Society-driven Participatory Institutions: Lessons from Colombia's Planning Councils

Lindsay Mayka

ABSTRACT

This article challenges the conventional wisdom that enthusiastic state support is a prerequisite to building strong participatory institutions. Through an analysis of Colombia's planning councils, this study develops the concept of the society-driven participatory institution, in which civil society actors, rather than the state, undertake the core tasks involved in implementing participatory institutions. The article argues that while state neglect limits their involvement in decisionmaking, society-driven participatory institutions can still develop important policymaking roles in agenda setting and in monitoring and evaluating public policy.

Keywords: participatory institutions, planning, policy entrepreneurs, reform coalitions, civil society, policymaking, Colombia

In the 1990s, the Colombian government issued a constitutional mandate for all national, department, and municipal governments to establish participatory planning councils to incorporate civil society in the policymaking process. These planning councils would bring together societal actors to debate, construct, and evaluate their governments' development plans. Yet despite initial optimism, the planning councils appeared crippled by a weak institutional design that granted them negligible decisionmaking powers and no enforcement mechanisms to ensure their implementation. Moreover, national bureaucrats refused to make the investments needed to launch planning councils throughout the country.

Given this neglect, we would expect the planning councils to remain a mere parchment institution, one that exists solely on the books and thus plays no role in policymaking.[1] Surprisingly, however, by the early 2000s, hundreds of planning councils were in operation, engaging thousands of civil society activists in policymaking. How and why did the Colombian planning councils become implemented and gain policymaking roles, despite being orphaned by state actors?

To explain this surprising outcome, this article develops the concept of the society-driven participatory institution, in which civil society actors, rather than the state, undertake the core tasks involved in implementing participatory institutions. These tasks include making the extensive logistical investments needed to get local councils up and running, mobilizing civil society groups to participate in the participatory institution, and developing the informal norms, practices, and repertoires needed to engage in the policy process. While the lack of state support may hinder

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councils' engagement in deciding policy, the councils nevertheless can develop key roles in agenda setting and monitoring and evaluating public policies—stages in the policymaking process that require comparatively less state buy-in.

This article makes four contributions to our understanding of participatory institutions. First, this study diverges from the conventional wisdom about the need for enthusiastic state support for participatory institutions to gain a role in policymaking (e.g., Avritzer 2009; Wampler 2007).[2] Instead, this article joins Abers and Keck (2013, 2009) in arguing that civil society can drive participatory institution building. Whereas other scholars have shown that civic activists can be central in demanding the creation of participatory institutions (Wampler and Avritzer 2004; Baiocchi 2005), few have examined closely their role in implementing those institutions.

Second, while most scholarship on participatory policymaking equates the success of these institutions with engagement in decisionmaking processes, this article reveals alternative policymaking roles that participatory institutions may gain. It challenges existing theories that describe the need for a strong institutional design that grants decisionmaking authority to the participatory institution (Avritzer 2009; Welp and Uwe 2015; Canel 2001; Wampler 2007; Fung and Wright 2003). Instead, it contends that even with weak designs, participatory institutions can still emerge as major institutional sites for other policymaking roles, including agenda setting and monitoring and evaluating policy. Thus the study builds on recent scholarship that explores how participatory institutions without formal decisionmaking authority can contribute to policymaking (Pogrebinschi and Samuels 2014; Hevia de la Jara and Isunza Vera 2012).

Third, this article is the first English-language study of Colombia's most important participatory institution, filling an important empirical gap in a literature that has largely focused on local participatory initiatives in Brazil.

This study is based on one year of field research in Colombia in 2009–10, during which I attended planning council meetings and conducted 52 interviews with councilors and other civil society leaders, politicians, bureaucrats, and other experts. These interviews provided key information on the political dynamics surrounding the creation and implementation of the planning councils, as well as assessments of their legitimacy and roles in policymaking.

This article begins by developing a theoretical framework that outlines the process of implementing new participatory institutions and elaborates the concept of the society-driven participatory institution. It then reviews the origins of Colombia's planning councils and their weak formal design. Next, it shows how the Colombian planning councils emerged as a society-driven participatory institution in the 1990s, in a context of state neglect. It explores the limitations of society-driven participatory institutions by highlighting the ways that overtly hostile states can contract the space for implementation by civil society leaders. The article concludes by discussing implications for the literatures on participatory policymaking and institutional change.

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Implementation and Policymaking Roles of Society-driven Participatory Institutions

Participatory institutions are permanent formal, institutional spaces that engage societal groups in debating, deciding on, or overseeing the implementation of public policy.[3] Creating an initial legal framework is only the first step in building participatory institutions. After creation, an extensive process of implementation is needed before participatory institutions can contribute to policymaking.[4] Implementation is far from automatic, since the incentives that lead politicians to create participatory institutions are not necessarily the same as those needed to implement them. We can identify the tasks involved in implementing participatory institutions and show that either state or societal actors can take the lead in this process. The potential policymaking roles that society-driven participatory institutions might develop can then be analyzed.

State and Society in Implementation

Implementing any new institution involves building the organizational and ideational components that lay out how it will actually operate. For a participatory institution, implementation entails investing in three core tasks to translate the institutional design into an operating organization that can channel civil society demands into the policy process. First, logistical investments are needed to set up participatory councils on the ground (McNulty 2011; Abers and Keck 2013, 128). These include material and human resources to travel throughout the country to set up councils; to train local government officials and civil society councilors; and to cover basic operational requirements, such as computers, telephones, and office space.

