

Chapter 2

Centre-of-Government co-ordination in Colombia

This chapter examines the role of Colombia's Centre of Government (CoG) to implement and steer strategy, and highlights the impressive progress made in modernising both its institutional arrangements and its strategic approach to governance. The chapter examines the strength and agility of Colombia's CoG institutions to lead the implementation of its National Development Plan. It highlights recent successes at governance reform, underscoring the need to improve whole-of-government co-ordination capability further by formalising capacity at the level of the Council of Ministers and the Presidency.

Introduction

This chapter assesses Colombia's Centre-of-Government (CoG) co-ordination capacity to address successfully the main challenges the country is facing as identified in Chapter 1 and in the government's own policy agenda as presented in its 2010-14 National Development Plan, including the President's good-governance agenda as a key component of this Plan. In this regard, the OECD's assessment of Colombia's CoG co-ordination capacity draws upon more than two decades'-worth of international experience in this area (see Box 2.1). This chapter focuses on selected priority governance-reform areas that the government of Colombia has deemed fundamental in this Plan to becoming a more efficient, effective and responsive state, including strategic human resources management (HRM) in the public sector, procurement and whole-of-government information management systems to adopt information and communications technology and roll out e-government and on-line services to citizens and business. These priority areas constitute the subject of discreet assessments conducted by the OECD at the request of the government of Colombia. The results of these assessments are embedded in this and subsequent chapters in this Review; they also constitute stand-alone case-studies presented in the Annexes to this Review.

Box 2.1. The OECD Network of Senior CoG Officials

- The OECD created a network of Senior CoG officials in the 1980s; it began meeting annually in the 1990s as a kind of "laboratory" to exchange information and practice relating to the functions of CoG institutions. These meetings serve three main purposes:
 - Review issues of how to make the centre of national government work more effectively;
 - Achieve a more in-depth understanding of decision and policy-making systems in the host country.
 - Work on broad governance issues fundamental to achieving economic and social public-policy objectives more effectively and efficiently.
- While these discussions have not resulted in the identification of any single set of OECD practices in this area, at least not ones that could be described as anything approaching an "OECD approach to CoG good-governance", the knowledge accumulated over two decades about CoG arrangements and what tends to work best in given situations can be valuable in assessing CoG agility in public governance reviews carried out by the OECD. This is the case for the Colombia Review.

Source: www.oecd.org/governance/networkofseniorofficialsfromcentresofgovernmentcog.htm.

This chapter presents an overview of the government's CoG structure and co-ordination mechanisms, including recent reforms in this area, as well as of recent developments in public employment, procurement policies and e-government roll-out. In so doing, the chapter assesses Colombia's approach to CoG co-ordination, taking into account the prominent role played by government-wide planning in Colombia and the role of the Presidency and the National Planning Department in leading the setting, implementation and performance-monitoring of these whole-of-government multi-year development plans.

The 1991 Constitution defines the President of the Republic, the Council of Ministers and the heads of Administrative Departments as comprising the National Government.

The Constitution specifies that the administrative function serves the general interest and is developed based on the principles of equality, morality, effectiveness, economy, celerity, impartiality and public expression through the decentralisation, delegation, and distribution of administrative powers. The Constitution thus establishes that government institutions need to co-ordinate actions to ensure that the State can carry out its mandate.

1991-2012: Modernising and streamlining government to respond to the needs of Colombians¹

As highlighted in Chapter 1, the 1991 Constitution establishes Colombia's current governance structure and system of checks and balances between the Executive, Legislative and Judicial branches. The two-centuries-old tradition of a strong presidency and Executive, now embedded within a renewed Legislative branch and a stronger judiciary framed by the Rule of Law, remains the cornerstone of contemporary governance. To give effect to this constitutional framework, Colombia has been implementing successive waves of structural reforms to the State since the passage of the 1991 Constitution in recognition of the need for more modern institutional capacity as well as to address the damages to the State's legitimacy caused by a legacy of corruption and patronage that persisted after the 1991 Basic Law was enacted.

The 1991 Constitution signalled a change in the role of the State in regulating economic activity. The State abandoned its interventionist role as the sole service-provider and opened vast sectors of the national economy to private-sector participation, thereby increasing domestic consumption. From that point onwards, the government focused on designing and implementing policies and regulations to frame private-sector activity, establishing more a predictable, coherent and transparent regulatory environment to encourage private, market-based economic activity.

1991-2002

The first wave of reforms during the initial decade after 1991 thus focused on giving legislative effect to the public governance framework set out in the new Constitution. This first wave of reforms focused on:

- Strengthening the role of the Legislative branch and clarifying the role of the President and the Executive branch;
- Introducing major regulatory reforms and the privatisation of many key areas of the economy, while beginning the process of streamlining government. These reforms were accompanied by the creation of regulatory commissions (*Comisiones de Regulación*) and supervisory authorities (*Superintendencias* – see Chapter 3) to regulate market-based economic activity. In 1996, legislation was enacted to reduce and rationalise public spending and streamline the operations of the public administration.
- Initial initiatives to modernise and extend the reach in the provision of basic public services to Colombians;
- Initial steps to strengthen collective-bargaining rights and the role of public-sector trade unions in national decision-making (see Box 2.2);
- Initial initiatives to decentralise, by strengthening regional and local democratic decision-making and providing revenue-generating capacity to sub-national authorities; and
- Establishing internal and external audit and control institutional arrangements within the central government to fight corruption.

Box 2.2. Protection of Public-sector Collective-bargaining Rights in Colombia

- The 1991 Constitution protects “Collective-bargaining laws regulating labour relations”, including with public-sector employees. To give effect to this provision, Congress enacted legislation in 1997 ratifying ILO Convention 151 of 1978 on the “Protection of the Right to Organise and Procedures for Determining Conditions of Employment in the Public Sector” and legislation in 1999 ratifying ILO Convention 154 of 1981 on the “Promotion of Collective Bargaining”.
- This legal framework generated work to implement other ILO conventions. Colombia’s Decree 535 of 2009 established the administrative framework governing labour negotiations in the public sector, including capacity to assess demands made by trade unions during negotiations and capacity to give effect to decisions made as a result, including the requirement to issue a rationale for rejecting a labour demand. However, this Decree did not establish or regulate deadlines to reach a settlement nor did it establish a dispute-resolution mechanism to settle differences arising from negotiations.
- Work was therefore launched to amend the Decree to include the establishment of bodies to regulate claims submitted by public-employee unions, with mediation powers in case of disputes. Thus, the Government of Colombia issued Decree 1092 in 2012 by which it established the conditions for negotiating trade-union demands and the parameters and the procedure for carrying out these negotiations, including guaranteeing trade-union related leave to relevant employees during the negotiations period. This Decree allows the parties to appoint a mediator from a single list of mediators managed by the Ministry of Labour, enabling the mediator to propose solutions and/or submit recommendations to settle disputes.
- This Decree has led to teaching workshops around the country, with the active participation of various institutions of the Colombian State as well as representatives of trade-union organisations, which bring together civil servants from national and territorial institutions. Federations and confederations of trade-union organisations representing public employees have presented a single national list of demands to the President of the Republic, which is the subject of discussion and analysis between Government representatives and trade unions. At the same time, unions have presented a number of demands to their respective public entities, both national and regional. Some agreements have already been reached; in other cases, negotiations are ongoing.

Source: Colombian Government (2012), Background paper (unpublished working paper).

An important example of the modernisation of public services that was pursued during this period is illustrated by reforms brought to the country’s education system. Legislation enacted in 1992 and 1994 reorganised the sector, defining public, universal education policy more clearly while extending it to cover technical education, and education for ethno-cultural communities and vulnerable populations. Public policy was extended to formalise preschool, elementary and secondary education. Beginning in 2002, the system was further modernised to address more effectively the needs and realities of the country and its populations, based on three main objectives: coverage, quality and efficiency. Five components were developed to strengthen the country’s education system:

- First, universal coverage – public education for all and life-long, where educational opportunities were to be provided from birth (given effect through policies for early-childhood education), and at different levels, including graduate education and job-skills development. To reach everyone, it was essential to change the

governance system of public resources to reach the local level of service-delivery more effectively;

- Second, education for competitiveness and innovation, focused on research and skills development, centred on developing the skills of students;
- Third, strengthening educational institutions in their capacity to deliver services, with an emphasis on the formulation and implementation of different institutional improvement plans, teachers' training, physical and technological infrastructure and educational materials to improve teaching;
- Fourth, the modernisation of the sector based on thorough analysis and the development of continuous improvement plans. Enhancing the quality of education was emphasised, focusing on the skills that students should reach during their development and accurate ways of measuring the impact of programming on the improvement of educational institutions and the services they provide;
- Fifth, citizens' participation, where the Ministry of Education and the Secretaries of Education, at the local level, opened consultation venues for citizens to contribute and be heard in the building of a better education policy in Colombia.

This approach led to an increase in coverage of primary and secondary school from 96.7% in 2002 to full coverage in 2009, and a decrease in the percentage of non-attending students (from 5-14 years) by 40%. For the student population between 15-16 years, coverage in 2002 was 57.4%, reaching 75.8% in 2009. In higher education, enrolment coverage improved from 24.4% in 2002 to 35.3% in 2009. Today, the education sector has stronger, more effective and more modern institutions that are open to innovation, with a wide spectrum of management that is achieving results. In order to pursue this modernisation process and further enhance educational outcomes for the country, the current government is focusing on broadening and deepening the development of Colombia's human capital by strengthening the education system to develop professional skills and improve co-ordination between education, employers and labour to integrate students more effectively and efficiently into the country's labour markets.

A second example of the modernisation of public-policy design and execution is the attention paid to discrimination and violence against women, particularly in light of the acuity of these issues in Colombia (see Chapter 1). After creating the Office of the High Advisor for the Youth, Women and Family in 1990 with a mandate to fight discrimination against women, legislation created the National Directorate for Women's Equality in 1995. In 1999, this Directorate was transformed into the Office of the High Advisor for Women's Equality with the mandate to guarantee the rights of women and gender equality, strengthen gender equality in national and sub-national entities, and promote the participation of women's associations in national decision-making:

- The Office of the High Advisor for Gender Equality, through a consultation process, launched a National Public Policy of Gender Equity. This Policy aimed to implement sector-based strategies to resolve discrimination factors, guarantee women's rights and generate benefits to all the population.
- The President of the Republic and the 32 departmental Governors signed a National Agreement for the Defence of Women's Rights to fight discrimination against women; to implement actions to reduce the rates of violence against women; to implement advocacy strategies for children and teenagers on equality between men and women; and to lower rates of teen pregnancy. In addition, to address these issues at the local level, all 32 departments were provided with technical assistance

to include the gender perspective in their regional development plans. As a result, 30 departments and 14 municipalities incorporate gender in their development plans.

- The Gender Observatory was strengthened. This monitoring mechanism focuses on analyzing national and international normative compliance regarding gender issues and women's equity as a means to generate recommendations on policy, which contributes to narrowing the gender gap in the country. The Observatory now measures a series of indicators that monitor the status of women across the country.

2002-10

However, at the turn of the millennium, Colombia was facing a severe financial crisis brought on by the global economic downturn of the late 1990s, low commodity prices and spiralling domestic (in particular sub-national) public debt. Building on the initial wave of modernisation, the central government embarked on a fiscal-policy-driven second wave of reforms that aimed to “do better with less” – to build a smaller, more efficient and effective State:

- The 2002 Presidential directive launching these reforms stated that despite increased government spending on social services as a percentage of GDP and a significant increase in the number of central government entities, the country's social indicators and national public finances kept deteriorating (indeed surveys at the time were indicating that the percentage of Colombian citizens dissatisfied with their country's democracy and who distrusted Congress was one of the highest in Latin America).
- The “statement of reasons” justifying the flagship reform-implementation law of 2002 noted that the significant expansion of the State's apparatus (from 110 institutions in 1986 to 440 in 1999) had not led to improvements in the government's performance. On the contrary, the statement noted that its effects reflected a lack of co-ordination of public action, duplication of functions, waste of resources and corruption. In a period that demanded robust fiscal probity and prudence, central-government spending (as a percentage of GDP) had risen from 10% in 1991 to 20.1% in 2001, reducing budgetary resources available for investment.

In 2002, the Government therefore launched a series of institutional reforms to make the central government more efficient and better organised. Provisions were issued to develop a public-sector renewal programme focused on modernising the structure of the central government within a framework of austerity, national financial sustainability and the need to improve its capacity to meet citizens' needs. These reforms aimed to give more room to the central government for manoeuvring and reconstructing the budget based on new priorities for public spending and investment, and modernise the government's mandate, role and administrative support processes.” Modernisation implied eliminating duplication of functions and conflicts of jurisdiction between agencies and entities, and implementing results-based management to improve productivity:

- The Renewal Programme for Public Administration (PRAP in Spanish) sought to adapt the public administration to the fiscal conditions of the country. It aimed to streamline functions, reform administrative structures and strengthen their ability to meet their core objectives. PRAP focused on merging ministries as well as modernising common administrative processes in order to increase the efficiency with which the institution carried out its mandate and to reduce government-wide

operating costs meaningfully. Each initiative involved changes in staff or structure, mergers, the creation of new structures or the liquidation of existing ones.

- Initial structural reforms included the merger of the Ministries of Interior and Justice and Law into the Ministry of Interior and Justice, the integration of the Ministries of Health and Labour into the Ministry of Social Protection, the Ministries of Economic Development and Foreign Trade into the new Ministry of Commerce, Industry and Tourism. Also the Ministry of Environment took on the functions related to housing, basic sanitation and territorial development, becoming the new Ministry of the Environment, Housing and Territorial Development.²
- The National Development Plan 2002-06: *Toward a Communitarian State* contained a governance-reform component focused on promoting a renewal of the public administration through strengthening citizens' services, adopting of a new culture for public management, and decentralisation by enhancing multi-level co-ordination. The National Development Plan 2006-10 also pointed to the need to strengthen the state's capacity to ensure that all Colombians could fully exert their rights, duties and freedoms.

The 2002-10 reforms had important impacts, allowing the central government to cut spending and redirect resources to meet the country's most pressing needs:

- During this period, the government ended up saving about 24.7 billion Colombian pesos, equivalent to about 5.4% of GDP. By 2009, 181 entities in the central government had been affected by these reforms. For example, 49 were liquidated, 12 were created, 7 were merged, and 11 were decentralised, resulting in the elimination of over 40 000 jobs (equivalent to 107% of the 2002-06 PRAP target) and cumulative savings of 1.3 billion Colombian Pesos by 2007.
- Public-procurement efficiency was strengthened with the creation of a registry of bidders, the introduction of e-procurement and the creation of the electronic system for public procurement (SECOP) the Single Portal Contracts (these have survived to this day – see Annex A).
- Information-management of the public administration was improved with the creation of the Intersectoral Committee on Policy and Public-Information Management (COINFO³ – this committee has since been transformed into today's Digital National Committee [see Annex C on e-government]).

2010-14

The 2010-14 National Development Plan identifies Good Governance as a guiding principle in the implementation of public policy. Indeed it is the first Plan to identify governance as a “pillar” of the central government's national development agenda. This pillar presents reforms that build on the previous waves and take into account their impact, which was assessed by the current government upon taking office. The main objective of this current set of reforms is to strengthen institutions and ensure an adequate use of resources to provide public services efficiently and effectively, i.e. by increasing the coverage and quality of public services to citizens.

The current wave of reforms is composed of four governance areas reflecting the policy agenda outlined in the National Development Plan. This wave focuses on the following:

- *Institution-building for social inclusion and reconciliation.* This first area focuses on giving effect to the strategy contained in the NDP aimed at overcoming

extreme poverty and peace consolidation across the country, enhancing security and the protection of the victims of conflict, and addressing the need to protect and guarantee the fundamental human rights recognised by the Constitution in this regard and by the resulting jurisprudence generated by decisions of the Constitutional Court in this regard since 1991. A Social Inclusion sector has been created with the Administrative Department of Social Prosperity at its head. This sector includes entities and programmes designed to address social issues such as care for victims of internal conflict (*Unidad de Víctimas* and the *Centro de Memoria Histórica*), extreme poverty (with special, co-ordinated, multi-sector programming such as *Familias en Acción* – see Box 2.3), poverty and family welfare (*Instituto Colombiano de Bienestar Familiar*) as well as several grant programmes.

- *Institution-building to strengthen the State’s social policy and the protection of human rights.* This second group of reforms aims to implement the strategy contained in the NDP concerning the pursuit of equal opportunities for all Colombians that guarantees to each individual fundamental rights to improve their quality of life, regardless of gender, ethnicity or social condition. Institutional reforms aim to strengthen capacity in guaranteeing and rendering effective the protection of rights and include a new Ministry of Justice and Law, the reorganisation of the Ministry

Box 2.3. *Familias en Acción*

- *Familias en Acción* is a Cash Transfer Programme, supported by the Government, which delivers subsidies for nutrition and education to disadvantaged children (poor, displaced or indigenous). The Programme contributes to reducing poverty and income inequality, and improving education and living conditions for the poorest and most vulnerable families through income supplements.
- *Familias en Acción* provides monetary support to the beneficiary mother, only if the family has fulfilled several commitments. With regard to education, the family must guarantee school attendance of the children between 5 and 18 years old. In health, every child under 7, should meet the growth and development appointments and have a complete vaccination scheme.
- The Programme also aims at including the most vulnerable population in the financial system. With the *bancarisation* process families can access a savings account where the government allocates subsidies and families can withdraw the money. This has been done through special agreements with public and private banks to transfer subsidies every two months to the beneficiary families. This strategy also offers families access to credits, micro-insurance, savings and to create an investment culture.
- From 2002 to 2010, more than 2.6 million families benefited from the programme, representing 25% of the country’s population and 55% of its poorest families. Compared with conditional cash transfer programmes, implemented in over twenty countries, Colombia had the third-largest number of beneficiaries, after Brazil and México. During this period, 3 million children benefited from nutrition subsidies and 4 million from educational assistance. This programme helped 672.000 students graduate from elementary to secondary school and 289.000 young people obtain their bachelor’s degree. The 2012 strategic goal was to provide conditional transfers to 2.3 million families. In 2014, the goal is to reach 2.6 million families. Between November 2011 and October 2012, the programme provided conditional transfers worth over 1 trillion CO Pesos to more than 2 million families.

Source: Colombian Government (2012), Background paper (unpublished working paper).

of the Interior on such important issues as human rights (including the protection of sexual minorities) and ethnic communities, and a renewed focus on social protection through the Ministries of Health and Labour.

