

Collaboration in Colombia. The case of the National Planning Council

Camila Alvarado Jaimes*

Translated by Jimena Ruiz Santos

Received: 31/08/2017 / Accepted: 9/10/2017

Abstract. The aim of this article is to analyze the National Planning Council (NPC), main institution in Colombia for the coordination between the government and non-state actors, such as civil and economic actors, for the planning processes in the country. The intention is to evaluate the autonomy of the Council and its institutional design and elaborate a critical analyzes taking into account two frame works: the purpose of its constitutional origin and the orientation given by the modern governance theory. According to the descriptive-analytic character of the investigation, document analysis was determined as the methodological instrument, as much as it facilitated the access to the information and it provided an intellectual model for its analysis and recovery.

Keywords: Collaboration, governance, participatory planning, public decision.

Colaboración en Colombia. El caso del Consejo Nacional de Planeación

Resumen. El objetivo de este artículo es analizar el Consejo Nacional de Planeación (CNP), principal instancia en Colombia de concertación entre el gobierno y actores no estatales, civiles y económicos, en los procesos de planificación del país. Se busca evaluar, entonces, la autonomía del Consejo y su diseño institucional y realizar un análisis crítico a partir de dos marcos de referencia: la aspiración constitucional que estableció su creación y la orientación teórica de la gobernanza moderna. De acuerdo con el carácter descriptivo analítico de la investigación, se determinó como herramienta metodológica el análisis documental, en tanto facilitó el acceso a la información y proporcionó un modelo intelectual para su recuperación y análisis.

Palabras clave: Colaboración, gobernanza, planeación participativa, decisión pública.

Summary. 1. Introduction. 2. Theoretical-conceptual framework: Modern governance. 3. Background and institutional configuration of the CNP. 3.1. Legal framework of the CNP. 3.2. Regulatory provisions of the CNP: Functions, members, and scope. 4. Critical analysis of the CNP. 4.1. Constitutional aspiration vs. reality of the CNP. 4.2. Critical review of the CNP from the perspective of modern governance. 5. Conclusions. Bibliography.

How to cite: Alvarado Jaimes, C., «Colaboración en Colombia. El caso del Consejo Nacional de Planeación», en Cuadernos de Gobierno y Administración Pública 4-2, 113-133.

1. Introduction

In Colombia, public-private collaboration schemes as an instrument for the country's development have been incorporated into public management in two ways, with different

rates of evolution. First, there are instances whose field of action is public decision-making processes and the design of development strategies through the country's planning mechanisms. Second, there are work schemes affiliated with new public management (NPM) that link the private sector with the outsourcing of public functions and the implementation of policies.

Starting in the 1960s, planning was formally introduced in Colombia as part of the government's responsibilities. This planning exercise is carried out in accordance with political cycles, and its objective is to establish strategic priorities for the country's economic development and productive transformation in the medium and long term.

Although in many cases it has been reduced to an instrument for justifying public spending, planning was originally a framework for dialogue between government entities and key economic actors and social organizations. Since then, there have been countless initiatives aimed at creating synergies and mechanisms for coordinated work to effectively solve public problems.

Representatives of the business sector and social organizations participate in the development of strategies through roundtables, special commissions, and even permanent advisory bodies to the Presidency for the formulation of national and regional development plans.

Currently, in Colombia, there are multiple instances of public-private collaboration, ranging from formal, structured alliances to tacit or informal dialogues convened by the government to reach understanding and consensus on a particular issue.

However, in recent years there has been a tendency to formalize these dialogue structures, which has made it possible to reach important consensus, promote creative processes in problem solving, define strategies, strengthen the institutional presence of the state in conflict zones through regional actors, and even reach understanding with sectors that represent strategic visions of development different from the government's vision.

Thus, since the 1991 Constitution and in the decades that followed, legislation has been enacted to grant formal status to this type of dialogue in order to ensure the legitimacy of alliances and protect them from the different conceptions introduced by each new government. However, there are some cases of informal structured dialogues, expressed in councils or commissions, which have acquired *de facto* legitimacy and become institutionalized.

Hence, the proliferation of forms and links between the government and non-state actors to set common objectives on the basis of collective and coordinated action promotes the formalization of dialogue structures at the national and regional levels with the aim of achieving consensus and pooling resources around the lines of development that the country should pursue.

Although the different working arrangements between the public and private sectors—referring to the bodies involved in public decision-making processes and those linked to policy management and implementation—have helped to disseminate and promote new models of governance in the country, not all of them implicitly contain the notion of collaboration, nor do they necessarily lead to a new model of political leadership that differs from the strongly hierarchical and centralized model that has prevailed in Colombia until now.

Hence, this article aims to analyze the case of the National Planning Council (CNP), the most important participatory planning body and the only one for collaboration between the government and non-state actors created by constitutional mandate, whose original aspiration was to expand public decision-making centers by involving private, economic, and social actors in the country's planning processes. Thus, the CNP brings together representatives of territorial entities and the different sectors that make up Colombian civil society with the aim of intervening in the country's planning phases and processes at all levels.

The analysis of the CNP will be guided by the theoretical perspective of *modern governance*, as it offers an explanatory framework for the tensions that recent social and economic transformations exert on democratic systems and incorporates the imperatives of collaboration between public and private actors as the central axis of a new mode of social management. According to Aguilar (2005), "at the heart of the concept of governance is a decentralized concept of the management of society, which can no longer be directed by a central authority" (Serrano, 2011: 5).

Thus, the first part will present the main theoretical positions that have conceptualized *modern governance* or *new governance*. Subsequently, the context that preceded and led to the establishment of the Council will be studied, and the regulatory provisions that define its organization, members, scope, and functions will be presented. Finally, the work, consolidation, and autonomy of the Council will be analyzed from two approaches: from the constitutional perspective that led to its creation and from the theoretical orientation of modern governance.

2. Theoretical-conceptual framework: Modern governance

The analysis of the CNP as a space for consultation between the government and non-state actors will be guided by the theoretical perspective of *modern governance*. Although the concept of governance is not new, for a long time its use referred merely to the process of "governing." For this reason, new academic literature uses the term "new governance" or modern governance in order to conceptually separate it from the previous term and to indicate a new mode of governing.