Second, civil society actors need to be mobilized into the participatory institution. Civil society engagement lies at the heart of participatory policymaking, yet the participation of civic organizations is far from automatic. Civic activists may lack information about the new participatory institution or organizational capacity to participate (Rich 2019). Civil society groups may be wary about cooptation, preferring alternative strategies, such as lobbying, mass media campaigns, or accessing other institutional venues (Abers and Keck 2013, 124–26). Thus, it is important to disseminate information and promote ideas about the potential benefits of participatory institutions to ensure the participation of civil society groups.

Third, implementation requires the development of informal norms, practices, and repertoires that structure the participatory institution's form and functions. The formal institutional design provides only a starting point, not a fully developed blueprint for operation (Abers and Keck 2013, 5–6, chap. 5). As Helmke and Levitsky explain, informal norms, practices, and repertoires can enhance the efficiency of formal institutions, such as participatory institutions, by "addressing contingencies that are not dealt with in the formal rules" and by "creat[ing] incentives to comply with formal rules that might otherwise exist merely as pieces of parchment" (Helmke and Levitsky 2006, 13–14).[5]

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As a fairly recent innovation, participatory institutions often lack both a clearly defined organizational form that they should take and established scripts for political engagement. Implementation requires figuring out what the participatory institution should look like and what it should do. Participatory councils must structure their internal operations by developing bylaws and building informal routines for how council meetings should run. They also need to develop repertoires for engaging with other actors in the policy process, including policymakers, bureaucrats, the media, and societal groups that are not part of the council.

I argue that either state or societal actors can drive the implementation of participatory institutions. In many instances of participatory institution building, state actors take the lead in advancing the tasks of implementation. Previous studies have identified two general explanations for why state actors invest in participatory institutions. First, bureaucrats may act as agents of politicians who support participatory institutions as a strategy to develop linkages with new electoral constituencies (Goldfrank 2011; Wampler 2007; Abers 2000). Since most participatory institutions operate within the executive branch, the relevant politicians here are presidents, governors, or mayors.[6] Second, activist bureaucrats with a degree of institutional autonomy may promote participatory policymaking as a means to advance their policy objectives, even if ruling politicians have little vested interest in participatory policymaking (Abers and Keck 2013; Rich 2019; Mayka 2019a, b).

In other contexts, however, state actors may fail to invest in the implementation of participatory institutions. State actors neglect participatory institutions when they do not make the extensive investments required for implementation—yet do not attempt to block implementation, either. Under state neglect, society-driven participatory institutions can arise when creative policy entrepreneurs from civil society assume responsibility for implementation. Policy entrepreneurs are "creative, resourceful, and opportunistic leaders whose skillful manipulation of politics somehow results in the creation of a new policy or a new bureaucratic agency, creates a new institution, or transforms an existing one" (Sheingate 2003, 188).

Policy entrepreneurs are characterized by their ability to build networks of unexpected allies and promote innovative ideas during "windows of opportunity" in which major policy changes are under consideration (Kingdon 1995; Mintrom and Norman 2009). Policy entrepreneurs can tap into deep personal and professional networks to raise the material and human resources needed to sustain council operations. Additionally, policy entrepreneurs can work within these networks to advocate the benefits of the new participatory institution, thereby mobilizing civil society groups into it. They can also draw on networks to develop and transmit informal norms, practices, and repertoires related to how councils should operate (Abers and Keck 2013, 17–19).

Society-driven participatory institutions are not possible in all contexts of state neglect. Their emergence requires the existence of civil society actors both capable of and willing to serve as policy entrepreneurs. Not all polities have civic associations with sufficient autonomy and resources to take on responsibility for implementation (Baiocchi et al. 2008; Wampler 2007; McNulty 2011). Even if they have the capac-

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ity, civil society leaders may not be interested in dedicating their limited time and energy to implementing the participatory institution. And, as Mintrom and Norman (2009, 650) argue, policy entrepreneurship is unlikely to emerge without a period of disruption that demands new ways of tackling policy problems and provides openings for these creative problem solvers.

Implementation becomes more challenging if state actors shift from neglect to overt hostility by taking active steps to block implementation. By definition, participatory institutions are sanctioned by the state, and thus are subject to state controls. State actors can restrict participatory institutions' ability to raise private funds to support council operations and can replace intransigent councilors with loyalists, undermining the participatory institution's autonomy. These hostile acts undermine the ability of civil society policy entrepreneurs to implement the participatory institution.

Policymaking Roles

What roles can society-driven participatory institutions gain in policymaking? The policy process can be divided into three broad stages: agenda setting, decisionmaking, and implementation of public policy (Kingdon 1995; Bardach 1977).[7] Whereas participatory institutions that enjoy active state support may develop roles in all three stages of policymaking, society-driven participatory institutions are limited to roles in agenda setting and monitoring and evaluating the implementation of public policy.

Participatory institutions that are implemented by state actors will be more likely to gain a major role in decisionmaking, which entails deliberating and choosing among alternative policy proposals. For example, participatory budgeting councils implemented throughout Latin America select which infrastructure improvement initiatives the state will fund. It is unlikely that society-driven participatory institutions will achieve such a major role in decisionmaking because this stage of policymaking takes place squarely within the executive branch, and therefore requires extensive state commitment.

