favorable to the presidency. It is important to consider all dimensions, as

comparative scholarship (with few exceptions, such as Ferreira Rubio and Goretti 1998) tends to focus on legalistic or presidency-centered explanations of executive power rather than president-centered or integrative ones.

The “presidency-centered” approach seeks insight on executive power through the study of institutional rules and formal powers shared by presidents (Heclo 1977; Hager and Sullivan 1994). This includes a president’s ability to unilaterally implement policy without the consent of the legislature, by way of such mechanisms as presidential decrees or Executive Orders (Howell 2003; Mayer 2001), or by fortification of presidential bargaining power through control over the bureaucracy and its extensive resources (Banks and Weingast 1992; Gailmard 2009; Hammond and Knott 1996), or through executive powers of bureaucratic appointment (Lewis 2008, 2011). This is the approach that tends to predominate in comparative politics.

For example, Cox and Morgenstern (2001) and Cheibub and Limongi (2002) explain that Latin American presidents intrude into traditional legislative domains, although the branches are not as fully integrated as in the typical parliamentary system. Elsewhere, O’Donnell (1994) admonishes that overly powerful presidents in Latin America yield a cheapened form of “delegative democracy”. In other words, comparative political science scholarship emphasizes differences across countries rather than across presidents.

Yet not all presidents are created equal, nor do all presidents recognize the same limits to their power. The “president-centered” approach maintains that presidential power can differ according to the president’s leadership style, character, and ability to move public opinion. This includes the president’s “power of persuasion” in legislative bargaining as a function of reputation and prestige (Neustadt 1990; Rudalevige 2002), along with his or her ability to appeal to the public and to generate a mandate (Lowi 1985; Canes-Wrone 2005). Ingberman and Yao (1991), for example, argue that public support allows presidents to issue credible veto threats, while Canes-Wrone (2005) demonstrates how presidents’ appeals to the mass public can place pressure on Congress and shift policy in the direction of majority opinion.

Reliance on a single analytical approach is likely to provide an incomplete picture of power. A singular focus on institutions and constitutional rules necessarily overlooks the ways in which presidents interpret those

different rules. Similarly, viewing presidents solely from an individualistic perspective makes it difficult to draw general conclusions about presidential power or presidential policy-making. On the other hand, an integrative approach can offer a more satisfactory statistical and substantive explanation of presidential success, as opposed to an approach based on a single perspective. This is precisely the case with Rafael Correa: the Constitution endowed him with a great degree of unilateral power, both in terms of policy-making and control over the bureaucracy. At the same time, he was aided by strong informal powers.

4 PRESIDENTIAL PERCEPTIONS OF POWER

There is a third element to consider that these two approaches often overlook: the president's own perspective on the scope of his mandate and the constitutional limits to his authority. Specifically, some presidents view their powers as the authority explicitly delineated in the constitution, while others understand their power to include everything beyond what is explicitly prohibited by the constitution. Americanist scholars have identified at least four presidential governing philosophies: literalist theory, prerogative theory, stewardship theory, and unitary executive theory. All reflect interpretations by different presidents of the U.S. Constitution regarding the reach and limits of their formal and informal authority. So while all U.S. presidents have governed under the same constitution, they have interpreted that document and their role in the checks-and-balances system distinctly. Notably, all of these interpretations have legal foundations.

One of the most limited views of presidential power was William Howard Taft's so-called "literalist" (or "strict constructionist" or "Whig") view. Taft's actions as president and his writings after leaving office suggest that he believed a president had an important role to play in the system, but one that fell somewhere between that of a mere administrator or constitutional clerk and a modern, rhetorical leader (Korzi 2003). As opposed to his predecessor Theodore Roosevelt and a spate of modern Latin American presidents (including figures like Carlos Menem, Alberto Fujimori, Álvaro Uribe, Hugo Chávez, Evo Morales, or Rafael Correa), Taft emphasized the importance of a balance of powers and the necessity to restrict executive action to those powers granted by the U.S. Constitution. He wrote:

The true view of the Executive functions is, as I conceive it, that the President can exercise no power which cannot be fairly and reasonably traced to some specific grant of power or justly implied and included within such express grant as proper and necessary to its exercise. Such specific grant must be either in the Federal Constitution or in an act of Congress passed in pursuance thereof. There is no undefined residuum of power. (Taft 1916)

In other words, while some may endow the president with the ability to exercise power in order to best advance the interests of the nation, Taft believed that the polity is best served only by actions closely tied to constitutional grants of power. Few Latin American presidents appear to have shared this perspective.