The academic debate on modern governance, which has developed strongly since the 1990s, attempts to account for the transformations of the state in previous decades. The partial failure of the reform and reconstruction policies of Western European states after the end of World War II and the slowdown in economic growth in the 1970s called into question the state's ability to ensure permanently increasing welfare and its role as an effective center of social leadership.

This led to the evaluation of new ways to guide socioeconomic development and gave way to the market as the main actor directing political and economic transformation through a series of neoliberal policies aimed at deregulation, privatization, reduced state intervention, and the competitive insertion of economies into the global market.

Similarly, in Latin America, the sovereign debt crisis of the 1980s imposed a series of pressures on the region from international organizations, leading to a process of adopting these economic liberalization policies.

Although the idea of the market as a force for comprehensive development has been strongly discredited by a series of political and economic setbacks, it has had a significant effect on the way public management and the relationship between different actors in society are understood.

In general terms, the political, economic, and sociological transformations of the 20th century, which are still ongoing, have resulted in a loss of government capacity to direct the development of society and drive economic growth, as they have reduced its powers, resources, and ability to intervene in public affairs (Aguilar, 2007).

This government inadequacy, which became apparent in the 1980s and 1990s, revealed the need for a new model of political leadership in society in order to overcome the restrictions of the state and "rise to a higher level of information, intelligence, resources, organization, and efficiency that exceeds the potential of government, which is why synergistic forms of deliberation, interaction, and public-private partnership are required" (Aguilar, 2007: 8).

Hence, *modern governance* has gained greater attention as an alternative model to the traditional hierarchical state and market hegemony in the regulation of society and the management of public affairs.

The concept of governance was initially descriptive in nature but was reworked into a theoretical concept in the 1990s under the leadership of Jan Kooiman (1993) in his work *Modern Governance: New Government, Society Interactions*, which stimulated a series of academic studies and further conceptualizations by various authors.

Among them, Bob Jessop (1998) asserts that governance aims to account for the transformations in the role of government in a context of globalization, relocation, social complexity, political decentralization, and the loss of the state's self-sufficient character. It is defined as the interdependence and coordination between systems and organizations.

Renate Mayntz points out that *modern governance* means a "more cooperative form of governing, different from the old hierarchical model, in which state authorities exercised sovereign power over the groups and citizens that made up civil society" (Mayntz, 2001: 1). In modern governance, state and non-state institutions, public and private actors participate and often cooperate in the formulation and implementation of public policies.

Along the same lines, Cristina Zurbriggen (2011: 1) states that "[...] governance emerges as a new style of government distinct from the hierarchical and market control model, characterized by a greater degree of cooperation between governments and public administrations and non-governmental actors in the making of public policies." Thus, this process of public policy-making based on collaboration, consensus, and the participation of different actors improves policy performance and, consequently, ensures the governability of the political system.

According to Rhodes, the leading exponent of the Anglo-Saxon school of governance, the structure of modern governance is not characterized by hierarchy, but rather by autonomous corporate actors and networks between organizations (Rhodes, 1997). Rhodes focuses the academic development of governance on the

concept of policy networks, attempting to understand the different modalities of interaction between the interests of public and private actors in the formulation and implementation of public policies.

According to Aguilar, modern governance is understood as "the process in which the definition of the direction of society, the ways of organizing to achieve objectives—solving problems, facing challenges, creating valuable futures—and the way in which costs and benefits will be distributed can no longer be the exclusive work of the government, considered as the sole or dominant actor, but is the result of joint deliberation, interaction, interdependence, co-production, co-responsibility, and partnership between the government and private and social organizations" (Aguilar, 2007: 10).

Hence, modern governance as a process of government or management of society involves a deliberative and collaborative process between the government and non-state actors—private companies and civil society organizations—in public decision-making processes and the establishment of development objectives and strategies.

Although there are different studies and research approaches to the concept of governance, including those that focus on the transformations of the role of the state and its administrative functions and those whose theoretical orientation places greater emphasis on the study of public policy networks, this article aligns with the academic perspective that focuses on governance as a new way of managing public affairs based on a greater degree of cooperation between the government and non-state actors in public decision-making and public policy design processes, emphasizing the dimension of collective action between the government and non-state sectors.

From this perspective, public-private partnership and collaboration are understood as instruments for advancing modern governance, insofar as they involve collective action between the government and non-state actors, a practice that has contributed to spreading and normalizing new governance as a model of government and a way of directing the development of modern societies.

3. Background and institutional configuration of the CNP

In 1991, the National Constituent Assembly introduced constitutional provisions mandating consultation and participation by non-state actors, with the aim of correcting the deviations and problems that arose during the period of the 1886 Constitution, which restricted political views and proposals that differed from those imposed by the political elite in the center of the country.

Due to the above and the resulting conflicts in the periphery of the country, the 1991 Constitution established in its second article as one of the essential purposes of the Colombian State "[...] to facilitate the participation of all in the decisions that affect them and in the economic, political, administrative, and cultural life of the Nation" (Political Constitution of Colombia, 1991).

To implement the constitutional mandate, Colombian state institutions responsible for public decision-making and policy design must ensure opportunities for consultation and participation by the private, economic, and social sectors that make up Colombian civil society in the planning and development of development strategies.

Likewise, it was constitutionally established that the country's planning processes would be indicative for society and mandatory for the State, and from its inception, the involvement and collaboration of non-governmental actors was contemplated through the creation of the National Planning System, made up of national and territorial planning councils.

Thus, then, with the aim of incorporating non-state actors traditionally excluded from planning processes and public policy debates, the National Planning Council was established, composed of representatives from territorial entities and the economic, social, ecological, community, and cultural sectors, as well as the Territorial Planning Councils (CTP), which constitute the National Planning System.¹

The CNP, the only constitutionally established body for collaboration between the government and non-state actors, modified, at least formally, the course of planning processes in Colombia, which prior to the councils "consisted of closed-door meetings of experts gifted at reading the realities of the country, interpreting them, problematizing them, and promoting courses of action to solve the country's social problems." (Puentes and Gonzáles, 2011: 205).