- The third area focuses on *strengthening governance critical to the country's competitiveness*, the strategy contained in the NDP related to the supporting the country's competitiveness drivers in innovation, agriculture and rural development, housing and urban affairs, mining development and energetic expansion as well as expansion of transportation infrastructure. Institutional reforms include a new Ministry of Housing, City and Territory, and the reorganisation of the Ministry of Environment and Sustainable Development to include an Environmental Licensing Authority and a Natural Parks Unit. This also includes the establishment of an Administrative Unit for Risk Management within the Presidency, which aims to improve the ability of the government to prevent, respond and mitigate risk, and the creation of the National Mining Agency.
- The fourth area focuses on *strengthening the State's efficiency and effectiveness*; it refers to the strengthening of the principles framing the legal social state, with a view of ensuring that the national government implements greater coverage, efficiency, and effectiveness in the delivery of public services it is responsible for in benefit of the citizen. The Attorney General's Office will assume some of the functions and responsibilities resulting from the restructuring of Security Department. Others are being transferred to other entities such as the *Unidad Administrativa Especial Migracion Colombia* (ascribed to the Ministry of Foreign Affairs), the Ministry of National Defence, the National Police and the National Unit for Protection. A National Intelligence Agency is also being created, along with the Agency for Judicial Defence. It is within this fourth area that *Colombia Compra Eficiente*, the national public-procurement agency which is the subject of Annex B on Procurement, has been established.

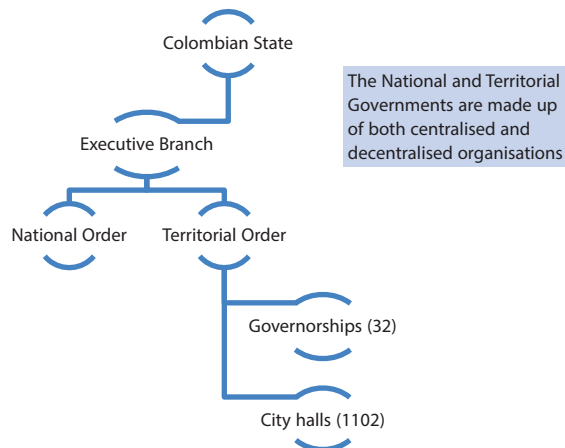
A significant element of the 2010-14 governance-reform agenda is a revision to the policies and procedures respecting public employment (see Annex A). The government undertook an analysis of current hiring procedures, employee permanence, worker development, and the role of the administrative units in charge of human resources management. Its goal is to identify aspects wherein progress has been made and those that need improvement. The challenge in this reform is to achieve a dynamic, technical system that attracts the best to public service that develops their abilities and retains them in public service, which should result in better service design and delivery. This explains why strategic HRM is a governance theme being assessed in this Review.

While it is still too early to assess the impact of these reforms on governance and service-delivery, the methodology adopted by the government to define this governance-reform agenda used rigorous technical studies based on international standards and the opinions of experts, as well as roundtables and workshops with different stakeholders.

The current structure of Colombia's central government

Today, Colombia's central government⁴ is made up of the President, who is both Head of State and Head of Government, ministers and the directors of Administrative Departments (Figure 2.1), and superintendencies, public establishments and state-owned industrial or commercial companies. Governorships and City Halls make up the Executive branch at the territorial level (Chapter 4).

Figure 2.1. Structure of the central government



The central government currently comprises sixteen ministries, including the Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of Finance and Public Credit, the Ministry of Justice and Law, the Ministry of National Defence, the Ministry of Agriculture and Rural Development, the Ministry of Health and Social Protection, the Ministry of Labour, the Ministry of Mining and Energy, the Ministry of Commerce, Industry and Tourism, the National Ministry of Education, the Ministry of Environment and Sustainable Development, the Ministry of Housing, City and Territories, the Ministry of Information and Communication Technologies, the Ministry of Transportation and the Ministry of Culture.

In addition to these sector-based ministries, the government houses eight Administrative Departments whose heads have Cabinet rank. These institutions focus on theme-based, integrated multi-sector, government-wide policy development and programming. They include the Department of the Presidency, the Department of National Planning (DNP – responsible for preparing the National Development Plan), the statistical agency DANE, the central Department of the Public Service (DAFP), the Department of Science, Technology and Innovation, the Department of Social Prosperity, the Department for Recreation and Sports and the Department responsible for National Intelligence.

The Department of the Presidency: Overseer of national strategy implementation

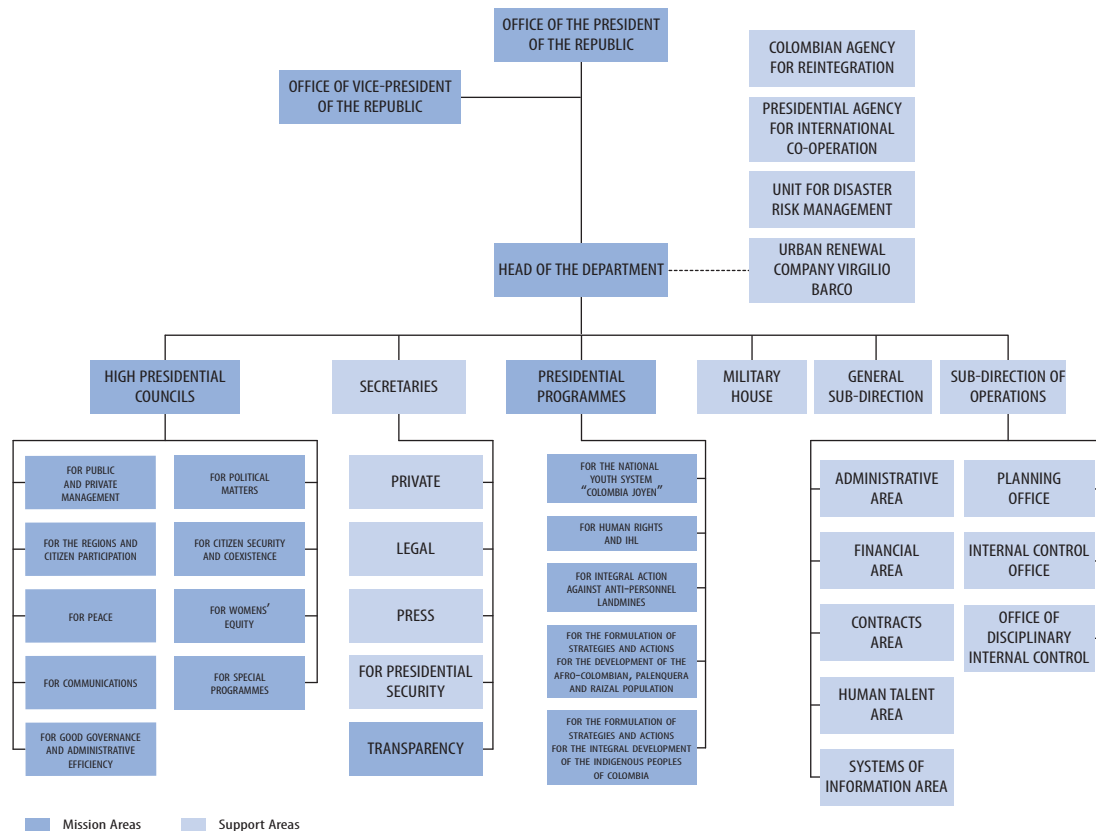
The Office of the President of the Republic – the *Presidencia* – is the central government’s nerve-centre for overseeing and co-ordinating the implementation of the President’s agenda. Its mandate focuses on monitoring the formulation and execution of the government’s and the President’s policy priorities, in particular those related to implementing the National Development Plan. It therefore works closely with the National Planning Department to co-ordinate the execution of NDP-related policy priorities by the government and, with the Planning Department, works with ministers and their teams to develop and implement multi-sector, horizontal policy initiatives to advance the President’s main priorities. The Presidency provides oversight to set and sequence priorities, thus ensuring a smooth whole-of-government strategy-implementation *process*, while the National Planning Department focuses on working with line ministries and other government actors to co-ordinate the implementation of the *content* of the NDP.

In its current configuration, the *Presidencia* includes the Vice-President's Office and is made up of a series of units organised around the President's main priority themes for the country's development, as articulated in the National Development Plan (see Box 2.4 for the current structure). These units report to the General Secretary/Director of the Department of the Presidency, the most senior position in the Presidency after the President and the Vice-President of the Republic. This position is critically important for both the efficient implementation of the President's policy agenda and the efficient functioning of the government. This position plays the role of:

- Chief of Staff to the Head of State, akin to that played by the Chief of Staff to the President of the United States, for example, responsible for overseeing the President's political and policy agenda government-wide, and
- Secretary-general of the government, akin to the role played, for example, by Canada's Clerk of the Privy Council in his/her capacity as Secretary to the Cabinet, responsible for ensuring that the government's decision-making operations run smoothly as it implements the President's agenda.

In the Presidency's current configuration, reporting to the Director of the Department are units headed by a High Commissioner or Counsellor (*Alto/a Consejero/a*), each responsible for working with the National Planning Department, relevant line ministers and their ministries, Administrative Departments and other government responsibility centres

Box 2.4. Structure of the *Presidencia*



Source: Colombian Government (2013), PGR Background Report (unpublished working paper).

to advance government initiatives under the NDP's priority policy pillars as well as the President's own programming priorities:

- The Good-Governance priority is supported by the high counsellor for Good Governance and Efficient Administration and the secretariat responsible for government transparency;
- The Equality of Opportunities priority is supported by, *inter alia*, high counsellors responsible for women's equality, youth and human rights, and Presidential programming for ethno-cultural minorities, indigenous peoples' development and protection against antipersonnel mines;
- The International Relevance priority is supported by, *inter alia*, high counsellors responsible for relations between the public and private sectors and for government communications;
- The Peace Consolidation priority is supported by, *inter alia*, high counsellors responsible for Peace, national security, urban security and liveability, and protection against antipersonnel mines;
- The Growth and Competitiveness priority is supported by the high counsellor for public and private administration;
- The Innovation priority is supported by the high counsellors responsible for good governance and for public-private administration; and
- The Regional Development and Convergence priority is supported by the high counsellor responsible for regional affairs and civic participation.

The Presidency's units thus work together and with the National Planning Department and the relevant line ministries and government agencies in an oversight capacity to ensure that the President's policy priorities can be sequenced and advanced in a co-ordinated fashion. They can create *ad hoc* inter-ministerial working groups to develop strategies to implement priorities for consideration by the President. Indeed these units play a powerful advisory role to the President by assisting him in making decisions related to setting and steering these policy priorities. Hence, the Presidency is structured to maximise the efficiency and effectiveness with which the government pursues the implementation of the President's agenda as codified in the NDP.

Government-wide co-ordination to advise the President

The Superior Councils of the Administration⁵ manage the policy-setting and implementation activities of the national Executive branch. These Councils – essentially the government's Cabinet Committees – are not analogous in their make-up to cabinet committees in OECD countries; in Colombia their membership extends beyond ministers to include directors of key Administrative Departments, the OECD-country ministry-like institution that focuses on multi-sector policy issues listed above.

In Colombia, the role of these Councils is to advise the President and the government on formulating and implementing integrated, multi-sector, whole-of-government policy coherently to advance the country's national development strategy. The most important Superior Councils are the *Consejo Nacional de Política Económica y Social (CONPES* – the National Council on Economic and Social Policy and the *Consejo Superior de Política Fiscal* – (*CONFIS* – the Superior Council on Fiscal Policy).

Within the central government, co-ordination is carried out by a series of national administrative systems, including:

- The Family-Welfare Management System (*Sistema Administrativo de Bienestar Familiar*), which was established by the *Instituto Colombiano de Bienestar Familiar (ICBF)*, the public-sector co-ordinator of family-welfare services. The system is comprised of the Ministry of Health, the Ministry of Education, the Ministry of Labour, the departments, districts, and municipalities, organised communities and individuals, as well as other institutions, either public or private, that contribute to or may be appointed to contribute, to the provision of family-welfare services. The national family-welfare system thus co-ordinates activity horizontally and vertically since it includes actors from all three levels of government (national, regional and municipal), and is managed by the ICBF.
- The National System for Disaster Prevention, which includes the National Committee for Disaster Prevention and their regional and local counterparts, the National Office for Disaster Prevention, the National Technical and Operating Committees for Disaster Prevention, the National Society of the Colombian Red Cross, ministries and Administrative Departments whose mandates are related to disaster-prevention (in particular the ministries of the Interior, National Defence, Health, Transport, National Education, Agriculture, Communications and the National Planning Department), and various government and non-governmental actors whose mandates relate to disaster-prevention, disaster-insurance and victim-care.
- The National Administrative System for Foreign Policy and Foreign Relations, which co-ordinates the activities of government institutions, the private sector and civil-society to generate a comprehensive, transversal and long-term foreign-policy vision for the country. It is led by the President of the Republic and supported by the Council for Foreign Policy and Foreign Relations and the Non-Governmental Group for the Coordination of Foreign Relations.
- Other systems include the National Administrative System of Intellectual Property, the Human Rights National System and International Humanitarian Law, the System of National Parks in co-ordination with the National System of Protected Areas and the National Competitiveness System, among others.

The central government also engages in co-ordination through multi-sector committees whose mandates focus on providing guidance to implement particular functions and public services. These committees handle issues between two or more ministries. The ministers, administrative department heads, superintendents and legal representatives of the relevant state agencies make up these committees. Key policy sectors that require this type of co-ordination for policy-making purposes include the protection of children and the prevention and mitigation of environmental risk.

In addition, the government holds more informal horizontal sessions. These include:

- “Good-Government Workshops”, which offer a venue for high-level members of government to assess strategy, results achieved and the main challenges facing the horizontal policy sector. These are chaired by the President and are organised every six months for a two-day period. The Presidency and the High Advisor for Good Governance are responsible for organising these workshops. Only Ministers, Directors of Administrative Department and high advisors to the President can attend.

- The *Diálogos de Gestión*, sector-specific meetings between the President, the Minister of the relevant sector and other key actors during which results in achieving policy goals for the sector are discussed;
- Bilateral Dialogues, periodic meetings between the President and a specific Minister, enable discussion on the main policy issues under the Minister’s responsibilities; tools to guide discussion include performance-measurement dashboards that are prepared regularly and present performance-monitoring information relating to the Minister’s jurisdiction (Chapter 3).
- The *Mesas Transversales*, roundtables in which the main actors implementing a horizontal government priority (for example in employment, poverty or security) meet regularly to discuss strategy, courses of action, co-ordination of initiatives, and resource requirements.

Whole-of-government oversight for economic and social policy: CONPES

Colombia’s most important policy-co-ordination and policy-integrating institution in the government is CONPES. It is the highest national planning authority in the country and serves as the advisory body to the government and the President on all policy related to national economic and social development. It co-ordinates and guides the array of government agencies and entities responsible for the government’s economic and social policy. It studies and approves documents regarding general economic and social policy development. Most importantly, it oversees the preparation of the four-year National Development Plan, the President’s vision-based policy agenda for his/her four-year term and the blueprint for managing the implementation of the government’s national development strategy and the capital investments required to give effect to it. Its Secretariat is the National Planning Department (*Departamento Nacional de Planeación*), the key CoG institution discussed below.

CONPES membership is established by Presidential decree. Its mandate is similar to that of a Cabinet committee in OECD countries, but it is not subsumed hierarchically under Colombia’s Council of Ministers: CONPES is chaired by the President of the Republic and its permanent members, who have the right to vote, include the Vice-President of the Republic, all Ministers, the Director of the Administrative Office of the Presidency, the Director of the National Planning Department, and the Director of the Administrative Department of Science, Technology and Innovation – *Colciencias*.

The National Planning Department: Government-wide economic and social policy co-ordinator

Created in 1958 as the Administrative Department of Planning and Technical Services to make policy recommendations to the government, its name and mandate were modified in 1968: the Department of National Planning obtained the mandate to oversee the preparation of the National Development Plan and to work with line-ministries (and the Presidency) to implement the sector-specific and multi-sector programming needed to give it effect. Indeed the Planning Department’s main responsibilities are to work with line ministries to design, monitor, and evaluate the implementation of policies, plans, programmes and projects supporting the government’s National Development Plan and its related policy initiatives.

Once the Plan is approved by Congress, the Planning Department co-ordinates the implementation, monitoring and evaluation and results-management of the NDP’s policy

content. It thus engages with the rest of the government in its role as the key Centre-of-Government (CoG) institution in this area. The Planning Department approves procedures and guidelines for the design, monitoring and evaluation of all programme and project content contained in the NDP. Similarly, the Department co-ordinates all government agencies to ensure the proper enforcement and implementation of the content of policies, programmes and projects contained in the NDP:

- *Ex-ante* the Plan's approval, the Department guides the design of the content of the National Development Plan and identifies the fiscal resources required to implement it. Indeed it prepares the government's capital investment components of the national budget required to implement the Plan (the operational components of the national budget are prepared by the Ministry of Finance);
- *Ex-post* the Plan's approval, together with the CONPES, for which it serves as its secretariat, the Department supports the Presidency in its stewardship role in steering the implementation of the National Development Plan.
- The Department co-ordinates the government's General Royalties system;
- The Department thus serves as the government's advisor on the content of the NDP's design, roll-out and performance-assessment. It does this through co-ordinated inter-institutional work with entities at the national and territorial levels.
- The director of the Department is appointed by the President and holds a cabinet-level position (Cárdenas, *et. al*, 2006).

The Department's operational responsibilities include (Eslava and Meléndez, 2009, p. 16):

- Compiling and analysing economic studies relevant for policy design;
- Leading the preparation of NDP drafts;
- Keeping the CONPES informed of the country's economic performance;
- Advising other national and regional government authorities about the organisation of their offices in charge of investment planning;
- Identifying studies required for adequate policy design;
- Consulting with business associations and academia on national economic challenges; and
- Presenting policy projects for debate at CONPES.

Thus the Department co-ordinates the formulation, execution, monitoring, and performance evaluation of, and prioritises the execution of initiatives to implement, the NDP's policy and capital-investment content, working closely with Ministries, Administrative Departments and territorial entities. It reports periodically to the Presidency concerning the implementation of the Development Plan, and advises on the elaboration of the Plan's annual report presented to Congress.

