Abstract

This article proposes that democracy moves from an exclusively formal model to a substantive one when, among other conditions, there is a reconfiguration of the General State Administration. A congruent condition is that it focuses on providing quality public services, using the technological resources currently available to meet the expectations and needs of citizens. The case being analyzed is the experience of the government of Ecuador with its public policy of simplifying procedures, and how this initiative was able to increase the quality of democracy and facilitate conditions for the development of a substantive democracy.

KEYWORDS

Substantive democracy, Administrative simplification, Digital public services, Access to the government.

Resumen

Este documento plantea que la democracia transita desde un modelo exclusivamente formal, hacia uno sustantivo cuando se da, entre otras condiciones, una reconfiguración de la Administración General del Estado. Una condición congruente es que esta se enfoque en...
proveer servicios públicos de calidad, usando los recursos tecnológicos disponibles actualmente para atender las expectativas y necesidades de la ciudadanía. El caso que se analiza es la experiencia del gobierno del Ecuador con su política pública de simplificación de trámites, y cómo esta iniciativa pudo incrementar la calidad de la democracia y facilitar condiciones para el desarrollo de una democracia sustantiva.

PALABRAS CLAVE
Democracia sustantiva, Simplificación administrativa, Servicios públicos digitales, Acceso a la administración.

Resumo
Este documento propõe que a democracia transita de um modelo exclusivamente formal para um substantivo quando, entre outras condições, há uma reconfiguração da Administração Geral do Estado. Uma condição consistente é que esta se concentre na prestação de serviços públicos de qualidade, usando os recursos tecnológicos atualmente disponíveis para atender às expectativas e necessidades dos cidadãos. O caso analisado é a experiência do governo do Equador com sua política pública de simplificação de procedimentos e como essa iniciativa foi capaz de aumentar a qualidade da democracia e facilitar as condições para o desenvolvimento de uma democracia substantiva.

PALAVRAS-CHAVE
Democracia substantiva, Simplificação administrativa, Serviços públicos digitais, Acesso à administração.

1. INTRODUCTION

A democracy moves from a formal model to a substantive one when there are social agreements (Quiroga, 2000) sufficient to establish that democracy should not only guarantee individual freedoms, but should also seek what, in the absence of a better way, can be termed as the common good. For the purposes of this document, it is understood as the constant search for structural conditions of real equality among all members of that society.

This search occurs thanks to a set of conditions that include, but are not limited to, institutions, democratic tradition, and the role of the State in shaping these structural bases. Other necessary conditions have to do with the strengthening of civil society that moves the “center of gravity in the relationship between the resources that money, administrative power and solidarity represent” (Habermas, 2005, 8) in such a way that new public spaces for the democratic formation of opinion and political will be developed, as suggested by the same author, in the social group and not in the private sector or the State. This reaffirms society against money or administrative power.

This study proposes that for democracy to be considered substantive, its quality should improve in a sustained and permanent way. For Jacobs (1994), democracy should not be limited to electoral processes, but should be evident between each process. The concept of substantive is associated, among other variables, with those that relate to how political and public institutions give results in the search for these conditions of real equality in access to the guarantee of fundamental rights (Spiker, 2007) and in the real access to the same opportunities.

This breaks a historical vision of the role and functioning of the traditional Administration, so given to generate difficulties in order to sell facilities (Correa R, personal communication, 2015).
A different vision is proposed that focuses on citizens, on how they should operate to meet their needs, how to generate competitive conditions in the business sector or facilitate access to all the procedures that are required for this purpose.

The document raises several reflections on this way of understanding the State and the Administration. At first, a review is made of the notion of the modern State, surpassing the traditional vision that assigns it the ability to monopolize legitimate violence. Subsequently, reflections on democracy and its quality are proposed, and how a democracy can be understood substantively if the State and the Administration function.

The article has been built on the analysis of public information and published by the Government and other related studies on the implementation of the public policy to simplify procedures in the period 2014-2016 in Ecuador. As can be seen, it is stated that from the implementation of said policy, access to the Administration was facilitated for citizens, which in turn could improve the citizens’ perception of the functioning of the State and democracy.

In particular, the evidence suggests that the effort to take advantage of electronic resources could contribute to the strengthening of substantive democracy. The information provided by this work shows that the electronic processing and the possibility of participating in the feedback processes and improvement of the quality of the administrative paperwork and procedures carried out by the citizens could feed social conditions that made it possible to configure a more substantive democracy.