The words of former magistrate *Ciro Angarita* reflect the logic of the political leadership that sought to reverse this through the creation of the CNP:

The existence of a small group of educated people in the center of the country or abroad, gathered in the National Planning Department and other national technical institutions, guided by a statist ideology, justified treating the regions as minors. The political institutions of that era, which did not allow any decisions to be made on the periphery, reflected this conception [...]. In short, it was assumed that a select group of people could choose what was best for the nation over the regions and the functioning of the markets" (*Angarita*, 1995. In: *Puentes and Gonzáles*, 2011: 206).

Thus, the National Constituent Assembly sought to institutionalize collaboration between representatives of civil society, economic associations, and the government, creating a forum for discussion of the National Development Plan² at a central level and

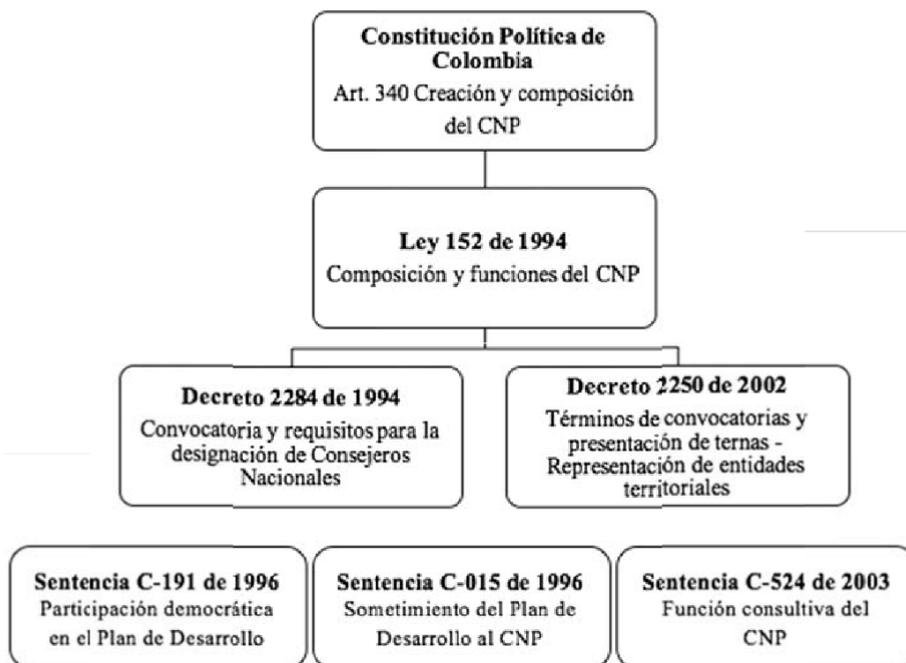
¹ Article 340, Political Constitution of Colombia: "There shall be a National Planning Council, composed of representatives of territorial entities and economic, social, ecological, community, and cultural sectors. The Council shall be consultative in nature and shall serve as a forum for discussion of the National Development Plan. The members of the National Council shall be appointed by the President of the Republic from lists submitted to him by the authorities and organizations of the entities and sectors referred to in the preceding paragraph, who must be or have been involved in such activities. Their term of office shall be eight years, and every four years it shall be partially renewed in the manner established by law. There shall also be planning councils in the territorial entities, as determined by law. The National Planning Council and the territorial planning councils constitute the National Planning System.

² Article 339, Political Constitution of Colombia (1991). "There shall be a National Development Plan consisting of a general section and an investment plan for national public entities. The general section shall set out the long-term national aims and objectives, the medium-term goals and priorities of state action, and the general strategies and guidelines for economic, social, and environmental policy to be adopted by the government. The public investment plan shall contain the multi-year budgets for the main national public investment programs and projects and specify the financial resources required for their implementation. The territorial entities shall prepare and adopt, in consultation with each other and the national government, development plans with the aim of ensuring the efficient use of their resources and the proper performance of the functions assigned to them by the Constitution and the law. The plans of the territorial entities shall consist of a strategic part and a medium- and short-term investment plan.

at different territorial levels—departmental and municipal. Subsequently, the Organic Planning Statute (1994) determined that the highest administrative authorities of the territorial entities would have at least four seats on the CNP, with the aim of serving as a link and coordinating between the different levels of public administration.

3.1. *Legal framework of the CNP*

The National Planning Council was created by the 1991 Constitution and subsequently regulated in accordance with the following regulatory and jurisprudential developments:



Source: National Planning Department, 2017.

The creation of the National Planning Council is established by Article 340 of the Political Constitution of Colombia, which establishes that it shall be composed of representatives of territorial entities and economic, social, ecological, community, and cultural sectors. Additionally, it grants it an advisory role and establishes that its main function is to serve as a forum for discussion of the National Development Plan.

The Organic Law on Development Planning, Law 152 of 1994³, established the planning authorities and bodies, granting the National Planning Council, together with the Congress of the Republic, the status of a planning body.

³ See: Law 152 of 1994, known as the Organic Planning Statute.

It also establishes its composition, the qualifications of the Council members, their term of office, functions, and the process of appointment by the President of the Republic.

Decree 2284 of 1994 establishes that the participation of National Planning Councilors, representatives of territorial entities shall be independent of the person holding the office of governor or mayor, as the case may be. It also regulates the parameters for the appointment process of National Councilors members.

The process for the appointment of National Councilors representing territorial entities is established by *Decree 2250 of 2002*, a process that is carried out according to the groups established by this regulation. It also implements the call for applications process carried out by the National Planning Department, as well as the presentation of shortlists for nomination.

Aspects related to the appointment of National Planning Councilors and their nature are addressed by *Ruling No. C-015/96*. Regarding the opinion to be issued by the CNP, the ruling states that: "it is an essential requirement, of mandatory observance, for the validity of the law by which the National Development Plan is adopted."

Ruling C-191/96 establishes that democratic participation must permeate the entire planning process and not just the drafting of the Plan. This means that it is perfectly legitimate for the law to establish, within certain limits, mechanisms for the implementation, oversight, and evaluation of the Plan that are essentially participatory.

Likewise, *ruling C-524/03* states that "the implementation of the principle of participation enshrined in the Constitution requires that the actions of the National Planning Council and the territorial councils, as bodies for the discussion of the Development Plan, be guaranteed not only in the approval phase but also in relation to modifications to the Plan, which gives these councils institutional permanence for the fulfillment of their advisory function." Consequently, the advisory function of the Planning Councils is not limited to the discussion phase of the Plan, but extends to the subsequent stages related to its modification.