The centrality of Colombia's National Development Plan

In sustaining the essential strength of the Executive branch, the 1991 Constitution confirmed the transformational role of the President and the Executive branch in developing and implementing the country's national development policy agenda:

- The 1991 Constitution explicitly requires the development and enactment of a *National Development Plan (NDP)* to guide the president’s term in office with respect to policies and expenditures (see next sections).
- Article 339 requires that the NDP, the government’s national strategy and action plan for its four-year mandate, consist of “a general plan and a plan of investments of the national public entities. The general plan will include long-term national purposes and objectives, the goals and priorities of intermediate-term state activities, and the strategies and general orientation of economic, social, and environmental policy to be adopted by the government [while the] public investment plan will deal with the multi-year budgets of the main programmes and plans of national public investment and specify the financial resources required for their execution.”
- The *National Development Plan* is prepared in consultation with a wide range of civil-society organisations and citizens’ groups, including representatives of the country’s ethno-cultural minorities, and then presented to Congress for its enactment into law during the first semester of the president’s mandate.

The National Development Plan is the government’s activities blueprint – its instructions manual and roadmap: it legitimises any and all strategic initiatives of any consequence to be implemented by the government over the President’s term in office. The executive summary of *Prosperidad para Todos*, Colombia’s National Development Plan 2010-2014, states clearly that the NDP is “the map and compass for taking up and resolving the pressing needs of the country as well as taking advantage of its potential but, above all, to place the foundation that will allow Colombia to reach its goals and guarantee fulfilling the country’s vision and the commitments of the government’s programme, which government was elected by the people of Colombia under a historic voting percentage...”⁶ In other words, the NDP, the President’s campaign platform, is now government policy; the NDP thus constitutes the government’s national multi-year integrated development strategy and policy agenda for the President’s term of office.

The current Plan aims to consolidate security by achieving peace, make significant progress in enhancing equity and equality, foster regional economic dynamism by enabling sustainable development and innovation, increasing formal employment and reducing poverty, ultimately achieving greater prosperity for the entire population. The current NDP sets out the overarching goals for national development and articulates the planning to meet them. The plan sets out the main policy pillars:

- Convergence and regional development,
- Peace,
- Growth and competitiveness,
- Equal opportunity,
- Innovation,
- Environmental sustainability,
- Good governance, and
- International relevance.

The Plan states unequivocally that success in implementing the various strategies and plans under each of these pillars “will depend on the effectiveness of execution by

government actors as well as the critical role played by the private sector and the civilian population. The State is the entity that clears the path, lays down the rules and resolves conflicts but it is the private sector and society in general that builds the road...” Indeed, in this connection, the Plan underscores the extent of the role the central government is to play in fostering growth and development: “...the objective is to establish a Third-Way government which is summarised in one fundamental principle: *the market up to a point that is possible and the State up to the point that is necessary*”.⁷ The Plan thus indicates that the government will prioritise “policies that maximise social impact regardless of the government’s ideological origin – policies that lead to greater social cohesion through the generation of jobs, education, equal opportunities, and that also promote citizen participation and social responsibility”.⁸

The NDP is the formal, legal instrument by which policy objectives are identified for implementation by the central government, and allows for the subsequent evaluation of the government’s performance in achieving them. The NDP consists of a general part to assess general economic trends and challenges and an investment plan to organise the action of national and sub-national governments’ investment.⁹ The general section outlines the medium-term national goals, targets and priorities for the government as it sets out to implement the President’s economic, social and environmental strategies. The investment plan contains multi-annual budget projections for major programmes and national public investment projects and identifies the financial resources and funding sources required to implement them.

The process to approve the National Development Plan

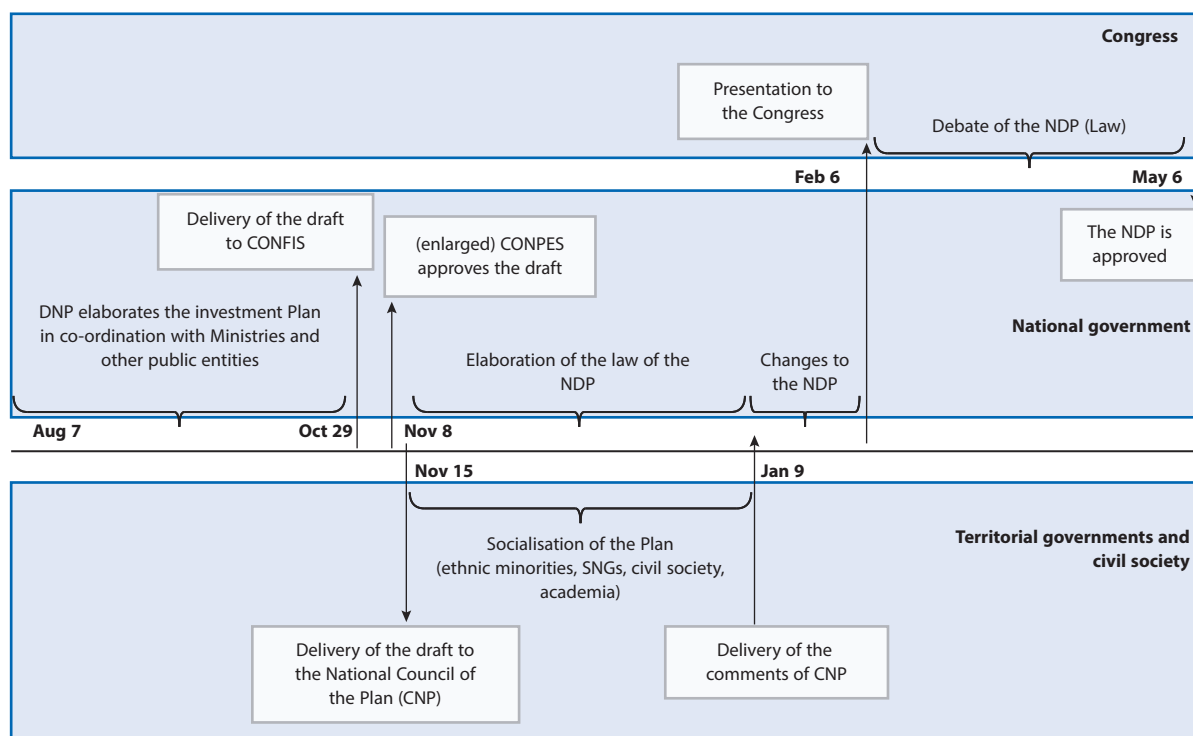
The process of transforming the President’s campaign-platform-style strategy into the actual National Development Plan for his/her four-year term of office is led by the National Planning Department:

- The Department develops planning guidelines and co-ordinates the contributions of ministries, administrative departments and other authorities in fleshing out the NDP.
- A first draft is then submitted for approval to the Superior Council of Fiscal Policy (CONFIS), which has the task to verify that the investment budgets identified in the draft NDP are coherent with both the Department of Finance’s 10-year national fiscal framework and its yearly fiscal plan and the National Budget (the contents of which it approves).
- The draft is then sent to the CONPES for a thorough discussion on policy content.
- The draft is then sent to the National Planning Council, mandated by legislation dating back to 1994 with managing within a fixed time-frame an extensive and highly-publicised round of formal consultations with different stakeholders from across civil society and the different regions. The resulting Plan is thus supposed to be inclusive and reflect a shared vision of the country. The National Planning Council is responsible for socialising the draft document with all the actors; actors consulted include sub-national governments, ethnic minorities and civil society. This Council can make suggestions to amend the draft based on the results of these consultations.
- Based on these suggestions the National Planning Department adjusts the draft NDP. Once the draft is finalised, the Minister of Finance (*Ministro de Hacienda*) presents the National Development Plan to Congress. Congress then fulfils its

Constitutional mandate and approves the NDP by passing a specific Law (*Ley Orgánica del Plan de Desarrollo*). In a situation where Congress rejects the National Development Plan, the President can enact it by Presidential Decree. However, this procedure negatively affects the strengths of the Plan and inhibits its implementation.

It is this entire roll-out process that is outlined in the Constitution. It covers a timeline of ten months, from the beginning of August (right after the election of the President) to the NDP's final approval in the form of the *Ley Orgánica* the following May. Figure 2.2 summarises the main steps in the development and approval process of the National Plan.

Figure 2.2. Main phases of the NDP (Law) process



Source: Colombian Government (2013), PGR Background Report (unpublished working paper).

Colombia's CoG institutional arrangements: An assessment

Colombia's central government displays an array of what the OECD terms centre-of-government institutions. This next section presents the main CoG characteristics along with the main Colombian CoG institutions.

The leadership role of Centre-of-Government institutions

OECD experience suggests that the key function of CoG institutions is to act as a central leadership hub: its role is to lead the implementation of the national vision-based strategy and its policy and programming initiatives effectively, efficiently and coherently not only by the central administration, but with sub-national authorities and by mobilising non-governmental actors from across society in support of the government's vision (see Box 2.5). CoG leadership is needed to champion and promote reforms, and to generate and

manage interdependencies across the administration so that collaboration is the default option, not the exception. Leadership is needed to change the way in which the public administration defines its role and encourage widespread “buy-in” from key actors both within and outside government, so that the strategic vision for the country is implemented effectively and efficiently.

The concept of CoG institutional leadership allows countries to assess national performance as a function of the agility with which central governments can set, implement and evaluate the performance of national strategy in their role as stewards of their country’s growth, development, stability and prosperity over time. This strategic agility can be assessed against the nature and scope of a central government’s CoG institutional capacity to pursue these national strategic objectives and the degree to which this central government is successful in achieving the strategic outcomes it has set for the country and its citizens.

Box 2.5. Characteristics of the “Centre of Government”

Functions of the Centre of Government

The key function of the Centre of Government is to act as a central leadership hub in order to facilitate co-ordination, collaboration and co-operation across the public administration, with the objective of securing a strong, coherent and collective strategic vision of where the country needs to go and how it will get there. Leadership is needed to champion and promote reforms, and to generate and manage interdependencies across the administration so that collaboration is the default option, not the exception. Leadership is also needed to change the way in which the public administration conceives its role and to encourage widespread “buy-in”, so that the strategic vision for a country is implemented. An effective Centre of Government is critical for:

- **Strategic vision.** The Centre of Government needs to be able to pull together long-term, big picture objectives for the economy and society. Examples might be an objective to minimise poverty and unemployment, to promote a sustainable environment, or to diversify the basis of economic activity in support of growth. These objectives both shape and reflect public sector and societal values. Constitutional requirements and objectives are likely to be relevant. The vision needs to be owned and promoted by all parts of the public sector, as a “whole-of-government” vision.
- **Accountability.** The Centre of Government is the steward of the strategic vision. It is accountable for overall results and oversight of delegated responsibilities. It is important, however, to avoid over rigid “command and control” structures and micro management, and instead to work toward a system where the Centre of Government can exert effective oversight and clarify lines of accountability. Line ministries also need to exercise leadership for the actions and policies for which they are responsible, within the overall framework of a shared or collective commitment.
- **Strategic planning, policy coherence and collective commitment.** The Centre of Government needs the capacity to give the strategic vision specific shape, to secure its coherence, and to make it operational. A starting point is likely to be the government programme or equivalent, giving effect to the political manifesto of the party or parties in power. Making the strategic vision operational is key, otherwise the vision is a “dead letter”. The doctrine of collective responsibility is crucial to bind line ministries as well as the Centre of Government to a course of action. Collective commitment is also, crucially, built, developed, discussed and agreed by the whole range of actors that are engaged in public policy making, implementation and service delivery.

Box 2.5. Characteristics of the “Centre of Government” *(continued)*

- **Communication.** The Centre of Government needs the capacity to communicate the strategic vision, how it is being taken forward, and its implementation. Transparency and openness help to promote a shared sense of purpose, for stakeholders outside as well as inside the government. Clarity of communication within the administration is important, so that, for example, local governments can understand the vision and share in its construction and so that all parts of the public sector understand their role, responsibility and accountability for results.

Institutional structures for the Centre of Government

It is rare to find just one institution covering all these functions in OECD member countries. It is far more common that a small set of key players share the task. The Centre of Government structures across OECD member countries vary significantly, depending on the historical development, cultural context and constitutional framework of a country. In most countries, however, they can be identified in a combination of those units of the central administration that:

- **Provide direct support to the head of the government** (Prime Minister/President/Chancellor’s Office). In many countries, however, these offices are not equipped, and do not seek, to cover the whole of the Centre of Government function. They need the capacity to protect the authority and reputation of the Prime Minister/President “above the fray”, without becoming too involved in the day-to-day management of specific policies. They may also consider their role to be more political than technocratic. They are often, however, the communication hub for government policy, and their usual role in managing the agenda of the Cabinet provides them with the key authority to set priorities for the attention of the Prime Minister/President.
- **Manage the budget.** This is normally vested in the Ministry of Finance. The budget can be viewed as key to understanding the government’s fiscal framework and its financial operating systems. It is a key allocative document affecting a significant share of a country’s GDP – over half in some OECD member countries. It is an important policy tool, used by governments to establish policy priorities in concrete terms through the allocation of funding. It is an important management document, in that the basic operational costs of government ministries and agencies are established. In short, the budget provides the basic operational architecture for the work of government.
- **Responsible for key horizontal policies including public administration reform and central HR policy, co-ordination of law drafting and better regulation policy, and e-government.** This usually involves ministries such as the Ministry of Public Administration Reform, Ministry of the Interior, and Ministry of Justice.
- There is a crucial interface between **regulatory policy and the management of the Cabinet agenda**, since a well-functioning regulatory policy implies the development of regulatory impact assessments (RIAs) on draft legislation. In countries where policies are usually synonymous with laws, the unit responsible for RIAs needs to work closely with (or be the same unit as) the unit that sets the Cabinet agenda.
- There is also a crucial interface between **HR management and budget management**, in that performance budgeting and staying within fiscal targets implies staying within budget for HR managers.

The **sustainability** of the Centre of Government across political cycles needs attention. Centre of Government institutions are best constructed, as far as possible, to withstand the vagaries of the political cycle and to be sustainable over the periods of time that it takes to implement long-term strategies. Stability of core functions and structures will raise confidence that the vision is taken seriously, and that the country will have the institutional capacity, over time, to carry out the vision.

Box 2.5. Characteristics of the “Centre of Government” *(continued)*

External oversight and audit helps to ensure that the strategic vision and its implementation stay on track and that the Centre of Government – together with other actors – is accountable for progress, and can be challenged for the lack of it. In many European countries, the National Audit Office provides valuable independent perspectives not only on the efficiency but also the effectiveness of government policies. For the development of new laws and policies, some European countries have established external watchdogs (made up of stakeholders external to the government) to advise on, and challenge, proposals if these have not been developed with due care and attention.

Last but not least, the first line of engagement of an effective Centre of Government is to project and share policy priorities in key areas with the relevant ministries, and to ensure that these policy priorities are coherent and joined up. “Joined-up government” – the capacity to ensure that complex policy objectives can be met, and that the achievement of high-level policy goals are not undermined by a failure to deal with this complexity – is often weak. Ensuring policy coherence is a major public governance challenge across all OECD member countries. A united position on cross-cutting policy goals is essential if governments are to sustain their credibility, meet their strategic objectives, and if goals are to be achieved without wasting resources. It does not serve the public interest if one part of government fails in its role in policy delivery; and it is directly contrary to the public interest if one action of government is counteracted or undermined by an action taken by another part.

Source: OECD (2011), *Slovenia: Towards a Strategic and Efficient State*, OECD Public Governance Reviews, OECD Publishing, Paris, <http://dx.doi.org/10.1787/9789264173262-en>.

CoG leadership is an institutional characteristic that is common to most, if not all, forms of government within and beyond the OECD. That said important differences help differentiate CoG leadership activity in Parliamentary systems from that in Presidential systems. In its broadest sense, the most important distinction to be made is that in Parliamentary systems, the goal of CoG leadership is to provide guidance and co-ordination to Ministers and their civil servants on strategy setting and implementation to ensure that the government can demonstrate accountability to Parliament, from which it emanates. In a Presidential system, the purpose of CoG leadership is to generate and sustain institutional accountability across the government, to ensure that the government can demonstrate accountability to the Head of State to whom it is responsible. Colombia’s system is a strong, centralised Presidential one. This Review, and in particular this chapter, assesses Colombia’s centre-of-government co-ordination and decision-making capacity in that light.

The purpose of effective and efficient CoG co-ordination to set, implement and monitor the performance of national strategy is to optimise the impact of planning on alleviating Colombia’s poverty, inequality and regional disparities – hence on enhancing citizens’ well-being, on business-innovation capacity and competitiveness, and on the country’s overarching prosperity. This section therefore focuses on assessing Colombia’s CoG institutions against this set of objectives.

CoG co-ordination challenges in Colombia

Colombia’s central government presents several CoG institutions. These include most of the institutional arrangements that are common across OECD governments, including the Ministry of Finance (*Ministerio de Hacienda*) and the Ministry of Interior which, interestingly and unlike in OECD countries, co-ordinates public policy to strengthen

democracy, civil coexistence and citizens' engagement. Rather than focusing primarily on domestic security as in many OECD countries, the Colombian Ministry of the Interior leads the decentralisation process and co-ordinates the political relationship with Congress and with the sub-national authorities on behalf of the entire government. It focuses on ensuring respect for the Rule of Law and democratic values in addition to preserving public order and internal solidarity.

Colombia's key Administrative Departments also act as CoG institutions given their whole-of-government co-ordination mandates. The two key CoG institutions in Colombia's central government involved in setting, implementing and assessing the performance of National development strategy are the Department of the Presidency and the National Planning Department.

In its current configuration, Colombia's central government presents two key CoG institutions whose mandate is to advise the President on setting, implementing, and monitoring and assessing the implementation performance of national strategy as presented in the National Development Plan. Indeed, the *Presidencia* and the National Planning Department (and through it, the CONPES) define the government's strategic priorities in an elaborate and sophisticated fashion, given the level of detail contained in a National Development Plan that, in its current iteration, runs to almost two thousand pages. The performance-management capacity developed and managed by these CoG institutions is also second-to-none: SINERGIA (see Chapter 3) is, by Latin American and OECD standards, a state-of-the art government policy performance-monitoring and assessment tool.