However, other stages in the policy process are conducted at the nexus of state and society, and therefore can emerge as important moments of activity for participatory institutions that lack state support. Society-driven participatory institutions can develop an important role in agenda setting, establishing the top problems, priorities, and alternatives to be considered in public policy. Participatory institutions can serve as a focal point for civil society groups to identify top priorities in the community and to formulate proposals that will be considered in decisionmaking processes. For example, Pogrebinschi and Samuels (2014) show that proposals developed through Brazil's national participatory conferences formed the basis for policies later adopted into law. Moreover, participatory institutions can be involved in monitoring and evaluating policy implementation by investigating the impact of policies on the ground and writing reports that propose improvements.

To engage in agenda setting or monitoring and evaluation, society-driven participatory institutions can adopt strategies and tactics used by pressure groups: they can work with the media, lobby, and mobilize people for protest.

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The policymaking roles for society-driven participatory institutions can either expand or contract over time if the state's stance toward the participatory institution shifts. For example, the Velhas River Basin Committee in Minas Gerais, Brazil, analyzed by Abers and Keck (2013, chap. 7), was constructed through the creative leadership of civil society policy entrepreneurs, fitting the model of a society-driven participatory institution. Despite initial state neglect, the committee gained a more central role in policymaking with the arrival of a new, reform-minded governor (Abers and Keck 2013, 178–79). Conversely, the arrival of a hostile government can contract the political opportunity structure in which the participatory institution operates, limiting opportunities for involvement in agenda setting or monitoring and evaluation.

The remainder of this article fleshes out the concept of the society-driven participatory institution through the lens of that country's planning councils. In the 1990s, state neglect led civil society policy entrepreneurs to take the lead in implementing the planning councils, which developed roles in agenda setting and in monitoring and evaluating policy. A shift from state neglect to hostility in the 2000s threatened implementation and constricted the councils' ability to contribute to policymaking, revealing the limits of society-driven participatory institutions.

The Origins of Colombia's Planning Councils

Colombia's participatory planning councils originated as part of broader efforts to decentralize and democratize the policymaking process during a moment of institutional crisis. During the 1980s, Colombia's political system appeared to be on the verge of collapse, due to an escalating conflict with guerrilla groups, the expansion of brutal drug cartels, and an overall breakdown of the rule of law. Four presidential candidates were assassinated during this decade, along with thousands of politicians and state officials at all levels of government. Moreover, Colombia's political elite faced mounting demands for reform through an explosion of civil strikes (*paros cívicos*), growing public pressure for decentralization, and electoral challenges from new political parties (Collins 1988; Velásquez and González 2003, 21–23).

In response to this legitimacy crisis, Colombian politicians initiated reforms to open up new spaces for political participation (Velásquez and González 2003, 21–23). Jaime Castro, minister of government in the 1980s, explains, "we needed to create new spaces for citizen participation and for new political groups…the traditional parties were going to have to change their strategies and practices because otherwise they would end up replaced by new political forces" (Castro 2010). These reforms culminated in calls for a new constitution, and in May 1990, 89 percent of participating voters cast their ballots in favor of "strengthening participatory democracy through a constituent assembly" (Cepeda 1998, 71).

The 1991 Constituent Assembly comprised three loose blocs: the Conservative Party; the Liberal Party; and an amalgamation of leftist politicians and civil society leaders, coordinated by the ADM-19, the party of the recently demobilized M-19

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guerrilla group.[8] The Conservatives and Liberals each had approximately 30 percent of the constituents, with the remaining 40 percent representing the leftist factions—a sharp contrast to the old system, which had been dominated by the two traditional parties. The left had an outsized role in the Constituent Assembly compared to its previous (or future) presence in the legislature, which created a favorable environment for the establishment of participatory institutions.

During the 1991 Constituent Assembly, the intersectoral area of planning emerged as the focal point for efforts to design new institutions for participatory democracy (López-Jiménez 2015, 22–24). In Colombia, planning is the process by which governments set their medium- and long-term priorities and develop policy strategies to reach these goals. At the start of every national, department, and municipal administration, the planning agency drafts a development plan that assesses the greatest public problems in the jurisdiction, constructs proposals to address those problems, and suggests how to allocate state resources accordingly. The Constituent Assembly mandated that councils at all levels of government engage civil society actors in this planning process as a means to democratize the state.

Politicians from a range of parties initially supported the creation of planning councils in hopes of establishing new ties with community organizations, particularly given the shift to local politics with the decentralizing reforms. The traditional Conservative and Liberal Parties had few linkages with voters beyond their decaying clientelist machines, while the leftist ADM-19 had little reach outside the capital and few ties with the lower-class *bogotanos* it claimed to represent (Cepeda 1998). Given that municipalities would be important sites for governing and political mobilization in the future, parties were interested in capitalizing on these shifts by fostering linkages via participatory institutions (Castro 2010; Velásquez 2009). Still, many politicians remained ambivalent about the precise form that new participatory institutions should take, and were wary of granting them a strong institutional design (Cardona 2010).

During the Constituent Assembly, partisan actors and bureaucrats—not civil society groups—dominated discussions about the institutional design of the planning councils (Velásquez and González 2003, 21–22). Civil society groups introduced a citizen amendment in support of participatory planning, proposing the creation of planning councils with formal decisionmaking authority (Madariaga 2009). However, as the initial proposal went through the process of debate and deliberation, powerful bureaucrats from the National Planning Department backed a rival proposal that limited the councils to a consultative role.

Clemente Forero, who would later become president of the National Planning Council, recalled that National Planning Department bureaucrats depicted councils with decisionmaking authority as dangerous to bureaucrats' endeavors to safeguard the public interest through technocratic analysis. They persuaded politicians in the Constituent Assembly to limit the planning councils' authority and "left [the planning council] as a weak body with the hope that it would never operate" (Forero 2009). This watered-down proposal became the template for the 1994 Planning Statute, the enabling legislation that created the planning councils. Ultimately,

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while Colombian politicians had a vested interest in creating planning councils to signal their commitment to democracy, their commitment did not require granting the councils formal decisionmaking authority.