At the municipal and departmental levels, the Constitution provides for the creation of territorial planning bodies, Territorial Planning Councils (CTP), whose objective is to guarantee the participation of civil society actors in the development and monitoring of public policies at the territorial level, in accordance with the principle of participatory planning. The following is the regulatory framework governing the CTP:

Article 340 of the Constitution determined that there would also be Planning Councils in territorial entities, which together with the National Council would constitute the National Planning System.

Likewise, the *Organic Law on Development Planning* establishes the territorial planning authorities and bodies, granting the CTPs, together with the Departmental Assemblies, Municipal Councils, District Councils, and Indigenous Territorial Entities, the status of bodies. It also implements their composition and functions.

Subsequently, under the jurisprudential development of *ruling C-191/96*, it is determined that the processes of preparation, execution, monitoring, and evaluation of development plans, both at the national level and at the level of territorial entities, must be, as far as possible, participatory, since one of the essential purposes of the State is "to facilitate the participation of all in the decisions that affect them and in the economic, political, and administrative life of the Nation."

Finally, in 2013, *ruling C-524/03* highlights the role that councils should play in relation to the development plans of the respective territorial entities. It establishes that the advisory function of the Planning Councils is not limited to the discussion phase of the Plan, but extends to the subsequent stages related to its modification.

3.2. From the regulatory provisions of the CNP: Functions, members, and scope

The National Planning Council (CNP) was created by constitutional mandate, granting it an advisory role and serving as a forum for dialogue and consultation between public and private actors for the development of public policies and the formulation of development plans.

As mentioned above, the creation of the CNP was mandated by the 1991 Constituent Assembly, which left it to the Congress of the Republic to regulate and institutionalize the involvement of non-governmental actors in the country's decision-making centers.

Thus, under the Organic Planning Statute (Article 12, Law 152 of 1994), the CNP is granted the status of a national planning body, the parameters of its operation are determined, and its main functions are derived as follows:

- To analyze and discuss the draft National Development Plan, which involves organizing and coordinating a broad national discussion on the draft National Development Plan by organizing national and regional meetings with the Territorial Planning Councils in which the economic, social, ecological, community, and cultural sectors participate, in order to effectively guarantee citizen participation in accordance with Article 342 of the Constitution.
- To respond to inquiries about the National Development Plan made by the National Government or other planning authorities during the discussion of the draft plan; in this way, the advisory role of the National Planning Council and the Territorial Planning Councils is not limited to the discussion phase of the Development Plan, but extends to subsequent stages related to the modification of said plans.⁴
- To make recommendations to other planning authorities and agencies on the content and form of the Plan.
- To conceptualize the draft Development Plan prepared by the government.

However, in 2003, the functions of the CNP were expanded by the Constitutional Court (Ruling C-524 of 2003), which specified that the work of the Planning Councils

⁴ Underlined text declared enforceable by the Constitutional Court, through Ruling C-524 of 2003.

includes the responsibilities of monitoring and evaluating development plans. In order to fulfill their role of monitoring and controlling the development strategies that governments must follow, extensive support networks have been formed, composed of citizens and social organizations.

The regional branch of the CNP, the Territorial Planning Councils (CTP), were created to ensure citizen participation in the development and monitoring of public policies at the territorial level. The CTPs perform the same organic functions as the CNP at the departmental and municipal levels.

In accordance with the Organic Planning Statute, the CNP is convened by the Government once the President has taken office and is composed of representatives of territorial entities and different sectors of civil society, who are appointed by the president of the Republic from shortlists proposed by the corresponding authorities and organizations.

The submission of shortlists, the call for applications, and the appointment of National Planning Council members and representatives of territorial entities was regulated by decree in 1994, establishing that only organizations with legal status could submit shortlists to the National Planning Department for subsequent selection and appointment of representatives and members of the CNP by the President of the Republic. The appointment by the President is made in an individual capacity.

The sectors represented on the Council by decree⁵ are the economic, social, educational and cultural, ecological, ethnic minorities, Black communities, island communities, and organizations representing women.

Regarding the economic sector, legal entities that bring together and associate industrialists, agricultural producers, merchants, financial institutions and insurance companies, microentrepreneurs, and service providers. Regarding the social sector, legal entities that bring together or associate professionals, farmers, employees, workers, self-employed and informal workers.

Representing the educational and cultural sector, legally recognized national associations of universities, legally recognized organizations that bring together public or private primary and secondary educational institutions at the national level, legally constituted national organizations whose purpose is scientific, technical, or cultural development, and organizations that bring together university students at the national level.

Regarding the ecological sector, legally recognized organizations whose purpose is the protection and defense of natural resources and the environment. From the community sector, national associations of community organizations with legal status.

Finally, as representatives of indigenous peoples and ethnic minorities, legally recognized national organizations that bring together indigenous peoples, Black communities, and the Raizal island communities of the Archipelago of San Andrés, Providencia, and Santa Catalina, and for women's representatives, non-governmental organizations whose purpose is the protection and defense of women's rights.

⁵ Article 5, Decree 2284 of 1994.- Under the terms of this Decree, organizations with legal status are established with the right to submit shortlists for the appointment by the President of the Republic of the corresponding representatives to the National Planning Council.

Thus, the members of the CNP are appointed for a term of eight years—twice the presidential term—so that the responsibility for maintaining the continuity of development plans rests with these councils. However, it is established that every four years, a partial renewal of the members of the different sectors represented on the Council may take place⁶.

Finally, the financial and organizational sustainability of the CNP rests with the DNP, which is regulated by the provision that "the National Planning Department shall provide the Council with the administrative and logistical support necessary for its operation" (Ruling C-524 of 2003).

4. Critical analysis of the CNP

The 1991 National Constituent Assembly set out to transform the country's political reality. The new constitution sought to strengthen the democratization process and reorient the model of political leadership in society, which until then had excluded views other than those of the central political elites and generated significant institutional instability.

However, Colombia's value and institutional framework have restricted the participation of other actors in the democratic framework in the space for deliberation on public affairs. Below, then, is a critical analysis of the Council's work from the constitutional perspective that led to its creation and from the theoretical perspective of modern governance.

