

Mexican Public University's Role in Promoting and Encouraging a Culture of Transparency and Accountability

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Abstract

In this article, we study the role that the Mexican Public University may play in promoting and encouraging a culture of transparency and accountability. This role is premised upon a new paradigm regarding how power should be exercised and controlled. We hold that the latter –the mechanisms for power control- are a necessary, immediate and natural consequence of allowing certain people to hold power positions on our behalf. We also hold that transparency and accountability should not depend exclusively on the State apparatus. These tasks should be jointly carried out by the State and its citizens in a collaborative enterprise. In this line, we claim that the Public University is the most adequate place in which this new conception of power may arise and flourish via the generation of the appropriate incentives for transparency and accountability. In our view, these activities should be seen as a) a University-value; b) an ordinary way of doing things within the University; and c) as a practice of the University towards making Government accountable and transparent.

Keywords: Democratic culture; transparency; accountability; Public University; governance; citizen participation

I. Introduction

Controlling power is a fundamental task –and challenge- for any Constitutional State. It is not exaggerated to claim that this issue has the same importance and relevance like that of designing and implementing adequate mechanisms to secure *access* to political power. Unfortunately, power control is a topic that has not been approached –at least in Mexico- with the same enthusiasm and interest to citizens in general, and particularly to politicians, discussing the details and problems of electoral processes –such as electoral officers' training, where to locate polling-stations, and the like- has been much more appealing than to seriously reflect upon the procedures of power control. We doubt and criticize the appropriateness and efficacy of the processes to gain access to political power, but we are not interested on how to constrain it once certain people are in a position to exercise that power.

This lack of interest in discussing how to monitor and limit the power that we have conferred to certain people through our vote makes the Mexican society a very naive one in this respect. This passive attitude paves the way for larceny, corruption, illicit enrichment, and other transgressions to the legal rules by government officials. Meanwhile, civil society still believes that voting is the ultimate tool to influence their country's destiny.

We are not denying the importance of electoral issues. To the contrary, these aspects of a democracy (which lead to the periodical renewal of rulers and authorities) are crucial if citizens are to wake up from their lethargy (Gersbach, 2005). Nonetheless, we wish to emphasize the citizens' shortness of vision regarding what comes *after* the elections. What ought to follow from that point is a permanent citizen-based oversight or surveillance over government officials due to the fact that they are our *employees*; hence they answer to the people (Valdés, 2006). A citizen-based oversight is, in our conception, the foundation and the engine of transparency and accountability. Public power should not be used to materialize whatever arbitrary wishes that government officials might have. Their abuses should be punished.

In this line, it becomes important to analyze the role of civil society, and specially, the role of the Public University as an active agent in promoting and encouraging a culture of transparency and accountability.

It is urgent, on the one hand, to identify the goals and activities that these institutions should be engaging in so as to inspire students and teachers to become permanent government evaluators; and on the other, to determine the degree of transparency and accountability that public universities themselves are implementing in their internal life (Grimes, 2012). Public universities should be the cornerstones of a more active and participative citizenry (we cannot expect that transparency and accountability to exclusively depend on the good will of government officials).

It is true that we mainly want the State –its officials and agencies- to be transparent in its actions and decisions, and to be accountable; nonetheless we are convinced that the Public University is the adequate place for these aspirations to be transmitted and practiced in everyday life as a renewed way to perceive what the Romans called the “*Res Publicae*” (the issues that concern to all members of society).

In order to accomplish the above mission, we claim that public universities should approach transparency in the following ways:

1. As a value that should be taught by all universities
2. As something common in the everyday life of universities
3. As part of the University’s claims against the government.

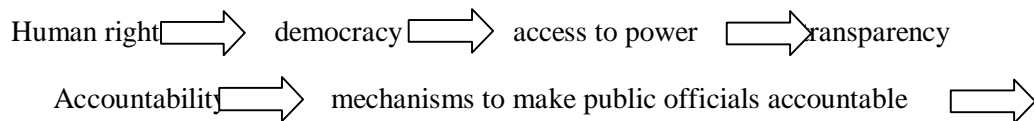
Of course, the materialization of these states of affairs will not be possible if the State and the Public University lack the natural seat of any citizen-oriented exercise to scrutinize public power. By that we mean *democracy*, which is the vital breath of any Constitutional State and an irreplaceable instrument that enhances social life.