2. THE NOTION OF THE MODERN STATE

States are the most complex expression of social agreement in a self-regulating society. The ultimate goal of the democratic process is to decide who should govern the State to direct society towards what the social group considers desirable. It can be suggested that it is not possible to speak of democratic quality if there is no institutionalized State that supports it. The quality of democracy is not possible only as an agreement of individual wills, but it also requires an institutional apparatus to support it. This institutional apparatus is sustained in the State, understood as the sum of the relationships of all the social actors that coexist in it. The State is also and at the same time, the consequence and origin of the political actions carried out by the members of that society (Heller, 1998 [1934]).

This State consolidates its material manifestation in an interdependent set of institutions that bring together the power and resources of a social and political coercion (Oszlak, 2007) necessary for the legitimacy of its actions. The sphere in which human groups dispute control of the state is the sphere of politics. Wherever dialectical, ideological, and programmatic disputes occur that are possible because society has accepted that such disputes are necessary to feed the democratic process (Levi, 2015 [2002]).

It is in the State where ideas such as public goods, a just society or common values are developed and take shape (Bauman, 2002), ideas that are echoed in the concept of substantive democracy. These notions require a support structure that allows coexistence in these complex societies to make possible the search for those purposes that Bauman contributes. Substantive democracy, understood as the
inclusive solution of the most relevant public problems for this social group, which facilitate conditions of real equality of opportunities and are not limited only to economic growth (Giroux, 2005).

In this sense, the role of the State “is not only to ensure the conditions for the accumulation of capital, but also and above all, to improve the lives of its citizens in terms of rights, services and public policies” (Peña & Lillo, 2018, p. 24). Therefore, according to the author, the State should no longer be perceived as a mere reproducer of the mercantile, since its vocation is broader and includes, among other things, the power to regulate and shape life in society to avoid the perpetuation of inequalities and imbalances that persist in societies. This is one of the ways that consolidate democracy. Strong states, generate capable public organizations that provide quality services to citizens.

In a spiral effect, citizens trust the state more by receiving better services and may be willing to participate in more democratic processes. Interestingly, they can decide to participate in the processes that allow them to elect their representatives, and in those in which they can co-construct solutions to the public problems of society, or demand accountability for the actions of said representatives. In this sense, it can be summarized that the State is “the best way to achieve social order, to promote economic growth or to facilitate democratic expression” (Levi, 2015 [2002], p. 28).

In the period studied in this article, the Ecuadorian State was reformed with the intention of expanding its presence and incidence in previous cases in which either there was no state presence or its incidence was relative or secondary. For example, the Government created the Ministry of Mines as a response to the need to give more relevance to the sector, considering that the mining potential of the national territory could be subject to exploitation for the generation of new productive sectors with the consequent increased income for society. Another example was the emphasis assigned to the professionalization of public management through the strengthening of the National Secretariat of Public Administration (SNAP) as the body responsible for implementing quality management processes, the implementation of electronic government, innovation or transparency in the central Administration.

3. QUALITY OF DEMOCRACY

An organized society generates a State that acts to solve complex public problems that cannot be solved individually. This state is governed by coalitions that participate in democratic processes to win the right to govern. Ultimately, formal democracy has to do with who and how comes to power, and how they exercise it (Duhem, 2006). That is, how he uses power to govern the State and solve the problems that society has commissioned him to solve. From this moment on, democracy ceases, or should cease, to be formal exclusively as the one who arbitrates the process of competition and access to power. Henceforth, democracy should also be substantive, as the one who creates conditions for the construction of societies of equals with equal rights and real equality of access to opportunities.

Democracy can have different relative qualities. The concept of quality of democracy can be associated with 1) the processes of democratic participation, 2) the way in which political institutions facilitate the consolidation of democratic processes, allow the participation of all actors or create conditions of accountability of the elected authorities (Levine & Molina, 2007). Other currents also recognize that the quality
of democracy improves 3) when the State functions (UNDP-OAS, 2010).

Democratic participation is understood as the set of public actions that demonstrate the role that citizens play in public policy decision-making processes. These processes of corporate deliberation according to Habermas (1995), validate the decisions of the majority of the participants in the framework of a rational discussion. For this, the participatory process should be based on the plurality of lifestyles of modern societies (Velásquez, 2003) if it is in the interest of society to raise the quality of democracy.