However, institutional reform could be contemplated by the government in order to harness the policy-setting and implementation talent in the Council of Ministers and across government ministries and administrative departments more effectively. This could:

- Enhance transparency and accountability in relations between the government and civil society in an environment characterised by instant access by citizens to government decisions by building capacity in line ministries to contribute more meaningfully to strategy development, implementation and performance-monitoring. This could ultimately build citizens' trust in government by enhancing perceptions of decisions being taken in the general, public interest and being implemented effectively and efficiently to meet their needs.
- Broaden and deepen Ministers' accountability to the President for strategy-setting, implementation and monitoring to advance the President's agenda and priorities.
- Free up the Presidency to focus more clearly on medium- and long-term foresight and planning issues that will influence the President's capacity to achieve his/her strategic objectives for the country's development and prosperity.

This Review finds that the government of Colombia faces key structural issues that influence its capacity to co-ordinate the setting, implementation and performance-monitoring of its National Development Plan, and thus achieve its development-policy outcomes successfully. Co-ordination issues include:

- **The role of the Council of Ministers** in co-ordinating strategy-setting, implementation and performance-assessment. Currently, decision-making power appears concentrated in the hands of the President, and through the President who chairs them, the Superior Councils. While the Council of Ministers meets regularly (although not as frequently as in OECD countries¹⁰) and its role is defined in law, it appears to exercise limited whole-of-government oversight responsibility over decision-making by the Superior Councils, and to play an equally limited role in setting the government's overall policy

agenda and in ensuring that short-term political decisions reflect the country's long-term strategic development objectives. For example, once the National Development Plan has been approved by the two main Superior Councils – in particular by CONPES – and Congress has passed its enabling legislation, it would appear that individual policy decisions affecting the Plan's implementation are made by the President and implemented by line Ministers under the co-ordination of the Planning Department. CONPES thus does not appear to function as a formal committee of the Council of Ministers, nor does it appear to be formally accountable to the Council of Ministers for its decisions, as would be the case in OECD countries, even though all members of the Council of Ministers are members of the CONPES.

The Council of Ministers can in fact play several functions beyond informally advising the Head of State/Government:

- Cabinet and Cabinet committees offer a *key forum for debate* on national strategy and strategic policy at the top of the government's decision-making apparatus. This allows for a full airing on a confidential basis of philosophical differences between Ministers on a policy approach to address a strategic issue. Most importantly, these debates can enrich the content of the policy proposals and strategies being submitted to the President for decision. Evidence brought to the table by various ministers, usually developed by their civil servants and nurtured through meaningful stakeholder consultations, usually provides a robust, textured basis on which decisions can ultimately be made. In Colombia, Cabinet-level debate tends to occur on a discretionary basis depending on the issue at the forefront of the agenda, for instance using the *Mesas Transversales* mentioned above, rather than in formal Cabinet Committees.
 - Committees of the Council of Ministers can act as a *policy filter* through which single-sector or multi-sector strategic initiatives are debated in the context of the President's general approach to the country's development. This allows for Cabinet to contextualise individual initiatives against the government's general development strategy, to assess shorter-term initiatives against the government's and the country's longer-term strategic interests, and to recommend whether a proposal should proceed to implementation or should be held back;
 - Committees of the Council of Ministers can act as *decision-maker* on transactional issues of less strategic importance to the government and the country, thus freeing up precious time and resources for the Head of State/Government to devote to more strategic issues.
- **Head-of-state and head-of-government functions** within a Presidency that is reconfigured every time the President changes. Many OECD countries, whether in Presidential systems like that of the United States or in Parliamentary systems like those of the United Kingdom or Canada, combine within a single CoG institution (or a small cluster of institutions) the key functions relating to the Head of State's stewardship of the country's long-term stability and development and those relating to the day-to-day management of the government. Others divide them, as in the case of France. In all cases, however, there exists clarity – indeed a clear distinction – of responsibilities between units managing the day-to-day operations of government and those engaging in long-term strategic foresight, medium-term strategic planning and performance-monitoring for the renewal of national strategy.

In Colombia all these functions are exercised by the President. Despite implementing governance reforms that by any standard are impressive, the Presidency and the

Planning Department appear structured in a way that focuses on managing and monitoring the delivery of the President's four-year agenda. Institutional capacity could thus be reinforced to ensure that a longer-term planning horizon informed by the results of strategic foresight frames the design and implementation of the government's policy agenda.

While this current structure is certainly legitimate, particularly in as strong a Presidential system as Colombia's, it may be a sub-optimal arrangement. Managing the operations of government is extremely time-consuming. Precious talent and energy currently engaged in the Presidency on the day-to-day operations of government could otherwise be focused on advising the Head of State and the Executive on long-term strategic issues affecting the country's development and their impact on medium-term development strategy reflected in its four-year plan, on means to deepen relations with the Legislative Branch and through Congress, with Colombians, on communicating strategic direction government-wide and to the country, and on ensuring a degree of continuity of purpose regarding the government's development objectives for the country through changes in the leadership occupying elected office.

At issue is not the Presidential decision-making system. At issue is whether Colombia's current CoG arrangements can be improved to optimise the capacity of ministers to contribute their knowledge, expertise and know-how and through them that of their ministries and regional offices, to make informed, evidence-based decisions that advance the President's agenda (thus increasing their accountability to the Head of State) while enhancing the government's transparency and its accountability to citizens. Addressing the role of the Council of Ministers and the role of CoG institutions in managing the operations of government while enhancing whole-of-government engagement in strategy-setting, implementation and performance-monitoring could help the government of Colombia build upon its already impressive record of governance reform to ensure that it can maximise the impact of national development strategy on citizens and businesses over time to achieve its stated goal of prosperity for all Colombians. The following sections present advice in this area for consideration by the government.

Formalise decision-making mandates and operational procedures for the Council of Ministers

The Executive already possesses the traditional groupings common across the OECD that focus on economic and social policy, fiscal issues and the national budget, and foreign affairs; in Colombia these take the form of the Superior Councils. At issue is the type of decision-making these committees exercise, the relationship between the Superior Councils and the Council of Ministers, the hierarchy of this decision-making authority leading to the President as the final decision-maker in the Executive, and the ability of the Council of Ministers to co-ordinate decision-making among Superior Councils.

Decision-making on framework issues becomes increasingly complex in a globalised world where international economic trends affect national economic performance, which in turn affects the government's capacity to find the resources necessary to give effect to policy commitments under its national development strategies. This implies that responsibility for developing, assessing the relevance of, approving and monitoring the implementation of strategic decisions should be shared collegially among relevant players across the government, and not concentrated in a single decision-making authority.

In many countries, decisions at the level of Cabinet committees take the form of recommendations to more senior Cabinet committees or full Cabinet, usually chaired by the Head of State/Government, for final ratification. In order for Cabinet to make

government decisions properly, Ministers have to be able to rely on the best information and policy-advice available, and more senior Cabinet committees have to act as “filters” to ensure that recommendations flowing from more junior committees make sense, are justifiable and take into account the requisite short-, medium- and long-term policy, fiscal and political considerations needed to ensure their validity (see previous section).

That said there is no need to create a needless hierarchy of levels of Cabinet committees or Cabinet-committee decision-making. On the contrary, it would be important for accountability and transparency purposes to “keep it simple”. To optimise the government’s capacity to co-ordinate whole-of-government strategy-setting, implementation and performance-monitoring by mobilising the contribution of ministers and ministries systematically in these endeavours, the government could consider the following:

- **Consider creating a ministerial position responsible for co-ordinating the day-to-day operations of government.** This position is in fact common in Presidential systems across Latin America and the OECD:
 - This would free up the Presidency to support the President more exclusively in his focus on long-term strategic foresight (see Chapter 3) and managing the whole-of-government implementation of the his four-year agenda in both its domestic and international dimensions;
 - This minister – who could be styled Minister of the Presidency – could, in his/her role as advisor to the President on the implementation of the President’s agenda, assume responsibility for co-ordinating the day-to-day functions of government by assuming the short-term government-operations responsibilities currently residing in the Presidency, working closely and on an on-going basis with the Minister of the Interior responsible for the government’s legislative agenda and its relations with Congress on behalf of the President, and co-ordinating the preparation and implementation of a whole-of-government internal and external communications strategy.
 - Most importantly, this minister could be mandated to work on an on-going basis with the President, key ministers responsible for all aspects of the government’s agenda, heads of Administrative Departments and other key government agencies to co-ordinate, sequence and otherwise manage the Cabinet decision-making process on behalf of the President to ensure the relevance and coherence of proposals being submitted to the Council of Ministers in advancing the President’s four-year agenda.
 - This Minister’s office could be located within the Presidency.
- **Assess the mandates and operating procedures of the existing Council of Ministers** and its committees, along with those of the Superior Councils, with a view to affirming, formalising and streamlining a clear division of responsibility in decision-making (based on thematic policy clusters related to whole-of-government strategy-setting and implementation, as exists for CONPES and CONFIS at the moment), and confirming a hierarchy in decision-making authority to build greater coherence in whole-of-government strategy-setting, implementation and performance-assessment. For example:
 - Consideration could be given to confirming the role of the Superior Councils as formal, standing Committees of the Council of Ministers. Given the importance the government ascribes to justice and human-rights issues, consideration could be given to creating a standing committee on this cluster of policy issues;

- Consideration could be given to creating a standing committee on government operations that could assess on an on-going basis issues affecting the government's operational capacity (in particular related to human resources management, e-government and procurement) related to the efficient and effective functioning of central and sub-national government structures. Indeed, the recently-created National Commission for Digital and State Information (see Annex C), could act as a sub-committee to the standing Committee;
 - Consideration could be given to creating a small standing committee charged with medium-term planning and priorities, made up of the heads of the other standing committees and chaired by the Minister to the President, which could focus on linkages between strategic priorities being discussed in the standing committees and their sequencing for decision, links between strategic priorities and whole-of-government operational capacity to implement them, and whole-of-government communications issues. This committee on planning and priorities could act as a filter between the standing committees and full Council – or not.
 - Below these standing committees of the Council of Ministers, the government could consider ensuring that it can create either permanent sub-committees or *ad hoc*, temporary reference groups of ministers that could focus on single-sector or multi-sector policy issues of strategic importance to advancing the interests of the government under this committee structure. Since in many cases the government already has these structures in place in the form of its National Administrative Systems and *Mesas Transversales* – for instance in the area of family welfare or disaster mitigation and emergency planning – the government could consider ensuring that when needed it can create (or convert existing structures into) sub-committees of Cabinet in these areas reporting to the relevant standing committee;
 - This scenario implies that the government might wish to assess whether the President should continue to chair the Superior Councils – instead, the President, who as head of State should remain “above the fray” in the Cabinet decision-making process, could chair the final decision-making level – the full Council of Ministers, as proposed below. As an example of Cabinet structures and functions, Box 2.6 summarises the current federal Cabinet decision-making process in Germany.
- **Consider formalising the mandate of the Council of Ministers – full Cabinet – chaired by the President of the Republic**, as the Executive's final decision-making authority on whether to implement policy related to advancing the President's agenda. Full Council could devote its attention to agenda-setting; monitoring and evaluating strategy-setting and implementation; and performance-assessment and accountability. This would leave the President as the State's final decision-making authority on advancing the government's four-year agenda. This would also enable standing committees to play a dual role: that of “gate-keeper” to decision-making by full Council, and decision-maker on transactional or less strategically important issues on behalf of the President and full Council.
 - To enhance transparency and public accountability in co-ordinating decision-making, **consider codifying (either in regulation or in law), and making public, the mandates of committees of Council**, and distinguish between standing committees and ad hoc committees that the government could create from time to time to address core horizontal multi-sector policy issues related to implementing the President's agenda (see above).

- **Assess scanning, foresight, policy-development, strategic planning and performance-assessment capacity in line ministries** across the government to strengthen line ministers' ability to contribute more autonomously (either alone or in partnership with other ministers) to national strategy-setting and implementation with a view to addressing disparities in this area.
 - In this regard, the Planning Department currently uses a number of financial and performance indicators to measure administrative, management and fiscal capacity in sub-national governments to integrate the National Development Plan into regional and local planning and deliver services effectively and efficiently to citizens. In particular, the Planning Department uses the *Integral Performance Index (IPI)*, a composite index which measures local government capacity against indicators for efficiency, efficacy, and compliance in the execution of their policy and programming responsibilities.
 - **The government could consider mandating the Planning Department to adapt this tool and apply it to central line ministries to identify weaknesses in strategic foresight, policy development, strategic planning, and performance-assessment capacity** as a means to strengthen line ministers' ability to contribute national strategy-setting, implementation and performance monitoring.
- In so doing, **the government could reinforce the National Planning Department's medium and long term planning responsibility** by enhancing line-ministry capacity to contribute to national strategy-setting where weaknesses exist, and **to enable the Department to focus more clearly on co-ordinating and monitoring the implementation of the National Development Plan from a government-wide perspective within a planning horizon that takes into account long-term, emerging strategic issues** beyond the four-year electorally-driven time-frame (see Chapter 3 on strategic foresight issues).

Box 2.6. Summary of Germany's Federal Cabinet structure and functions

- The Cabinet is made up of the Chancellor and – currently – fifteen Federal Ministers. In principle, Cabinet meetings take place weekly, usually on Wednesday morning. The Cabinet is the final decision-making authority. According to the rules of procedure of the Federal Government all matters of general domestic and international political, economic, social, financial or cultural importance have to be presented to it for consideration and decision-making. This includes:
 - all draft bills,
 - all draft ordinances of the Federal Government as well as other draft ordinances of outstanding political importance, all matters of relevance for the relationship to the legislative bodies (Bundestag, Bundesrat),
 - initiatives, programmes of action, reports and
 - important personnel and promotions of civil servants.
- The Cabinet usually decides consensually as a collegial body. The approval of the Cabinet is explicitly or implicitly asserted when no objection is entered. Any former disagreements between line ministries have to be settled before a draft proposal is submitted for Cabinet consideration. Formal voting in the Cabinet is thus very rare.

Box 2.6. Summary of Germany’s Federal Cabinet structure and functions
(continued)

- An important instrument for the preparation of Cabinet meetings is the regular meetings of the State Secretaries of all line ministries, chaired by the Head of the Chancellery, which take place about two days before Cabinet meeting. Here, all items of the agenda for Cabinet are discussed to iron out remaining conflicts.
- In contrast to many other countries, standing committees of the Cabinet in Germany do not play a major role in Cabinet decision-making. There were a few for special subjects in the past but they met only occasionally. In practice, primarily only the Federal Security Council (*Bundessicherheitsrat*) is of political relevance. It deals particularly with arms exports. Its membership consists of the Chancellor, the Head of the Chancellery and a number of ministers and it meets for specific reasons. The standing committee on Economics meets to prepare the Federal Government’s Annual Economic Report.
- Below Cabinet level there are a few permanent groups of State Secretaries, chaired by the Head of the Chancellery. These focus on specific issues like sustainable development (the so-called “Green Cabinet”), EU matters or bureaucracy reduction.

Source: Peer Reviewer, Office of the German Federal Chancellery, 2013.

Formalise CoG capacity to support the Council of Ministers and its committees

Cabinet-committee structures of this nature are usually serviced by one or more CoG institutions – usually more than one – that play several functions simultaneously in their dealings with line ministries and government:

- *The leadership function*, which enables the CoG institution to speak for the Head of State/Government when working with Ministers who wish to propose initiatives to contribute to implementing national development strategy – this function speaks simultaneously to setting priorities government-wide and to sequencing initiatives for maximum benefit to the country
- *The ex-ante and ex-post co-ordination functions*, that enables the CoG institution to harness, in light of the complexities of implementing national strategy effectively, resources from across the government to ensure that whole-of-government coherence in policy-setting and implementation is maximised through Cabinet decision-making, and that *ex post* performance-assessment takes into account the “joined-up” nature of whole-of-government policy design and implementation effectively.
- *The challenge function*, which allows the CoG institution to harness sound evidence to question a line minister’s approach to problem-solving in whatever initiative he or she is bringing forward to Cabinet for consideration, to measure whether the proposal takes all internal and external short-, medium- and long-term considerations into account (e.g. risk, costs, etc.);
- *The advisory function*, which enables the CoG institution to advise the Minister, the Cabinet committee and the Head of State/Government on the validity and utility of an initiative being submitted for consideration – for instance, is the initiative ready for consideration? Is it timely? Does it fit within the government’s overall strategy? Were proper and meaningful consultations conducted with stakeholders? Are the results reflected in the proposal being submitted for consideration?
- *The traffic-light function*, which enables the CoG institution to advise a line minister that his/her initiative is not yet ready for consideration by Cabinet.

- The *communications function*, which allows the government, through the CoG institution's activities in this area, to report internally and externally on its government-wide strategic objectives and on the progress it is making in achieving them, thus heightening the government's accountability to citizens. Box 2.7 briefly summarises the functions of Germany's Federal Chancellery.

Box 2.7. Brief summary of the functions of the German Federal Chancellery

- The Federal Chancellery is the co-ordinating centre for government policy as a whole. It is led by the Head of the Chancellery who as Federal Minister for Special Affairs is a full Cabinet member. The Chancellery's organisational structure reflects the government's ministerial portfolio structure as there is at least one section responsible for every ministry in the Chancellery. These so-called mirror units fulfil an important liaison function between the CoG and their respective line-ministries by maintaining contact with them and overseeing their activities. Together they constitute a mini projection of the whole government which is decisive for the competency and efficiency of the Chancellery.
- Under the German Constitution the Chancellor determines and is responsible for general public-policy guidelines. These policy guidelines bind the ministers who, in accordance with the Basic Law, conduct their affairs autonomously under their own responsibility. So, while the Chancellor cannot issue formal orders that fall within a minister's specific jurisdiction, the Chancellery plays a whole-of-government leadership function in supporting the Chancellor in exercising his/her policy stewardship role, and is thus not limited to playing only a co-ordinating and mediating role.
- The Chancellery provides all secretariat functions to Cabinet, in particular the preparation of the Cabinet agenda. Within the Chancellery, the responsible unit is the section for Cabinet and Parliament Affairs which is closely linked to similar units in the ministries. Together with the Chancellery's staff this unit considers all formal and technical requirements of all proposals submitted for Cabinet decision. In particular, it checks whether disputes or conflicts between ministries remain unsolved and whether resistance can be expected from Parliament and/or civil-society groups. It directs legislative initiatives approved by Cabinet to the appropriate legislative bodies.

Source: Peer Reviewer, Office of the German Federal Chancellery, 2013.