Building from this strict view, “prerogative power”, is a legal doctrine that originated in England and that gives the sovereign the right to operate in a supra-legal manner if he or she determines it to be in the supreme national interest. U.S. President Abraham Lincoln famously invoked this interpretation at the start of the Civil War, when Congress was in recess. Lincoln delayed calling the body into session and on his own authority called up state militias, suspended the writ of *habeas corpus*, placed a blockade on the South, and spent money that had not yet been appropriated (Crouch and Rozell 2005, pp. 306–307). In a letter to A.G. Hodges dated 4 April 1864, Lincoln went so far as to write, “I have never understood that the presidency conferred upon me an unrestricted right to act.... I felt that measures otherwise unconstitutional might become lawful by becoming indispensable to the preservation of the Constitution through the preservation of the nation” (Basler 1953). In other words, the president could in good faith violate articles of the Constitution if by doing so he or she was able to preserve the republic. Use of emergency powers simply to achieve political stability or to foster economic prosperity—as proposed by Juan Bautista Alberdi in the Argentine Constitution of 1853—would not qualify.

The third interpretation of executive power is Theodore Roosevelt’s “stewardship theory”, which argues that the president should be able to act unless the Constitution dictates otherwise. This interpretation claims that executive power is limited only by specific restrictions appearing in the Constitution or imposed by Congress under its own constitutional powers. In his autobiography, Roosevelt defended his philosophy:

I declined to adopt the view that what was imperatively necessary for the nation could not be done by the President unless he could find some specific authorization for it. My belief was that it was not only his right but his duty to do anything that the needs of the nation demanded unless such action was forbidden by the Constitution or by the laws.... I did not usurp power, but I did greatly broaden the use of executive power.... I acted... whenever and in whatever manner was necessary, unless prevented by direct constitutional or legislative prohibition. (Roosevelt 1913)

Roosevelt further argued that, “I don’t think that any harm comes from the concentration of power in one man’s hands” (Blum 1962, p. 122). This expansive theory is one that multiple generations of ambition Latin American presidents have shared.

A fourth theory, that of the “unitary executive”, holds that the president possesses the power to control the entire executive branch (Burke 2016). In the U.S. context, this doctrine is rooted in Article Two of the Constitution, which vests “the executive power” of the United States in the President. Since in addition to possessing those powers not expressly prohibited by the Constitution, the president also controls the entirety of the executive branch, some (e.g., Crouch et al. 2017) argue that unitary executive theory is an example of the stewardship theory run amok. Presidents acting according to the unitary executive theory tend to make broad claims to power, which leads to one of two general outcomes. First, the system of checks and balances does not effectively push back against these claims, which then quickly become institutionalized in the presidency and available to successive presidents—as has been the case in Ecuador under Correa, Venezuela under Chávez, and Bolivia under Morales, among others. Second, checks and balances may work effectively, but the president’s rhetoric provides his successors with the rationale and support to make claims to vast powers.

I argue that, far from violating the constitution to pursue his radical change of the state, economy, and society, Rafael Correa perceived limits to his power in terms of unitary executive theory. With constitutional powers that vastly supersede those of U.S. presidents, and informal powers stronger than any preceding Ecuadorian president, Correa was uniquely positioned to undertake his ambitious reform agenda—and to undermine elements of liberal democracy.

5 CORREA’S FORMAL SOURCES OF POWER

Correa affected a great deal of change on the basis of his formal constitutional power and control of the bureaucracy. However, consistent with unitary executive theory and contrary to other interpretations of presidential authority, he took full advantage of the discretionary use of these formal powers, allowing him to separate himself from his presidential predecessors.

5.1 *Constitutional Power*

Ecuador’s 2008 Political Constitution guarantees that regardless of the individual sitting in Carondelet, the Ecuadorian president possesses multiple means to shape policy-making and the state. The Comparative Constitutions Project (CCP) finds that among the world’s 190 national constitutions, Ecuador’s 2008 iteration is tied for first place in terms of executive powers (Elkins et al. 2016). As established by that document, the president is able to initiate legislation (Article 134, subsection 2; Article 147, Section 11); to issue executive decrees (Article 147, subsection 5); to initiate constitutional amendments (Article 441, subsection 1; Article 442); to declare states of exception (Articles 164–166); to cast full or partial legislative vetoes (Articles 137 and 138); to challenge the constitutionality of legislation (Articles 137 and 139); and—unlike under the country’s 1998 Constitution—to dissolve the legislature under the so-called *muerte cruzada* (mutual death) provision (Article 148).