II. Transparency and Democratic Life

Transparency should be the most common and ordinary way of life in our time. There is nothing exceptional in saying that public power should be transparent in its actions and decisions. But what initially seems so simple becomes a very difficult challenge because current analyses tend not to consider that transparency and accountability are just parts of a wider, holistic and integral construction.

For this reason, we think that these issues should be approached from a more scientific conception that begins with the human right to have access to government information and ends with a wide, consistent, and efficacious system to make public officials accountable (which is something that cannot be absent from this design).

In this direction, we link certain essential concepts which pave the way to the configuration of a new theoretical construct that we have referred to previously as “*the constitutional human-rights-protection cycle*” (Uribe, 2010). This cycle is represented as follows:



In this renewed approach to conceive the exercise of public power, transparency and accountability are not two isolated elements, nor are they autonomous, nor separated from other equally essential tasks of the Constitutional State. Without a doubt, the vital core of this theoretical construct is constituted by the set of human rights and the mechanisms to protect them. This is so because if the State is not capable of assuring its citizens’ rights, then institutions and the best designed and well-intentioned Government plans are useless. Without human rights’ materialization and protection, we cannot even begin to talk about democracy (Alexy, 2009).

So, democratic life (which is something that goes beyond electoral processes) manifests itself as the most adequate path to human rights’ flourishing and potentiation, and as a suitable booster of a complex system in which the mechanisms to make public officials accountable is the last link of the chain.

It is easy to see that the concepts recounted here are essential elements to the global topic of power control. We have said that just as it is important for a society to have healthy and reliable electoral processes set at place that allow for the peaceful and periodical substitution of people holding public power, it is also -and equally- important to have at our disposal the procedures and institutions to control power and to penalize those who abuse it.

The vision advanced here is compatible with discussions and proposals in the international arena. In this line, a great number of international organizations point to what has been called “*democratic governance*”.

This concept designates the art of the good use of government, which for its part asks from democratic States that they rule with efficiency and that they put together the conditions for human development to take place. Likewise, transparency, accountability, and civil society's active participation are considered as inherent principles of democratic governance. Without them, there are no incentives for democratic life.

1.1. Governance principles according to different international organizations (Tornos Mas, 2013, 35)

<p>European Commission Openness Participation Responsibility Efficacy Coherence</p>	<p>World Bank Voice/Participation Accountability Stability Absence of violence Efficiency Regulatory capacity Rule of Law Corruption control</p>	<p>UNDP Rule of Law Legitimacy Voice/Participation Transparency Accountability Strategic management Equity Fairness</p>
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These principles represent a new paradigm regarding how we conceptualize the exercise of public power in that its materialization is built around –and depends crucially upon– citizen participation. In this niche, we can situate persons as the central worry of the State. This also entails that public policies have to be evaluated from the standpoint of how well they articulate and protect fundamental rights (Acuña, 2012). Within this framework, the operation of internal Audit Offices does not suffice if we want an effective oversight. Up to this point it is evident that transparency is nothing else than the continuation or extension of democratic life. In this line it is pertinent to approach transparency as a form of culture, as something more sophisticated than the mere permission to consult certain data granted by the Government to its citizens. Not to mention that frequently these data are wrongly managed and supposedly transmitted by inaccessible media to the ordinary citizen (Piers, 2001, 409).

III. The Culture of Transparency

A preliminary exploration of the issues discussed here has allowed us to conclude that there are very few scientific products regarding the crucial aspects of the question. It is true that transparency and democracy studies are abundant, nonetheless very little has been said about the “*culture of transparency*”, or more exactly, about transparency as a cultural asset that we intend to systematize here. But there is even less reflection upon the role that the Public University may play.¹

We are of the opinion that within the context of the elements referred to above there is a very important factor that must not go unnoticed if we want to grasp correctly why public universities are the best suited places for transparency to flourish as a cultural asset. That factor is represented by the inalienable right that citizens have to make their public officials accountable for their actions and decisions. This essential aspect of any democratic State becomes even more visible when we relate it to what has been called the “substance-right” of citizens to be informed (and to understand the implications of the information they get), and to the corresponding obligation of the rulers to be accountable for what they do.