4.1. *Constitutional aspiration vs. reality of the CNP*

The regulatory and jurisprudential development surrounding the Council has defined clear criteria on which the work of the CNP is based, as reflected in the following section of Constitutional Court Ruling C-015 of 1996:

As a manifestation of the basic principle of participatory democracy, the Constitution has made it essential that, before going through Congress, the draft General Development Plan be made known, studied, discussed, and evaluated by the different sectors of society, whose views must be taken into account by the executive and legislative branches when defining the course of the economy during the term of the plan [...]. The Plan, then, is not the result of technical and economic work carried out within the Government, nor is it the result of deliberations taking place in the chambers, but rather incorporates, by constitutional mandate, the concept and

⁶ Four (4) mayors and five (5) governors as representatives of local authorities; four (4) representatives of the economic sector (industrial associations, agricultural producers, merchants, financial and insurance institutions, microentrepreneurs); four (4) representatives of the social sector (professional associations, farmers, employees, workers, independent and informal workers); two (2) representatives from the education sector (university associations, public and private primary and secondary education institutions, university students, and organizations whose purpose is scientific, technical, or cultural development); one representative from the ecological sector (organizations whose purpose is the protection and defense of natural resources and the environment); one representative from the community sector (community associations); one representative of indigenous peoples; one representative of Afro-descendant communities; one representative of Raizal island communities from the San Andrés and Providencia archipelago; and two women representatives of non-governmental organizations.

analysis of a deliberative and free forum representing the members, whose interest in the planning process is indisputable insofar as it directly affects them" (Constitutional Court, 1996).

However, this normative vision, which constitutes the CNP as an effective mechanism for collaboration and revitalization of relations between the Colombian government and economic and social actors for the deliberation, planning, and co-production of development strategies, is far from being an effective space for participation in reality.

Firstly, since its constitutional conception, the CNP has lacked binding and decision-making power. The agreements reached within the framework of the Council between the government and representatives of the business and social sectors are not mandatorily incorporated into the strategic goals and programs of the National Development Plan or, failing that, into departmental and municipal development plans. Thus, the normative design granted it a merely formal scope in the processes of defining development strategies.

The partnership between the government and non-state actors within the framework of the CNP is based on the latter's work of issuing an opinion on the Government's development proposal, rather than on close collaboration and co-production of development strategies and policy design. Hence, the harmonious and collaborative relationship between the Council and the entity representing the government, the DNP, is highly conditioned by the level of approval or criticism that the other sectors represented have of the official proposal (Puentes and Gonzáles, 2011).

This has had two significant effects on the institutionalization process of the CNP: first, the persistent discontinuity it has experienced and the high degree of politicization of its work. This is largely explained by the fact that the CNP and the territorial councils depend for their operation on the resources that the national planning office decides to grant them.

Hence, a critical stance or a fundamental deviation from the official development project may result in the DNP withdrawing financial and logistical support from the Council, thereby stifling its operations (Puentes and Gonzáles, 2011). Thus, the CNP lacks another fundamental dimension in establishing an effective and operational partnership between public and private actors, namely the level of financial ties between them.

On the other hand, the high degree of politicization of the Council is also reflected in the processes of appointment and election of councilors, as the administration has permeated the processes of forming the shortlists. This has led to the creation of negotiation agendas parallel to the institutional agenda, in which clientelist practices, rent-seeking dynamics, and corruption prevail, distorting the nature that the Constitution intended to give to these spaces of social convergence.

At the territorial level, the high degree of politicization of the councils is more evident, resulting from the logic of co-optation by the executive branch. The highest authorities at the regional level are reluctant to understand the functions of the councils, choosing to neutralize their role when they become an obstacle to their management or using them as a stage for legitimization. As a result, the role of territorial councils has oscillated between strong opposition to local administrations and ad hoc legitimization of their actions.

Another factor that explains the Council's lack of autonomy and its inability to serve as a forum for the convergence of different conceptions of development has been, in the words of Clemente Forero,⁷ "the lack of competence among members to discuss the future of society at a macro level, the role that the State should play in managing the economy, and the broader vision that an exercise of this nature requires in order to question the Development Plan project and co-produce adjustments and strategies with the Government" (Puentes and Gonzáles, 2011: 211).

Among the profiles representing non-state actors are those who lack experience and training in comprehensive planning processes and focus their participation on denouncing the consequences of being far from the country's decision-making centers and the apathy of the national government. Likewise, there are those who lack a comprehensive vision of the Plan and whose participation in the CNP forum is purely instrumental, directing their contributions toward improving their bargaining power with the government and pursuing segmented interests.

This last element, the partial knowledge that delegates from different sectors have of the Development Plan, has prevented the CNP from fulfilling its constitutional vision of serving as a space for deliberation, analysis, co-production, and confrontation of the government's development project by civil society before submitting it to Congress for consideration. On the contrary, the passage of the Development Plan through the CNP is, in practice, merely procedural and serves to legitimize the official proposal, presenting it as a collective effort without, in reality, any substantial contributions from the Council.

Thus, the effectiveness of the CNP has been undermined as practices that stray from its constitutional conception have converged in its forum, as an instance of collaboration and convergence between different actors in society in defining courses of action aimed at the economic development and social transformation of the country.

Hence, despite the fact that the CNP is a formal and structured instance of dialogue between the government and non-governmental actors, its institutionalization is highly fragile. This is because it has fluctuated between periods of co-optation by the executive at all levels, serving the government and its legitimacy, and periods in which it resists this logic and acts as a force of opposition. In both cases, it is highly politicized.

These dynamics of co-optation and opposition can be explained, to a large extent, by the weaknesses of Colombia's state institutions. The CNP, like other bodies coordinating between the government and non-governmental actors in public decision-making and policy-making processes, has been disrupted and redesigned by each successive administration. The limitations in laying the foundations for a long-term state strategy have, in turn, weakened its institutional maturity.

During the administration of former President Álvaro Uribe Vélez, the CNP's role as a forum for agreement between the government and non-governmental actors was essentially nullified. The Uribe administration incorporated so-called *community councils*⁸ as a mechanism to bring civil society closer to the central government, which

⁷ President of the National Planning Council (CNP) from 1994 to 1999.