In addition, the president possesses exclusive lawmaking power, especially with regard to economic issues. Article 135 stipulates that “only the President of the Republic will be entitled to submit bills that levy, amend, or eliminate taxes, that increase public spending, or that change the country’s political and administrative division”, while Article 140 gives the president the right to fast-track economic legislation through the *Asamblea Nacional* (National Assembly), which must adopt, amend, or turn down any such bill within 30 days. There are no limits to this urgency provision beyond it being restricted to “economic legislation”. Not surprisingly, the country’s legislative powers rank 159 out of 190 countries in the world, according to the CCP, with the *Asamblea Nacional* exercising a comparably smaller effect on the lawmaking process than the executive. As Fig. 2 illustrates with data from the Varieties of Democracy Project, both legislative and judicial constraints on the

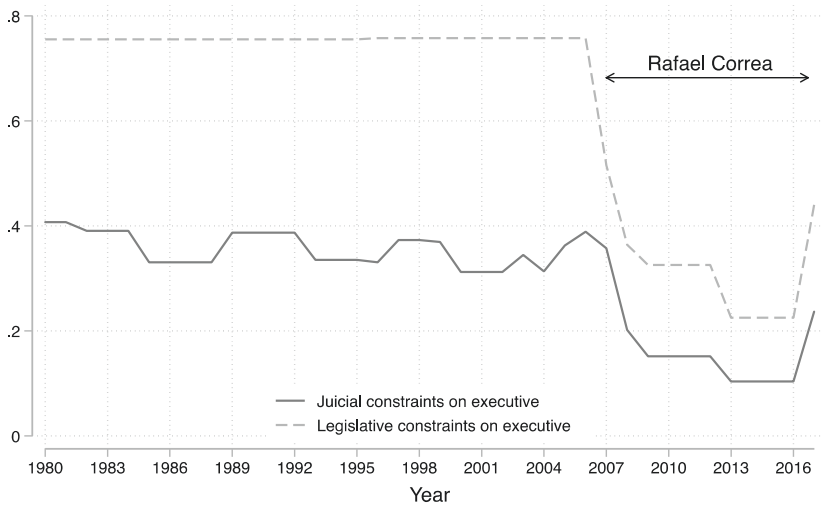


Fig. 2 Judicial and legislative constraints on the executive (*Source* Varieties of Democracy v8)

Ecuadorian Executive decreased notably upon promulgation of the 2008 Constitution. In combination with a more assertive president, these constitutional changes weakened horizontal accountability and elevated the office of the presidency above the other branches of government.

Lastly, the constitution explicitly established the president as the most important actor in developing and promulgating the country's post-neoliberal PNBV. Article 147 defines 18 presidential responsibilities, including “to submit to the *Consejo Nacional de Planificación* (National Planning Council) the proposal for the *Plan Nacional de Desarrollo* (National Development Plan)” (subsection 4), and “to create, change, and eliminate coordination ministries, entities, and bodies” (subsection 6). In short, the constitution gives the president the power to dictate and define the country's national development plan, to organize executive agencies to carry out that plan, and to determine the precise role that distinct government bodies will play in that plan. In other words, even a weak and ineffectual Ecuadorian president possesses ample unilateral (and in some domains, exclusive) authority to shape the public administration and public policy.

Table 1 Rafael Correa’s executive decrees by year (2007–2017)

<i>Year</i>	<i>Admin</i>	<i>Legislative</i>	<i>Symbolic</i>	<i>Total</i>
2007	659	178	41	878
2008	433	245	18	696
2009	340	228	8	576
2010	219	186	14	419
2011	238	138	15	391
2012	286	110	4	400
2013	202	119	3	324
2014	263	81	5	349
2015	186	136	9	331
2016	305	102	11	418
2017	76	69	8	153
Total	3207	1592	136	4935

Source https://minka.presidencia.gob.ec/portal/usuarios_externos.jsf. Author’s own classification

Ecuadorian presidents may unilaterally implement policy without the consent of the *Asamblea Nacional* through such mechanisms as executive decrees. With regards to shaping the public administration, Article 147, Section 5 of the Constitution allows the president to “direct public administration... and to issue the decrees needed for its integration, organization, regulation, and monitoring”. Through his broad view of such power, Correa did precisely that. As Table 1 shows, the president issued nearly 5000 decrees during his decade in power, expending two-thirds of that total on administrative issues such as bureaucratic appointments, retirements, promotions, regulations, and agency reorganization.