The Planning Councils' Weak Institutional Design

According to the 1991 Constitution and the 1994 Planning Statute (Law 152 of 1994), all municipal, departmental, and national governments must incorporate civil society organizations into the planning process via mandatory planning councils. Article 34 of the 1994 Planning Statute states that councilors are to come from the economic, social, environmental, educational, cultural, and community sectors.[9] The executive appoints councilors to eight-year terms, replacing 50 percent of councilors every four years. The legal framework limits the planning councils to a consultative role in agenda setting and monitoring and evaluation, leaving them out of decisionmaking entirely.

The planning councils' main responsibility is to provide feedback on the government's proposed development plan every four years by producing a document called a *concepto*. The *concepto* serves as an agenda-setting tool, conferring to the planning council a role in identifying the top priorities in the community and in developing proposals to be considered for the development plan. However, the legal framework remains silent about what the state must do with the *concepto*. The planning council also should be involved in monitoring and evaluating progress in instituting the plan; yet again, the council lacks formal authority to conduct this oversight.

The absence of enforcement mechanisms hindered the process of implementing the councils. Article 35 of the 1994 Planning Statute states that all governments must provide planning councils with the "administrative and logistical support that is indispensable for their functioning," yet does not explain the form that this support should take or what happens to governments that fail to comply. In a 2003 ruling (Sentencia C-524), Colombia's Constitutional Court declared that the planning councils could not be shut down after they produced their *conceptos*, and instead should operate on a permanent basis to ensure the ongoing engagement of civil society in planning. However, the Constitutional Court failed to specify sanctions for governments that failed to establish planning councils or that disregarded the councils' (limited) prerogatives.

The legal framework granted Colombia's planning councils a weak design that created few incentives for state actors to establish and support them. Instead, civil society figures became leaders in implementation.

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Society-led Implementation Under State Neglect, 1994–2002

Between 1994 and 2002, Colombia's planning councils developed as a society-driven participatory institution. After the 1994 Planning Statute was passed, the state neglected the planning councils by failing to make the investments needed for implementing them. Instead, civil society councilors from the National Planning Council (*Consejo Nacional de Planeación*, CNP) emerged as policy entrepreneurs, building networks and promoting ideas that facilitated implementation. In the process, the planning councils crafted innovative roles in agenda setting and monitoring and evaluating governments' progress in carrying out their development plans.

Early Implementation with State Support

Immediately after the 1994 Planning Statute was passed, the state provided tentative support for implementation—a trend that would not last long. In 1994, at the start of Ernesto Samper's presidency, the National Planning Department (*Departamento Nacional de Planeación*, DNP) convoked the CNP, the figurehead of Colombia's system of planning councils. During these initial months, the National Planning Department provided the material and human resources the CNP needed to begin operations, including office space, funding for logistics, and temporary personnel (Hernández 2010).

Moreover, the state took steps to mobilize civil society into the CNP by naming some of Colombia's most influential civil society leaders as councilors. Buoyed by state support, CNP councilors set out to write a *concepto* for Samper's proposed National Development Plan. To craft this *concepto*, the CNP used the resources provided by the state to travel throughout the country to solicit input from diverse communities. In the two-month period, national councilors held more than 40 public audiences in all 32 of Colombia's departments. They met with a wide range of groups, from local governments to environmental movements and Afro-Colombian organizations. The meetings served as initial steps in shaping the informal practices and repertoires that would characterize the CNP's relationship with civil society groups and its agenda-setting role through the *concepto* tool. State support enabled the CNP to make initial advances in implementation during its first year of operation.

Advancing Implementation Through Policy Entrepreneurship

Early state support evaporated, however, once the CNP submitted its *concepto* for Samper's National Development Plan in January 1995. That year, Samper's government came under attack for allegations that his presidential campaign had been financed by the Cali Cartel, a corruption scandal that eventually led to Samper's removal from office. Embroiled in this scandal, the Samper administration lacked

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the political capital to make new investments in participatory institutions (Tamayo 2009). Moreover, the cloud of illegitimacy made the government particularly sensitive to critiques that the CNP might leverage through its oversight efforts. In early 1995, the National Planning Department withdrew state funding from the CNP, leaving it without a headquarters, staff, or any operating funds. José Antonio Campo, the DNP's director, argued that since the National Development Plan had been approved, the state had fulfilled its legal obligations to support the council (*El Tiempo* 1995). Clemente Forero, the CNP's president at the time, explained, "[The DNP] didn't recognize the functions that were in the constitution for the council and didn't recognize the need for its permanent existence. They wanted it to be a little thing that met, approved the plan, and went away" (Forero 2009).

In response to this neglect, national councilors stepped into the role of policy entrepreneurs. As noted earlier, policy entrepreneurs can emerge during political openings that disrupt established ways of doing things. Scholars have described the 1990s as a moment of experimentation in new modes of governance and optimism among civil society groups (Velásquez and González 2003, chaps. 2, 5; Archila Neira 2010, 124–27). This theme was echoed in several interviews with politicians, bureaucrats, and civil society leaders who were active in the 1990s. In interviews, former CNP councilors described the period as a once-in-a-lifetime opportunity to promote a more inclusive approach to policymaking and to dismantle the political dynamics behind clientelism (Forero 2009; Hernández 2010; Cardona 2010).