The quality of democracy includes the extent to which public officials are obliged to be accountable to the citizens for their actions and decisions as governors (Levine & Molina, 2007) and, in the same sense, the degree to which the functioning of the Public institutions is also open to public scrutiny (Duhem, 2006). Note that it is not just about the actions of the ruling coalition. It is also that the state apparatus should be subject to scrutiny by society as a whole. Therefore, democracy improves if citizens feel that their rulers report their actions and the reasons that justify them, and if the system of public organizations can be scrutinized so that people feel informed and understand the decisions of public policy taken by both the government and the administration¹.

The State is one of the main executors of democratic, citizen and participatory openness (Pifleiro, 2018). It must have the capacity, among other things, to channel legitimate protests from sectors of society that perceive themselves as affected by political decisions or by the operation of public organizations. Also, it should guarantee the stable presence of a social order that makes possible the real exercise of the freedom of citizenship. For this, government organizations should operate according to their capacities and responsibilities in the provision of public services, access to common goods or guarantee of rights that allow the effective exercise of said freedom.

In this line of thought, organizations such as the United Nations Development Program [UNDP], in conjunction with the Organization of American States [OAS] (2010) argue that democracies have become impoverished precisely when their states have become impoverished, limited or they have not been at the service of the majority.

Authors such as Morlino (2005) or Duhem (2006) argue that the quality of a democracy depends on a stable institutional structure that is sustained, among other institutions, in the State and its Administration, to the extent that they operate to make possible this freedom and real equality for all citizens. From which we can infer that the quality of democracy increases if the State and its institutions also operate with principles of quality, transparency, orientation towards citizens, etc.

It can also be proposed that the performance of the Administration reinforces the quality of democracy. If the organizations that comprise it are efficient, provide quality services and treat all citizens equally, they can perceive that if the institutions work, democracy works. Therefore, citizens will be more likely to participate in democratic processes. In fact, if state organizations

¹ The Government is understood as the coalition that participated in elections and came to power to lead the State. The Administration is understood as the network of public organizations that materialize the State and that carry out the decisions of the Government.
4. QUALITY PUBLIC ADMINISTRATION

The State materializes in a complex network of public organizations that operate the different functions of that State. The justice system is administered from public organizations such as the Councils of the Judiciary that operate in some countries. The National Assembly or the Congress of Deputies is also administered through a clearly delimited organization with legal status and relative financial autonomy. The Executive function, as the governing body of the broad spectrum of public policies that are implemented at any given time, acts through a set of government organizations (the ministries when they only exercise governing capacity and do not provide direct services) and instrumental administration organizations (that provide public services, guarantee access to rights or comply with state powers).

Organizations in general arise from human action (Ayala Espino, 2001; Pérez, 1993), in response to the need for coordination to achieve common goals or solve complex problems. They can be considered as a set of available possibilities for solving problems for which they could be the answer (Cohen et al., 2009, [1972]). Additionally, Ayala Espino (2001) states that public organizations provide a structure on which certain social interactions are based, such as educational processes, access to justice or the exchange of goods and services between members of society. The same author suggests that public organizations can help minimize the costs derived from this exchange, with which societies can become more efficient.

Mulas-Granados (2010) proposes that the Welfare State should evolve towards a different type of State that suggests calling it Dynamizer. This new type of State should generate permanent changes in societies at two different levels, both in the means and procedures, as well as in the objectives and ends of its own existence. In this sense, the Administration should be dynamic in its administrative operation and expedite in its relationship with the rest of the economic and social agents. In relation to the purposes, public entities should create conditions to guarantee real equality of access to opportunities for all members of society and allow them the full exercise of their individual freedoms, as emphasized by Mulas-Granados (2010).