However, the content of these executive decrees was not merely limited to administrative change. To the contrary, Correa issued 1592 decrees with legislative content—about three per week for the duration of his ten years in power. On June 8, 2009, he issued Decree 1768 to reorganize the country’s *Dirección Nacional de Inteligencia* (National Intelligence Directorate) and to create the *Secretaría Nacional de Inteligencia* (National Intelligence Secretariat, SENAIN), an agency accused of espionage, surveillance, and persecution of political opponents, journalists, and activists until its dissolution in 2018. Likewise, in June 2013 Correa issued Decree 16-2013, which established strict government control of the structure and activities of all social organizations while circumscribing their political participation and limiting free speech. This decree-law laid out a complex process for registering organizations

and required them to provide extensive information to the executive and to demonstrate financial assets. Incredibly, this gave the government the right to dissolve organizations and deny registration to new ones that had pursued “partisan activities reserved for political movements”. The president was well within his legal bounds to issue these decrees with legislative intent, demonstrating how Correa was able to use the cover of the constitution to erode civil liberties.

5.2 *Bureaucratic Control*

The president also exercised to an extreme degree the formal power of bureaucratic control, consistent with the central tenants of unilateral executive theory. He did so through extensive use of his formal appointment (and removal) and administrative reorganization powers, as well as through his ability to use certain bureaucratic bodies as tools to directly make policy and exercise control over other branches of government. Thus, as referenced in the abovementioned Article 147, subsection 5, the Ecuadorian president is tasked with staffing the public administration as s/he deems necessary, while subsection 9 of the same article allows the president to appoint and remove Ministers of State and other public servants. Unlike in the United States, where appointments require Senate confirmation, the Ecuadorian Chief Executive has the power to unilaterally remove and appoint many public servants, and Correa exploited this power to exercise control over the state.

As Table 2 shows, he used his decree powers to make more than 1500 appointments during his time in office, in addition to 865 explicit removals (some appointments included removal of the previous appointee). This did not apply to mere low-level bureaucrats: under Correa, Ecuador continued to suffer the highest rate of cabinet turnover in Latin America, with ministers lasting an average of only thirteen months in office (Basabe et al. 2018). This volatility was entirely the result of presidential initiative (or capriciousness): although the 2008 Constitution gives the legislature the power to remove ministers through censure, this requires a favorable vote of two-thirds of the members of the *Asamblea Nacional*, and not a single minister under Correa was removed via this mechanism.

The ability to reorganize the public administration or otherwise reform the state is also enshrined in the 2008 Constitution, specifically in Article 147, subsection 6, which allows the president, “to create, change,

Table 2 Bureaucratic organization and staffing by Rafael Correa via executive decree

	<i>Appts.</i>	<i>Removal</i>	<i>Reorg.</i>	<i>Reforms</i>
2007	318	106	46	107
2008	215	45	31	116
2009	165	116	24	78
2010	115	46	21	70
2011	139	50	20	42
2012	122	97	16	40
2013	107	71	11	26
2014	131	107	8	24
2015	90	65	12	39
2016	140	145	8	21
2017	38	17	7	6
Total	1580	865	204	569

Source https://minka.presidencia.gob.ec/portal/usuarios_externos.jsf. Author’s own classification

and eliminate coordination ministries, entities, and bodies” (2008). As with the political appointments, Correa utilized this power to great effect, using 204 Executive Decrees (Table 1) to create, eliminate, or combine public agencies, or to reorganize their competencies as he saw fit, thereby vastly increasing the size of the public administration over his ten years in office (Fig. 1).