Throughout the discussion we emphasized the relevance of what we call the “constitutional human-rights-protection cycle” (Uribe, 2010) that begins with the fundamental right to have access to Government information, all the way to the ordinary and continuous operation of the State machinery (regulated normality) which is fueled by the citizen's legitimate claim to know about the decisions that have been made, and about the resources that have been spent. Therefore, this fundamental right must be understood as the right to be veraciously, objectively, and prudently informed. Besides, we must have in mind that the communication process (regardless of the different media that may be used, such as information technology, printed media, and the like) implies three different but related actions: Information production, interaction, and participation. Therefore, the means for establishing communication between the Government and the citizen must be truly accessible.

¹ We refer primarily to the Public University in this article due to its common role in creating consciousness. Without going deep into the question, for now it is enough to say that private universities are engaged in other activities that undoubtedly are also very important, but less committed to the social character of education and culture.

In this line, we claim that it is unlikely to achieve the conformation of a culture of transparency if the right to be informed is not respected.

The “constitutional human-rights-protection cycle” will be useful to delineate the general guidelines for the participation of Public Universities in the creation of a transparency culture, which we hold as an indispensable component of collective maturity in our efforts to *take the Constitutional State seriously*. Taking into account what Emmerich thinks –that Latin-American democracies are insipient and vulnerable- it is necessary to develop a culture of transparency regarding the management of public resources and political responsibilities, and to make accountability mechanisms better in both respects (2004, 69).

As a first step, it has to be clear that culture –as a substance right of all people- is a poorly studied topic due to the fact that it is generally understood as a part of the essential right to education. Nothing could be more wrong because regardless of its very rich meaning,² the concept of education does not include all the aspects of culture,³ which apart from being an essential element in the formation of human beings (enhanced by the acquisition of skills, knowledge, and competencies), allows people to develop concrete attitudes towards life, and to define courses of action.⁴

Therefore, culture is a wider concept that makes way to a fulfilled life. The one who gets formally educated in the classroom will know basic arithmetic operations such as adding or subtracting, and the name of three books and of the authors who wrote them (may be even more). But the one who besides formal education, feeds from culture, will comprehend the importance and the contexts of application of those arithmetic operations (not just mechanically carried out), and will be capable of tasting the real flavor of reading (beyond merely memorizing some authors and some basic ideas). Culture is a way of life, it allows for the cultured men and women to take a critical stand on any subject regardless of its nature. Within the realm of social life, culture is the only way to give rise to freethinking and criticizing citizens who are capable of holding their employees –that is, public officials- accountable.

There is a deep connection between culture and having an active and participation-committed citizenry. From our perspective, the Public University is the ideal place for this connection to be transmitted and practiced. Let’s begin with reviewing the state of the art and the reference to it in positive law. This step will enable us to think about the more desirable scenarios, and about the more suitable constitutional and legal regulations.

The human right to culture is still in its early stages of development.⁵ For its part, the culture of transparency, as a more specific and refined notion, is even less treated (Renteln, 2001).

Within our methodological framework, transparency as an expression of culture escapes from legal-normative considerations, and locates itself at the level of a practice that –apart from being constitutionally recognized- sees in the Public University its main promoter and ally.

Without digging deep into the field of the multiple meanings and definitions proposed for the term ‘culture’ –that will be outside the limited borders of this article- we can say that, at best, we found certain studies that revolve around the inhabitants’ access to cultural manifestations, but there is no serious discussion regarding how that access can (and must) be constituted as a human right.

Thus, it is important to take into account certain indispensable elements in order for our work to be scientifically developed:

²This i show the Dictionary of the Real Academy of Spanish Language defines “education”:

1. Action and effect of educating
2. Teachings and doctrine that is given to children and teenagers.
3. Instruction gained through teaching activities of a third party.
4. Courtesy, civility.

³The same Dictionary defines “culture” in the following way:

1. Harvest
2. Set of information and knowledge that allow someone to develop a critical judgment.
3. Set of ways of life and customs, of knowledge and artistic, scientific, and industrial development of a group in a given period.
4. Religious cult.