This demands a change in the State and the Administration. For example, it should be able to anticipate new risks, social demands, or individual demands and act preventively (Mulas-Granados, 2010). All the opposite of reactive action that characterizes the public Administration in general when the risks are already materialized. The Korean government named this approach Government 3.0 and explains it as an innovative paradigm “for the operation of the government, which seeks to provide individualized services for citizens and support the creation of employment in the creative sector of the economy through the opening and sharing of public information, as well as the elimination of access barriers within the Administration” (Ministry of Security and Public Administration of Korea, 2013, p.1)

This exercise involves important changes in the traditional approach to public management (Massal & Sandoval, 2009). It is not just about managing to change a procedure itself, but about the entire public organization being able to understand the way in which technology transforms its internal relations and the rela-
tions with citizens. A change of this type requires relevant efforts in the political, programmatic and instrumental aspects of any political project. The evidence suggests that technology and the quality of democracy have a direct impact on the results of government action (Oriol, 2005), with which the strengthening of organizational capacities for the incorporation of technological processes becomes an institutional imperative that is translated into the improvement of quality in the delivery of public services and in the performance of administrative procedures.

In 2014, the government of Ecuador launched two national plans aimed at reforming the Administration’s approach through SNAP (2015). These plans were: The National Plan of Excellence (PROEXCE) as an initiative to standardize quality management projects within the central Administration; and the National Plan for Electronic Government (PNGE), as an initiative to promote the electronic processing of the largest number of procedures.

PROEXCE was established on the basis of the European Foundation for Quality Management (EFQM) model applied to public administrations, called the Common Assessment Framework (CAF) (Proaño, 2017; García Mejía et al., 2018) and served as a methodological guide for all orientation activities of public organizations towards quality. The plan has had subsequent versions, the latest being that issued in 2018 by the Ministerio del Trabajo of Ecuador (MDT) (2018,6) and in which the following objectives are indicated: 1) Increase the quality of public services; 2) Increase the effectiveness of the management of plans, programs, projects, services and processes; and 3) Increase the level of maturity of institutional management based on the criteria of the Ecuadorian Model of Quality and Excellence.

The PNGE (SNAP, 2014) for its part, consolidated all the initiatives related to architecture, software development and applications of the Administration to improve their efficiency, increase the number of electronic procedures and move towards an integration of databases, operating systems and other activities required for a better provision of services on the part of public organizations. It had the objective of improving the experience of citizens in the use and access to electronic platforms to carry out administrative procedures of various types.

Both initiatives were the starting point of the public Administration reconfiguration efforts at administrative national level. This allowed public organizations to implement various initiatives to improve the quality of management in each of their areas of action and to promote the development of digital solutions that bring citizens closer to the Administration.

5. FACILITATE ACCESS TO THE ADMINISTRATION

Facilitating access to the Administration involves the generation of stable and permanent conditions that make it possible for all members of a society to petition the authorities for access to certain rights or public services, or to fulfill their obligations to the State, given the powers established in the legal frameworks, without having as the only way to go to a physical window located in a single geographical area or having to do so under conditions that affect them.

According to the Organisation for Economic Co-operation and Development [OECD] (2006), citizens have experienced changes in recent years with more education, better access to information, and greater critical capacity that make them demand better quality public ser-
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As companies become more complex, the transaction costs of having to interact with the Administration become higher, not only in financial terms (fee costs), but also in economic terms (loss of profit due to not being able to operate if there is no state authorization for an economic activity) or social (time allocated to the Administration that prevents, for example, the care of the family).

This new reality poses new challenges for public organizations, as the OECD itself points out “the challenge […] will be to respond to the growing demands for more efficient transactions, tailored services and ubiquitous access by citizens and businesses” (2006, p. 56).

When public organizations decide to modify the framework with which they operate to meet these changing and increasingly complex demands, it may happen that society reinforces the construction of a responsible citizenship. At the same time, better access and democratization of the Administration can lead to an increase in its efficiency (Cunill, 2005). This may include a form of state engagement more geared towards meeting the needs and expectations of the people. That is, more accessible (OECD, 2006) and able to generate more and better channels of attention to user requirements, simpler attention processes, elimination of unnecessary requirements or procedures, among other actions that improve access opportunities of citizens to the Administration and make it more efficient in providing the services or procedures that it is obliged to offer. Presumably, actions like these reinforce the confidence of the inhabitants in the State and the Government, and in turn, reinforces the quality of democracy.

Facilitating access to the Administration can be beneficial in two ways (Brugué & Gallego, 2001; OECD, 2006). On the one hand, the State obtains better levels of acceptance and legitimacy, which, in turn, improves the quality of democracy as it validates it as a form of government thanks to the legitimacy and credibility that is obtained by this improvement. On the other hand, and instrumentally speaking, better access improves the performance of public organizations and can help achieve other important public policy goals of the governing coalition such as economic growth and social cohesion. In both cases, easier access to public administration should feed the quality of democracy.