As some of Colombia's most renowned civil society leaders, the national councilors were particularly well suited to take advantage of this auspicious moment. They had access to extensive personal and professional networks that would prove key for implementation. For example, Guillermo Cardona was the head of the national association of Community Action Boards (*juntas de acción comunal*), giving him connections with civil society groups and local governments in every municipality. Pacho de Roux, the priest who directed the highly regarded Magdalena Medio Development and Peace Program, had contacts with churches across Colombia, as well as with politicians, NGOs, and international organizations that had supported his peace initiatives. Clemente Forero, a respected professor who had led Colombia's top research agency, had tight ties with academics and business groups. As policy entrepreneurs, the CNP councilors drew on their network ties to raise resources, mobilize civil society groups, and promote innovative ideas to support implementation. In the process, they helped craft policymaking roles in monitoring and evaluation for the CNP and in agenda setting for planning councils at all levels of government.

After the National Planning Department removed its support, CNP councilors assumed responsibility for raising the money and in-kind resources needed for council operations. For example, councilors reached out to the Bogotá Chamber of Commerce and later the National University to solicit office space for the council (Forero 2009) and sought donations from business groups (Hernández 2010).

Moreover, now that the CNP operated without state involvement, national councilors enjoyed freedom to craft the informal practices and repertoires that shaped their

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role in monitoring and evaluation. CNP councilors traveled extensively throughout the country to meet with diverse stakeholders to assess the government's progress (and lack thereof) in achieving the promises of the National Development Plan.

In late November 1995, the CNP issued its first oversight report of Samper's National Development Plan, which focused on the government's stalled record in the area of job creation—a major focus of the plan (CNP 1995). In subsequent years, the CNP wrote additional reports that assessed the government's progress in health, education, and economic management; analyzed the corruption allegations consuming the Samper presidency; and provided policy proposals to address shortcomings (CNP 1996, 1997, 1998a). Instead of simply delivering its reports to the unreceptive National Planning Department, the CNP disseminated them to members of Congress, other civil society actors, and the media to achieve a greater impact. The main periodical in the country, *El Tiempo*, mentioned the CNP 24 times in 1995; this number grew to 42 mentions by 1999. This media attention served as a measure of the CNP's growing role in monitoring and evaluation, and ensured that the government could not entirely ignore its critiques.

CNP councilors also took a leadership role in implementing the departmental and municipal planning councils. The national executive branch had orphaned the subnational planning councils: no national agency had accepted responsibility (or dedicated resources) to ensure their operation. Without state support, it seemed that the subnational planning councils would exist only as a parchment institution unless someone from civil society took the initiative in setting them up. The CNP councilors assumed this role. Carlos Córdoba, the CNP's assistant director at the time, explained,

> The government didn't want to implement the councils, nor did it want to regulate the system [of planning councils]. So the CNP decided to make itself responsible for this regulation . . . civil society and the councils themselves would have to construct the system, especially since they were the ones that had the willingness and interest that the system actually work. (Córdoba 2009)

This sentiment was echoed by Clemente Forero, the CNP's former president: "In practice, the system [of planning councils] was our creation alone. . . . We had to take on the authority ourselves to convene the system" (Forero 2009).

Drawing on their networks of contacts with international agencies, foundations, universities, and subnational governments, CNP councilors provided logistical support to planning councils at the department and municipal levels. They traveled throughout the country to help establish new councils. During these trips, CNP councilors provided civil society groups and local governments with technical assistance in how to structure planning councils and promoted ideas about the benefits of participatory planning to mobilize civil society into the councils.

Working with law students from the National University, the CNP produced and disseminated documents, such as sample council bylaws and templates for the legal decrees to formally establish a local planning council (Cardona 2010; Hernández 2010). In the continued absence of state funding, the CNP secured grants from

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donors, such as the Inter-American Development Bank, the International Organization of Migration, and the Corona Foundation, to finance subnational council operations, and collaborated with the Human Rights Ombudsman (*Defensoría del Pueblo*) to train subnational planning councilors (Hernández 2010).

CNP councilors deepened their implementation efforts by convoking the First National Participatory Planning Congress in November 1995, which brought together councilors from across the country. The primary purposes of the congress were to promote ideas about the benefits of participatory planning, build network ties among planning councilors, and craft informal norms for the councils. The CNP raised funds from private donors to cover the costs of the congress, which included supplies for the meeting itself, as well as lodging and food for the approximately two hundred councilors in attendance (Hernández 2010).

At the congress, planning councilors from across Colombia approved the Social Constitution of the National Planning System, which grants civil society—not the state—responsibility for implementing and regulating the planning councils (Sistema Nacional de Planeación 1995). The congress also gave councilors a space to discuss their experiences with participatory planning, which fostered a shared sense of identity. Moreover, congress participants received basic information about their rights and training in how to engage in the planning process. Following the success of this first congress, CNP councilors sponsored national congresses semiannually to continue these institution-building efforts.

Despite these important advances, however, by 1997 both national and subnational councilors had grown frustrated with their limited impact on policymaking. As the CNP councilors toured the country to provide technical assistance, they heard a consistent and familiar complaint: the planning councils had put in considerable effort and time writing *conceptos*, only to have the government ignore their suggestions or even throw the *conceptos* straight into the trash. Given the councils' lack of formal decisionmaking authority, how could they gain more robust policymaking roles in agenda setting or monitoring and evaluation?

