

Chapter 5

The Unrealized Potential of Presidential Coalitions in Colombia

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Historically, the Colombian executive wielded considerable control over the policy-making process, even when the president lacked legislative support. Before the adoption of the Constitution of 1991, this was possible chiefly due to extensive decree powers which allowed the president to routinely bypass a legislative process that was mostly composed of locally-oriented legislation initiated by deputies. The 1991 reforms curtailed unilateral executive power, making the president much more reliant on legislative support. However, throughout the 1990s the party system became even less accommodating to the executive as parties increasingly fragmented and a pattern of extreme individualism continued (Shugart, Moreno, and Fajardo 2007). Without unilateral avenues or strong congressional party support, the president faced constant legislative resistance. The perceived failures of the political system ignited a debate on the need for an electoral reform aimed at encouraging a stronger party system, which finally passed in 2003 and significantly reduced party fragmentation in the House and Senate (Pachón and Shugart, 2010).

Along with the electoral reform, multi-party coalitions have emerged in which presidents increasingly include members of various parties in the cabinet. However, parties have not served as firm building blocks for linking such coalitions to control of the legislative process. Despite major changes to the party system and a major reform to the electoral system, parties remain

individualized and with weak programmatic foundations. These factors operate in conjunction with legislative rules that greatly empower individual members of Congress. As a result, coalitional presidentialism in Colombia has yet to serve as an effective means to coordinate between legislative parties and the executive branch.

In this chapter, we analyze the current Colombian legislative process in terms of the input and output of the legislative agenda during the four presidential periods from 1998-2014. Our sample includes all bills introduced in Congress during this period, with a subset of “major” bills coded as those mentioned in the media – specifically those appearing on the front page of the largest national newspaper (*El Tiempo*). During this time, the electoral and party system has changed significantly, while presidential constitutional power and the internal rules of congress have remained unchanged. Importantly, changes in Colombia’s party system have coincided with the formation of multiparty coalition cabinets designed to facilitate executive-legislative relations instead of ad-hoc legislative coalitions. Such presidential coalitions have been associated with executive-legislative coordination in the policy-making process, especially in Brazil (Figueiredo and Limongi 2000, Amorim Neto 2002). Colombia’s recent party system changes have indeed produced coalition building between legislative parties and the president. However, we show that the growth in such coalitions does not lead to any additional advantages for these presidents because interparty coalitions do not translate into a means to organize the legislative process. First, legislators face incentives to focus on developing personal constituencies rather than supporting their party’s collective agenda. Second, unlike in Brazil, decentralized formal institutional rules in Congress empower deputies to influence both the agenda and the content of bills, which affects the legislative efficiency of the governing coalition. As a result, legislative bills continue to predominate in legislative output, deputies from parties in the coalition have no

advantages over others in passing legislation, and executive failures remain just as frequent despite large and increasingly formalized coalitions.

The first section of this chapter discusses the institutional features that allocate rights over the legislative agenda, focusing on the powers of the president and the features of the chamber that empower individual deputies. The second section focuses on the characteristics of the party system and coalition patterns, focusing on the recent changes brought about by the 2003 electoral reform. The third part examines the empirical record with regard to the introduction and passage of legislation. We find that the dramatic changes in the party system, though bringing coalitions designed for more cooperative executive-legislative relations, have not produced substantial changes in president's or coalition parties' ability to efficiently control the legislative agenda relative to the *ad hoc* bargaining that preceded it. Following Alemán and Tsebelis in the introduction of this volume, the absence of cohesive majority governments in Colombia requires that we focus on the details of agenda setting institutions and the incentives of legislative actors to better understand policy outcomes.

THE INSTITUTIONS OF AGENDA CONTROL IN CONGRESS

The *Mesa Directiva* in each chamber presides over the bill scheduling and is in charge of leading the debate according to the House and Senate rules. The *Mesa* is composed of a President and two vice-presidents, each with one-year terms and without the possibility of reelection. Despite the short terms for the members of the *Mesa*, and the practice of formal votes to replace these positions after each year, the parties in Congress reach a negotiated agreement on which members will hold these positions across the entire presidential term before the first legislative session begins. On the floor, the *Mesa* president also is in charge of ensuring that bills

are actually voted on, as widespread absenteeism means that active mobilization is needed to form a quorum and the *Mesa* president has the power to sanction members. Such mobilization is also necessary to protect executive bills from amendments.

While controlling the legislative leadership in each chamber is important, it by no means enables party negotiations among the coalition to control the agenda. First, unlike other countries with presidential coalitions, such as Chile or Brazil, no formal institutions exist in Colombia's Congress to empower or even recognize party leaders. Only since 2010, under Santos, has even an informal effort emerged to integrate *Mesa* and party leadership and better coordinate among governing parties. This produced the *Mesa de Unidad Nacional*, an informal body in which the President and his ministers discuss and decide the legislative agenda with the presidents of all parties in the coalition (Prieto 2011). This arrangement was intended to facilitate integration between the formal leaders of parties, the executive coalition and the agenda-setting process.

By far the most important institutions governing the legislative process in practice are legislative committees. All bills are required to go through the committee stage and neither the *Mesa* nor the floor can discharge bills, thus it is imperative for the executive coalition to attempt to influence at least the most important committees. Members of the seven permanent committees in the Senate and in the House of Representatives are chosen through negotiation among parties and can serve the entire term. Historically, legislators with the most clout and prominence tend to get their preferred committee assignment and to become chairs (Pachón 2003). Each committee's president (chair) is formally elected by the committee but these too are assigned in practice by informal negotiation for one-year non-renewable terms. Committee presidents decide on the agenda of each committee and choose the *ponentes* (rapporteurs) for the

bills assigned to the committee.¹ Being a *ponente* gives a legislator the advantage to propose changes to the bill even before the debate is opened to the members of the committee. The informal practice is that the proposal made by the *ponente* is voted on in the committee, not the original text proposed by the author.

Primarily as a result of these considerable powers, legislators in Colombia can delay and influence all bills that go through the legislative process. Negotiations among party leaders in the coalition and the president are no guarantee these hurdles can be overcome.²

Formally, the president has several powers to influence the agenda. First, the president holds the right of exclusive introductory powers in certain policy areas. Second, the president has the means to expedite the consideration of bills. Third, the president has urgency powers, such that Congress is required to begin committee deliberations and decide on priority bills within 30 days. The president can also freeze the agenda until a decision is taken, reducing the ability to delay consideration.³ In addition, the president can also call for joint sessions for the House and Senate committees, which reduces the time of deliberations and limits amendments and dilatory strategies.⁴ Finally, the president can use extraordinary sessions during the legislative recess for Congress to debate the executive's priority bills.⁵ Together these powers have the potential to ensure priority for executive initiatives, but by no means allow the president to bypass efforts by members of Congress to impede executive bills.

Once executive bills are on the agenda, the president must still work to restrict amendments from altering legislation, as the bills are fully open to committee or floor amendments throughout the process. Open amendment rights can be used by any members and often are employed by members to claim credit for a modification of an executive bill. Further,

the executive branch cannot itself propose amendments except through members of their coalition in Congress.⁶ Conference committees provide a venue for presidents to counteract deputy interference in the content of legislation but, depending on their makeup, this process can just as easily work against executive interests (Alemán and Pachón 2008). For these reasons, even with a majority coalition, the president cannot easily control all aspects of the legislative process for executive bills, much less legislative initiatives.

Meanwhile, the president lacks unilateral power to resort to decrees except under temporary emergency situations, the constitutionality of which is determined by the Constitutional Court.⁷ Although the Court may allow decree power to be exercised before review, even for months, states of emergency do not provide an alternative to statutes. As such they have been used infrequently.⁸

In sum, the institutional and political circumstances within the Congress make it extremely difficult for the president to control the policy-making process without consistent cooperation from a coalition in Congress. Overall, consistent with the expectations of Alemán and Tsebelis in the introductory chapter, formal agenda setting powers are insufficient for presidents to overcome the challenges stemming from heterogeneous legislative coalitions in combination with decentralized chamber rules.