⁴In the field of legal science this idea has developed as a movement called “legal culture and consciousness”.

⁵In any case, we can say that the right to culture –as a human right in itself- feed from other principles that lie even beyond the positive legal documents like Treaties and Constitutions. Some examples of these principles are liberty and tolerance.

First: Culture is legally recognized as a human right at the national, as well as at the international level. The former level implies the constitutional recognition of the right concerned. The former visualizes the right from the regional documents up to the Universal Declaration of Human Rights.

Second: The way we approach the idea of human rights has to take into account that these rights are inherent to human beings. Their incorporation to the Constitutional texts grants them their status as fundamental rights. But this incorporation has become less and less necessary given the universal and expanding nature of human rights.⁶

Third: Fundamental rights enshrined in Constitutional texts have to be complemented with the appropriate legal mechanisms to warrant their protection and defense. This duality allows us to speak of the existence of substance-rights and of the guaranties that enable their protection.

Fourth: The right to culture is a human, and a fundamental right. At the same time, it is important to inquire about what mechanisms are there (and should be there) for its protection.

Fifth: The right to a culture of transparency has not even been born yet. In effect, it is a human, as well as a fundamental right; nonetheless it has not been scientifically developed as to its precise content and limits.

According to these emphasized aspects, the human right to culture must project itself to the realm of the exercise of citizens' potentialities. They –the citizens- have to feel the culture of transparency as something experienced and lived, which is possible only if transparency becomes a form of culture, a dynamic practice capable of overcoming opacity and of transforming it into the purest form of exercising power.

IV. Public University as a School of Transparency

Due to the lack of attention that this topic has received, we can say that transparency and accountability have played the role of a sort of key in order to open –and shed light to- public spaces previously closed to the scrutiny and watch of the citizens, and where public officials had cultivated a self-serving conception of politics.

But some main worries still remain regarding transparency and accountability. Regarding transparency, some have said that:

“The possibility of transparency, and indeed of a complete transparency, is an alluring but also terrifying idea... Part of the allure of transparency is that it seems to promise the user such omniscience at the same time as it makes him or her subject to such a terrifying scrutiny; albeit that this is now to be realized through the mundane mechanisms of organizational transparency” (Roberts, 2009: 962).”

Regardless of how terrifying such omniscience may be, a permanent scrutiny and oversight of decisions and actions in the public sphere –that concerns to all of us- is an essential condition of democratic life. With this idea in the background, transparency serves a higher purpose that goes beyond its mere symbolic and utilitarian use⁷ which consists of disguising public processes⁸ with a tendency to mediatize the interest of citizens in public affairs:

“The results seem to show that some countries may have adopted ATI legislation for symbolic purposes, to either attract investment or satisfy agreements with intergovernmental organizations and supranational financial institutions... This study shows that, in some cases, these efforts could be merely cosmetic. In other cases, the institutions may need more time to develop (Jeannine, 2009:154 y 155).”

Regarding the role of the Public University in boosting a culture of transparency, we believe that multiple flanks should be addressed:

1. Transparency as Part of What is Taught Within the University

In order to be in a position to accurately diagnose how the issues of transparency and accountability are treated within public universities in Mexico we checked and evaluated the current Study Plans of different careers that are offered by the Autonomous University of the State of Mexico. Our main aim was to see if transparency and accountability were taught as individual and autonomous Learning Units.

⁶In the Mexican case, the 2011 Reform states that the human rights enshrined in the Constitution and in the International Treaties should be resected.

⁷A good example of this symbolic use is the existence of web sites that supposedly allow for the access to public information regarding the activities of almost all Government agencies. These sites, regardless of their efficiency, at least help to create a perception that transparency is now an inherent topic of Governmental issues.

⁸As an example consider de public-biddings issued by the Government in order to assign contracts to private actors.

In this line we reviewed the Study Plans of the careers of Law, Political Sciences, and Public Administration. The result was that none of their Study Plans included a course or a Learning Unit oriented to teach the means to make public affairs more transparent, and to make of accountability and ordinary and permanent practice.