He also exercised bureaucratic control by combining these the powers of appointment and reorganization, and by creating several key public agencies and naming key leaders and staffers—and thus limiting their autonomy. In doing so, he was able to use certain bureaucratic bodies as tools to directly make policy and more easily influence other branches of government. For example, the institution in charge of reforming the state apparatus, training public servants, and writing the PNBV is the *Consejo Nacional de Planificación* (National Council for Planning) and its technical secretariat, the aforementioned SENPLADES. Since state public policy must be aligned with the objectives set out in the PNBV, SENPLADES is fundamental actor. This gives the state a prominent role in the direction of the economy, as well as in planning, investment, and redistribution. Correa not only staffed the agency with some of the country’s top technocrats, but he relied on it extensively throughout his 2009–2013 term to carry out a wide range of public policy initiatives (Andrade Andrade 2016).

Likewise, the *Consejo de Participación Ciudadana y Control Social* (Council of Citizen Participation and Social Control, CPCCS) is an unelected executive body that has usurped authority from the *Asamblea Nacional* and largely served at the pleasure of the president. The administrative body was created by the 2008 Constitution as a public entity responsible for judicial and nonpartisan political appointments, including the attorney general, comptroller general, banking superintendent, and media regulator. Furthermore, it was designed to act as an anti-corruption oversight body. Nonetheless, under Correa, its directorate was comprised of officials who had previously served in his administrations, and opposition politicians and independent analysts accused the body of being a politicized extension of the president's office. Perhaps not surprisingly, the CCP finds that the Ecuadorian judiciary ranks 129 out of 190 countries in terms of constitutionally determined judicial independence, while judicial constraints on the executive were lower under Correa than under previous presidents (Fig. 2).

6 CORREA'S INFORMAL SOURCES OF POWER

Correa also enjoyed informal powers far greater than any other president in the post-transition era, and he wielded them sharply. Specifically, his unprecedented public popularity gave him high powers of persuasion and allowed him to pursue measures like plebiscites to strengthen his position and pursue policy change. Moreover, as the first post-transition Ecuadorian president to enjoy a legislative majority (2013–2017), he was able to pass legislation with little trouble and to avoid the kinds of confrontations with the legislature that resulted in the removal of his three democratically elected predecessors.

Significantly, Correa's public approval ratings were consistently higher over the first eight years of his presidency than was the case for any other modern Ecuadorian president. Figure 3 shows that, aside from initial 'honeymoon' bumps for newly elected presidents in the post 1979 era, most Chief Executives possessed net approval ratings between 10 and 20%, while Correa's hovered between 40 and 80%. He utilized these persuasive powers in part through his direct, personal appeals to the citizenry (Conaghan and De la Torre 2008). Among other things, Correa mounted extensive publicity campaigns via radio, and he regularly engaged citizens through his weekly national radio and TV broadcast, *Enlace Ciudadano* (Citizen Connection), as well

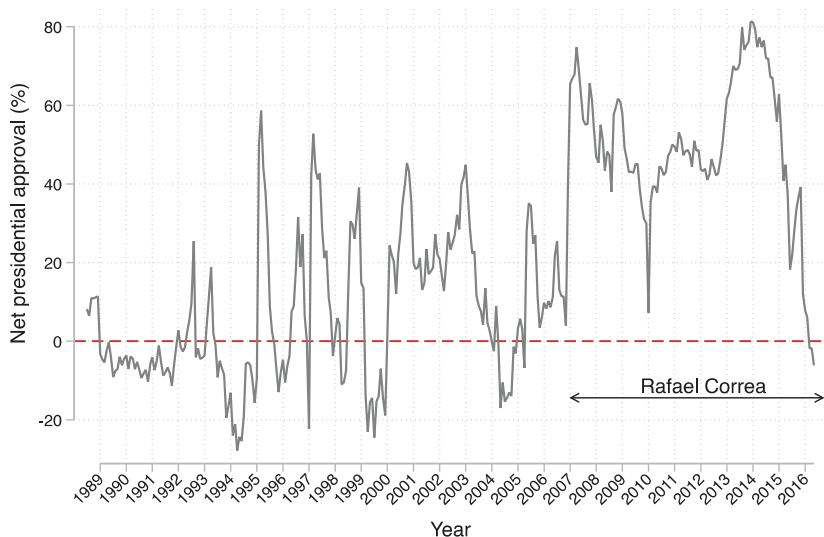


Fig. 3 Monthly net presidential approval rating (1988–2017) (Source Executive Approval Database 1.0. Available for download at www.executiveapproval.org)

as through prominent use of Twitter and other social media to engage with Ecuadorians outside the political class.