⁸ Community Government Councils are, in essence, a public management tool incorporated by former President Álvaro Uribe Vélez and replicated by many mayors and governors in the country, as well as studied and adapted by other Latin American governments. They consist of spaces for dialogue and citizen participation incorporated by the former president when he served as Governor of Antioquia between 1995 and 1997, subsequently, at the national level during his two terms as president. The Community Councils of Government fulfilled three basic functions: the first was to align government policies with citizens' needs, with the ultimate goal of citizen participation and a community-based state. The second function of the community councils was to increase inter-institutional coordination between the national, regional, and local levels. Finally, the community councils are a space for permanent accountability of all government entities on critical issues in each region or sector. In Colombia, 236 community councils were held throughout the country, of which 75% were regional councils and 25% were sectoral councils on issues such as education, infrastructure and roads, natural disasters, and health, among others

consisted of weekly meetings held in different parts of the country where citizens and representatives of different sectors expressed their specific needs and complaints directly to the head of government and his cabinet of ministers.

This administrative practice diminished the importance of the CNP and, in particular, the Territorial Planning Councils (CTP), as it discouraged the participation of representatives of different trade unions in the Councils, since they did not see their contributions or the agreements reached reflected in the development plans and instead obtained responses through the community councils without incurring participation costs.

As things stand, the CNP, as a body for coordination and collaboration between public and private actors, has lacked strength and institutional solidity.

Although Colombia's planning system and mechanism formally incorporates partnerships between the government and non-governmental actors in decision-making and development strategy formulation processes, the participation of actors other than the government has not gone beyond rhetoric about collective action and consensus building, which in practice has been ineffective.

Although the CNP represents the incorporation of a process centered on the participation of private, economic, and social actors in the co-production of development strategies and public policies, it cannot be said that it constitutes a legitimate space for interaction and coordination between the different actors.

Thus, the working relationship between the government and non-state actors within the framework of the CNP is far from constituting a decision-making center based on a logic of collaboration, much less expressing a new model of leadership for Colombian society. In practice, the CNP is institutionally fragile, lacking organization, shared responsibilities, and financial ties, devoid of binding power, treated as a formality, and highly politicized, serving either the government or opposing it.

4.2. *Critical review of the CNP from the perspective of modern governance*

In accordance with the constitutional vision, the CNP sought to establish itself as the central body for public-private collaboration that would reorient Colombia's traditional model of public decision-making, which was highly hierarchical and centralist. The constitutional aspiration was to bring about governmental change, based on the reconfiguration of the country's political leadership model, which until then had suppressed positions other than those of the Bogotá elite and led to the emergence of para-institutional actors in different regions of the country that demanded to be taken into account.

This, coupled with the fact that the Colombian government did not have sufficient managerial capacity or institutional quality, led to a reorientation, at least formally, of the principle of political leadership toward a model based on coordination with other actors in the democratic framework. However, beyond its constitutional conception, the CNP has not managed to expand the sphere of deliberation on public affairs in Colombia.

Although *modern governance* was not the explicit frame of reference for the constitutional incorporation of non-governmental actors into the sphere of public deliberation in Colombia, its perspective recognizes a change in the traditional way of governing and directing society. In the words of Aguilar and Bustelo, the *new governance* "highlights forms of dialogue and negotiation practiced by public and private actors to (...) reach basic agreements that will serve as the frame of reference for policy-making" (Aguilar and Bustelo, 2010: 8).

Hence, this perspective allows us to establish whether the constitution and practices of the CNP truly represent a change in the orientation of the country's mode of governance towards one that is more decentralized, horizontal, coordinated, and interdependent among the different actors in society and their resources.

According to Aguilar and Bustelo (2010: 14), in order to assess the extent to which a governance body or practice is public, legitimate, and effective, it must be determined whether it truly exists under a publicly affirmed and technically robust governance model.

As mentioned above, the constitutional vision was to grant the CNP the task of expanding the space for public deliberation that Colombian society was demanding and to reorient the traditional mode of governance, which was highly hierarchical and concentrated in the Bogotá elite. However, subsequent regulatory developments restricted its public and institutional validity by limiting the binding nature of decisions taken within the framework of this forum for convergence and coordination between the government and non-state actors.

It is important to clarify that, from this perspective, the government continues to be the central actor and the only one capable of giving character and public form to the decisions and strategies co-produced in these instances of association with private actors; however, political validity is also determined by the acceptance of other social actors regarding their content and the way in which they are determined, necessarily implying the participation of non-governmental actors.

Thus, the CNP was deprived of decision-making power from the outset, removing one of the central elements of a new governance model from its design. The strategies and proposals developed on the basis of coordination and consensus within the framework of the CNP are not binding and do not necessarily lead to the final development proposals presented to Congress, even though they are mandatory.

The design of formal participation mechanisms and channels is another element that calls into question the political validity of the CNP as a model of governance in Colombia. The appointment of councilors at all levels—national and territorial—is the exclusive power of the President of the Republic, which has distorted and politicized the work of the Council, as the processes of participation and exclusion of social and economic actors are easily captured by the interests of the central government. This institutional fragility stems from the very weaknesses of state institutions and the structural weaknesses of the country's democratic system.

Likewise, the process of appointing council members has, in many cases, led private actors and social organizations to consider their representatives on the Council illegitimate. Thus, the quality of representation and transparency in the appointment process have eroded the institutionality and consensus surrounding the CNP as an instance of collective action, and with that, the agreements reached and the Council itself have lost strength.

From the perspective of technical quality, referring to the CNP's capacity to coordinate the resources—informational, financial, technological, organizational—of the different actors and propose strategies and lines of intervention in response to the country's development dilemmas, the CNP has significant limitations.

This is partly explained by the poor technical skills and lack of training in deliberation processes of the appointed councilors, especially at the territorial levels of the Council (CTP). Hence, the effectiveness of the Council has been greatly undermined by the low technical quality of the agreed strategies.

Similarly, the CNP has not demonstrated the administrative capacity or institutional maturity to coordinate collective action and establish mechanisms that balance the voices of the actors represented, given the asymmetry in power relations and resources held by the different actors in the democratic framework. This has led to the deliberative forum being highly segmented, easily captured by the interests of sectors with greater mobilization capacity, and distorted from its public purpose.