Of course, the government of Colombia already possesses CoG institutional arrangements that perform most of these functions. However, as a means to heighten the efficiency and effectiveness with which these existing institutions support Cabinet decision-making and the implementation and performance-monitoring of the President's agenda, the government could consider:

- **Assessing the mandates and operational procedures of the Presidency, the National Planning Department, the Ministry of Finance, the Ministry of the Interior and relevant Administrative Departments** (e.g. responsible for the Civil Service) and Control Agencies, with a view to:
 - **Splitting, if appropriate, the responsibilities of the position of General Secretary/Director of the Department of the Presidency into two, creating:**
 - **A position of Chief of Staff to the President**, responsible for advising the President on the strategic, whole-of-government implementation of his policy agenda in the context of longer-term (ten-year?) planning considerations

that result from strategic foresight, given the President’s stewardship responsibilities for the country’s long-term prosperity, and

- **A position of Secretary to the Government**, responsible for co-ordinating government operations related to decision-making to implement the government’s policy agenda, and advising the President and the Minister of the Presidency (and the Chief of Staff) on content, sequencing, staging and communications issues relating to the implementation of initiatives being debated at the Council of Ministers and its Committees that aim to advance the government’s four-year policy agenda.
- **The civil servants reporting to the Secretary to the Government could be organised into units whose purpose could be to service the Council of Ministers and its Standing Committees** by working with each other, the Presidency, relevant Administrative Departments and line ministries to prepare committee agendas and ensure that the policy initiatives being submitted to these committees are ripe for debate, properly reflect the government’s strategic priorities and can advance the government’s agenda successfully.
- Should the government proceed, **this could mean centralising core co-ordination functions supporting cabinet operations from within existing CoG units** (including in the Planning Department, the Presidency and for instance the legislative-agenda management unit in the Ministry of the Interior) under the Secretary to the Government. At the very least, **it could require more systematic, sustained co-ordination, led by the Secretary to the Government, between those units currently housed outside the Presidency and the Presidency itself;**
- **The civil service reporting to the Secretary to the Government (and, if appropriate, the position itself) could be sustained beyond the planning horizon defined by the electoral cycle** to provide a degree of CoG stability and “corporate memory” for planning purposes that could be useful to incoming Presidents as they set about refining and implementing their policy agenda.
- **In the event the ministerial position is created, the Secretary to the Government could report to that Minister.** In the event the ministerial position is not created, the Secretary to the Government could report either to the Chief of Staff or directly to the President. Over time, however, the existence of both a Minister of the Presidency and a Secretary to the Government might prove redundant (as it did in the German federal government, even though the two positions worked well together). Colombia could thus focus on evaluating the efficiency and effectiveness of this arrangement in the event both positions are created.
- **Clarifying and codifying responsibilities assigned to the Presidency and the National Planning Department** with respect to whole-of-government co-ordination for decision-making related to implementing the President’s agenda and the National Development Plan within a longer-term planning horizon, given that the DNP provides technical support to the President.

- Maximising complementarity and mutual reinforcement of mandates between CoG institutions (the Presidency, the Planning Department, the Ministries of Finance, the Interior and others) to co-ordinate strategy-setting, implementation and performance-monitoring from a whole-of-government perspective;
- Ensuring that where required, mandates of ministers and their deputies explicitly reflect the need to work together and with CoG institutions to manage government operations in a way that optimises the capacity of the Council of Ministers to set, implement and monitor the performance of the President's agenda and the government's National Development Plan, while strengthening the duty of line ministries to comply with directives from CoG institutions (in particular the Presidency, the DNP and the Ministry of the Interior) respecting co-operation in setting, implementing and monitoring the performance of government strategy, much along the lines of what is done today through the *Comites Interinstitucionales*, in which representatives of the different ministries and administrative departments are required to co-ordinate policy implementation.

Deepen Executive-Legislative interface on national strategy development and implementation

The government of Colombia, especially under the leadership of its current President, has made considerable efforts to improve the Executive-Legislative interface – relations between the Executive Branch and Congress – as a means to garner support for fundamental, far-reaching reforms aimed at stabilising the country, addressing equity and regional-disparity issues and pursuing the government's prosperity-for-all agenda.

The 1991 Constitution establishes the framework governing the Executive-Legislative interface. Congress meets in ordinary session during two periods in a given year; these periods constitute a single legislative term. Congress also meets in special session when convened by the government – for a period defined by the government in its letter of convocation. During these special sessions, Congress is entitled to discuss only those issues transmitted by the government for its consideration. The President convenes and adjourns the sessions of the Congress in each legislative term. The Constitution states that the President is required to submit a report to Congress at the beginning of each legislative term on the activities of the administration, the execution of its plans and programmes for economic and social development, and the legislative agenda which the government proposes to introduce during the legislative term.

Upon entering office, the current President proposed a new National-Unity (*Unidad Nacional*) approach to Congress to manage Executive-Legislative relations. This approach proposed a working alliance between the different political parties in Congress to support the government's Peace Process and the implementation of its National Development Plan. This National-Unity approach consists of working together on democratic security, transparency and anti-corruption, good governance, democratic institutional reform, justice, environmental issues, and international affairs. This approach has enhanced collaboration and co-ordination between the government and various political parties, enhancing the relationship between the Executive and Congress and ensuring that both branches work more coherently together to achieve the national-development objectives set out in the government's agenda. Depending on the issue that arises and the legislative

project under discussion, representatives of the government and of the political parties in Congress meet to ensure information-sharing and discuss ways to proceed.

Building on this approach, the government could consider ways to deepen the interface with Congress by engaging it more systematically in the national strategic policy-development and implementation process. One way to do this is by partnering with Congress to engage citizens in exploring the types of policy options that could be selected to address a particular strategic development issue. Indeed, the government of Colombia might benefit from introducing a more systematic approach to exploring policy options together with stakeholders early in the process, in order to achieve public policy objectives at the lowest possible costs for the state, business and citizens.

One approach that models good practice in OECD countries for the exploration of policy options is the use of Green and White papers. Green papers help governments, without committing them, to engage with actors within government, the Legislative Branch and with business and citizens to explore together policy options and their likely impact. Such a process reduces the risk of arriving at policy options too quickly, including the risk of overlooking better options and ignoring negative consequences of proposed policies. Participation of stakeholders in policy-making at an early stage also improves the likelihood of compliance by increasing legitimacy of policy responses and may therefore reduce the costs of enforcement. White papers serve to express the policy propositions the government has arrived at.

Key features of green and white papers are described well by Watts (2007, p. 107, p. 284, in OECD 2013):

- A “Green Paper is a tentative statement of governmental thinking on the issues raised by some issue of public policy. Such a paper often sets out alternative means of resolving a problem and invites consultation and discussion of the available options. A Green Paper is usually used at an early stage in the process of making public policy and may be regarded as a first step in changing the law. There is no commitment to action, but such a document may be followed by a more specific White Paper”.
- A White Paper “sets out Governmental thinking in a policy area and is indicative of the Government’s legislative intentions. Consultation on a White Paper is still possible, hence occasional references to ‘White papers with green edges’. However, this stage is a much clearer indication of current thinking than a Green Paper”.

Australia, Canada, the European Commission (see Box 2.8), Ireland, New Zealand, the UK and the US all use Green Papers to engage in a dialogue within government, with legislative bodies and the general public about policy challenges and their possible solutions. In Australia, departments and agencies are required to prepare a Green Paper for regulatory proposals of major significance as the basis for consultation on the policy options. If the Green Paper leads to a regulatory proposal, the consultation responses can later form the basis of the regulatory impact assessment (OECD, 2010c in OECD 2013).

Another approach is the use of “Government Commissions” by such countries as Chile, similar to “Royal Commissions” used by countries whose governments inherited the Westminster tradition. These Commissions can call witnesses to speak to the policy issue they are examining and offer advice on options to address it.

Of course, Colombia already uses a range of mechanisms – both formal and informal – to consult civil-society groups. When a sector or interest-group wishes to propose an initiative to the government for consideration, mechanisms used include the PRECONPES,

Box 2.8. Consultation on Green Papers in the European Union

The European Commission uses Green Papers to consult with EU organs and stakeholders on major policy proposals. For example, the Commission issued seven green papers in 2011 (EU Commission, 2012a) on stability bonds, agricultural products, professional qualifications, the EU corporate governance framework, online-gambling, research and innovation funding and public procurement.

The Commission publishes their Green Papers online and actively invites comments from anyone interested in the subject to participate in a consultation process and debate on the basis of the proposal put forward (EU Commission 2012b). There are several examples where consultation processes stimulated by Commission Green Papers have resulted in considerable stakeholder involvement. For instance, because of the problem of an ageing population in Europe the Commission issued in 2010 a Green Paper on European pension systems. Upon release of the Green Paper (COM [2010] 365 final) in July 2010 and a reader-friendly summary for citizens the Commission invited comments from anyone interested in the topic through a dedicated website and online survey. During the four-month consultation phase, considered as “extremely successful” by the Commission (EU Commission 2011, p.1), the Commission received almost 1700 responses from across the EU, including the Member State governments, national parliaments, business and trade union organisations, civil society, representatives of the pension industry, the European Parliament, the European Economic Social Committee and the Committee of the Regions (EU Commission 2011, p. 1). Subsequently, these submissions were summarised in a separate published document with commentaries from the EU Commission.

The issue of a Green Paper can but does not necessarily lead to the publication of a White Paper. A White Paper focuses on “translating the conclusions of the preceding debate into practical proposals for Community action in a specific area” (Hofmann et al. 2011, p. 516) and presents the Commission’s conclusions. For example, the EU published in early 2012 a White Paper (COM(2012) 55 final) on pension systems in Europe, which was based on the preceding Green Paper and the received submissions from the consultation process as well as 100 meetings with stakeholders (EU Commission, 2012c).

Source: European Commission (2011), *Summary of consultation responses to the Green Paper “Towards adequate, sustainable and safe European pension systems”*, Brussels; European Commission (2012a), “Green Papers”, http://europa.eu/documentation/official-docs/green-papers/index_en.htm; European Commission (2012b), *Green Paper, Glossary*, http://europa.eu/legislation_summaries/glossary/green_paper_en.html; European Commission (2012c), *An Agenda for Adequate, Safe and Sustainable Pensions*, White Paper, COM(2012)55final, Brussels.

official discussions with territories and civil society, *audiencias publicas*, the Agreements for Prosperity consultations tool, the Crystal Urn, and so on:

- One of the most important tools used by the government is the formal labour-management consultations mechanism known as the *Consejo Tripartito* (see Box 2.9), the National Consultations Commission on Wage and Labour Policies of Colombia, created by the 1991 Constitution and designed to encourage social and political dialogue about work and wages.
- *Public Hearings* were established by law in 1988 as an opportunity to exchange information related to the design, implementation and evaluation of policies and programmes between national entities, local entities and the citizens.
- *Spaces for participation* in public policy: During the process of formulating a public policy, the Government opens spaces of participation with civil-society, private-sector stakeholders to ensure the legitimacy of the policy proposal.

- *Consulta Previa* reflects the right, defined in law, of indigenous and Afro-Colombian communities to dialogue with the government to ensure these communities' survival and autonomy. It is conceived as a dialogue of good faith between the communities and the Government around laws, public policy, plans and projects. Communities have to be consulted and must approve the final law or policy that may affect them directly.
- *Agreements for Prosperity*: Under the current government's National Development Plan, citizens' participation is defined as one of the most efficient, effective and transparent ways to govern. To implement citizens' participation, the government designed a consultation tool called *Acuerdos para la Prosperidad* (APP). The main purpose of APPs is to boost regional development by promoting dialogue on a given policy issue between the national and sub-national levels of government and relevant civil-society stakeholders (see Chapter 4). Depending on the issue being discussed using the APP, a different Ministry is responsible to lead the exercise. Some examples of topics that have been analysed under this collaboration mechanism include housing, trade and commerce, industry, tourism, poverty alleviation, agriculture, infrastructure, health, education, etc. When the APP takes place in a region, the actors invited are the community, the sub-national entities and other stakeholders that are directly relevant to the policy issue being discussed. The purpose of this tool is to generate ideas and solutions harnessing different perspectives.

Box 2.9. Colombia's *Consejo Tripartito*

- The National Commission on Consultations regarding Wage and Labour Policies of Colombia is the main tool supporting social dialogue on work and wage policies. The Commission was created in 1991 by the Constitution. Its objectives are to promote good labour relations to achieve justice in a spirit of economic co-ordination and social equilibrium; contribute to the settlement of collective labour disputes; and co-ordinate wage and labour policies, taking into account the constitutional principles that govern the matter.
- The Commission is made up of the main actors in labour relations. The government is represented by the head of the Labour Ministry who chairs the commission, the heads of the Ministries of Finance, Agriculture, Commerce, Industry and Tourism and the National Planning Department. Employers are represented by the Association of entrepreneurs, ANDI; the National Retail Federation, FENALCO; the National Banking Association, ASOBANCARIA; the Colombian Growers Association, SAC, and the Association of Small Entrepreneurs, ACOPI. Workers are represented by the General Confederation of workers, CGT; the unitary Confederation of workers, CUT; the Confederation of workers of Colombia, CTC and the Retired Democratic Confederation, CDP.
- The National Commission finds expression regionally in sub-national committees on consultations on wage and labour policies which promote harmonious labour relations within their region, contribute to the settlement of regional collective labour disputes and set through consultations regional labour policy through regional strategic plans in accordance with the framework established by the National Commission. Similarly, Thematic Subcommittees created by the Commission focus, for example on treatment of conflict under Conventions 87 and 98 of the International Labour Organisation, ratified by Colombia.

Box 2.9. Colombia's Consejo Tripartito (continued)

- The National Technical Secretariat supporting the Commission began its operations in October, 2012. The Technical Secretariat aims to provide administrative and technical support to strengthen capacity in the Commission; compile policy proposals drawn up by the members of the Commission; technically support each category of Commission membership and support the interface between the Commission, the departmental subcommittees and international consultation institutions.
- Since the beginning, the Commission has focused on negotiations surrounding the minimum wage. Since 1996 the Commission has addressed minimum wages seven times, which has generated a positive impact on national employment levels, income distribution and poverty reduction. In addition, the Commission has focused on labour policy issues, including labour-related Tax Code modifications and a Bill on the Learning Contract. More recently the Commission has begun work on a Pensioner's Code with the purpose of presenting a Bill in Congress on "Principles for Protection in Old Age". In this connection the Ministry of Labour in partnership with the American Social Security organisation recently hosted an international workshop on "Experiences and political and social arrangements of the Pension System," for members of the Commission to share experience from Spain, Uruguay and Brazil on pension systems.

Source: Colombian Government (2013), PGR Background Report (unpublished working paper).

Colombia could thus consider building on these existing consultation mechanisms to encourage more systematic, open national debate within the government and with Congress, sub-national authorities, business and citizens on major policy issues to identify correctly early in the process challenges requiring attention and discuss possible options to address them:

- One mechanism the government could consider using is the issuance of a **discussion or Green Paper** outlining the objectives for any major policy initiative and possible options to address them. The government could ensure that the paper is drafted in plain language so that it is understandable by the general public. The government could issue the discussion paper early in the process, before it identifies its preferred policy option. Results of the consultation on the paper could be published.
- If the green paper resulted in concrete implementation proposals, stakeholder comment on the potential impact of the proposal could inform subsequent discussion in the Council of Ministers and final decisions regarding implementation.
- Another successful mechanism used not only by Westminster-tradition governments but by such Latin American countries as Chile is a "**Government Commission**" mandated to examine a national policy issue of importance to the country's long-term sustainable development and propose options to the government on how best to address it. Such a Commission invites the general public and key relevant stakeholders to comment on the issue and on options to address it. The Commission's ensuing report to the government reflects this engagement on the part of citizens and civil-society stakeholders.

Enhance whole-of-government communications for accountability and transparency

Meaningful, sustained communication between governments and citizens is fundamental in a democracy because it can build trust in government – and it is on the basis of trust that government decisions are perceived as legitimate. Building trust in the institutions of government is therefore central to ensuring that strategic decisions aimed at implementing Colombia’s national development strategy receive broad public support, and that the public institutions making those decisions are perceived as legitimate and worthy of support over time; that the government is perceived as deciding in favour of – and defending – the general, public, interest. In addition, citizens have the right to know how their taxes are spent, whether they are being spent efficiently and effectively, and whether they are achieving the results they are supposed to be achieving. Effective strategic communication with citizens thus implies transparency and honesty – including admitting mistakes.

The government of Colombia has already developed elaborate accountability and reporting tools, some of which – including SINERGIA of course (see Chapter 3) – are the envy of their neighbours. These tools also include the Annual Report submitted to Congress on the National Development Plan, as well as line-ministry annual accountability reports. A recent addition to this toolkit is the Glass Urn (*Urna de Cristal*), one of the key initiatives of the current government to use ICTs to empower and engage citizens, enhancing political accountability (see Annex C) and the *Portal de Transparencia Economica*, the government’s portal on public spending that allows citizens to find information on budget execution by Ministries, Administrative Departments, Congress, the Judicial Branch, Public Establishments, Corporations and Autonomous Bodies and the Electoral Control agencies. Building on these tools, the government could consider issuing annual “State of the Nation” reports as outlined below.

An effective, co-ordinated whole-of-government communications strategy could serve to enhance trust in government on the part of citizens as well as ensuring that all government actors at both the national and sub-national levels are aware of the government’s plans and can engage in dialogue with the government on their value.

Part of an effective whole-of-government communications strategy’s strength is its machinery. The government of Colombia might **consider mandating the Council of Ministers, supported by the Presidency, to debate, approve and issue, in print and electronically, one or more whole-of-government annual “State of the Nation” reports** that embeds quantitative performance analysis within a whole-of-government policy narrative using existing reporting mechanisms, including the President’s annual report, annual public-accountability meetings (*Rendición de Cuentas*), and citizens’-feedback processes under the Agreements for Prosperity, by improving their clarity, publicising their availability and engaging citizens systematically on their contents:

- Clearly present to Congress and citizens quantitative and qualitative evidence on progress the government has made over the preceding year in achieving the national development outcomes it has articulated for the country in its National Development Plan.
- Use plain language and sound quantitative evidence to “tell Colombia’s story” to Colombians and the world by presenting evidence on government initiatives aimed at addressing emerging strategic national development challenges along with the results it is achieving in addressing the country’s development and prosperity.

Staging and sequencing reform implementation

Reform of this nature and scope takes time. It cannot be implemented all at once; adequate lead time is required to test assumptions, flesh out directions and debate them with key interests and stakeholders. It will likely make sense to test certain reforms first by implementing pilot projects and measuring results before structural reform can be fully instituted. For instance, implementing a full-fledged Cabinet-committee decision-making structure along with the CoG institutional arrangements to support it would likely take years – and its prerequisite is buy-in and active support from the President himself. That said timing seems propitious, since presumably this type of reform would first need to be sketched out in the next iteration of the National Development Plan, due to be launched in 2014. Staging and sequencing issues related to implementing reform are discussed more fully in Chapter 5.