THE POLITICAL PARTY SYSTEM IN THE COLOMBIAN LEGISLATURE

The Colombian political party system has changed significantly since the 1991 Constitution. While the Liberal and Conservative Party still initially dominated, the electoral system – which lacked any restrictions on the number of lists per party – led to extreme electoral fragmentation (Archer and Shugart 1997, Crisp and Ingall 2002, Crisp and Desposato 2004).

This resulted from both decentralization reforms that promoted localized parties and a low effective threshold to earn seats in the legislature (Shugart and Cox 1996, Rodriguez Raga 2002, Moreno and Escobar-Lemmon 2008, Avellaneda and Escobar-Lemmon 2012). The Senate began employing a single national district, which was intended to encourage more nationally oriented Senators (but see Crisp and Desposato 2004) and certainly enabled small parties to gain representation. In the years following the reform, Colombia incrementally moved from a highly personalistic two-party system to having more than 72 legally recognized political parties and movements, which made it increasingly difficult for the president to form the coalitions that became necessary in the absence of decree power (Gutiérrez 2007; Cárdenas, Junguito and Pachón, 2008). Multiple party membership (known as “double militancy”) allowed traditional party leaders to form party-like movements with independent political campaigns and no accountability to traditional party directorates. Analyzing the traditional political parties from 1991 through 2002, Roll (2005) identified at least six different factions of Liberals (the nominal plurality party) with just a small percentage of the members holding the official endorsement and, in the context of unrecorded votes, little party discipline. Roll observed that “the members of the traditional political parties in the House of Representatives are mostly interested in finding resources for their regions and consider party positions as secondary with respect to their main objective.” (Roll, 2005; p.48)⁹

Extreme party system fragmentation was persistently criticized by the public, non-governmental organizations and members of the political elite. In 2003, the electoral system was reformed to an open list system¹⁰ from one that functioned as a multimember plurality system with candidates effectively independent from one another.¹¹ This reform naturally had a significant impact on the aggregation of the political party system, as parties had to limit their

lists to only one per district, as well as reach a 2% threshold to win representation in 2010, and 3% in 2014 (Pachón and Shugart, 2010). As politicians joined larger party lists, a less fragmented multiparty system took shape. To illustrate, in 2002, 53 parties in the House had two or fewer seats, comprising 38% of all seats. By 2010, only 6 parties won representation in the House with fewer than three seats. Under the open-list system, the members of parties continued to reflect diverse personal constituencies, but the unification into single entities nevertheless coincided with potentially more meaningful roles for parties in the political system, including the possibility for multi-party presidential coalitions.¹²

Presidential Coalitions

Given the power that legislators have to shape the agenda, especially in terms of blocking and delaying legislation, the president has a strong incentive to form stable relationships with a coalition of deputies in Congress. During the period under study, presidents attempted to form a variety of coalitions using cabinet appointments and negotiating with legislative parties. These have grown in their size, depth and formality across the four presidential periods under study. As described in table 5.1, Pastrana's coalition, called "The Alliance for Change" (*La Alianza por el Cambio*) was made up of the PCC, a faction of Liberal Party dissidents and a number of independent legislators. His coalition quickly fell apart in the aftermath of the defeat of his 1999 electoral reform proposal and a subsequent corruption scandal in Congress. He was only able to rebuild his coalition by joining with a significant number of Liberal Party legislators in exchange for giving them a more prominent role in the cabinet. In addition to having the weakest coalition, Pastrana is also the least popular president in the sample, with initially only 27 percent during his first coalition period and only about 20 percent after his coalition breakdown.

Table 5.1: Presidential Coalitions and Political Support in Colombia, 1998 – 2014.

		Mean Presidential Approval	Parties included in the congressional coalition	House Seat %	Senate Seat %
Pastrana	1998-2000	27.75%	Conservative Party, Liberal faction, several independent movements and indigenous representatives.	58.40%	52.90%
	2000-2001	20.75%	Conservative Party, several independent movements and indigenous representatives.	38.60%	28.40%
	2001-2002	20.60%	Liberal faction, Conservative Party and several independent movements and indigenous representatives.	58.40%	52.90%
Uribe I	2002-2005	71.21%	Conservative Party, Cambio Radical, Liberal faction, Alas Equipo Colombia, Convergencia Ciudadana, Colombia Democrática and Colombia Viva.	65.10%	58.80%
	2005-2006	71%		62.61%	66.97%
Uribe II	2006-2007	70.10%	Conservative Party, Cambio Radical, U Party, Alas Equipo Colombia, Convergencia Ciudadana, Colombia Democrática and Colombia Viva.	62.43%	68.80%
	2007-2008	75%		63.43%	70.93%

	2008-2009	73.30%	Conservative Party, U Party, Alas Equipo Colombia, Convergencia Ciudadana, Colombia Democrática and Colombia Viva.	51.96%	57.38%
	2009-2010	68%		52.63%	55.14%
Santos	2010-2011	69.50%	Conservative Party, U Party, Liberal Party, Cambio Radical	83%	73%
	2012-2014	43.70%	Conservative Party, U Party, Liberal Party, Cambio Radical and Green Party.	84%	78%

Source: Authors estimates based on data from Congreso Visible and Invamer Gallup.

President Uribe's first congressional coalition from 2002-2006 marked a watershed moment in the party system. First, while Uribe's coalition was also very fragmented, it was composed of the new parties that emerged as the traditional Liberal and Conservative Parties lost support. Second, Uribe won office as an independent, consolidating the division of the Liberal Party on which he had earlier built his political career.¹³ With the subsequent passage of the electoral reform and Uribe's successful reelection, the political system reorganized as a new party composed of his supporters, Partido de la U (or U Party) was created, simplifying the process of coalition formation after the 2006 election. During this time, many observers characterized Uribe's coalition as a "steamroller Congress", with critics even suggesting there was insufficient attention to minority views (e.g. Uprimmy 2009), although such impressions were heavily influenced by Uribe's public popularity. Uribe's effort to seek a constitutional amendment allowing him a third term shook the unity of the coalition, however, resulting in the loss of Cambio Radical's support. Nonetheless, Uribe's popularity remained as strong as in the

beginning of his term, with a 71% mean approval rate and his popularity maintained these levels or improved throughout his second term.

Despite the existence of congressional coalitions in both Pastrana and Uribe administrations, the nomination of the cabinet remained a largely separate process from congressional organization. Most cabinet members during this time could be considered “independents” or technocrats despite their formal association with a political party since they had at most a very loose connection to their parties in Congress. President Santos, historically a Liberal and former Defense Minister of President Uribe, ran as the candidate from the Partido de la U in 2010. After his victory,¹⁴ Santos was able to obtain support from the Conservative (PCC), Liberal and Cambio Radical parties to build a grand coalition – *Unidad Nacional* (Hoskin and Pachón 2011). This cabinet coalition is known to have involved policy negotiations in exchange for legislative support. Notably, to obtain the support of the Liberals, Santos made a major concession on compensation for victims from the civil conflict, a prominent Liberal proposal that had been opposed by Uribe. The Conservatives preserved influence over rural policies, such as subsidies to coffee producers. A program for housing for the poor was given priority due to the inclusion of Cambio Radical, who obtained the Housing ministry. Given the size of the coalition seat share, the negotiations within the coalition held the potential to substantially reduce legislative bottlenecks for the government agenda. Santos also began with strong public support - in his first two years he had an average approval rating of 69 percent. However, Santos lost much of his support after 2012, with his approval falling to 43%, when he pursued a constitutional reform to streamline the justice system that resulted in an embarrassing failure.¹⁵

The small leftist PDA, in opposition through all the Uribe period, remained the most visible ideological opponent of the president. Other small but influential parties, such as the