Although the new governance model assumes that coordination between the government and other actors in society will increase its capacity and effectiveness, the CNP, as the central forum for coordination, has not been provided with the institutional or technical capacity to integrate the different resources and capacities of Colombian society—the political, regulatory, and coercive power of the government and the informational, financial, technological, and organizational resources of the economic and civil sectors—much less to reorient the management model.

Although Colombia's political reality, the weaknesses of its democratic system, the persistence of political actors outside the law, and the deficiencies of its institutions strongly call for the integration of traditionally excluded actors, resources, and capacities into public decision-making processes, the ineffectiveness of the CNP reflects the Colombian government's resistance to coordinating with society.

In other words, the public, institutional, and technical invalidity of the CNP, despite its social relevance, can be explained by the rigidity of the country's governmental and managerial structure, by the government's resistance to losing relative autonomy, centrality, and control, and by its limitations when it comes to leading collective action and coordinating all actors within the democratic framework.

The social disintegration and fragmentation of the Colombian state is the structural cause underlying many of the country's conflicts and limitations. The transition to a mode of political leadership that prioritizes coordination and collaboration between the government and non-state actors is not only driven by the pressures exerted by the democratic process on the space for public deliberation in Colombia but is also demanded as a strategy for national reconstruction.

However, the consolidation of the CNP as the central space in which the government coordinates with other social actors to define the strategic courses the country should follow faces restrictions to its consolidation.

On the other hand, although modern governance offers explanatory tools for approaching the new models of government and leadership demanded by contemporary societies, the CNP's analysis from this perspective identifies a series of theoretical tensions in the Colombian social and political-institutional environment.

First, the theoretical perspective of governance is based on an abstract vision of the state, which assumes that the concentration of power in the hands of the state occurs naturally and spontaneously. However, in Colombia, power and politics do not reside exclusively or fully in the state. This theoretical vision does not, therefore, account for a context of differentiated state presence in which other actors outside the institutions claim to be regulators and centers of political power, as is the case in Colombia.

Likewise, *modern governance* presupposes the existence of a strong, functionally differentiated, and well-organized civil society, where severe social inequality does not exist (Mayntz, 2001). On this point, civil society and citizenship also have different connotations in Colombia, insofar as institutional logics that promote the functional differentiation and organization of civil society coexist with clientelist logics where relations between citizens and rulers are based on transactional loyalties, subordination, and co-optation.

In this vein, the restrictions presented by the consolidation of the CNP's work as a process of governance in the country can be explained by the weaknesses of the institutional and value framework of the Colombian democratic system.

5. Conclusions

In Colombia, there are several types of dialogues and joint working arrangements between the government and non-governmental actors with different levels of institutionalization.

Starting in the 1960s, the planning mechanism was introduced as a governmental responsibility, which was the original framework for dialogue between government entities and key economic actors and social organizations. Since then, there have been countless initiatives aimed at creating synergies and coordination mechanisms between the different actors in the democratic framework, geared toward supporting public decision-making processes and the leadership of society, which have traditionally been hierarchical and centralized.

A second line of joint work involves linking the private business sector and social organizations to the management and implementation of public policies. Here, positive results have been achieved in general terms. The private business sector and specialized social organizations have operated more efficiently in the provision of public services, serving as levers for development in different sectors in the country, particularly in the construction, maintenance, and operation of productive and social infrastructure.

However, these types of alliances do not necessarily imply collaboration, although they may favor it, nor do they imply the government's willingness to share what has traditionally been its exclusive domain, much less have they implied a process of decentralization of the management of society in Colombia.

The public-private collaboration bodies set up to ensure spaces for consultation and coordination between the government and private actors in decision-making and planning processes have undergone a different evolutionary process than those linked solely to the implementation phase of policies and the outsourcing of public functions.

Although dialogue between the government and other sectors has stimulated interest in building a collective vision and a long-term national strategy, the process of institutionalizing and granting autonomy to these decision-making and coordinated planning bodies has suffered from discontinuity; they are, for the most part, inoperative and highly politicized, oscillating between co-optation and opposition.

The limitations in consolidating the imperatives of public-private collaboration in Colombia can be understood in terms of the weaknesses of the institutions themselves and the difficulty of the political forces in building consensus. This is the case of the National Planning Council, which was introduced by constitutional mandate with the aim of correcting the deviations of the traditional political leadership model that had restricted political visions other than those imposed by the political elite in the center of the country.

However, its institutionalization is highly fragile and lacks strength. The CNP has fluctuated between periods of co-optation by the executive branch at all levels, serving the government and its legitimacy, and periods in which it resists this logic and acts as a force of opposition. In both cases, it is highly politicized.

Although the constitutional mandate gave the CNP the responsibility of bringing together and coordinating the government with other social, economic, and civil actors under the planning mechanism, with the intention of strengthening the democratic process, overcoming the institutional crisis, and supporting public decisions, its subsequent regulatory development and institutional framework restricted its strength and public validity.

First, the CNP was stripped of its binding force, removing from its design one of the central elements that constitutes a real and effective instance of public-private collaboration: its decision-making power. The strategies and proposals agreed upon within the framework of the CNP are not binding and do not necessarily become the final development proposals presented to Congress, despite being mandatory, giving them a purely formal scope.

Another element that calls into question the validity of the CNP and reflects its high degree of politicization is the formal mechanisms and channels for participation. The appointment of councilors at all levels—national and territorial—is the exclusive power of the president of the Republic, which undermines the work of the Council insofar as the appointment of representatives and, where appropriate, their exclusion, is easily captured by the interests of the central government.

On the other hand, the CNP lacks autonomy and financial ties between its members, a fundamental dimension for the establishment of an effective and operational association. The Council depends on the national planning office for its operation. Hence, any deviation from the official development proposal could mean that the DNP withdraws financial and logistical support from the Council, strangling its operation.

The lack of autonomy and the political and technical incapacity of the Council to serve as a forum for the convergence of different conceptions of development also results from the lack of competence of its members to engage in macro-level discussions about the future of society, the role that the Colombian State should play in managing the economy, and the broader vision that such an exercise of this nature requires in order to question the development project and co-produce strategies with the government.