Illustrations of the challenges affecting government-wide co-ordination

The following section summarise co-ordination-related issues highlighted in each of the three thematic governance studies conducted for this Review. These themes are human resources management (see Annex A), procurement (see Annex B) and e-government (see Annex C). This section also presents a short summary of the co-ordination issues the government of Colombia is facing in maximising the quality, effectiveness and efficiency of regulations presented in the OECD's Regulatory reform review of Colombia (2013, forthcoming).

Strategic human resources management as a tool to implement strategy government-wide

Workforce-management reforms and the creation of a modern and dynamic human-resources management (HRM) system are essential to equip the public sector to play its part in Colombia's economic and social development (see Annex A). Effective integration of the management of the public-sector workforce into overall public-management reform efforts is central to ensuring that public-sector HRM supports the strategic needs of government. This will increase the public's confidence that government institutions are productive, well-managed and operating in the public interest – for the good of citizen and the benefit of the country.

The HRM annex to this Review addresses a series of key reform areas so that HRM can become an enabler for good governance and improvements in public-service design and delivery government-wide at all levels of the Colombian public administration. One of the reform areas relates to strengthening human-resource management across the central government. Reform in this area can help the government of Colombia in its efforts to create a more efficient and effective public service that is forward-thinking and strategic in its outlook; comprised of a skilled workforce that is recruited on merit and properly rewarded and motivated; that has a clear, rigorous and effective performance management framework; and that is able to deliver better public-service outcomes for the country and its citizens.

The Review has found that currently, responsibilities for HRM are allocated among several different central bodies in a way that makes it difficult to achieve effective and efficient government-wide co-ordination of HRM. The Annex recommends that as a means to heighten government-wide co-ordination capacity, the HRM mandate of the government's Administrative Department responsible for the civil service (DAFP) could be consolidated and its strategic capabilities further developed. DAFP could take on a lead role in designing and overseeing the implementation of HRM reforms across the

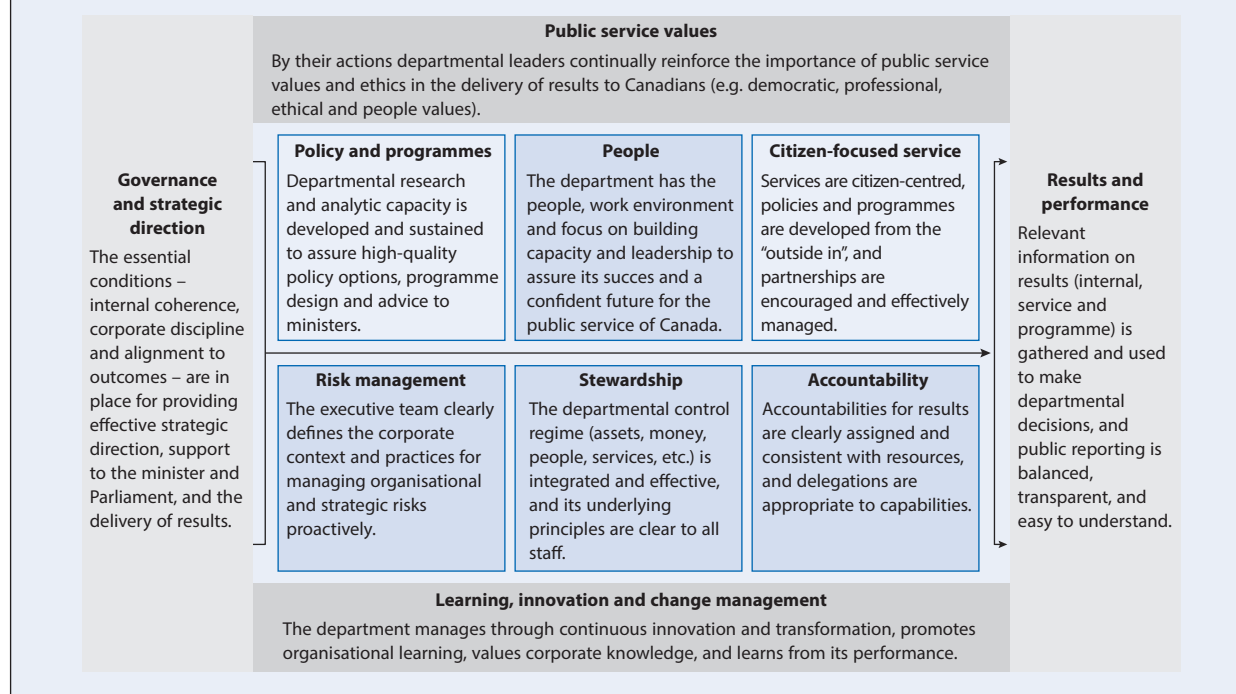
government. DAFP can also add significant value by developing frameworks and tools to support ministries and other organisations in improving their HRM. The corollary of this is that DAFP could become less involved in detailed operations, regulation and compliance. However, this change will need to be gradual and should only happen as new management accountability mechanisms, HRM policy frameworks, standards and monitoring mechanisms, and an updated mandate for the NCSC are put in place to replace detailed central controls.

In this regard, Colombia could consider strategies that have been implemented in such countries as Canada, Sweden, and Australia. These countries have developed tools to achieve the right balance between delegation and whole-of-government management accountability. Canada's Management Accountability Framework demonstrates the importance of applying common measures across departments and agencies to develop a whole-of-government perspective, even in a decentralised federal context (see Box 2.10).

Box 2.10. The Canadian Management Accountability Framework

In the context of increased emphasis on results and performance management and increased delegation of management functions to departments, the Canadian government has developed a Management Accountability Framework to ensure departmental accountability for management results, including human resources. The MAF is structured around ten key elements that collectively define “management” and establish the expectations for good management of a department or agency. It sets clear indicators and measures that can be used to gauge performance over time to help managers, deputy ministers, and central agencies to assess progress and to strengthen accountability for management results.

The MAF is part of the government's efforts to move away from prescriptive rules and heavy central regulation to focus on risk-based monitoring and accountability for results. The government uses annual MAF assessments to identify management strengths and weaknesses in individual departments and agencies and ultimately government-wide. The assessment process leads to a joint agreement on specific management improvement action plans and ultimately public reporting on the state of management. MAF assessment now also factors into deputy ministers' performance appraisals.



Box 2.10. The Canadian Management Accountability Framework *(continued)*

The People Component of the MAF provides a common structure for assessing HRM in departments and agencies. It sets out vision, expectations, key performance indicators and associated measures for sound HRM. It centres on key workforce, workplace, leadership and HR infrastructure outcomes, and associated measures. The outcomes are:

- a workforce that is talented, professional, representative, engaged and productive, with the required competencies and values to meet current and future needs;
- a workplace that is healthy, safe and fair and enables employees to work effectively in a supportive environment and a culture of excellence;
- strong leadership and management capacity to effectively lead organisations and people in a complex and dynamic environment;
- effective infrastructure, which facilitates effective organisational planning supported by strategic and enabling HRM and achieves high levels of client satisfaction.

The key “people management” performance indicators provide a solid foundation on which managers at all levels, including deputy ministers and human resource professionals, can build their accountability regimes for quality HRM and assess their organisation’s business and human resources outcomes. Every department and agency (except for small and micro agencies) in the federal public service is assessed in each component of the Management Accountability Framework (MAF). Each MAF component is further subdivided into Areas of Management (AoM), each of which has lines of evidence with associated rating criteria and definitions to facilitate an overall rating by AoM. The four-point assessment scale measures each AoM as either strong, acceptable, opportunity for improvement or attention required. The annual performance assessment of Deputy Ministers takes their Department’s MAF performance into account.

The MAF assessment process is performed annually by the Treasury Board Secretariat (TBS) (OCHRO performs assessment of the “people” component of MAF), based on evidence submitted from departments and agencies to support the defined quantitative and qualitative indicators within the framework. Assessments are completed by TBS representatives, including a quality assurance process to ensure results are robust, defensible, complete and accurate.

Source: OECD (2010), *OECD Reviews of Human Resource Management in Government: Brazil*, OECD Publishing, Paris.

Making HRM more flexible will inevitably entail not only the reform of policies and procedures that constrain effective workforce management, but also giving line ministries and departments more scope to manage their HRM. This will require careful preparation and training of line managers and staff of HR units to enable them to take on more strategic HRM responsibilities. Experience in OECD countries has shown that delegating HRM functions will succeed only if accompanied by greater accountability for managing HRM.

DAFP could assess what delegation may be desirable to make the HRM system work better and how it could be phased to enable the necessary capacity to be built up. At this stage it is recommended that the focus be on assisting HR units and line managers to improve the elements of HRM for which they are already responsible, especially performance management, workforce planning and staff training, rather than delegating additional matters. A valuable initiative that DAFP could take in terms of building the professional HR community in government organisations would be to develop an ongoing dialogue with HR functions in line ministries and departments. This could eventually lead on to setting up a forum of HR Directors and a network of HR managers. Competencies for HR professionals should be defined and a strong effort put into training and development.

In this regard, the government of Colombia might find the United States' experience with workforce planning instructive here. The Office of Personnel Management (OPM) has made an effort to align workforce planning with the strategic management of organisations and requires agencies to submit human capital plans annually (see Box 2.11). These workforce plans identify competency gaps and strategies to close these gaps. This experience emphasises the need for a forward-looking assessment of current and future capabilities and for aligning HRM with the overall mission and strategic objectives of government organisations.

Box 2.11. Strategic workforce planning, strategic alignment and workforce analysis in the United States

In the United States, workforce planning is part of the strategic alignment system which focuses on a human capital strategy aligned with mission, goals and organisational objectives of federal departments and agencies. It is implemented by the senior management, and in particular the chief human capital officer (CHCO), through analysis, planning, investment, measurement and management of human capital programmes.

Human capital management strategies are integrated into strategic plans, performance plans and budgets and are organised around: human capital planning, workforce planning, human capital best practices, knowledge sharing, and human resources as strategic partner. Each has several key elements that indicate effectiveness and is linked to suggested indicators that identify how well the agency is doing relative to key elements.

Activities and outcomes of this system are assessed through documented evidence of a Strategic Human Capital Plan which includes human capital goals, objectives and strategies; a workforce plan; and performance measures and milestones.

Agencies are required under Office of Personnel Management (OPM) regulations implementing the CHCO Act to submit the Strategic Human Capital Plan described by this system to OPM on an annual basis.

Effectiveness results of workforce planning

Each agency approaches workforce planning strategically and in an explicit, documented manner. The workforce plan links directly to the agency's strategic and annual performance plans and is used to make decisions about structuring and deploying the workforce.

Mission-critical occupations and competencies are identified and documented, providing a baseline of information for the agency to develop strategies to recruit, develop and retain talent needed for programme performance.

The agency's documented workforce plan identifies current and future workforce competencies and the agency is closing identified competency gaps through implementation of gap reduction strategies such as:

- restructuring;
- recruitment;
- competitive sourcing;
- redeployment;
- retraining;
- retention (e.g. compensation, quality of work life); and
- technology solutions.

Box 2.11. Strategic workforce planning, strategic alignment and workforce analysis in the United States *(continued)*

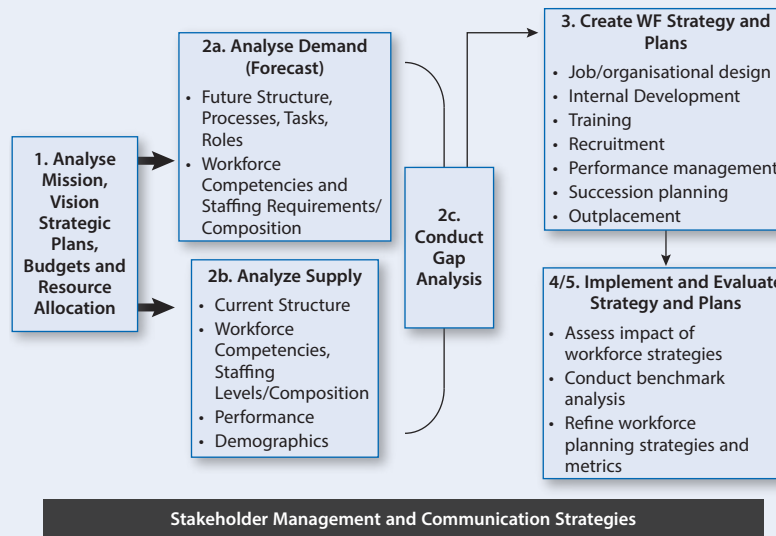
A business forecasting process identifies probable workforce changes, enabling agency leadership to anticipate changes to human capital which require action to ensure programme performance.

Based on functional analyses, the agency is structured to achieve the right mix and distribution of the workforce to best support the agency's mission.

Based on analysis of customer needs and workload distribution, the agency has the right balance of supervisory and non-supervisory positions to support the agency mission.

Workforce analysis

To support agencies' workforce planning efforts, OPM has issued a Federal Workforce Planning Model, which includes a workforce analysis framework. The following process chart illustrates this framework:



Source: United States Government, OPM, *The Strategic Alignment System*, www.opm.gov/hcaaf_resource_center/3-1.asp (accessed July 2012) and OPM (2008), *Workforce Planning Best Practices*.

Procurement issues

Public procurement represents about 15.8% of the GDP in Colombia (see Annex B), with approximately USD 11 billion spent at national level, corresponding to approximately 70 000 contracts (see Figure B.3). This is higher than the OECD average (12.9% of the GDP). In Colombia there are more than 2 000 public purchasing entities at the central and sub-central levels. Each public entity assesses its needs and carries out public contract-award procedures to fulfill them. The expertise and quality of the procurement workforce varies considerably. Procurement officials at the sub-central level tend to be less specialised.

Three international studies on procurement in Colombia – the 2000 World Bank Country Procurement Assessment Report (CPAR), the 2005 World Bank and Inter-American

Development Bank CPAR and the 2009 World Bank and Inter-American Development Bank Status of the Public Procurement Reform in Colombia – recommended consolidating, unifying and harmonising procurement rules, creating a central public procurement agency and setting up an electronic procurement platform. The main weaknesses in Colombia were found by all three studies to be not in Colombia’s legal framework but in the organisation and operation of procurement government-wide and in the system’s integrity and transparency.

In response to these recommendations, and on the basis of its national plans, the government of Colombia established the central procurement agency *Colombia Compra Eficiente* in 2012 under its good-governance agenda in the 2010-14 National Development Plan (see Chapter 2). Thus, the creation of this agency demonstrates beyond doubt the degree to which the government of Colombia understands the need to enhance whole-of-government co-ordination capacity, whether in terms of implementing national development strategy or in terms of enhancing the effectiveness and efficiency of government operations – in this case procurement.

Colombia Compra Eficiente is in charge of setting up framework agreements, updating and overseeing the electronic procurement platform, co-ordinating and advising on procurement policy and assisting buying entities and suppliers in procurement practices. It is already taking initiatives in these directions. To understand the strengths and weaknesses inherent in procurement practices across the country, *Colombia Compra Eficiente* recently commissioned a study to develop an inventory of the public-procurement workforce and identify the professional profile, professional and academic background and remuneration of procurement officials and external procurement contractors in Colombia. Data collection for this study took place between August and October 2012 and involved 87 public buying entities. The study demonstrated that procurement is deemed by the government to be an administrative function; procurement officials are housed in administrative support units of buying entities (such as the entity’s secretariat). A dearth of procurement officials has led to a reliance on external contractors/consultants to carry out procurement-related work. Both procurement staff and contractors/consultants display, in their majority, a legal professional background (62% and 75% respectively).

Moreover, public procurement in Colombia is regulated under a comprehensive regulatory framework.¹¹ This framework is complex, with many overlapping rules, and often not easy to implement. This contributes to public-procurement officials adopting a compliance-based approach to procurement emphasising process, not outcomes. Also, it makes it harder for potential suppliers, especially Small and Medium-sized Enterprises (SMEs), to participate in the procurement process, as it is not easy to follow the rules.

To improve whole-of-government co-ordination capacity in procurement, *Compra Eficiente* is already working on simplifying the legal framework and has prepared a new draft decree consolidating rules on public procurement principles and objectives, procedures, awards, conclusion and execution of contracts and related matters. The draft decree is intended, in accordance with its preamble, to provide a “regulatory framework that is coherent, concise, easy to understand and implement”.

In Colombia there is a wide range of exceptions to the procurement rules; these allow specific entities to procure goods and services outside the competitive tendering process (e.g. for the defence and the health sectors, public universities, the central bank of Colombia etc). In addition, buying entities can bypass competitive procurement procedures using specific grounds identified in the regulatory framework, including urgency, defence procurement, insufficient numbers of suppliers in the marketplace, inter-administrative

contracts (i.e. when buyer and supplier are both public entities), lease or conveyance of real estate, hiring of professional services, and research projects.¹² In 2011, almost half of the total number of public contracts in Colombia was awarded on the basis of exceptional procedures (see Figure B.3). This information is available and open to the public.¹³

The government of Colombia is currently in the process of cleaning up its procurement data to enhance the reliability of the information on the size of the procurement market and the total number, type (products, works and services) and value of contracts. Also, the new draft decree prepared by *Compra Eficiente* consolidates, clarifies and reduces the grounds on which direct awards can be made. It puts an obligation on buying entities to justify recourse to direct award, to identify clearly the rationale for the direct award and follow specific conditions and rules of procedure for direct awards.

ICT and E-Government roll-out and uptake

This section first presents a description of recent initiatives by the government in the area of ICT-uptake and e-government roll-out. It then presents considerations related to co-ordinating the implementation of the government’s e-government and ICT strategies (see Annex C). Colombia’s work on public-sector reform through the adoption of ICTs began in the 1990s, laying the foundation for more than a decade of developments in this area:

- In 2000, Colombia’s strategic approach was consolidated in the government’s national “Connectivity Agenda”, which first articulated the government’s information-society strategies (Government of Colombia, 2012).¹⁴
- Strategies and plans for the information society and public-sector use of ICTs have been identified as key levers for development since 2002, and have thus been co-ordinated under successive national development plans. This is reflected in a general approach to the use of ICTs, where the need for broad societal impacts is emphasised. Good governance, supported through targeted use of ICTs, is identified as one of the key levers for Colombia’s general development.
- In 2008, Colombia launched the “National ICT Plan 2008-2019” [*Plan Nacional de Tecnologías de la Información y las Comunicaciones 2008-2019*] outlining a vision and medium-term directions for government-wide use of ICTs. By the end of the period, the plan’s aim is to have all Colombians connected, using ICTs to create an inclusive and competitive society (Ministry of Communications, 2008).