As the complexity of societies increases, Administrations have to stop acting alone (Brugué & Gallego, 2001). The monopolistic idea of the traditional Administration is gone and in its place is the increasingly strong intention to consolidate the stable and permanent interaction between the contemporary Administration and the citizens, which includes the possibility of sharing activities and diversifying the way in which these happen.

In 2013, the President of Ecuador signed Executive Decree 149 (Correa, 2013) with which he issues mandatory provisions for all public Administration at the central government level in relation to a homogeneous framework that facilitates the implementation of electronic processing initiatives, as well as directing their attention to citizens with an administrative simplification approach.

This decree establishes that public organizations must, in a mandatory manner, facilitate the interaction of citizens, private organizations or civil society with the Administration. This involves facilitating access both in the reduction
6. SIMPLICITY AS AN EXPRESSION OF SUBSTANTIVE DEMOCRACY

Setting up a public Administration at the service of the citizens forces to reframe the traditional form of relationship that has been characterized as slow, bureaucratic and not at all collaborative. The most notorious expression of this characterization has, historically, been the completion of procedures. The procedure is “what connects the citizen with the service, obligation or public law: there is no education service without registration; there is no health service without the appointment; and there is no tax payment without submitting the form” (García Mejía et al., 2018, p. 12). In short, there is no possible relationship between the State and citizens if there is no formality involved.

To attend to this new citizenship suggested by the OECD, it is pertinent to ensure that the Administration reinvents itself in all its forms, including the way of solving the procedures. When it comes to paperwork (Guzmán, 1999), it may be necessary to make the process become a matter of public policy as was done in the Ecuadorian case. This policy was prioritized at the highest political level, with an Advisor of President Correa at the head of the implementation of the simplification strategies in the Administration at the central government level. President Correa (2015) himself suggested some important principles for this public policy: 1) the best procedure is the one that is not done, 2) the State should tend to reduce headaches for citizens, 3) the best Administration is the one that does not bother the citizens.

Based on these assumptions, a strategy for the relationship between public organizations and citizens was consolidated through digital channels, so that the inhabitants of the country could reduce or eliminate the number of times they went to a public office to carry out an administrative procedure, the amount of time dedicated to carrying out the procedure or the reduction of requirements to carry them out or, on occasions, all of the above. This strategy had its peak in 2015 and 2016, with a total of 446 procedures simplified in 2015 and 410 in 2016 (García Mejía et al., 2018).

The results obtained in both years have been documented in publications such as that of García Mejía et al. (2018), and in public reports such as those made by the President of the Republic in the routine accountability space called the Citizen Link3.

As an example, it can be indicated that, in 2015, the number of requirements per procedure was reduced from 9 to 3, on average 8 million people were prevented from going to a physical service window, 40% of the simplified procedures took less 4 hours to be resolved and citizens achieved savings of USD 20 million due to the reduction of unnecessary administrative burdens (Castillo, 2016). For 2016, the number of requirements dropped from 6 to 3, on average, officials allocated 57% less time to carry out administrative procedures due to automation, and citizens reduced their interactions with the Administration by 45% due to the completion of procedures (García Mejía et al., 2018). In both years, a total of 856 procedures were

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3 This space was a weekly television program in which Correa informed the public about different matters of his government action, and on some occasions he referred to the advances in administrative simplification.
simplified, of which 302 were simplified through full automation. This means that, as of that year, these procedures were carried out by digital means without the need to go to a public agency or have to present physical documentation of any kind.

This technological mediation is a space for carrying out transactions of various kinds. It is also a means of direct communication between citizens and the Administration, since in the process to access electronic processing, public organizations were able to disseminate relevant messages about their sector and obtain feedback from citizens on aspects of sectoral interest.

An example of this was the search for information that would make it possible to identify those procedures that could represent the greatest problems for citizens, either due to the difficulty in accessing them, due to the number of requirements or steps, or because they were not necessary. For this, the government implemented the public communication initiative called Tramiton.to (www.tramiton.to) (García Mejía et al., 2018), which consisted of a digital platform in which users could identify the procedures that caused them problems and their proposed solutions. The initiative was presented to the public in June 2014 in one of the Citizen Links.