To expand the councils' policymaking roles, CNP councilors developed an innovative new informal institutional repertoire called the *trocha ciudadana* (citizenship path), in which the council presented proposals to be included in the development plan before the incoming executive had even been elected (Forero et al. 1999, 13–14). The *trocha ciudadana* consisted of two phases. During the first phase, the planning council consulted with the community to assess its needs, aspirations, and ideas for potential projects. In the second phase, the planning council translated these findings into a series of concrete policy proposals, which it lobbied political candidates to include in their electoral platforms. Once the new mayor was elected, the planning council would continue to pressure the executive to include the *trocha* proposals in the development plan and would oversee the government's record in carrying out these proposals once the plan had been approved.

The innovation of the *trochas* was that they provided the councils with an informal route to formal authority, even as the 1991 Constitution and the 1994 Planning Statute failed to do so (Córdoba 2001, 5). The linchpin of the *trocha* process was the

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provision that governments could be held legally accountable for the promises made in their electoral platforms—the basis of their future administration's development plan, according to Article 259 of the 1991 Constitution. Law 131 of 1994 established the *voto programático* (obligatory vote), which gave citizens the right to remove from office politicians who failed to enact their platforms. The *voto programático* served as the formal bite behind the *trocha ciudadana*, giving political candidates an incentive to commit to *trocha* proposals as a means of wooing voters during the election.

The *trocha ciudadana* expanded the planning councils' capacities through institutional layering, which "occurs when new rules are attached to existing ones, thereby changing the ways in which the original rules structure behavior" (Mahoney and Thelen 2010, 16). Layering is an enticing form of institutional change when altering the formal rules is difficult to do (Mahoney and Thelen 2010, 17). Layering the informal institution of the *trocha* onto the formal institutional design of the planning councils provided a creative way for the CNP to expand the councils' agenda-setting and monitoring and evaluation roles, even if securing decisionmaking authority remained out of reach.

The first experiment with the *trochas ciudadanas* was launched in May 1997 in approximately three hundred municipalities, engaging participants from more than ten thousand organizations, including business groups, community associations, and universities (CNP 1998b, 9). A number of the proposals identified in the *trocha* documents were incorporated into municipal, department, and national development plans (Córdoba 2009). The CNP aggregated the proposals developed during these meetings to produce a document called the *Trocha Nacional Ciudadana* (CNP 1998b), which it presented to the 1998 presidential candidates.

In 2000, the CNP launched a second *trocha* process with even more widespread engagement: 70 percent of Colombia's municipalities participated. In 50 municipalities, candidates signed formal accords with their planning council, committing to proposals produced during the *trocha*. Most of these candidates were elected in the October 2000 mayoral elections and included aspects of these accords in their development plans (Forero 2000, 11). The *trocha ciudadana* process represented a major advance in deepening the role of planning councils in agenda setting and monitoring and evaluation, even if decisionmaking remained elusive.

Eight years after the passage of the 1994 Planning Statute, Colombia's planning councils had experienced notable progress in implementation and were developing important roles in policymaking. As of 2001, 71.9 percent of Colombian municipalities had created a planning council, including over 90 percent of municipalities with 50,000 people or more (Defensoría del Pueblo and ASDI 2002, 36).[10] Many of these planning councils had begun to get involved in agenda setting and monitoring and evaluating policy, though considerable variation persisted. Among municipal planning councils, 57.2 percent were involved in monitoring and evaluating their municipal development plans (Defensoría del Pueblo and ASDI 2002, 41). However, the agenda-setting role of the planning councils was still in a nascent stage, with only 15.6 percent of municipal planning councils taking a proactive role

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in developing policy proposals—a gap that the *trochas* process had started to address. More work remained, but through society-led implementation, the planning councils had begun to develop roles in policymaking.

The Limits of Society-driven Participatory Institutions Under State Hostility, 2002–2010

Opportunities to implement participatory institutions contract when state neglect turns to overt hostility, which is what happened when Álvaro Uribe assumed the presidency in 2002. Uribe's government concentrated power in the central executive—away from subnational governments and away from participatory institutions (García Villegas and Revelo Robelledo 2009, 218–20). Uribe came to power as a strongman who proposed hardline security policies, arguing that protections for civil liberties and liberal democratic institutions hampered the state's ability to defeat violent actors (Mayka 2016, 140–41). Uribe's *mano dura* approach, labeled *Seguridad Democrática* (Democratic Security), was outlined in his 2003 National Development Plan (DNP 2003). Uribe's government became antagonistic to the planning councils, whose calls for civil society oversight of *Seguridad Democrática* it viewed as threats to public order (Madariaga 2009).

The planning councils' experience during the Uribe administration highlights three mechanisms by which a hostile state can hinder the implementation of participatory institutions. First, the state can restrict who participates on the council, limiting the institutional access of policy entrepreneurs. Uribe's government appointed new councilors to the CNP in 2002, replacing the policy entrepreneurs who had driven the implementation of the planning councils. Those were the councilors described by Jeanneth Hernández, executive director of the CNP, as the "crazy dreamers" who were able to promote innovative ideas and leverage resources for implementation through their deep personal and professional networks.

Almost anyone who replaced the original councilors probably would have been less effective, but the councilors appointed in 2002 were particularly weak. Carlos Córdoba, assistant director of the CNP during its early years, explained that these councilors were selected partly on the basis of their political loyalty to the new president and "were less likely to stand up to the government, were more conciliatory, had less of a vision, and were less willing to take an active leadership role in constructing the system [of planning councils]" (Córdoba 2009). The state often has the power to restrict the influence or access of civil society actors who seek to take on leadership as policy entrepreneurs, and thereby can impede society-driven implementation.