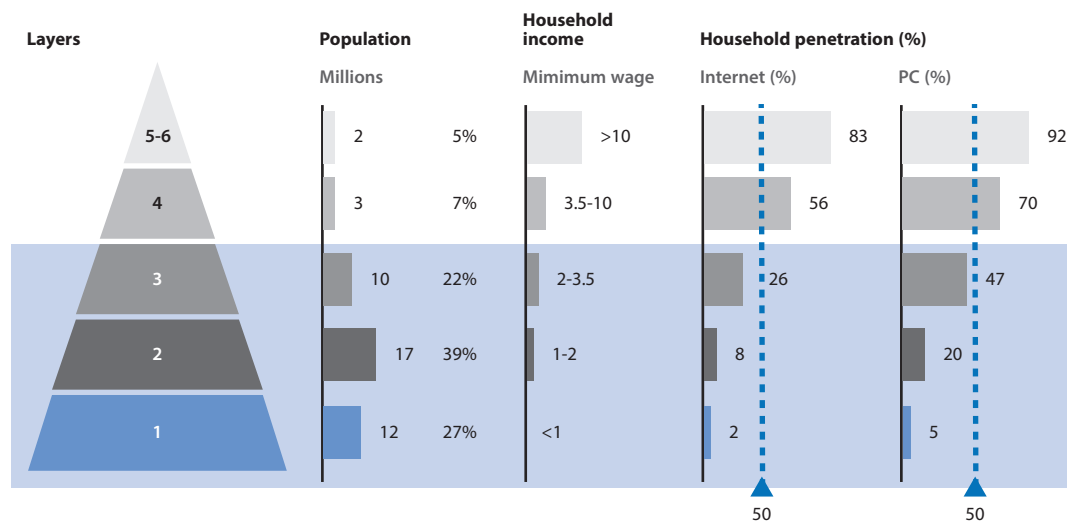
The current National Development Plan confirms the government’s general strategic direction respecting the public use of ICTs. 5.5 trillion pesos (2.9 billion USD) were allocated over this four-year period in the Plan’s multi-year budget. The use of ICTs is highlighted as being of particular relevance in pursuing the Plan’s pillars relating to good governance and effectiveness, growth and competitiveness. Other pillars such as regional development and risk-prevention also hold important technological components.

Vive Digital

Vive Digital is the ICT strategy to be implemented under the current National Development Plan. As the Colombian government focuses on inclusive growth, it is encountering challenges regarding access to and use of the internet and personal computing equipment (see Figure 2.3). The *Vive Digital* strategy includes a comprehensive plan on how to integrate the use of digital technologies in all areas of activity in the lives of Colombians

(Ministry of Information Technologies and Communications, 2011). As such, it addresses considerations relating to the information society, the internet economy, and not least, the role of government as a driver of ICT use. The *Vive Digital* strategy recognises the fundamental need to establish a full digital eco-system, and is based on the central principle of government as a user and a promoter of ICT, hence the mantra: “the Government has to lead by example” (Ministry of Information Technologies and Communications, 2010; Ministry of Information Technologies and Communications, 2011).

Figure 2.3. Penetration of Internet and PCs on different socio-economic layers



Source: Ministry of Information Technologies and Communications (2011), *Vive Digital*, <http://vivedigital.gov.co>.

Note: The figure demonstrates that internet and PCs are little used in practice by the poorest half of the population; the marked area illustrates the focus of the government.

Vive Digital aims to increase the use of the internet as a means to help the country leapfrog to democratic prosperity. The strategy assumes that increased use of the internet will foster growth in ICT employment, promote economic growth directly and indirectly, and reduce poverty (Ministry of Information Technologies and Communications, 2011). Although aggregated effects are still preliminary, World Bank and OECD data suggest a positive relationship between increasing internet adoption and economic growth. Additionally, the use of ICTs is an important factor in increasing labour productivity and in attracting investments (OECD, 2012).

As part of the government’s broader vision of the information society, *Vive Digital* identifies digitisation goals in some of Colombia’s priority policy areas including national security, education, tourism, agriculture and mining. Providing mobile services to a large number of farmers is one example; the deployment of personal computing equipment in schools is another. Such alignment facilitates the articulation of a coherent whole-of-government vision for the use of ICTs across policy sectors; at the same time, it highlights the need for effective co-ordination of policies, both at the national and at the central-local levels of government (see Annex C and Chapter 4).

Colombia's E-Government Strategy

The *Vive Digital* strategy complements the Colombian e-Government Strategy, mandated by Law 962 of 2005, and refined through Presidential Decree 1151 of 2008. The latter articulates the strategy's objective as contributing to "a more efficient, transparent and participative state, through the reaping of the information and communication technologies." The strategy commits to a unified vision of the state with equal multi-channel access, based on credibility and confidence in the government's online activities. Decree 1151 initially broke the e-Government Strategy down into five phases, in line with good international practice:

- *e-Information* phase: government entities will provide websites with access to basic information and simple searches.
- *e-Interaction* phase: two-way communications is to be established between citizens and businesses, through online consultations and interaction with public servants.
- *e-Transaction* phase: products and services are to be provided and made accessible online.
- *e-Transformation* phase: public-sector entities are to transform their operations to accommodate the needs of citizens and businesses better through the use of one-stop shops and governmental intranet.
- *e-Democracy* phase: citizens are to be motivated to participate actively in public policy-making through the use of ICTs.

In December 2012 the e-Government Implementation Manual 3.1 was established through Decree 2693. The application of this Decree is mandatory for the public administration and includes targets for compliance at the national and territorial levels. The Ministry of Information Technology and Communications is responsible for defining the policies and standards necessary to the implementation.¹⁵ Decree 1151 of 2008 initially mentioned a 5 year implementation horizon, however the latest Government Online Implementation Manual 3.1 extends this period, setting out targets for full implementation in 2015 for the national level, and 2017 at the territorial levels (Ministry of Information Technologies and Communications, 2012).

The e-Government Implementation Manual 3.1 sets out a general hierarchy of targets but now refers to 6 components (rather than phases and, building on initial progress, encourages carrying out various activities simultaneously), including implementing transversal linkages enabling public institutions to comply with and integrate the Manual in their individual implementation plans. Targets initially focused mainly on supply and aimed for a gradual implementation across the various levels of government. Table 2.1 lists the weighted targets across thematic areas. This most recent model for monitoring and evaluating the implementation of the e-Government programme using Manual 3.1 aims to shift focus to measuring results while sharpening attention on following up on implementation locally. Where national implementation of the 2012 goals is estimated to have achieved around 80% of performance targets in those units capable of measuring progress, the 2015 goals are currently only being implemented at a rate of around 6%.

The goals of the Colombian government's e-government strategy are ambitious, and the starting point challenging, particularly in terms of connectivity and full implementation of online service delivery. The UN data in Table 2.4 suggest that Colombia has a strong foundation in the area of the skills which it can harness to implement its strategy; however, the greatest challenge appears to lay in the provision of proper communication

infrastructure. The data show a high level of online service provision, using the UNDESA Web measure as a proxy. Colombia appears to be ahead of its peers in the region regarding online service delivery. This is confirmed in the progress of Colombia in other ICT recent related surveys and rankings, such as for example *Latinobarómetro* and the World Bank ICT indicators (Colombian Government, 2012; DANE, 2012; World Bank data, 2012; World Economic Forum and INSEAD, 2012).

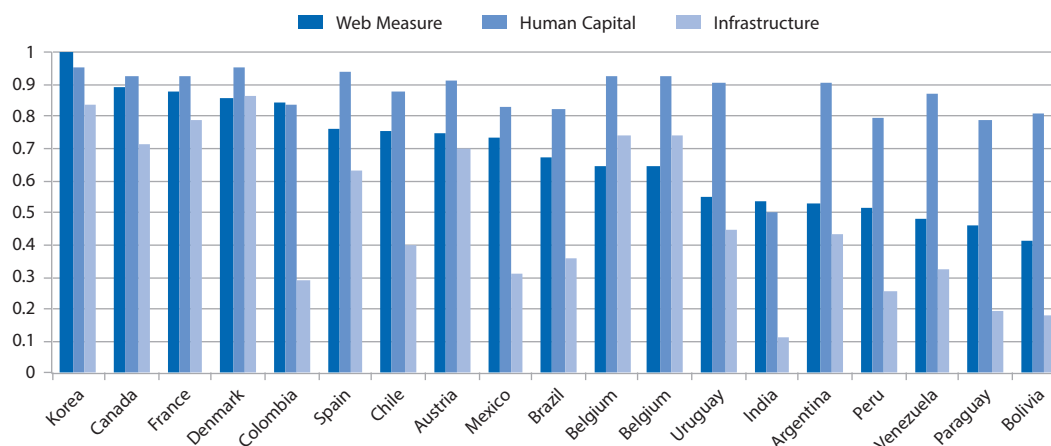
The approach of the Colombian government demonstrates a political vision for the use of ICTs as their use is framed by the National Development Plan. However, successfully

Table 2.1. **Implementation targets of the E-Government Strategy Manual 3.1**

Components	Activities	Weight	2012 target	2013 target	2014 target	2015 target
Transversal elements	<i>Institutionalising the GOL strategy:</i> Steering committee, planning, approval of strategy, monitoring and evaluation	30%				
	<i>Focusing on the users:</i> User characterisation, strategy promotion, accessibility, usability	30%	50%	75%	95%	100%
	<i>Implementing an IT management system:</i> planning and adjusting technology, IPv6 protocol	15%				
	<i>Information security management:</i> Implementing an information security management system	25%				
Information online	<i>Publishing of information:</i> Political editorial, publishing of information, multi channel access	57%	50%	80%	95%	100%
	<i>Publishing open data:</i> Information repository, opening up public data	43%				
Interaction online	<i>Establish interaction spaces:</i> Interactive consultation of information	50%	60%	80%	95%	100%
	<i>Establish electronic space to make requests:</i> Contact system, mobile contact system, integrated contact system	50%				
Transactions online	<i>Make administrative procedures and services available online:</i> Exemption rules, certificates and authentications, procedures and processes, one-stop-shops	100%	40%	70%	95%	100%
Transformation online	<i>Using electronic communication channels internally:</i> Good practices, file management system, authorisation of processes	45%	25%	70%	95%	100%
	<i>Exchange of information between public entities:</i> Process design, information exchange services	55%				
Democracy online	<i>Define the participation strategy:</i> Strategy for participation through electronic media	15%				
	<i>Construct participatory policy making and strategic planning:</i> Normativity and regulation, strategic planning	40%	55%	80%	95%	100%
	<i>Open up space to enhance social control:</i> Accountability	20%				
	<i>Open up spaces for open innovation:</i> Promotion of open data, problem solving	25%				

Source: Ministerio de Tecnologías de la Información y las Comunicaciones [Ministry of Information Technologies and Communications] (2012), *Estrategia Gobierno en línea, 2012-2017 Para el orden nacional, 2012-2017 Para el orden territorial* [E-government strategy, 2012-2017, For national entities, 2012-2017, For territorial entities], <http://gobiernoenlinea.gov.co>.

Figure 2.4. UN E-Government Readiness indicators in selected countries



Source: UN (2012), *United Nations E-Government Survey 2012: E-Government for the People*, www.unpan.org/e-government.

Note: The three components together form the UN E-Government Readiness indicator. The web measure is an assessment of content and features on four stages; the human capital measures literacy and tertiary education enrolment; the infrastructure is a composite indicator of five connectivity measures on internet and telephony access.

implementing this approach is encountering a number of challenges (see Annex C), including the national governance challenge – the ability of the lead ministry to co-ordinate the implementation of the strategy effectively government-wide. The Colombian government is currently consolidating its institutional structures and governance processes with regards to public-sector information and the use of ICTs and e-government. Furthermore, adequate instruments will be required to ensure its execution.

CONPES, chaired by the President, has since the government's initial information-society policies were announced in the 1990s, played the main role in setting the strategic direction for the use of ICTs. This has meant that actors at the highest levels of national political life have been engaged in the pursuit of the agenda in what can best be characterised as a top-down approach to strategy-setting and roll-out. To support CONPES' general approach to the use of ICTs in the public sector, the Intersectoral Committee of Policy and Information Management for the Public Administration (COINFO) was created in 2003. However, COINFO was assessed insufficient and its mandate revoked in 2011, particularly due to unclear responsibilities and weak co-ordination capacity due to non-binding recommendations and lack of budgetary instruments and resources (Colombian Government, 2012).

As a result, Decree 32 of January 2013 established the National Commission for Digital and State Information [*Comisión Nacional Digital y de Información Estatal*], absorbing COINFO's previous functions (Government of Colombia, 2012). The Minister of Information Technology and Communications will chair the meetings. The Vice-Minister of Information Systems and Technology [*Vice-ministro de tecnologías y Sistemas de la Información*], in his/her capacity as National CIO, will act as Technical Secretary [*Secretaría Técnica*] to the meetings. The Commission does not have a separate budget, but will use existing funds already allocated by its members as well as general budgets available locally. Members of the Commission include the Directors of the Departments

of National Planning (DNP) and of the National Statistics and of Public Administration (DANE). In addition, the Director General for Economic Regulation of Social Security in the Ministry of Finance as well as a representative from the Presidency, are members. The Commission can invite occasional speakers to the sessions according to the agenda, but they will have no vote.¹⁶ An Operational Committee [*Comité Operativo*] will co-ordinate any necessary technical sub-committees. As such, the composition of the Commission is quite narrow, as it contains no other ministries which might be crucial to the further development and implementation of key ICT projects. Similar institutional arrangements in OECD countries typically include a wider selection of key ministries and institutions as members.

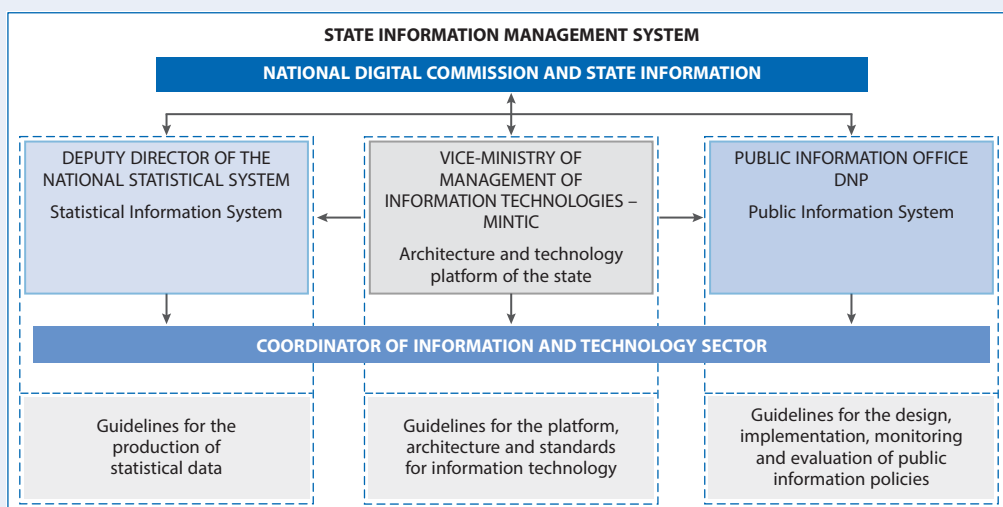
The establishment of the National Commission illustrates the Colombian government's understanding of the need to ensure national alignment of the different institutional approaches to public-sector information policies. Appreciating the potential of good data and information to increase the impact of public policy-making is essential for good governance. The Commission will work, *inter alia*, to ensure better co-ordination between ICT policies and the production of data by the statistical information systems through the National Statistical Office, DANE, and with the Public Information Office of the National Planning Department.

Box 2.12. The functions of the new National Commission for Digital and State Information

1. Coordination and guidance of the execution of public functions and services related to the management of public information throughout the country.
2. Recommend guidelines for national and sector policies related to the use, development and maintenance of technologies for managing information according with country requirements and state information articulation.
3. Advise the Government on the position to be presented to international agencies related to Internet governance, domains, intellectual property in the web, cyber security, cyber defense, protection and privacy of information.
4. Guidelines generation for the Cyber Emergency response group of Colombia.
5. Promote the agreements to ensure interoperability and integration of intra-and intersectorial information systems in the country.
6. Recommend policies and programmes to Government in order to develop standards of access and use of public information.
7. Promote in all State agencies the use and appropriation of technologies to manage state information and improving services provision.
8. Recommend policies and programmes to National Government for State's technology infrastructure development.
9. Establish its own regulations in order to ensure compliance of its functions, and the articulation and co-ordination for decision making inherent in their field.
10. Knowing and recommend policy guidelines for procurement of hardware and software without implying participation or approval of the procurement processes, previous concepts, terms of reference, contractual conditions or investment projects of public agencies.

Box 2.12. The functions of the new National Commission for Digital and State Information (continued)

11. Establish guidelines for access and management of public information under an open government, for the benefit of citizens, through mechanisms to improve the quality, accessibility, availability and reliability of public information.
12. Consolidate, in co-ordination with the Ministry of Information and Communications Technologies, inter-sector requirements related to government information and information technology for the purpose of defining policies and strategies in this area.
13. Follow up the implementation of policies and guidelines related to State information and information technologies.



Source: Decree 32 from January 2013; Colombian Government (2013), PGR Background Report (unpublished working paper).

With the establishment of the National Commission, Colombia aims to revitalise its governance structures related to information policy and public-sector use of ICTs as a means to accelerate progress across the different sectors and policy areas, including the implementation of national strategy such as the National Development Plan's *Vive Digital*, including the e-Government Programme. The Commission is mandated to ensure national and sector-specific co-ordination and to provide recommendations to the government on the use of information technology.