In the case of Law, the Study Plans of this career did not include any of these two relevant and important tasks of any Constitutional State. These topics were absent even in the postgraduate programs (LLMs, PHD,s, and so on). The curriculum of Political Sciences in deed incorporates certain considerations regarding transparency and accountability in the Learning Units entitled “Rule of Law and Civility” and “Ethics in the Public Domain”. But not even in this crucial career we could find a systematic treatment of these issues, even when it can be argued that it is in this program where students should rigorously study how to limit and monitor public power.

Within this context the following question arises: ¿How to promote and encourage transparency if nobody teaches it and very few practice it? This is a challenge that must be addressed immediately by public universities.

The only exception that we found was the case of the career called “Government Administration and Local Public Policies” offered by the University of Guadalajara. This institution offers an optional course precisely entitled “Transparency and Accountability”. We think that this institution sets the temple for what all careers related to the activities of the State should include in their academic curricula.

In sum, we argue for the necessary revision and modification of Study Plans in the sense of including an independent Learning Unit where issues of transparency and accountability be seriously discussed. Particularly in the case of the Law Faculty of the Autonomous University of the State of Mexico, the study of these questions and topics may be included within the general study of the means to control public power, and more specifically within a Learning Unit that addresses the issues of mechanisms for constitutionality control.

2. Transparency as a Practice within the Public University

As an ordinary practice, transparency and accountability should reveal the essence of our Alma Mater.

Being a privileged space for the exercise of liberty and for the formation of civic consciousness, the ordinary practice of the Public University must not be divorced from what it preaches. Therefore, each and every one of the internal processes carried out within the University must be compatible with transparency and accountability parameters.

In this line, the Law of the Autonomous University of the State of Mexico is emphatic when in its article two states the following:

“The University aims at generating, studying, preserving, transmitting, and extending the universal knowledge, and at serving society, in order to contribute to the materialization of new forms of human co-existence, and to promote the creation of a universal consciousness which is humanist, nationalist, free, fair, and democratic. The University has the objective to provide the students with middle and higher level education; the objective of carrying out humanistic, scientific, and technological research; and the objective of extending the progress experienced in fields such as humanism, science, technology, the arts, and other cultural manifestations.”

According to our view, transparency should consider the following scheme of processes and actors:

I. Human Resources

1. Students
 - Selection processes
 - Scholarship-granting processes
 - Distinction-granting processes
2. Academic personnel
 - Selection and hiring processes
 - Award-granting processes
 - Tenure-granting processes

II. Material Resources

- Open-bidding processes
- Material resources-acquisition processes

3. Transparency as a Practice of the University Projected to Government Agencies

Given that the Public University, by its own nature, teaches and practices transparency, it is plausible to think of it as having the function of monitoring the tasks and programs carried out by the State.

It is imperative that anyone carrying out the duties of a public official, regardless of how modest this position may be, be held accountable for his actions and decisions.

Every aspect and position within the Government and the Public Administration is answerable to the previous imperative. The same happens in the case of public universities.

The deeper reason of this obligation is grounded in the nature of the *Res Publicae* itself. The *Res Publicae* –those issues that concern to all of us- makes us inhabitants of a territory, but mostly, the citizens- the main and first actors that should be interested in seeing that the public resources are adequately managed.

From the perspective of legal doctrine, and of legal rules addressing the questions of transparency and accountability, this obligation of making public life transparent is becoming more and more common within the domain of the Public Administration, but more importantly, in the domain of the citizenry's perception.

The Federal Transparency and Access to Public and Governmental Information Act states –in its Article one- that: “This Act has a public nature. Its aim is to provide the citizen with all that is necessary to guarantee the access to the information possessed by the Powers of the Union, by the autonomous constitutional agencies, and by any other federal agency.”

Therefore, it becomes necessary to emphasize that there is no better actor than the public universities, to measure the relevance of Governmental programs, the efficacy of public policies, the correspondence between written laws and reality, and the appropriateness and pertinence of scientific knowledge to the practice at hand. Public University contributed to the professional formation of those who exercise public power (lawyers, engineers, physicians, accountants, architects, and so on), hence Public University has to reclaim its power to oversight those it helped to form.