Second, the state can limit policy entrepreneurs' ability to raise private funds for implementation. Under Uribe, the National Planning Department centralized control over the CNP's budget and imposed restrictions on its fundraising options (Garzón 2009). One of the major boons to the CNP in its first decade was its ability to raise funds from private foundations and bilateral aid agencies. This private fund-

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ing made it possible for the CNP to conduct professional evaluation reports, to host annual congresses for planning councilors, and to provide technical assistance to subnational governments and councils. Yet in 2004, the Uribe government released a decree stating that all CNP funding must come directly from the National Planning Department—even though the state provided no extra money to cover the lost funds (*El Tiempo* 2004a, b). Moreover, the CNP lost full discretion over its budget, which jeopardized its ability to engage in monitoring and evaluation.

These restrictions left the subnational planning councils without stable material and human resources for operation.[11] The withdrawal of funding left a looming gap, as the former president of the CNP explains: "Three years ago we asked to do some consultations and training sessions [with subnational planning councils]. We could not, simply because the government did not release the money to do so, because it isn't interested in this kind of participation" (Atehortúa 2010). One direct effect of the restrictions on CNP fundraising was the death of the *trocha ciudadana* process, which had been so crucial in building the planning councils' role in agenda setting. Thus, whereas state neglect introduced challenges to procuring the resources needed for implementation, state hostility blocked civil society actors from finding creative financial workarounds.

Third, the state can restrict space for agenda setting and monitoring and evaluation, which makes it difficult for policy entrepreneurs to mobilize civil society into the participatory institution. Whereas the national executive under the Samper and Pastrana administrations had been ambivalent about the CNP's recommendations, the new Uribe government proved openly antagonistic. The president of the CNP between 2002 and 2010, Adolfo Atehortúa, recalled, "when we went to discuss [Uribe's proposed National Development Plan] with the National Planning Department, to highlight the points we thought should be modified, they practically threw us out of the meeting" (Atehortúa 2010). This experience discouraged some national councilors from investing time and effort in monitoring and evaluating the plan, as Atehortúa elaborated: "This is what happens: [councilors] go to the first, the second session. They participate in the discussions on the *concepto*. But once they realize that [the DNP members] don't take what we do into consideration, they say 'forget it, this is a waste of time'" (Atehortúa 2010).

With a decrease in civil society engagement, CNP reports during the Uribe years were not as extensively researched as those produced during the Samper and Pastrana administrations (e.g., CNP 2009). Instead of reflecting the input of stakeholders from throughout the country, these documents took on the character of technical, expert-based policy analyses. These CNP reports were less influential for monitoring and evaluation than those in the past; they were disseminated less widely, yielded fewer informal meetings with legislators and government officials, and rarely gained major media coverage (Atehortúa 2010; Hernández 2010).

Sustaining mobilization proved particularly challenging for subnational councils after the elimination of funding and the collapse of the *trocha ciudadana* process. Without the *trocha*, planning councils were no longer included in debates about campaign platforms before elections, restricting the opportunity to shape develop-

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ment plans (Zuluaga 2010.) One municipal councilor explained, "public officials have put up barriers to keep the councils from having access. And this makes people unmotivated and saps up the will that we bring to these spaces" (Correa 2009).

The experience of the Colombian planning councils during the Uribe years underscores that since participatory institutions are subject to state controls, the implementation and policymaking roles of society-driven participatory institutions are tenuous. While the CNP continued operations, and 58 percent of Colombian municipalities continued to have planning councils—at least on the books (DNP 2009)—the policymaking roles of these councils diminished during the 2000s. Creative policy entrepreneurs can advance implementation in the face of state neglect, but cannot circumvent the barriers introduced through state hostility.

Conclusions

This article offers important implications for the study of participatory institutions and institutional change while raising questions for future research. The Colombian planning councils help us understand the different paths toward the implementation of participatory institutions and the diverse roles that these institutions can play in the policymaking process. Much of the literature on participatory policymaking argues that active state support is crucial to building participatory institutions capable of engaging in the policy process. In contrast, this article shows that the implementation of such institutions can happen even in the absence of state investments.

For society-driven participatory institutions, such as the Colombian planning councils, civil society actors take the lead in the main tasks of implementation, providing the logistical support needed to sustain council operations, mobilizing civil society groups to participate, and developing the institution's informal norms, practices, and repertoires of policy engagement. Civil society policy entrepreneurs can craft networks and promulgate ideas in creative ways to drive implementation forward. State support certainly makes implementation easier, but it should be considered an enabling—not a necessary—condition for participatory institution building.

The Colombian planning councils also offer insights into the role of civil society in driving institutional change processes. Whereas most studies of participatory policymaking analyze how civil society actors operate within participatory institutions, this article has explored their role in building those institutions. Civil society actors not only take advantage of the openings provided through participatory institutions but also can pressure for the creation of these institutional spaces and can even take on the lead role in ensuring implementation. In other words, this article has shifted the focus of civic activists from being subjects of participatory institutions to agents of institutional change.

More broadly, this study suggests that scholars should pay greater attention to the role of societal actors in driving institutional change processes. While Mahoney and Thelen (2010) highlight the crucial role of state actors in building strong institutions, this article contends that civil society groups can be even more important in the institution-building process. Thus this article adds to the findings of other

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scholars who argue that civil society activists can work alongside state actors to advance policy reform or to transform state processes (Abers and Keck 2013; Rich 2013; Amengual 2016; Fox 2007).