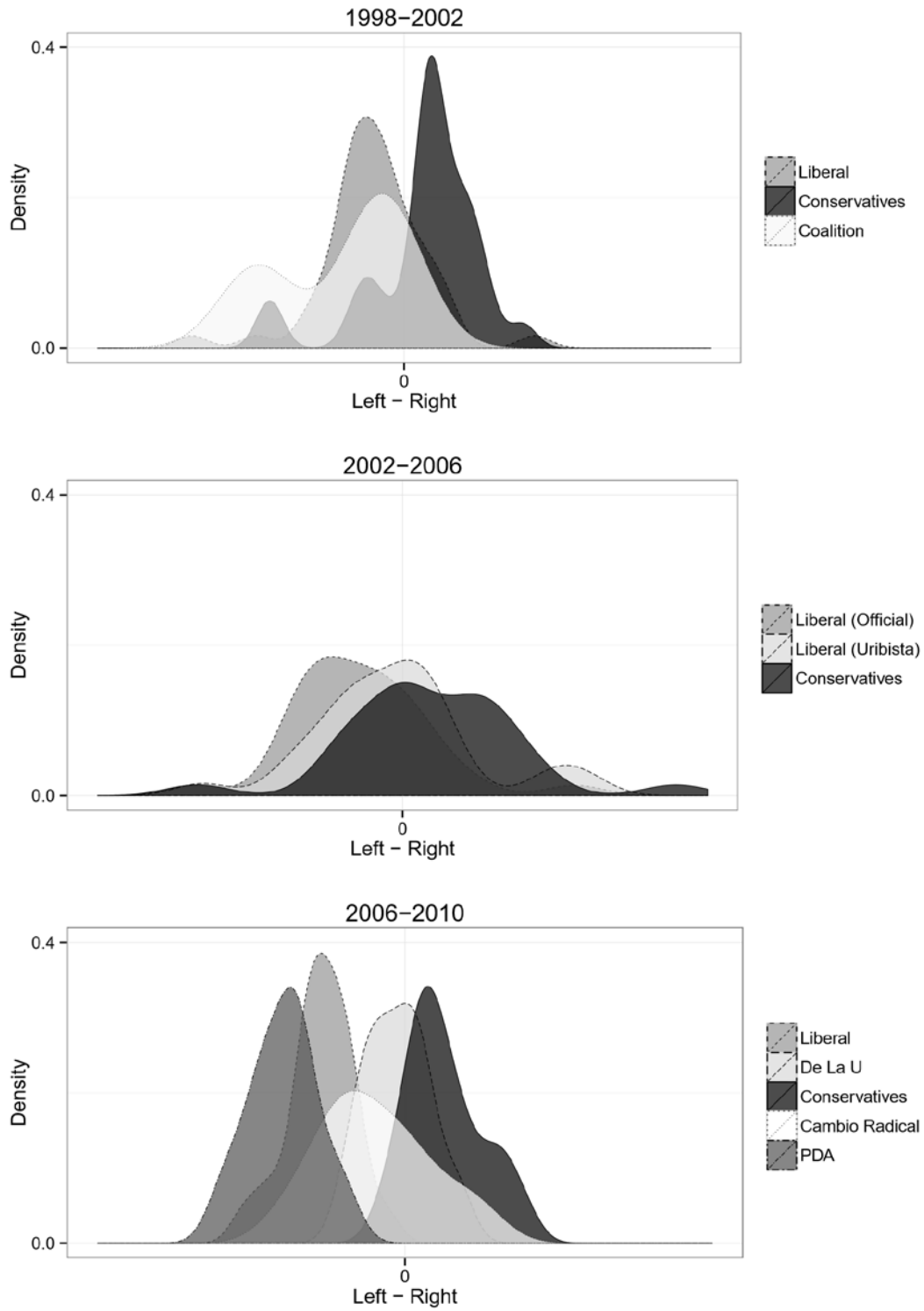
Partido MIRA and the Green Party, also obtained representation in the House and Senate with only a handful of seats.

The programmatic nature of parties and patterns of roll call voting

Below we illustrate some of the recent patterns in the party system by examining the distribution of preferences across the parties as well as their aggregate voting patterns. Figure 5.1 displays a series of density plots of the distribution of preferences of legislators in the House using in the basic dimensional space underlying responses to elite survey data¹⁶ for the period 1998-2010, estimated jointly via the Bayesian implementation of Aldrich-McKelvey's scaling method (Aldrich-McKelvey 1977, Hare et al. 2015).¹⁷ The placements derived from the University of Salamanca's elite survey data suggest that nominal party groupings corresponded with at best very loose ideological differentiation in both Pastrana's administration and Uribe's first term. Yet, the parties are ranked intuitively, with Liberals containing a tendency toward "left" self-placement. In addition, the Uribista faction of the Liberals that formed after 2002 tended to identify roughly to the right of the "official" faction.

Compared to either of those periods, the period 2006-2010 – the first after the electoral reform – produced programmatic interparty differences. In this period, members of the Partido de la U¹⁸ and especially Cambio Radical show considerable internal heterogeneity.¹⁹ Among the other parties, ideological positions are much clearer, however. The members of the Liberal and PDA political parties, especially the latter, position themselves on left and have less internal variance than the centrist parties. Similarly, unlike the other parties associated with the governing coalition, the PCC is composed mostly of members that place themselves clearly on the right side of the ideological spectrum.

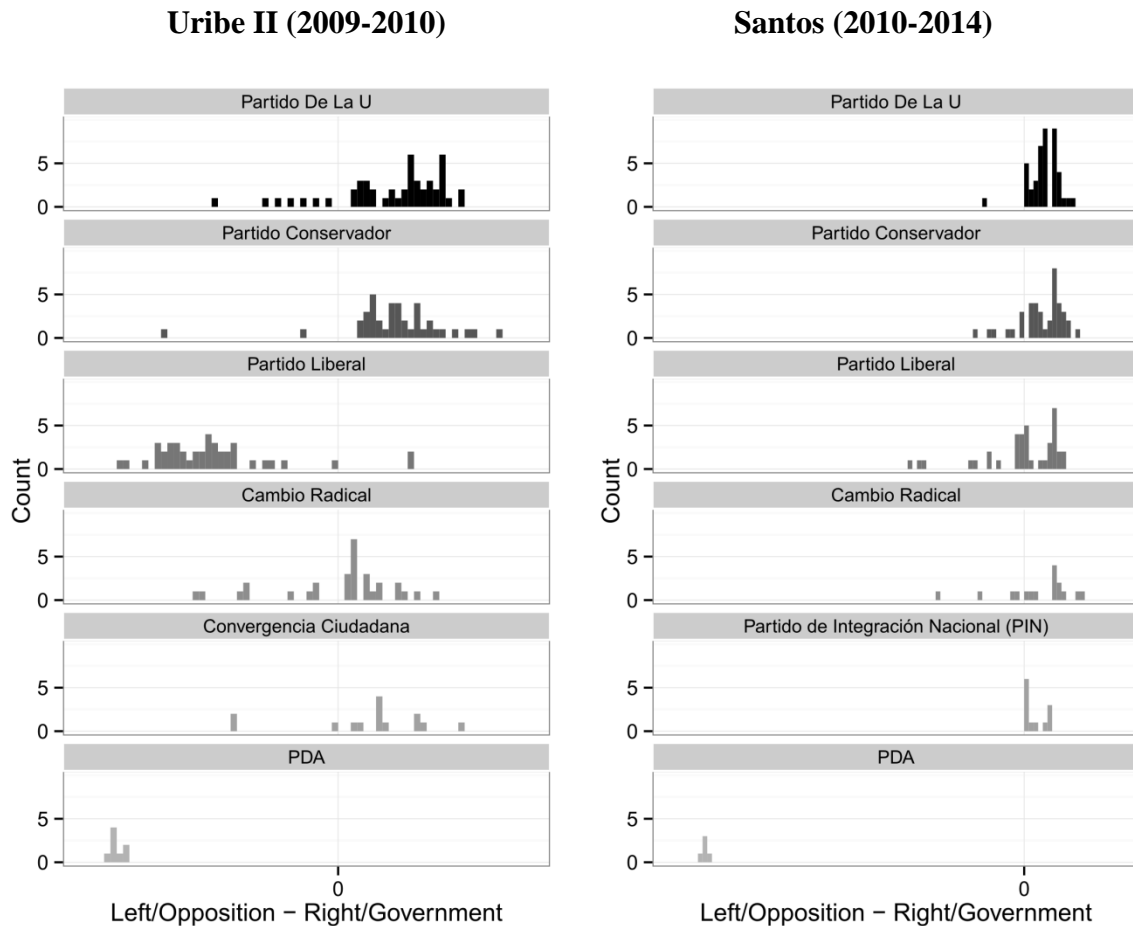
Figure 5.1: Scaled Deputy ideological self-identification in the House of Representatives, 1998-2010



Source: Author estimates based on data from the Parliamentary Survey, Universidad de Salamanca.