Such public support is a tool of legitimacy (Canes-Wrone 2005), and the president leveraged it strategically to enact far-reaching constitutional changes through national plebiscites. The most important of these were the steps leading to the promulgation of the 2008 Constitution. After a number of failed attempts to convene a Constituent Assembly through the opposition-controlled legislature, the president turned to the *Tribunal Supremo Electoral* (Supreme Electoral Court, TSE) to convene a plebiscite on March 1, 2007, to promote his main campaign promise. Correa was able to rely on his high public approval and support for the assembly, and his referendum on the matter passed with 87% support. This same popular support helped the nascent *Alianza PAIS* movement to win 80 of 130 Constituent Assembly seats on 30 September, and to give Correa *carte blanche* in shaping the constitution. The government then held a constitutional referendum on September 28, 2008, in which 69% voted in favor of ratification. Moreover, in 2011 the president called a referendum on ten issues including reforms to the judicial system,

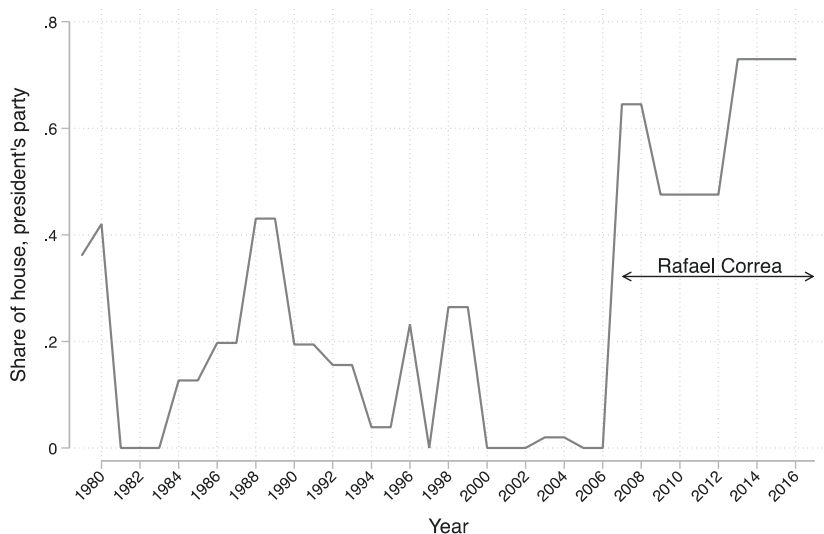


Fig. 4 Share of legislative seats, president's party (1979–2017) (Source Author's own data)

limits to due process rights in criminal cases, limits to the freedom of the press, restrictions on animal cruelty, gambling, and illicit enrichment. As before, all measures passed.

Similarly, Correa's "partisan powers"—the size of the president's party in congress, party discipline, and the mandate acquired by the president via election—were tools that separated him from previous powerful Ecuadorian presidents. In two-party systems, presidents often enjoy partisan powers that allow them to buy or negotiate for the support of legislators (Mainwaring and Shugart 1997). However, as Fig. 4 shows, no post-transition Ecuadorian president prior to Correa enjoyed a legislative majority, meaning that nearly all leaders found it difficult to legislate. Correa, on the other hand, controlled 47.5% of the *Asamblea Nacional* from 2009 to 2013, and then a supermajority from 2013 to 2017.

The president used these partisan powers to enact legislation that reinforced his constitutional power while limiting political and social veto players. Notably, the government pursued policies aimed at the media, civil society organizations, and higher education that enlarged the scope of regulation and enhanced the powers of the executive branch

(Conaghan 2015). One example is the Public and State Security Law that endowed the SENAIN with a permanent fund of *gastos reservados* (special expenses) for intelligence and counterintelligence activities and that freed the organization from external auditing. Later, in June 2013, the *Asamblea Nacional* passed the *Ley Orgánica de Comunicación* (Organic Law of Communications), a controversial measure that subjects public information to oversight and regulation through the newly created *Superintendencia de Información y Comunicación* (Superintendent of Information and Communications, SUPERCOM). Likewise, during Correa's third presidential term, on December 3, 2015, the *Asamblea Nacional* passed a package of 16 constitutional modifications, including one lifting term limits on any public official, including the president, beginning in 2021.