V. Public University and Accountability

Throughout all that has been said in this document, there is an idea that allows us to consider that transparency and accountability are inherent to the exercise of public power. The principle could not be more elementary:

“Even when it is considered an elusive notion, accountability may be defined in general terms, as the mechanism that any social organization that performs in the public domain has to implement in order to inform and explain its actions, and to take responsibility for them by accepting the critical oversight exercised by the citizenry.” (Narváez, 2008, 519).

We think that this quote captures the essence of transparency: Taking responsibility that derives from holding a public office and from being constantly monitored and controlled by the permanent oversight of the citizenry, is something inherent to any activity that has to do with the management of the collectivity's resources, or with any decision that affects the life of the members of society.

Thus, transparency becomes the most immediate and natural consequence of exercising public power. Furthermore, in the succession of the different stages that transparency implies, accountability is much more than merely informing what has been done during the relevant period.

The meaning and reach of accountability extends to the borders of ethics. In this line, it becomes a moral duty that even though it materializes in a report of activities, it is not adequately fulfilled by quoting numbers and carried out actions. Accountability is too –and foremost- to explain what has been done seriously trying to get the results and objectives that are pertinent according to the public official's functions.

As Hernández Baqueiro puts it:

“When we speak of ethical responsibility in a formal sense, we are not referring to it as being contemplated by a framework of conventional legal rules. We are referring to it in relation to a hard and ontological reality that –to a certain extent- is beyond the limits of being regulated by a prescriptive legal rule. When I am the author of an action, I am responsible for its consequences, and I deserve to be praised or to be punished according to the nature of those consequences. This is independent from the contingent fact that there is the possibility to ask for the intervention of an authority that penalizes my actions.” (Hernández, 2009, 54).

So, accountability is a notion that extends beyond the borders of legality, but of course, its more efficient protection and materialization crucially depends upon legal rules. So, even when there is a moral imperative to be held accountable for one’s actions, our scope has to be directed towards the typical instruments to measure accountability.

Fox states the following: “In general, the term accountability refers to the process of making actors responsible for their actions. This implies an “obligation to respond” which for its part is implemented by generally formal processes aimed at evaluating actions with respect to specific behavioral and adequate functioning standards”.(2006, 36).

As we can see, the more open and flexible notion of accountability (which is compatible with the levels of demand suitable for current societies) cannot be assessed via the revision of a plain and simple report of activities. Within the framework of the theoretical construct that we have developed, accountability is a part of a permanent and rigorous activity aimed at fulfilling the higher purpose of materializing wellbeing for the collectivity.

In this line, the Public University appears as the cornerstone for the creation and implementation of processes and mechanisms for accountability, but overall, as the irreplaceable public space for the rising of a *culture* of transparency and accountability.

Even when the Public University has become more rigorous with itself in the sense of frequently submitting its work to audit processes, it is relevant to emphasize the importance of developing programs, processes and mechanisms aimed at transforming accountability into an inherent and natural way of doing things, performing tasks and solving problems. We have to make of accountability an ethical duty to work in favor of the members of the community.

The Public University should project to the outside world this same conception. In other words, the University should encourage students to become more active participants in the public domain and more interested agents regarding the *Res Publicae*; all of this with the objective of limiting and controlling public power in a more critical, scientifically-oriented, and effective way.

VI. Accountability indicators within the University

The relevant literature holds that accountability cannot be reduced to the preparation of plain and simple reports. It implies the creation of a responsibility process around three main questions: ¿to whom are people accountable? ¿who is responsible for assessing the information? And ¿how should that assessment be carried out?(Ebrahim, 2003).Following these guidelines, we propose the following horizontal and vertical indicators: Horizontal indicators are constituted by those mechanisms that take place among same level agencies or departments in order to monitor and evaluate the fulfillment of their objectives and tasks. In other words, these indicators amount to the internal procedures that the University implements to determine the degree of responsibility of its employees. For their part, vertical indicators include the involvement of external agents of a distinct level, and even outside the realm of administrative or teaching functions, in order to evaluate how tasks are being carried out. Likewise, these indicators are influenced by the following vectors:

1. Transparency as a value that should be taught by universities
2. Transparency in the ordinary affairs of the universities
3. Transparency as a practice of the universities before the Government

The following is a scheme of the indicators recently referred to:

As a University Value	Vertical indicator: Implementation of the earning Unit
Transparency in the ordinary affairs of the University	Horizontal indicator Responsibility assessment internal procedures a) Student selection b) Scholarship-granting procedures c) Selection and hiring of administrative personnel d) Public-bidding procedures
Transparency before the Government	Vertical indicator: The University Observatory for power control

VII. The University's Observatory for Power Control

Consider the following question: ¿How to involve the Public University within matters and issues that initially seem to lie outside of its mission and scope? Our answer begins by saying that it is a mistake to limit the University's activities to its central activities of teaching and researching. For its part, teaching activities viewed through the lenses of the state of the art- are not reduced to the old conception of repeating useless data. On its turn research should be viewed not as something far away from the social responsibility that corresponds to the University. From this standpoint, it is clear how the University has become an active agent in the progressive development of society by being a direct advisor of the Government, and by collaborating with the functions of power control and follow up.

This new way of doing things within the University allows it to discover its own potential and richness. Those days where the universities were spaces exclusively devoted to produce useless or unpractical knowledge for the social world have been left behind. The University of the XXI century has the responsibility to go hand with hand with the development and with the challenges that societies face. It has the opportunity to contribute to human wellbeing by producing new knowledge and tools to address the great problems of our times.

According to what we have said here, the University must become a powerful observer of what happens at the local and national levels, as well as of the events that take place in a globalized environment. Here, in the nearest and intimate space, the University has to perform a role that should have always had: To constitute the main measure of the success or failure of Governmental programs and policies.

There is no one better suited for the job of evaluating Governmental policies than the people from within the University; no one better suited for the job of determining the degree of correspondence between the written laws and the official discourse with social reality; no one better suited for the job of articulating current scientific knowledge with the problems of real life and practice. People who now hold a public duty to serve the community were formed within the classrooms of the University (lawyers, engineers, architects, accountants, and so on). As we said earlier, the University claims for itself the right to monitor and watch over those it contributed to form in the professional arena.

Far from any interpretation that could see in this proposed role an inadequate intromission from behalf of our Alma Mater, we consider that the implementation of the University's Observatory for Power Control poses an invaluable opportunity. The central aim of the Observatory will be to give a follow up to the exercise of public power in all its levels (municipal, local, and federal), in order to sound the alert about the vices and anomalies that may be diligently identified in their early stages.

Given that the task of power control is a very complex one, the Observatory should design the adequate toolkit of measures and procedures in order to address each one of the stages that we previously identified in our initial theoretical construct. If according to our vision, the cycle begins with human rights, it will be indispensable to find out where we locate ourselves in the spectrum of the evolution of these rights. In this way, we will be able to know the robustness or frailty of the mechanisms set out to implement and protect these rights. For its part, democracy will have to be analyzed beyond the scope that exclusively focuses upon electoral processes. We will address the crucial problem of the means to have access to power that derive from our political system. In this line, transparency will be the target of a more rigorous investigation and scrutiny for which the appropriate methodology will have to be engineered. Eventually, the Observatory will address the problems and mechanisms for accountability, and will give proper advice regarding the best policies and practices that should be carried out in this field. This is the wider and more visible scope and mission that we propose for our University.

The State, its institutions, agencies, and officials are among the most public of public affairs. The University is the institution that by its own nature is supposed to monitor and scrutinize the exercise of the power that the State holds. This power has its roots -regardless of any other attempt of justification- in the *will of the people*.

VIII. Corollary

As we have been able to witness throughout this exercise of deconstruction and re-building of basic theoretical foundations, the most intimate affairs of the life of a State must be subjected to permanent and public supervision and observation.

Public power control is nothing else but the natural, immediate, and necessary consequence of the exercise of power (or *potestas* as the Romans called it).

Public power scrutiny and revision must give rise to opinions aimed at least, to point to how we can modify the operability of the State in order to achieve our goals with more efficiency.

We hold that given the technically and scientifically qualified personnel of the University, this institution and no other, should give rise to the opinions referred to above which are highly technical and specific regarding what works and what ought to be changed within all the levels and manifestations of the public sphere.

The indicators and the Observatory delineated in this article constitute and adequate contribution to enhance ethical public power exercise. This is a power whose ultimate holder is no other than all the members of society.

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