In contrast to the survey data just presented, roll call voting reflects the end result of the party influence on members as well as the indirect influence of legislative organization on the agenda and therefore the set of choices available to legislators. Thus, the apparent differences between roll-call-based measures and survey based measures can be taken as an indication of these organizational effects in the House. In figure 5.2, we present a histogram of ideal points based on the first dimension Optimal Classification coordinates (Poole 2000; Poole et al. 2009)²⁰ of all recorded roll call votes cast during the latter part of the 2006-2010 period, when recording began.²¹

Figure 5.2: Roll Call-Based Ideal Points of Colombian Deputies, Uribe II and Santos Administrations



Source: Authors estimates based on data from Congreso Visible.

Roll call voting under Uribe (2009-2010) appears to reflect a polarized chamber in which the differences between the centrist deputies and those on the right within the governing coalition are not clearly visible. Instead, the PCC, the Partido de la U and to a lesser degree Cambio Radical are not distinguishable and concentrated on the “right” (i.e., government) side of the spectrum. Meanwhile, parties outside the coalition – Liberals and the PDA– are positioned at various points on the left, reflecting their self-reported ideological preferences and opposition posture.

Thus, while the coalition behind Uribe was generally rightist on the surface – and was opposed consistently by the center-left and far-left in Congress – it was by no means a homogeneous coalition. While the PCC in this party system has emerged as a somewhat coherent right-wing force, *Uribistas* and their other allies represent a diverse group of individuals. For the most part, the members of the governing coalition are nevertheless generally in line in their voting behavior.

The emergence of some bipolarity in the chamber was short-lived, however. As described above, Santos formed an even broader coalition than Uribe. This coalition nominally incorporated all major parties, unifying the parties associated with Uribe’s governments with the largest opposition party in the previous term, the Liberals. The unipolar distribution of voting patterns by party from this term captures the dynamic of a centrist coalition formed around the president. As cabinet partners, Liberals are no longer distinguished from the government, reflecting both their coalition membership and policy movement by the government to incorporate Liberal positions. Meanwhile, the political right is best represented by the most

conservative members of the PCC.²² The only party functioning as a consistent opposition in voting patterns is the small leftist Polo Democrático. Further, Santos' coalition coincides with an internal consolidation of the most ideologically diverse governing parties, De la U and Cambio Radical, each of which had contained groups of members opposed to the government during Uribe's second term.

Taken together, it is apparent that the parties in Congress have developed programmatic distinctions although floor voting is chiefly a function of government membership and does not illuminate interparty differences. In the next section, we show that even these dramatic changes have not led to aggregate changes in patterns of law-making.

PATTERNS OF LEGISLATIVE ACTIVITY

We now examine how the institutional setting interacts with the political actors involved in the policy-making process in Colombia. We focus on the four most recent legislative periods – 1998-2014 – and distinguish local, national and major bills from others in terms of legislative introduction, success and productivity.

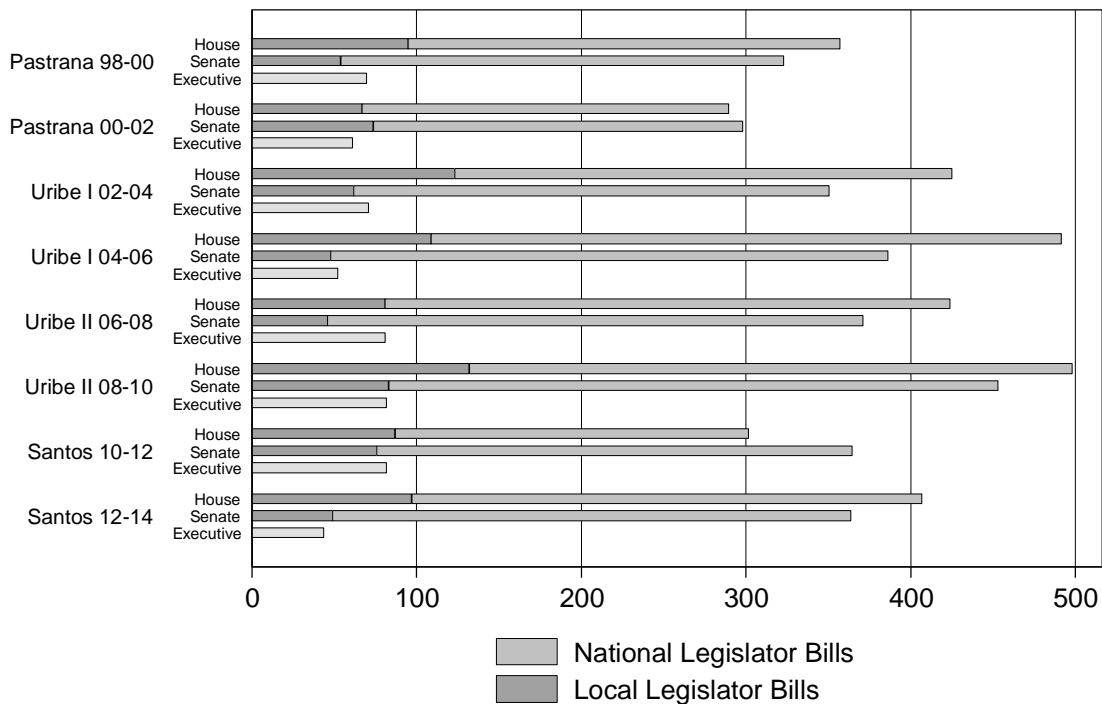
Who introduces legislation?

At the introduction stage, a large number of bills come from the legislature. Executive introduction has, overall, been stable at roughly 10-12% of all bills in the period considered in this chapter. Figure 5.3 displays the total number of bills introduced by each branch and chamber during the period in question, divided by two-year periods under each president. The general patterns among branches are stable across time, both in the proportions each branch introduces, as well as total bills during the period. One of the biggest exceptions to this stability takes place

in the most recent period, during the last two years of Santos' term. This period of inactivity coincides with the large-scale failure with the Justice Reform mentioned above and the subsequent crisis that it generated within Congress (Escandón 2013).²³

In terms of patterns across parties, these vary little across time when taking into account party sizes, but it is noteworthy that two small non-government parties – MIRA and PDA – account for a substantial amount (293 and 227 respectively since 2002) of total bills introduced despite very small seat shares. Each of these parties is associated with efforts to take positions using legislative introduction.

Figure 5.3: Bills Introduced by Branch and Chamber 1998-2014



Source: Author's calculation. Data from Congreso Visible.