Without his high popular approval and partisan support in the legislative branch, it is unlikely that Correa would have been able to implement his post-neoliberal strategy and exercise the strong control over political affairs that he did. The former was absolutely necessary to pursuing the 2007–2008 Constituent Assembly, as well as a number of subsequent constitutional changes that would otherwise have required a two-thirds vote in the *Asamblea Nacional*. Likewise, without that legislative support, Correa could have faced challenges to his longevity in office (as his predecessors did), and he would have found it considerably harder to pass legislation that allowed his government to regulate the media and social groups.

7 THE LEGACY OF A UNITARY EXECUTIVE: TEMPORARY OR PERMANENT?

It is unlikely that any single approach to the study of the presidency will fully capture the range of strategies and tools available to chief executives. Instead, I argue that an approach that integrates both president- and presidency-centered explanations of executive power offers a more satisfactory statistical and substantive interpretation than any approach based on a single perspective. This is relevant to Ecuador—and to all presidential systems outside the United States—in a number of ways. All too often, comparative political science research fails to measure variations in informal presidential powers, or else suggests that presidential power is constant over time in these places (Morgenstern et al. 2013).

Yet these theories of presidential power demonstrate that the exercise of power depends in part on who is in office and how he or she interprets her role.

As president, Rafael Correa vastly increased the number public sector employees and government bureaus, increased the state's budget, and used powerful planning agencies to reinsert the state into political and economic life in pursuit of his *Revolución Ciudadana*. He was able to do this through a variety of formal and informal unilateral powers, while using a "unitary executive" interpretation of the constitutional limits to his authority. Yet Rafael Correa is not so different from other Ecuadorians who have worn the presidential sash: they too have possessed roughly the same amount of constitutional power. And while León Febres Cordero, Abdalá Bucaram, and Lucio Gutiérrez may have shared Correa's ambition to radically change the Ecuadorian state, only Correa among the post-transition presidents possessed adequate informal power to make those changes and to survive in office.

In this sense, Correa is more akin to his ambitious contemporaries Hugo Chávez and Evo Morales, or past presidents like Alberto Fujimori or Juan Domingo Perón. All sought to rewrite constitutions in order to centralize power and weaken horizontal accountability, and all cultivated strong partisan powers and/or public approval to help push these changes through. Undoubtedly, this combination of strong formal and informal powers and a unitary executive perspective can be dangerous for democracy. Without checks or meaningful limits to their authority, presidents from Perón to Correa have undermined liberal democracy and helped drag their countries toward hybrid regimes or in some cases, outright authoritarianism.

Moreover, changes in the state may be more transitory than politicians think. For example, given the Ecuadorian presidency's high formal powers and the ability of any president to adopt a similar approach to their authority, it is worthwhile to ask how permanent Correa's state reforms might prove. The danger with a unitary executive presidency is that norm-breaking sets a powerful precedent (Crouch et al. 2017). The country's volatile constitutional history and proclivity for amending the Constitution via both the legislature and national referendum mean that the permanence of changes is uncertain (Sandoval-Rojas and Brinks, Forthcoming). Moreover, Correa's presidential successor Lenín Moreno enjoys most of the same powers that Correa did, from his formal

constitutional powers to high public approval, and even legislative support (although the strength of the latter is negatively affected by a split between the *Correista* and *Morenista* factions of *Alianza PAIS*).

To achieve and implement such changes to the existing rules, Moreno is already borrowing a page from Correa's playbook. Taking advantage of his high public approval ratings, Moreno circumvented the established institutional channels staffed with *Correistas* (like the *Asamblea Nacional* or the courts) in favor of a plebiscite in February of 2018. Then he made certain that the questions in the referendum would reverse unpopular constitutional changes made during Correa's rule, while two accompanying items for popular consult were valence issues that enjoyed broad popular support. In line with Correa's unitary executive presidential actions, these changes took effect immediately, despite a lack of pronouncements from the *Corte Constitucional* (Constitutional Court, CC). The CC should have approved the constitutionality of the proposed referendum and public consult questions when Moreno first approved the process in late 2017. However, the CC exceeded its 20-day window for issuing a ruling, after which Moreno convened the vote via two executive decrees in November of 2017.

Paradoxically, as suggested by unitary executive theory, Rafael Correa's success in pushing through a new political constitution and in complementing his high degree of formal presidential power with informal power has made it easier for subsequent presidents to do the same.

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