To motivate participation, the platform awarded prizes to the best simplification proposals made by citizens, a work that also served to improve the effectiveness of the plan by providing feedback from citizens on more appropriate ways to simplify administrative procedures and empowering the inhabitants to participate in the quality improvements of the services to which they have access.

The initiative of Tramiton.to turned out to be a mechanism of communication and citizen participation (Brugué & Gallego, 2001) that managed to reach the social actors interested and/or affected by the problem of the paperwork. Additionally, it served as a source of information to identify the procedures that needed to be simplified with more urgency in each of the years in which the initiative was in operation. The initiative received 6000 suggestions from citizens to build the National Plan for the Simplification of Procedures 2016 (Barreiro, 2016). This improved the efficiency of the public policy tools by focusing resources and efforts on those procedures that were most felt by the participating citizens.

When the relationship with the Administration becomes simple, the public tends to trust the State more. To keep it simple, it is essential that two fundamental actions are articulated, among others.

In the first place, the simplicity of the procedures should include procedure guides in plain language, avoiding technicalities that may make sense for the officials who are responsible for the service, but not necessarily for the citizens. Second, any administrative simplification process must be accompanied by digital literacy processes for the inhabitants of the territory. Otherwise, a true democratization of the State is not generated. In the present case, together with the simplification processes carried out by the public policy sector of the public administration, initiatives were implemented from the public policy sector of the information society that turned the Wi-Fi networks of public schools in various areas of the country free and of free access. It also implemented a network
of 849 infocentres, which are public offices to which the inhabitants of rural areas could go to have internet access (in a model similar to that of an internet café) and in which a public official provided help and facilitated electronic processing when required by the public (Ministerio de Telecomunicaciones y de la Sociedad de la Información, 2018).

Simplicity can make citizens more interested in participating in other problem-solving initiatives that can reconfigure social conditions and make them less inequitable. From this it can be inferred that democracy is reinforced in the sense that participation is not only access to suffrage, but also the relationship with the State, especially when seeking what at the beginning we called the common good.

7. CONCLUSIONS

The construction of a democratic society that transcends the logic of formal democracy and agrees to consolidate a model of substantive democracy in which inequities are reduced and opportunities for real equality are built for everyone, should reform its institutions in general to make them inclusive and within everyone’s reach. In particular, throughout this article we have suggested that one of those institutions to reform is the State.

The reform of the State must tend to overcome the exclusive logic of the protection of individual rights, such as property rights, and should migrate its gaze towards the solution of those problems that are called public because of their complexity and how they affect society. Those problems that cannot be solved individually due to their dimension, but require to be addressed by the State, both as an expression of society in action as expressed by Heller (1998 [1934]).

It is important to reconfigure the public administration so that it leaves behind the traditional vision of public organizations as spaces for generating problems for citizens and, instead, commits to a proactive vision of public action that anticipates the needs of citizens of that State and operate with criteria of efficiency and effectiveness, which should be understood as the generation of conditions for the reduction of social inequities and the consolidation of models of substantive democracy.

One way to bring the Administration closer to those desirable objectives is through conditions that facilitate access for all users under equal conditions, where those who live in cities, those with more resources or those with more contacts are not privileged. On the contrary, channels are expanded, barriers are eliminated, and direct access without intermediation is promoted to carry out the procedures that allow inhabitants to access public services, guarantee rights or fulfill citizen responsibilities.

It is recommended that the procedures are subjected to simplification processes that prioritize the use of digital channels that universalize the access of citizens to the Administration. Not only that, the government can propose citizen feedback and participation initiatives such as the Tramitón.to in Ecuador that allowed interested parties to propose and provide information on what the administrative procedures that require more attention should be to make them simpler.

The implementation of various public policies for the management of public issues coincides in time with the results of improving citizen sa-
tisfaction with the quality of democracy. This may suggest that if the citizens verify that the General Administration of the State works better, broadens its service channels, promotes simplicity in the provision of public services, simplifies procedures by taking advantage of available digital channels and creating new ones, it may create a greater interest of citizens to propose improvements to management systems and administration of public organizations, especially those that reduce the conditions of structural inequality that persist in societies such as those in Latin America.


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