An important source of variation in the Colombian Congress is whether bills deal with national or local policy, which we would expect to vary with changes in the party system and coalition patterns. To examine this, we follow criteria similar to Taylor-Robinson and Díaz (1999) to classify bills as “local” and “national.” A bill intended to target a municipality, a hospital within a certain region, or some economic sector in a particular region is considered “local.” Bills with no specific targets modifying a code, or creating a social benefit for a broader group of citizens who fulfill certain criteria are considered “national” bills.²⁴

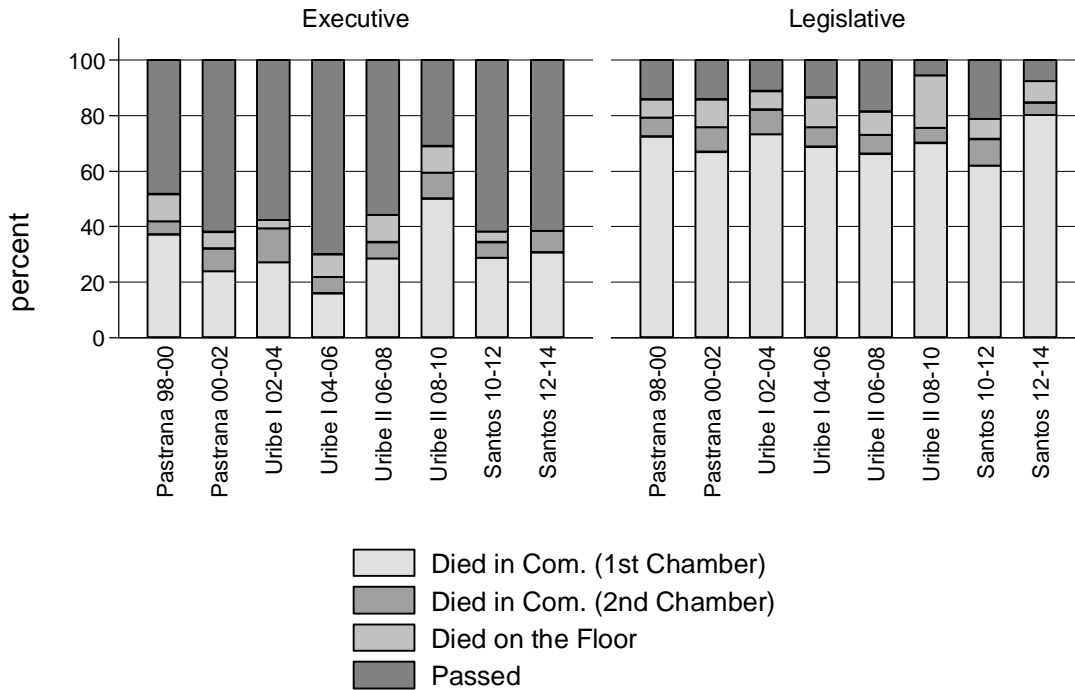
For the most part, whether national or local, the bulk of bills can be interpreted as the independent activities of individual deputies. While the vast majority of bills introduced deal with some aspect of national policy, about 13% of deputy bills are local in nature.

Who passes bills?

So far we have discussed simply legislative activity, without regard to viability. Here we show how many of the bills introduced actually make it to the floor and have a chance of approval. Figure 5.4 shows the fate of bills by presidential period separated by branch of origin. There are four categories shown: first, those bills that could not make it out of an initial committee stage; second, those that that passed one chamber and failed in committee in the second chamber; and, third, bills that die in the plenary floor in either chamber; finally, all bills that made it through the legislative process.²⁵

The vast majority of legislative bills – over 70% on average – fail to pass the committee stage, although this has declined slightly over time. For the executive, this number is much lower at 21% (excluding treaties), the notable outlier being the second part of Uribe II discussed below. While the on average 66% of the executive bills pass, this figure is only 17% for legislators.

Figure 5.4: Fate of Bills Introduced by Each Branch, 1998-2014



Source: Author's calculation. Data from Congreso Visible.

Although floor failures for executive bills indicate at least some weakness in mobilizing support on the floor, the committee stage is the dominant reason executive bills fail. Despite the efforts of the president to bargain with parties and control both the Mesa and committee memberships, the coalition is routinely insufficient to ensure that executive bills receive floor consideration. In addition to the weaknesses in positive agenda power, the coalition is not always reliable in ensuring bills opposed by the president do not reach the floor. One high profile example was the bill known as the Victim's Law, pushed by the Liberals when in opposition during the second Uribe term. This bill required compensation to victims of the ongoing civil conflict. Despite the president's opposition, Liberal party leaders introduced the bill and were able to obtain floor majorities in two rounds of debates in 2008 and 2009.²⁶ In short, negative

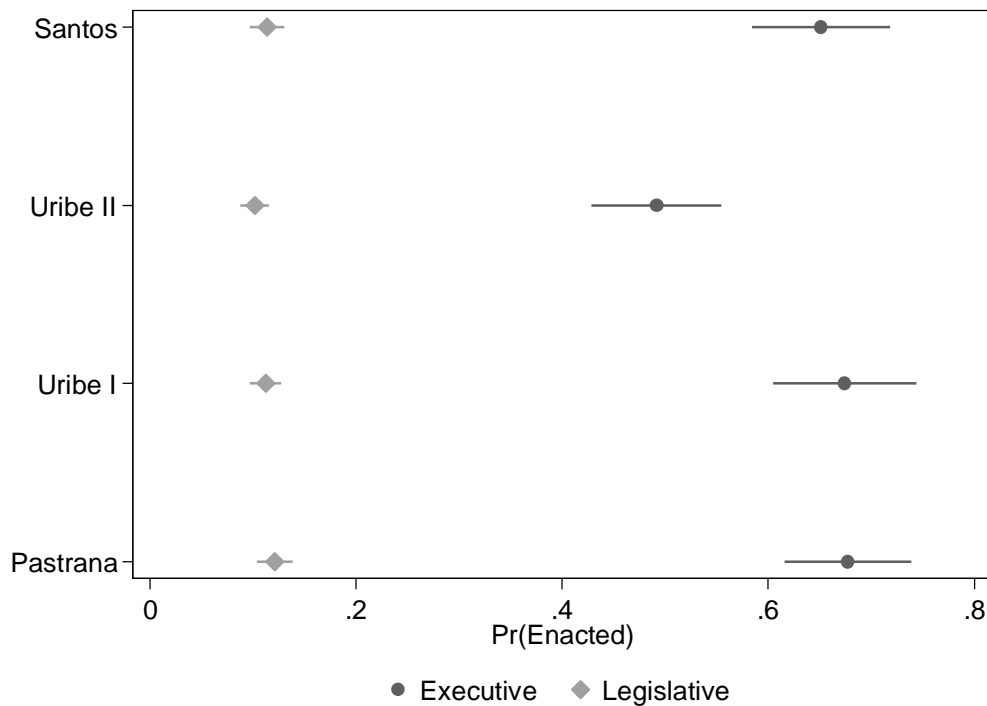
agenda control often did not successfully serve executive interests even under the large and more organized coalition of Santos.

While there are some distinctions across terms, there is no apparent trend in favor of presidential success or any systematic correspondence to the type of coalitions formed. However, one major deviation occurs during Uribe's second term, when despite high public approval, the president faced a very high rate of bills failing in the first stage. This period coincided with two extraordinary events that affected relations with Congress. The first was an intense confrontation between the president and the courts in which 73 members of Uribe's coalition were under investigation for ties to illegal groups. These events forced many legislators to leave Congress and 30 were prosecuted and detained. With their seats threatened by new legislators, incumbent legislators were concerned about their own status in these investigations and the coalition's ability to facilitate movement through the legislative process by coordination with Congress was weakened (Pachón 2009). When Uribe's attempt to deal with these matters using decree power was stopped by the Constitutional Court, a subsequent effort to pursue statutes without coordination with coalition members led to another set of stalled initiatives. The second major event disrupting executive-legislative coordination was the controversy surrounding Uribe's attempt to be reelected to a third term. Though ultimately unsuccessful, this issue led to conflict between parties in the coalition as well as within them (Ungar 2008, Congreso Visible 2009), most visibly precipitating the departure of Cambio Radical from the governing coalition.