This mandate seems ambitious in terms of the scope of the agenda to be covered and the degree of eventual alignment sought. The strength and value-added of the National Commission will be to co-ordinate and align the interests of its members, although this might prove challenging in some areas if interests differ. Indeed it remains unclear how the Commission will succeed in recommending joint guidelines, for example, or in promoting agreements on interoperability and integration of services, or in ensuring the implementation of guidelines for procurement of ICTs, in case of disagreements or of differing interests leading to disputes requiring resolution. At the time of drafting this Review, neither the Commission nor the Ministry had yet finalised a specific action plan

with an operational agenda; such action plan or agenda will be an important prerequisite for the Commission to succeed. As such, the Commission seems to rely on the capacity of its members to make decisions collectively, by essentially playing a guiding role in several important areas of public-sector use of ICTs, such as ICT policies in specific sectors, public information management or guidelines for procurement. Areas requiring more binding decision-making responsibilities on the part of the Commission could thus also be considered.

Given its mandate, the National Commission will need to acquire the necessary co-ordination capacity to align the approaches of the stakeholders; this will be quite challenging as it cannot rely on its current mandate to take binding decisions. On a number of issues, the National Commission will need to ensure adequate political commitment by including and engaging the other ministries relevant to the *Vive Digital Agenda*, as well as for the specific issues mentioned above, such as interoperability standards, ICT procurement, and the active commitment to transforming government policies through the strategic use of ICTs. This will be particularly relevant when dealing with policies, guidelines and standards with direct impact on the organisation of business processes in ministries, public organisations and institutions, influencing local actions. As the Commission includes among its standing members mainly representatives from the Ministry of Information Technology and Communications, and representatives linked to the Presidency (DANE and the National Planning Department), the direct engagement of other policy or sector stakeholders is limited. The extensive use of sub-commission could be one way to address this. Colombia could thus consider additional governance instruments to ensure political, administrative and operational commitment to cross-governmental and multi-level co-ordination of digital information in single-sector areas and across sectors.

OECD countries have adapted different approaches to enhance co-ordination capacity in the area of e-government. In countries such as the UK, for example, the CIO's office and responsibility for e-government have traditionally been placed in the Cabinet Office serving the Prime Minister. Such arrangements typically help improve the focus on pursuing political and citizen-oriented objectives. In other countries, such as Australia and Denmark, for example, the CIO is located in the Ministry of Finance. Such an arrangement tends to generate an emphasis on the use of budgeting instruments and efficiency measures to guide the implementation of e-government priorities. Still other countries have placed e-government responsibility in ministries of Public Administration or in ministries of Information and Communication Technology, as in Colombia. The UK has recently suggested what might be a trend: abolish or consider abolishing the CIO function completely, assuming that this function cannot be separated from the transformational thinking and whole-of-government integrated approach required to reform and modernise the public sector as a whole as well as its individual policy sectors.

The Vice-Minister of Information Systems and Technology also functions as the national CIO. Through her role as CIO she will work with the existing and planned CIOs in the various government agencies across the government. By establishing a national CIO network, the government intends to gather CIOs from all 24 central administrative sectors in order to increase awareness of the political and administrative benefits of digitisation in the different sectors and policy areas. 9 CIOs have been appointed so far. The role of the CIOs will be to accelerate and direct the exploitation of ICTs for policy making and service delivery. This can also be a positive move in terms of sharing knowledge, building capacities and nurture collaborations in the government. The CIO network does not intend to be a decision-making forum complementing the National Commission for Digital and

State Information, but rather a venue to share information, insure increased awareness of strategic issues to drive the strategic use of ICTs. This might require strong participation by sector CIOs to create a political platform for leveraging the policies of the Commission.

Indeed the government could consider doing more to enhance co-ordination capacity to accelerate the implementation of ICTS and e-government. The government could consider:

- **Further improving the co-ordination capacity of the Ministry of Information Technology and Communications and capturing the full value of the CIO's co-ordinating role.** The Ministry of Information Technology and Communications plays a central role as co-ordinator of the information society and e-government policies, even more accentuated after the nomination of the National CIO in the ministry. In order to fully succeed, it could benefit from further developing its capacities to become *a co-ordinating ministry with Centre-of-Government institutional capacity to maximise cross-governmental relevance*. Indeed, should the government proceed with the creation of a standing Cabinet Committee on Government Operations as recommended in Chapter 2, this Committee could take into account the new role of the National Commission of Digital and State Information (indeed the Commission could be named as a sub-committee of the Standing Cabinet Committee). The Minister of Information Technology and Communications could also play a key role in such a Cabinet committee, providing the link between coherent government operations writ-large, efficient and effective public service delivery and the need for connected public-sector management of information.
- While relying on the political support and co-ordination powers of the Presidency may ensure a high level of political attention to these issues, the Ministry needs to build on and enhance its line functions to increase its agility and encourage *whole-of-government ownership* of information society policy agenda. Strategic use of the CIO Network can leverage this, through thematic discussion of key issues demonstrating the value-added of ICTs for policy making.
- Reinforcing the co-ordination position of the Ministry can be achieved by harnessing the political, administrative and operational interests of other important stakeholders in the area, extending top-down mechanisms with bottom-up governance. This will require maintaining strong leadership, building alliances within government and with key private sector and civil-society stakeholders, and using economic and political *incentives* as well as applying broad *formal co-ordination* rules and processes. The national CIO will need to play an important role in these matters, binding together the work of the National Commission with parallel efforts.
- **Establishing inclusive national ICT co-ordination mechanisms.** In this regard, co-ordination mechanisms that include key national government players can help guide economic, social and political decisions on how to prioritise the use of ICTs in the public sector. This requires *strong inter-ministerial co-ordination*, and increased attention to the local levels of government; see below. The newly established National Commission aims to ensure national co-ordination of information systems and public use of ICTs, including establishing common policies, standards, and implementation frameworks, but could benefit from a broader inclusion and commitment.
- Colombia could ensure that the membership of the National Commission reflects *broad political and administrative commitment* to the decisions and commitment to their implementation, in particular in relation to key ministries in high priority

areas, such as education, health, justice and competitiveness. This could for example be by granting some ministries membership in the commission or by extensive use of sub-commissions to ensure ownership of, and commitment to, the results. This would also help the development of and commitment to future ICT strategies by sector policy makers and increases in integrated use of ICTs. This extended inclusion should be developed and aligned closely with the parallel role of the emerging CIO network.

- **Strengthening governance instruments.** The National Commission will be an important co-ordination forum. However, it might be worth considering if it should strengthen its governance instruments through selected *mandatory requirements*, for example regarding the use of joint standards or infrastructure components:
 - *Standardised procurement agreements on ICTs* could be used to ensure coherence and consolidation of standards, and accelerate interoperability, for example through a “comply or explain” model. This could be an area in which the government mandates close collaboration with the newly-established *Colombia Compra Eficiente*, the agency created as a result of the government’s decision to consolidate procurement-capacity (see Annex B). Strategic procurement of ICTs would be important levers for coherence and interoperability. Establishing such agreements in *close co-operation* with public-sector buyers and users as well as the private suppliers could help align national ICT standards. Procurement is listed as part of the mandate of the Commission.
- The current *co-operation arrangements and the division of responsibilities* between the National Planning Department and the Ministry of Information Technology and Communications could be assessed further in order to guarantee *alignment between development and information policy* objectives while improving agility in the decision making processes to void overlap and duplication and ensure coherent use of resources. This would also imply fully ensuring that all *funding criteria* are aligned across the different sources. This co-ordination is listed as a key part of the mandate of the Commission.

Annex C sets out the complete set of recommendations regarding e-government and ICT implementation.

Central-government co-ordination for better regulation

The forthcoming Regulatory Reform Review of Colombia’s assessment suggests that measures to promote regulatory quality are spread across Colombia’s central government. Moreover, some of the current government’s projects are being implemented by different institutions, which could result in duplication of efforts and divert resources from key activities that have yet to be picked up. Some of the key central-government institutions that currently take part in the regulatory management process in Colombia include:

- The National Planning Department leads the discussion of regulatory reform;
- the Administrative Department of the Public Service (*Departamento Administrativo de la Función Pública*, DAFP) has a leadership role in the anti-formalities policy;
- The Ministry for ICT (*Ministerio de Tecnologías de la Información y las Comunicaciones*, MINTIC) leads the Government’s online strategy;

- The Ministry of Commerce, Industry, and Tourism (*Ministerio de Comercio, Industria y Turismo*, MCIT) is responsible for the co-ordination of technical regulations and conformity assessment procedures;
- Regulatory commissions (*Comisiones de Regulación*) are in charge of specific economic sectors, while *Superintendencias* oversee the implementation of regulation (these institutions are presented in the next chapter's section on regulation and regulatory impact analysis).

Colombia thus does not have a single institution in charge of regulatory quality and oversight. Since various institutions are in charge of different policies related to advancing the quality of regulations, there is room for improvement in terms of co-ordination and coherence of such efforts. The lack of a single, coherent whole-of-government regulatory *policy* might also explain current institutional atomisation, which in turn can explain the lack of an integrated approach to regulatory governance and a government-wide agenda to ensure regulatory quality.

International good-practice experience suggests that successful regulatory reform is usually led by a dedicated institution, located at the centre of government, with a clear mandate and sufficient resources to pursue it properly. An oversight body for regulatory quality is essential to ensure that regulatory policy is promoted and implemented using a whole-of-government approach. Colombia currently does not have such a body, despite the fact that several institutions try to perform what would be its core co-ordination and advocacy functions.

The specifics of any institutional solution depend on the administrative, legal and political traditions of the country: solutions are context-dependent. It is therefore essential for the government of Colombia to reflect on the ways that could lead to the selection of the best option for such an institutional arrangement, on how the institution can be established, on its mandate, and on its powers and responsibilities to implement it.

For Colombia, such an arrangement could be beneficial in terms of promoting the sharing of good practices among Colombian institutions, discussing regulatory priorities and challenges, and ensuring that the entire government promotes knowledge-management and capacity-building respecting regulatory issues. The Regulatory Review thus made four specific recommendations to enhance government-wide co-ordination to enhance the quality, reliability and utility of regulation in Colombia:

- Establish an institutional mechanism at the centre of government to promote regulatory quality, namely an oversight body in charge of regulatory reform;
- Create an advisory mechanism at the highest political level to promote regulatory quality government-wide;
- Strengthen the autonomy and accountability mechanisms for *de Regulación* and *Superintendencias* to facilitate better performance and efficiency;
- Improve co-ordination mechanisms between ministries, *Comisiones* and *Superintendencias* by ensuring they systematically discuss regulatory initiatives at early stages of the decision-making process and in the preparation of new regulations and the interpretation of existing ones.

The governance challenge – the ability of the oversight body to co-ordinate government-wide implementation of regulatory policy effectively – ought to be one of the main considerations influencing the decision on the type of institution that could play this role. It could be tasked

with a variety of roles that could be gradually expanded, as the use of oversight tools is promoted and improved:

- To start with, the oversight body could contribute to the systematic improvement of the application of regulatory policy and establish clear criteria to examine the potential for regulation, in areas where regulation is likely to be necessary. All institutions in the central government could thus receive guidance to decide if regulation is the best way to intervene to solve a public-policy issue.
- The oversight body could provide training and guidance in the use of regulatory tools and strategies for improving regulatory performance. Capacity-building efforts are essential to ensure that regulators improve their skills for regulatory management.
- In terms of the use of regulatory tools, the oversight body could be entrusted with the main responsibility to move forward from mere simplification efforts to a comprehensive approach to regulatory quality. It could lead the review of the stock of regulations government-wide from a legal perspective using a systemic, coherent, integrated approach.
- As for the flow of new regulations, once a regulatory impact analysis methodology is in place, such an institution could promote high-quality evidence-based decision making over the medium and long term. This includes exercising a quality-control function by reviewing the quality of impact assessments and blocking proposed rules for which assessments show inadequacies.

Beyond the creation of a single regulatory-oversight institution, an option to promote regulatory quality over time could be the creation of a cabinet-based arrangement consisting of a small committee of ministers to review and approve high-impact regulations. This mechanism for collective oversight is particularly helpful in governments that have yet to develop CoG capacity to review and challenge regulatory proposals from across the entire spectrum of government institutions:

- Its purpose could be to make the approval of high-impact regulations binding, yet conditional upon demonstrating compliance with regulatory policy principles, or stated and specific government policy objectives.
- Such a mechanism could improve the accountability of ministers and officials proposing regulations and embed a whole-of-government culture for regulatory improvement in the public administration.
- This cabinet-based mechanism need not replace the oversight body, but could work in co-ordination with it. For example, the oversight body could make recommendations to the cabinet committee on the approval, modification or rejection of a proposed regulation, using proper regulatory impact analysis and the results of public consultation, but the final decision would rest with the cabinet committee. In Canada, for example, certain regulations require the authorisation of the Governor in Council (GIC – Canada’s Cabinet/Council of Ministers), which means that Cabinet has the authority to accept or reject the regulatory proposal.

The potential oversight body and cabinet committee could also monitor and report regularly on the co-ordination of regulatory-reform activities government-wide, on the performance of the regulatory management system against intended outcomes, and could identify opportunities for system-wide improvements to regulatory policy settings and regulatory management practices.

Notes

1. Colombian Government, 2013.
2. Law 790 of 2002 established the policy of “social seal” which states that the following people cannot be withdrawn from service in the Renewal Programme of Public Administration: mothers “head of family” with no economic alternative, people with physical limitations, mental, visual or auditory, and civil servants who meet all the requirements, age and length of service. They have the right to enjoy their retirement pension within three (3) years from the promulgation of the law.
3. Colombian Government, 2013, pp. 15, 19, 22, 24 and 26.
4. Ibid.
5. Ibid.
6. Departamento Nacional de Planeación, 2011, p. 3.
7. Ibid.
8. Ibid.
9. Article 339 of Title XII: “of the Economic and Public Finance”, Chapter II: “development plans”.
10. Since February 2013 (after the assessment conducted by the Peers for this Review was completed), the Council of Ministers has begun meeting every week.
11. These include Law 80 of 1993 on public administration contracting, Law 816 of 2003 on supporting national industry through public contracting, Law 1150 of 2007 amending law 80 of 1993, Law 1474 of 2011, decree-law 19 of 2012 on regulations, processes and procedures applicable to the administration, decree 734 of 2012 which groups and consolidates many older decrees on public procurement, decree 1397/2012 on contractor capacity for public works, and decrees 1467/2012 and 1508/2012 on public-private partnerships. There also two public-policy guidelines on procurement: Conpes (Consejo Nacional de Política Económica y Social (National Council of Economic and Social Policy) 3249 of 2003 and Conpes 3714 of 2011.
12. Article 2 of law 1150 of 2007.
13. OECD, 2012.
14. Conpes (Consejo Nacional de Política Económica y Social) is mandated in law 19 from 1958 and is the highest planning authority, advising the government on social and economic policy.
15. The Presidential Decree 1151 of 2008 mentions the Ministry of Communication. The previous competency under this ministry is currently under the Ministry of Information technology and Communications.
16. However, as the Council is also responsible for cyber security and defence issues, the Minister of Defence will participate in the discussion of such matters with voice and vote.

Bibliography

- Cárdenas M., R. Junguito, and M. Pachón (2006), “Political Institutions and Policy Outcomes in Colombia: The Effects of the 1991 Constitution”, *IDB Research Working Paper*, No. R-508, Inter-American Development Bank, Washington, DC.
- Colombian Government (2013), *PGR Background Report*, (unpublished working paper).
- Departamento Nacional de Planeación (2012), “Decreto número 1832 de 2012”, *Diario Oficial de Colombia* No. 48539, www.dnp.gov.co/LinkClick.aspx?fileticket=dlJnYaY50rQ%3D&tabid=150.
- Eslava, M. and M. Meléndez (2009), “Politics, Policies and the Dynamics of Aggregate Productivity in Colombia”, *Research Department Working Paper*, No. 687, Inter-American Development Bank, Washington.
- European Commission (2012a), “Green Papers”, http://europa.eu/documentation/official-docs/green-papers/index_en.htm.
- European Commission (2012b), *Green Paper, Glossary*, http://europa.eu/legislation_summaries/glossary/green_paper_en.html.
- European Commission (2012c), *An Agenda for Adequate, Safe and Sustainable Pensions*, White Paper, COM(2012)55final, Brussels.
- European Commission (2011), *Summary of consultation responses to the Green Paper “Towards adequate, sustainable and safe European pension systems”*, Brussels.
- Ministry of Information Technologies and Communications (2011), *Vive Digital*, <http://vivedigital.gov.co>.
- OECD (2013a), *Public Governance Review of Poland: Implementing Strategic-State Capability*, OECD Publishing, Paris (forthcoming).
- OECD (2013b), *Regulatory Reform Review of Colombia*, OECD Publishing, Paris (forthcoming).
- OECD (2012), *OECD 2012 Survey on Public Procurement*, response by Colombia (internal document).
- OECD (2011), *Slovenia: Towards a Strategic and Efficient State*, OECD Public Governance Reviews, OECD Publishing, Paris, <http://dx.doi.org/10.1787/9789264173262-en>.
- OECD (2010), *OECD Reviews of Human Resource Management in Government: Brazil*, OECD Publishing, Paris.
- OPM (2008), *Workforce Planning Best Practices*.
- Piedrahita, E.U. (2009), “Administrative Reform: process and continuing need” *Revista Política Colombiana*, October-December 2009, 6-27. www.revistapoliticacolombiana.com.
- UN (2012), *United Nations E-Government Survey 2012: E-Government for the People*, www.unpan.org/e-government.
- United States Government, OPM, *The Strategic Alignment System*, www.opm.gov/hcaaf_resource_center/3-1.asp (accessed July 2012).



From:
Colombia: Implementing Good Governance

Access the complete publication at:
<https://doi.org/10.1787/9789264202177-en>

Please cite this chapter as:

OECD (2013), "Centre-of-Government co-ordination in Colombia", in *Colombia: Implementing Good Governance*, OECD Publishing, Paris.

DOI: <https://doi.org/10.1787/9789264202177-5-en>

This work is published under the responsibility of the Secretary-General of the OECD. The opinions expressed and arguments employed herein do not necessarily reflect the official views of OECD member countries.

This document and any map included herein are without prejudice to the status of or sovereignty over any territory, to the delimitation of international frontiers and boundaries and to the name of any territory, city or area.

You can copy, download or print OECD content for your own use, and you can include excerpts from OECD publications, databases and multimedia products in your own documents, presentations, blogs, websites and teaching materials, provided that suitable acknowledgment of OECD as source and copyright owner is given. All requests for public or commercial use and translation rights should be submitted to rights@oecd.org. Requests for permission to photocopy portions of this material for public or commercial use shall be addressed directly to the Copyright Clearance Center (CCC) at info@copyright.com or the Centre français d'exploitation du droit de copie (CFC) at contact@cfcopies.com.