In addition to these contributions, this article raises important questions for future study about the roots of strong institutions. Why do state actors neglect rather than actively oppose participatory institutions? Whereas previous studies have identified sources of state support for participatory institutions, we know less about why some state actors merely neglect these institutions while others are overtly hostile to them. The difference between state neglect and hostility is significant: society-driven implementation is much easier in the face of state neglect, as evidenced during the Samper and Pastrana administrations, than it is under hostile governments, such as Uribe's. Why, then, do some states neglect but tolerate participatory institutions, and when do they have an incentive to block their implementation?

One possibility that emerges from the Colombian case is that society-driven participatory institutions that succeed in developing policymaking roles can trigger a backlash. After all, a participatory institution that exists solely on the books does not threaten a government's agenda and does not need to be shut down. The Uribe government's hostility may serve as an example of a reactive sequence in which early advances in institutional change trigger counterreactions that dismantle earlier progress (Mahoney 2000, 526–27). In their study of prior consultation in Bolivia and Ecuador, Falleti and Riofrancos (2018) argue that building strong participatory institutions requires mobilizing powerful grassroots social movements, both into the participatory institution and into either ruling parties or state institutions, offering one route to push back against potential government hostility. Yet does this explanation also account for shifts from neglect to hostility? Future studies are needed to examine why governments vary in their approach toward participatory institutions—particularly centrist and right-wing governments, which have received insufficient attention, compared to leftist parties that have supported participatory policymaking for ideological reasons or to attract new electoral constituencies.

The decline of the planning councils also raises questions about the "stickiness" of participatory institutions. When do early advances in implementation prove to be self-reinforcing over time?[12] Despite the obstacles introduced under the Uribe administration, state hostility and the loss of the CNP councilors as policy entrepreneurs did not doom the planning councils altogether. The CNP continued to operate, albeit in a diminished capacity, and municipal planning councils still remained in over half of Colombian municipalities in 2008.

The experience of the Colombian planning councils highlights the need for studies that explore the long-term trajectories of participatory institutions. Of particular interest are participatory institutions that have received varying degrees of state support in different stages of their institutional development. One possibility is that some society-driven participatory institutions may undergo deinstitutionalization if the state adopts a stance of hostility or if civil society policy entrepreneurs are no longer willing or able to sustain the extensive investments needed for implementation. Yet another possibility is that early advances in implementation may

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create an institutional infrastructure that can be accessed in the future by new civil society activists once state hostility subsides. Perhaps even stalled society-driven participatory institutions may re-emerge, built on the foundations established by earlier policy entrepreneurs.

Notes

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1. On parchment institutions, see Carey 2000; Levitsky and Murillo 2009.

2. Previous studies have shown that politicians and state actors may embrace participatory institutions in order to mobilize potential voters (Goldfrank 2011; Wampler 2007; Abers 2000) or to advance substantive policy reforms backed by allied civil society groups (Abers and Keck 2013; Rich 2019; Mayka 2019a, b).

3. The Latin American participatory institutions analyzed in this article are distinct from mechanisms of direct democracy, such as referenda and plebiscites; from mechanisms to enhance participation in the judiciary, such as the *amparo* and *tutela*; and from nonpermanent instances of societal consultation, such as public hearings (*audiencias públicas*), Brazil's policymaking conferences, or prior consultations. Building participatory institutions with a permanent organizational form will involve institution-building processes that are distinct from those entailed in constructing nonpermanent mechanisms of participation.

4. Public policy scholars note that institutional design and implementation are not distinct stages, but instead are interrelated and iterative processes that unfold together (Sabatier 1986; Ingram 1977). Early experiments in implementation lead to reforms to the institutional design, which, in turn, create new resources and networks that shape future implementation. See also Abers and Keck 2013, chap. 3.

5. This article focuses on how informal norms, practices, and repertoires support the implementation of participatory institutions—acting as complementary informal institutions, in the words of Helmke and Levitsky. Helmke and Levitsky also discuss ways that informal institutions can subvert or replace formal institutions (2006, 13–19).

6. Participatory institutions can also operate within the legislative branch, such as New York City's participatory budgeting initiative (Gilman 2016), or within the judicial branch, such as Colombia's collaborative oversight arenas that oversee implementation of Constitutional Court rulings (Botero 2015; Herrera and Mayka n.d.)

7. Some scholars break down the stages of policymaking into more categories. For instance, Kingdon (1995) distinguishes setting the issues on the agenda and elaborating the alternatives that might be considered. For the purposes of simplicity, these two steps are combined here into one stage—agenda setting—because they both operate at the intersection of state and society and thus provide openings for society-driven participatory institutions to shape public policy.

8. The inclusion of the left was one of the ways politicians from the traditional Conservative and Liberal Parties demonstrated their willingness to engage new voices in Colombia's new democracy, since Marxist parties had been outlawed in the past.

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9. To qualify to serve on a planning council, a prospective councilor must be active in the social sector he or she claims to represent, have technical knowledge or personal experience with that sector, and represent an organization with legal standing (*personería jurídica*).

10. Six of Colombia's largest cities, including Bogotá, are classified as districts and not municipalities. This figure combines both districts and municipalities.

11. While most subnational governments invested insufficient resources to make up for the reduction in national funding, some continued to invest in participatory planning, most notably the departmental governments of Casanare, Boyacá, Cundinamarca, Guianía, and Valle del Cauca (*El Tiempo* 2004c).

12. On self-reinforcing sequences (also called increasing returns), in which early advances generate future incentives to continue further down the same path, see Mahoney 2000; Pierson 2000.

Author Interviews

Except as noted, interviews took place in Bogotá.

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