We next examine more closely how presidents and legislators have varied in their ability to ensure the passage of bills and how the type of legislative bills corresponds to their success. First, looking again at presidential success, figure 5.5 shows the predicted success rates from probit estimates of enactment as a function of type and administration (see table 5.A1 in the

Appendix) from 1998 to 2014 for executive and legislative bills (both House and Senate). Contrary to a frequent characterization of Uribe’s coalition as “steamrolling,” executive success overall did not change from Pastrana to Uribe’s first term and actually declined sharply in Uribe’s second term. While more than 67% of the total bills introduced by Pastrana’s administration were passed, Uribe’s success reduced to 62% in his first term, and to only about 50% in his second, a statistically significant drop. Santos’ term, meanwhile, restored but did not exceed the previous rates of success under Uribe and Pastrana, despite much more formal efforts to organize a multiparty coalition.²⁷

Figure 5.5: Predicted Success Rates from all Bills Introduced by the Executive and Legislators 1998-2014

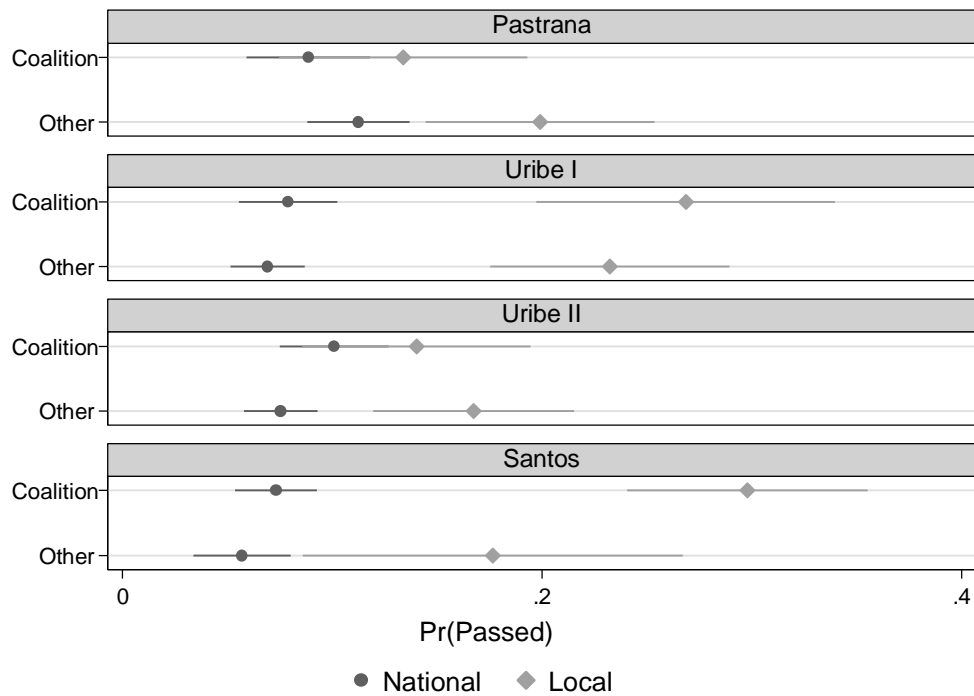


Source: Author’s calculation. Data from Congreso Visible.

While the change in the party system may not have led to clear differences in executive success, differences might yet be apparent in the success of bills from legislators. To allow us to

identify any such pattern, we examine legislative bills during this period allowing the probability of success to vary by author's coalition status, by president and by the national-local emphasis of the bills. Figure 5.6 shows the predicted success rates based on a probit model interacting dummies for each presidential term both with dummies for the government coalition status of each author party with dummies for the local or national content of the bill (see table 5.A2 in the appendix). To identify the coalition status of bill authors we consider both formal party affiliation and position towards the government. The latter is necessary to differentiate two groups of Liberals, those supporting the governing coalition under Pastrana and Uribe's first term and those known as the "oficialistas" who followed the party line and opposed those presidents. Bills that have more than one sponsor are classified according to the affiliation of the majority of sponsors.

Figure 5.6: Predicted Success Rates from all bills Introduced by Legislators, by Coalition Status and Type 1998-2014



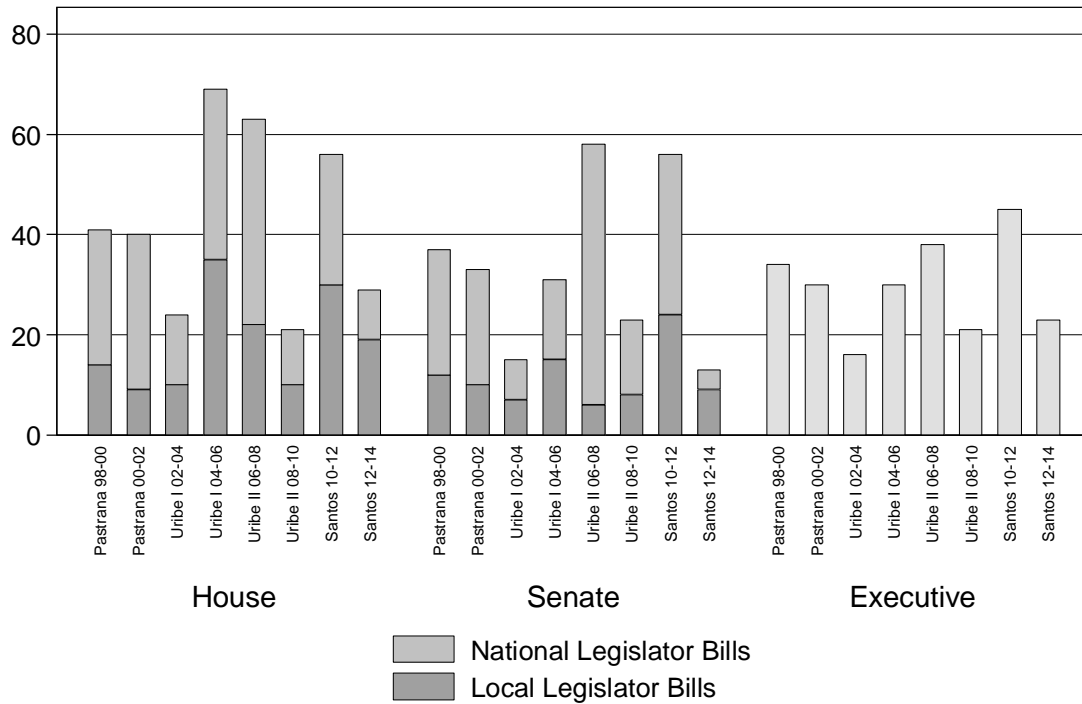
Source: Author's calculation. Data from Congreso Visible.

First, a clear pattern is present that local bills have a much higher passage rate than national bills. One reason for this is that local bills do not provoke the policy conflicts associated with national policy, thus there are fewer political barriers to passage. Second, coalition status of the author does not greatly affect probabilities of success for bills, although there is some difference present among local bills under Santos. Across terms, the probability of success for national bills changes little. The main source of variation comes from changes in the success of local bills across time, where legislators of all types had much greater success rates on local bills during Uribe I.

To examine how these successes translate into the overall output of the legislature, we

show the aggregate numbers of bills produced from the executive and the legislature, broken into two-year periods. Figure 5.7 shows the total legislative productivity by scope and branch of origin, over two-year periods within each term. Although success rates are low due to the large number of bills introduced, legislators are nevertheless responsible for the vast majority of the total legislative output. Even when considering just national bills, legislative bills consistently rival the quantity produced by the executive. But the greater emphasis on local bills is apparent in that they constitute the majority of successful bills at any given time in each house. In fact, not only do the House and Senate both have a tendency to introduce local bills, the Senate actually has considerably more success in passing them. Again the dramatic drop off in productivity in the final years of Uribe's second term is clear. The difference between the first and second half of Santos' first period is also noteworthy, with the latter being much less productive for all types of bills and Senate bills declining most dramatically. Still, there are no apparent differences in the emphasis on national or local bills.