Thus, the consolidation of the CNP as a coordinating body between the government and economic and social actors, whose constitutional purpose was to reorient the country's political leadership model and intervene in public decision-making processes at all levels, has not moved beyond rhetoric of collective action and consensus building, which in practice is inoperative.

The CNP is, therefore, an unorganized body, lacking decision-making power, shared responsibilities, and financial autonomy, treated as a formality, highly politicized, with a fragile institutional design and technical weakness. However, these restrictions are not unique to the Council. In general terms, instances of collaboration between the government and non-state actors designed to intervene in public decision-making processes find little ground for consolidation.

Thus, after the 1991 Constitution, Colombian society has seen a proliferation of structured and tacit mechanisms linking non-state actors to decision-making processes, which in practice have been ineffective. In general terms, the institutional fragility of these collaboration schemes stems from the very weaknesses of state institutions and the structural weaknesses of the country's democratic system.

From the perspective of modern governance, public decisions and policy design are valued not only for their content, but essentially for the way in which they are made and developed, the central dynamic of which is coordination between actors and the building of consensus. The imperatives of the new governance therefore imply a new management process based on a new logic of coordination and collaboration between the government and other social actors, with a view to co-producing strategies and reaching consensus on positions for economic growth and social development.

However, in Colombia, schemes for collaboration and participation by non-state actors in public decision-making processes seem to be utopian ideals enshrined in the Constitution. The Colombian government is reluctant to coordinate with society and ignores the potential of these instances of collaboration in building cohesion and social capital, especially in a country where power has not resided exclusively with the state and where a process of national reconstruction is needed.

It is imperative, then, that the Colombian government move toward a model of political leadership that recognizes and prioritizes genuine collaboration with other actors in the democratic framework and integrates their resources into its governmental structure.

Bibliography

- AECID. (2013). *Protocolo AECID para la gestión de alianzas público-privadas para el desarrollo (APPD)*. AECID, Madrid.
- Aguilar, L. & Bustelo, M. (2010). “Gobernanza y evaluación: una relación potencialmente fructífera”, en *Revista Gestión y Análisis de Políticas Públicas*, n° 4, julio – diciembre.
- Aguilar, L. (2005). *Gobernanza y justicia*. FLACSO, México.
- Aguilar, L. (2007). “El aporte de la política pública y la nueva gestión pública a la gobernanza”, en *XII Congreso Internacional del CLAD sobre la Reforma del Estado y de la Administración Pública*, República Dominicana.
- Aguilar, L. (2014). *La nueva gobernanza pública*. Instituto de Investigación en Política Pública y Gobierno, Universidad de Guadalajara, México.
- Araya Orellana, J. (2012). “Alianzas público-privadas y participación: un análisis desde la teoría”, en *XVII Congreso Internacional del CLAD sobre la Reforma del Estado y de la Administración Pública*, Colombia.
- Banco Mundial, Fundación Corona. (2009). *Evaluación del programa nacional de alianzas entre el sector público y privado y las organizaciones ciudadanas en Colombia*. Colombia
- Bazerlay, M. (1998). *Atravesando la burocracia. Una nueva perspectiva de la administración pública*. Fondo de Cultura Económica, México.
- Caplan, K. (2003). *The purist's partnership: Debunking the terminology of partnerships. Building Partnerships for Development in Water and Sanitation*. University of Cambridge, Cambridge.
- Casado Cañeque, F. (2007). *Alianzas público-privadas para el desarrollo*. Fundación Carolina CEALCI, Madrid.
- Casado Cañeque, F. (2008). *Hacia la concertación público-privada para el desarrollo en América Latina*. Fundación Carolina CEALCI, Madrid.
- Congreso de la República de Colombia. (2015). *Ley 1753 Plan Nacional de Desarrollo 2014-2018*. Diario Oficial No. 49.538 de junio de 2015. Colombia.
- Constitución Política de Colombia. (1991). *Gaceta Constitucional*. Colombia. Departamento

Nacional de Planeación. (2009). *Alianzas público privadas en el marco de la RED JUNTOS*, Colombia.

Departamento Nacional de Planeación. (2015). *Decreto 1082 Reglamentario del Sector Administrativo de Planeación Nacional*. Diario oficial Colombia.

Devlin, R. & Moguillansky, G. (2009). *Alianzas público-privadas para una nueva visión estratégica del desarrollo*. Comisión Económica para América Latina y el Caribe (CEPAL), Naciones Unidas.

Foro Económico Mundial. (2003). *Public-private partnerships: Meeting in the middle*. Washington y Ginebra, The United Nations Foundation and WEF.

Fundación Naciones Unidas y Foro Económico Mundial. (2003). *Public-private partnerships: Meeting in the middle*, Washington y Ginebra.

Fundación Naciones Unidas. (2005). *Understanding public-private partnerships*. Nueva York.

Jessop, B. (1998). "The rise of governance and the risks of failure: The case of economic development", en *International Social Science Journal*, vol. 50, n° 155, pp. 29-45.

Kooiman, J. (2003). *Gobernar en gobernanza. La gobernanza hoy: 10 textos de referencia*. España: INAP.

Mayntz, R. (2001). "El Estado y la sociedad civil en la gobernanza moderna", en *Revista del CLAD, Reforma y Democracia*, No. 21.

Oliás De Lima Gete, B. (2001). *La nueva gestión pública*. Prentice Hall, Madrid.

Oliás De Lima Gete, B. (2011). "Cara o cruz de la externalización", en Álvarez, O.(ed.), *Crisis y externalización en el sector público: ¿solución o problema?* INAP, Madrid.

Oliás De Lima Gete, B & Del Campo, E. (2008). "Buen gobierno, rendimiento institucional y participación en las democracias contemporáneas", en *Sistema: Revista de Ciencias Sociales*, n° 203-204.

Puentes, G & González, C. (2011). "El Sistema Nacional de Planeación: De la utopía a la cooptación", en *Revista Equidad y Desarrollo*, vol. 16.

Sen, A. (1999). *Development as freedom*. Oxford University Press, Oxford.

Serrano, C. (2011). *Gobernanza para el desarrollo económico territorial en América Latina*. Centro Latinoamericano para el Desarrollo Rural, Colombia.

Zurbriggen, C. (2011). "Gobernanza: Una mirada desde América Latina", en *Perfiles Latinoamericanos*, n° 38, pp. 39-63