Figure 5.7: Overall legislative productivity 1998-2013



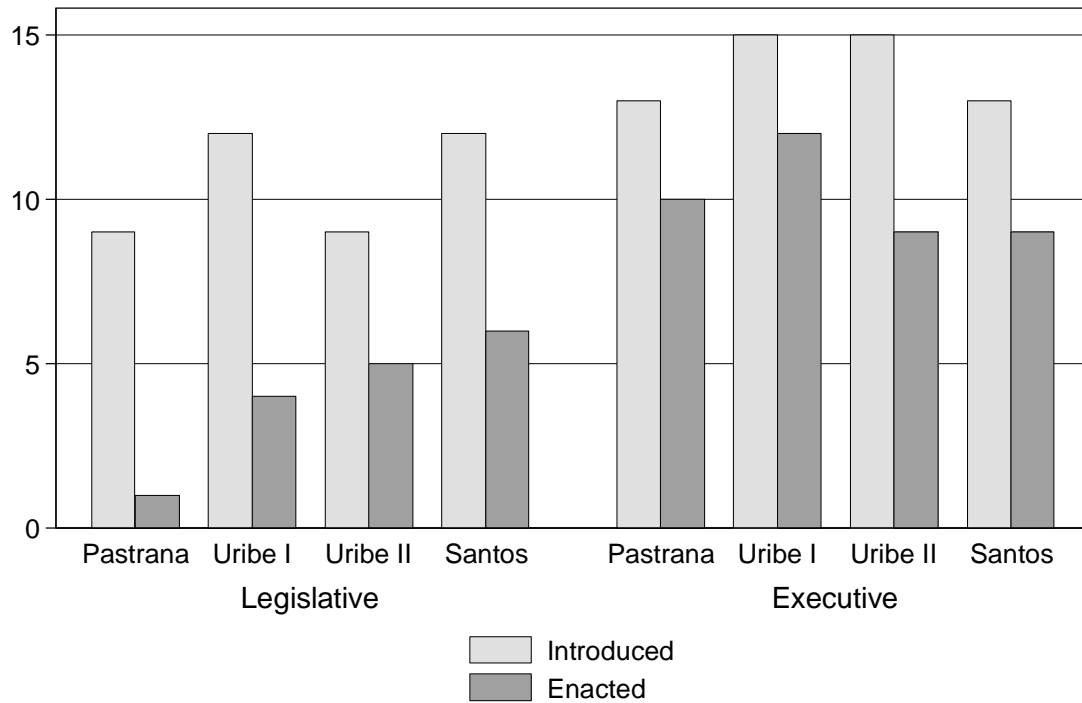
Source: Author’s calculation. Data from Congreso Visible.

Introduction and Enactment of Major Bills

While we have separated local from national bills above, only a few “national” bills are broad in their scope and political salience. Figure 5.8 shows patterns of introduction and enactment of “major” bills, defined here as those mentioned in the media – specifically those appearing in the front page of the largest national newspaper (*El Tiempo*). By this definition, the executive has introduced 10-15 major bills per year, despite very different coalitions and political contexts. From the executive side, aside from several treaties, these bills typically include major campaign promises, routine but important bills such as the budget, and bills that respond to major events. Legislators’ major bills are almost as frequent. The major bills from legislators mainly reflect efforts to respond to current events or concerns of the public, especially

concerning violence or fatalities due to lack of regulation or enforcement. Some deal with structural reforms such as the electoral system or other constitutional changes. All of these bills are classified as “national”.²⁸

Figure 5.8: Introductory and Enactment Patterns on Major Bills 1998-2012



Source: Author’s calculation.

About 70% of executive major bills are enacted, consistent with our analysis that all four presidents have generally managed a similarly moderate degree of control over the legislative process even if under widely varying circumstances and using different means.

While both legislators and the executive have the capacity to produce bills prominent enough for major media coverage, enacted laws on these topics has been far less frequent for legislators. This was particularly apparent during Pastrana, though successful major legislative bills have been increasingly common since Uribe’s era.

While this may reflect the elements of a more party-oriented legislature, one must interpret this pattern with caution. First, the sample is quite small. Second, the nature of these bills must be taken into account. For example, widely publicized bills increasing prison terms for drunk drivers, the death penalty for sexual crimes, and regulating church leaders have been successfully enacted, but tend to reflect the ability of politicians to appeal to public support for popular policies rather than attempts to associate parties with broad policy solutions. Thus, even when accounting for notoriety, there are arguably important qualitative differences in the types of major laws successfully pursued by legislators and the president.

One way to illustrate the more controversial nature of executive proposals is to examine the amendment process of bills, which captures the conflict among legislators on the content of the bills. The closest systematic proxy for the amendment process in available data is the number of floor votes per bill, which is only available since 2009. The logic of this measure is that, given the open amendment rule currently used in the legislature, major bills would be subject to significant efforts at modification, while less important bills would go through the legislature with less debate and amendments. Thus, to do this, we divided the sample of bills for which we have votes into those that are legislative, executive, and major executive. Although this illustration is limited, we note that there is a significant difference between legislative and executive bills in terms of effort at amendment. While the major legislative bills during this time have only 3.3 votes on average before passage, this is lower than even ordinary (non-major) executive bills, which have 13 votes on average. We interpret this as suggesting that the type of major bills getting passed from legislators are not especially controversial in terms of the main policy disputes among parties. Meanwhile, the major *executive* bills during the same time have received an average of 32 votes per bill, which suggest that these bills are drawing a far greater

number of amendments than major bills coming from legislators.

CONCLUSIONS

The post-1991 era of Colombian politics has been characterized by tremendous change in the formal structure of executive power, shifting much greater responsibility for national policy to the legislature. Without the ability to pursue a unilateral course, presidents have incentives to work with legislative parties in order to control the legislative agenda. After a period of extreme fragmentation, the emergence of nominal partisan support surrounding Alvaro Uribe suggested a move in the direction of more stable and party-based executive-legislative coalitions. Presidential support in the form of negotiated multi-party majorities has grown considerably, especially in the aftermath of the 2003 electoral reforms and with the Santos coalition in 2010, which clearly involved negotiations over policy in exchange for legislative support. Still, this apparent change in the basis for presidential support obscures a great deal of continuity in the capacity of executives to control the agenda, even across widely varying political situations.

The main reason for this, we argue, is that the rules of Congress continue to empower individual deputies at the expense of parties. While parties appear to be stronger on the surface compared to Colombia's fragmented "hyper-personalistic" era, the incentives for individual politicians to act as independent players in the legislative process remain firmly intact, despite a major change to the electoral rules. In conjunction with very decentralized legislative rules that allow individual deputies considerable ability to delay, modify and otherwise complicate the passage of bills, presidents must expend substantial resources to control the legislative agenda. Without centralized legislative rules, such as those Figueiredo and Limongi (2000) argue are critical to enabling presidential coalitions in Brazil, negotiations among parties are insufficient to

ensure control over outcomes in the Colombian Congress. While the executive continues to be the main source of major bills, and executive initiatives are certainly more likely to pass than legislative bills, these advantages do not change substantially across varying political circumstances, both in terms of public support and coalition size.

Taken together, our findings suggest that parties in Colombia have yet to institutionalize as a means for presidential coalitions to organize Congress. Larger, more formal governing coalitions under Uribe and Santos did not improve the executive's ability to avoid losses on executive initiatives, despite a persistent effort to maintain control of legislative institutions and some high profile successes. In fact, Uribe's ability to ensure passage of executive bills actually declined near the end of his tenure in office when a series of events destabilized congressional politics. Santos' term, meanwhile, with the broadest and most formalized coalition, has produced executive and coalition advantages no better than those under the politically weak Pastrana's minority coalition.

While insufficient to result in major changes to patterns of legislative outcomes, there is some evidence that legislative parties have become more important. First, we note that there is some indication of greater ideological differentiation emerging in Congress since 2006, despite the centrism and opportunism characterizing many politicians associated with the presidential coalition. The case of the Santos coalition suggests that interparty bargaining on national policy is more important than ever for organizing legislative support. In addition, the Colombian Congress has been actively involved in the promotion of major bills – those most salient in public discourse – and those authored by legislators have been viable since 2002. Thus, some pieces are in place for presidential coalitions to translate into legislative control.

Finally, it is important to note that bill-level statistics understate the substantive impact of the legislature in policy making via the amendment process. Even more than the bill-level patterns noted, amendments are an arena where individual politicians can be highly effective. Although we cannot systematically analyze this with available data, the share of “successful” executive bills should be interpreted with some caution as a direct indicator for the executive’s influence over the legislative process.

Appendix

Table 5.A1: Effects of Origin, Term on the Success of Executive Initiatives, Probit Estimates

DV= Passed	Coef	S.E.
Executive	1.629***	(0.098)
Uribe I	-0.044	(0.060)
Uribe II	-0.103*	(0.060)
Santos	-0.038	(0.063)
Uribe I X Executive	0.036	(0.145)
Uribe II X Executive	-0.378***	(0.133)
Santos X Executive	-0.032	(0.142)
Constant	-1.169***	(0.044)
Observations	7,007	

*** p<0.01, ** p<0.05, * p<0.1

Table 5.A2: Effects of Author Coalition Status and Type on the Success of Legislative Initiatives, Probit Estimates

DV= Passed	Coef	S.E.
Coalition	-0.263	(0.172)
Uribe I	0.114	(0.138)
Uribe II	-0.119	(0.139)
Santos	-0.084	(0.204)
Coalition X Uribe I	0.377*	(0.225)
Coalition X Uribe II	0.148	(0.234)
Coalition X Santos	0.662**	(0.262)
National	-0.368***	(0.119)
Coalition X National	0.127	(0.206)
Uribe I X National	-0.382**	(0.167)
Uribe II X National	-0.104	(0.166)
Santos X National	-0.282	(0.238)
Coalition X Uribe I X National	-0.172	(0.274)
Coalition X Uribe II X National	0.148	(0.277)
Coalition X Santos X National	-0.400	(0.312)
Constant	-0.845***	(0.100)
Observations	6,153	

*** p<0.01, ** p<0.05, * p<0.1

¹ Like the *Mesa Directiva*, committees also have vice presidents that lack formal power over the committee agenda and are assigned to minor parties.

² There is also a formal restriction against amendments that would imply additional expenditures. This restriction applies equally to the introduction of new pieces of legislation. Nonetheless, when deciding on the Constitutionality of bills vetoed due to their budgetary implications, the Constitutional Court interpreted the constitution as to empower legislators with budgetary initiative (Salazar 2011).

³ In the analysis below, we cannot account for patterns of the use of these powers because systematic data on when these powers were invoked is not available.

⁴ Some bills such as the Annual Budget are required by law to be debated in joint sessions for the Third and Fourth Committees from both the Senate and House.

⁵ From June 20 till July 20th and from December 16th to March 16th.

⁶ This is of course, impossible to oversee as the amendment is signed off by legislators only. Typically, members of the executive branch will be present in the floor while bills of their interest are being debated and this way they can ensure the text is close to their own preferences.

⁷ In addition, it is important to note that many bills and all treaties require automatic review by the Constitutional Court as well before taking effect. Even bills without an automatic review can be challenged by any citizen as unconstitutional in procedure or content. Consequently, the Court plays an important role in the enactment of policy (Rodriguez-Raga, 2011). During the period discussed in this paper (1998-2014), the Court issued an average of 278 decisions on the constitutionality of legislation (Constitutional Court, 2013).

⁸ In the period under consideration here, President Pastrana used his decree power briefly in 1999, and it was used again 2002 and 2003 by President Alvaro Uribe. In 2008 he was able to use his power again for the state of economic and social emergency. President Juan Manuel Santos used again the state of economic and social emergency in late 2010.

⁹ “(...) los miembros de los partidos tradicionales de la Cámara de Representantes están ante todo interesados en conseguir recursos para sus regiones, consideran las posiciones del partido político secundarias respecto de este objetivo...” (Roll 2005, Pg. 48)

¹⁰ The system also optionally allows parties to choose closed lists.

¹¹ This system is sometimes referred to as “personal list” or “quasi-SNTV.”

¹² Even before the 2006 election, Congress enacted a bill called the *Ley de Bancadas* which attempted to give party leaders instruments to enforce party discipline. The bill intended to mandate that parties should vote together in the legislature and also gave privileges to party leaders over members in scheduling hearings, speaking in the floor and rapporteurs appointment. The law allowed for exceptions but left it to party organizations to develop sanctions for disloyalty. The application was therefore unenforceable and parties did not follow it in practice. Further, the notion of party leader privileges over members was later declared unconstitutional. Still, the law has had at least one major consequence in that the Court cited this bill as the basis to declare unconstitutional the referendum for Uribe to run for a third term due to a lack of party loyalty on the vote (See Londoño 2008, Ungar 2008, Osorio 2012).

¹³ Carroll and Shugart (2007) suggest that Uribe's rise outside the traditional party system can be taken as a form of "endogenous evolution," in which party system change responded to failures of democratic institutions. The electoral reform itself, meanwhile, was a consequence of this change but also produced a series of exogenous effects on the party system (Pachon and Shugart 2010).

¹⁴ Santos' opponents included a coalition of independent politicians under the label of the Green Party, and candidates from the Conservative, Liberal and Cambio Radical and Polo Democrático Alternativo (PDA) parties. Santos obtained 46.68% of the vote, followed distantly by Antanas Mockus from the Green Party with just 21.51% of the vote.

¹⁵ During the conference committee, text that had been previously deleted was added that included privileges for congressmen and other public employees currently under investigation. Santos' administration only realized this afterward and ultimately had to oppose enactment in that form.

¹⁶ Survey data come from the University of Salamanca Proyecto de Élités Parlamentarias en América Latina (PELA) (1998, 2003 and 2006 Colombia surveys).

¹⁷ This method recovers a single dimension reflecting the underlying self-placement scale data while accounting for individual differences in perception of the meaning of ideological placements. This is done by incorporating information on deputies' responses regarding the perceived ideology of the presidential candidates and parties in each period. All periods make use of the common stimuli (parties and candidates) such that their left-right self-placements are comparable across periods.

¹⁸ Officially named *Partido Social de Unidad Nacional*, created in 2005, was a coalition headed by congressmen supporting the reelection bid of Álvaro Uribe Vélez.

¹⁹ For clarity, only the six largest parties are shown. One excluded small party called *Convergencia Ciudadana*, was affiliated with the governing coalition and resembles Cambio Radical in both position and internal variance.

²⁰ The Optimal Classification scaling algorithm estimates of voter locations and divisions between the majority and minority votes that provide the best fit with among a set of dichotomous choice data. The result is a set of positions that can be taken to identify the basic underlying differences in a set of voting patterns among legislators.

²¹ We consider only yeas and nays here, dropping abstentions (when legislators go to the floor but do not vote). Colombia is atypical in its extreme degree of non-voting in the chamber, as about 30% of legislators on average are recorded as present on the plenary floor and still do not vote. Although legislators are not allowed to abstain formally, this has become an informal widespread practice (see Aroca and Guevara 2013). In this sense, parties are far less “disciplined” than the figures suggest. Our emphasis here, however, is on party-level behavior with regard to interparty similarity and government support when formal votes are cast.

²² An emerging tendency toward rightist opposition to Santos is also reflected in the fact that former president Uribe and close allies subsequently have become publically opposed to the government from the right.

²³ Escandón, Marcela. 2013. “Congreso colombiano: balance del 2012 y panorama para el 2013”. *Razón Pública*, April 21st, available at: <http://www.razonpublica.com/index.php/politica-y-gobierno-temas-27/3688-congreso-colombiano-balance-del-2012-y-panorama-para-el-2013.html>

²⁴ Because of the importance of these local bills, this simplification focuses on the clearest distinction in the sample of legislation, but the “national” category used here is heterogeneous.

²⁵ Since we are focused here on the stages of the legislative process leading up to the floor, this category excludes cases in which the floor voting in each chamber was successful but the final enactment was blocked by a conference committee, presidential veto or by the Constitutional Court.

²⁶ The strategy of the government in this case, was to heavily amend the bill to undermine its effect in case it passed. The bill died after the conference committee version proposed to eliminate certain amendments that changed the bill’s original intent (Osorio, 2010a, 2010b).

²⁷ It should be noted that highest executive success rates observed in this period are comparable to the average reported by Cardenas et al (2006) for all presidents 1991-2003, as well as those before 1991—both periods known for highly inefficient executive-legislative relations (Shugart and Carey 1992, Archer and Shugart 1997).

²⁸ Besides electoral reforms, major bills include a constitutional amendments to prohibit the reelection of the Attorney General, an amendment to change the system by which the Central Bank’s Board of Directors is elected, a Minority Rights bill and the Legislator’s Ethics Code, among others.