On enhancing administrative capacity at the sub-national level for better planning and open government
What are Public Governance Scans?

OECD Public Governance Scans provide a summary assessment of the institutional and decision-making arrangements that governments at all levels use to design and implement national strategy, including the translation and pursuit of the Agenda 2030 Sustainable Development Goals in a national context. Public Governance Scans present a strategic overview of the more in-depth analysis that can be provided through the OECD Public Governance Review (PGR) assessment and benchmarking tool. A PGR provides governments with a 360-degree perspective on their ability to deliver on their strategic objectives. Rooted in the sound methodological approach of the PGRs, Scans aim to deliver a diagnosis in a shorter time and in the format of a more concise output. Context-specific data collection is drawn from one or more OECD surveys administered to key stakeholders in the jurisdiction under review, and is complemented with a fact-finding mission to the jurisdiction.

Why a Public Governance Scan on enhancing administrative capacity for strategic planning and open government at sub-national level in Colombia?

This Scan specifically focuses on ways to foster administrative capacity at subnational level in Colombia. In particular, it provides policy recommendations directed at both the national and departmental governments to improve the implementation of open government strategies and initiatives to improve policy coordination and strategic planning.

At the conclusion of its Accession process to the OECD, Colombia committed to pursue further reforms in the area of public governance and to report to the OECD Public Governance Committee and to the Council on progress in implementing these reforms annually over the first five years following accession. The Government of Colombia and the OECD are currently cooperating on a four-year project funded by the Swedish International Development Agency. This project aims to foster institutional efficiency and sound public governance at subnational level in Colombia. This project is thus contributing directly to Colombia’s post-accession reform agenda in the area of public governance and to its reporting capacity to the PGC and to Council.

Within the framework of this project, the OECD carried out an assessment in selected Departments of their institutional and decision-making arrangements to design and pursue development planning effectively. This assessment focuses on cross-silo coordination across the Department administration led by the Department’s centre of government, and on how Departments engage with citizens and stakeholders effectively in a transparent and accountable fashion at all stages in the planning cycle, as means to ensure that departmental development planning reflects and responds effectively to the needs of the Department’s residents. This assessment aims to identify lessons learned and advise on how to further strengthen administrative capacity at the departmental level for this purpose.

The primary objectives of this Public Governance Scan are to:

- Provide recommendations to strengthen open government practices and to improve policy co-ordination and strategic planning at a department level;
- Advise on ways to strengthen co-ordination across silos within the Department government and between the national and departmental governments in these areas;
- Help Colombia report back to the OECD Public Governance Committee on progress achieved in key accession-related areas of sub-national public governance;
- Propose a set of themes for capacity-building workshops that could be carried out over the time remaining in the project.

This Public Governance Scan includes the following sections:

- The framework: Colombia-OECD engagement on public governance
- Centre-of-Government co-ordination for effective and efficient strategic planning
- Open Government at subnational level in Colombia
THE METHODOLOGY USED FOR THIS SCAN

This Scan presents data and information gathered through:

- **A scoping mission** to the departments of Cundinamarca, Nariño (and the city of Pasto) and Bogotá (City government). The mission consisted of a week of interviews with key stakeholders (department-level civil servants, and civil society representatives) and aimed to create buy-in on the part of the leaders of the departmental/municipal governments and of the national government (July 2017). The mission enabled the team to identify specific challenges regarding open government and cross-silo co-ordination of development plans in departments.

- **A comprehensive questionnaire on Centre of Government-led strategic planning and Open Government** (the “OECD Survey”) that was sent to 11 representative departments. Six departments answered the survey: Arauca, Risaralda, Norte de Santander, Nariño, Cauca and Cundinamarca and the Special District of Bogotá.

- **A fact-finding mission** to the departments of Cauca, Cundinamarca, Nariño and the City of Bogotá. The team, composed of experts from the OECD Secretariat and peer reviewers from Mexico and Argentina, conducted interviews with key stakeholders and to organise seminars to discuss the results of the questionnaire (December 2017).

*The analysis in this Scan places special emphasis on the four departments (Cauca, Cundinamarca, Nariño and the City of Bogotá) that were visited. However, the recommendations can be extended to further departmental governments across Colombia, without obviating political social and geographical differences amongst departments.*

**Main Achievements Identified**

This Scan finds that Colombia has made important progress over the last years to enhance institutional capacity and foster sound public governance through whole-of-government coordination and the promotion of open government principles. In particular:

- Planning at the department-level is well regulated by law. Departments are key actors in charge of implementing territorial strategies codified in planning instruments such as Departmental Development Plans. Furthermore, there are several vertical and horizontal coordination mechanisms (Contratos Plan, Agreements for Prosperity, Association of Departments) that enable departments to coordinate their planning objectives with those of the National Government.

- All departments surveyed receive support from the national government in the form of training, guides, and funds for projects related to Departmental Development Plans. This assistance aims for a more effective implementation of their territorial development plans.

- Colombia has developed a robust and inclusive legal framework to involve stakeholders in the policy process and promote Open Government principles at national and departmental level. The Statutory Law on Citizen Participation (Law 1757) stands out as a good practice.

- Colombia is progressively extending its open government agenda with initiatives towards an Open State. The inclusion of a chapter on Open State in Colombia’s National Development Plan (NDP) for 2018-2022 and the elaboration of a CONPES document on Open State constitute important steps in further strengthening the cooperation between the central government and the departments.

**Main Challenges Identified**

While departments have increasingly enhanced their planning capacity and stakeholder participation in the policy cycle challenges persist:

- Departments have several planning instruments that are seldom interconnected and have different implementation schedules, which limit the departments’ ability to coordinate the implementation of these plans and effectively monitor and evaluate policy outcomes and outputs.

- Departments report facing challenges of insufficient financial and human resources when leading horizontal coordination between different secretariats or units. This has proven to be a barrier for effective policy implementation and coordination.

- The participation of stakeholders throughout the policy cycle, especially with regard to the monitoring and evaluation of the DDPs remains limited. While the interviews with stakeholders in Colombia have shown that consultation at the early stages of the design of the DDPs are common practice, the active engagement of stakeholders, including citizens, NGOs and representatives from the private sector and the media, is not yet commonly used for the evaluation phase.

- Few departments include open government principles and initiatives related to transparency, accountability, integrity, and stakeholder participation in their Departmental Development Plans. The drafting of new DDPs following the October 2019 elections will provide an opportunity to identify and include initiatives related to these principles.
THE FRAMEWORK: COLOMBIA-OECD ENGAGEMENT ON PUBLIC GOVERNANCE

COLOMBIA’S ACCESSION PROCESS THE OECD

The Republic of Colombia signed an Accession Agreement with the OECD on 30 May 2018. Colombia will join the OECD as a Member country on the date on which it deposits its instrument of accession to the OECD Convention. Within the framework of the accession process, Colombia has made major efforts to reduce poverty rates and to ensure better delivery of public services for the benefit of its citizens. Building on these efforts, Colombia has committed to pursue further reforms post-accession in areas of public governance that the Delegates of the OECD Public Governance Committee (PGC) have identified as priorities.

As part of its post-accession commitments, Colombia has agreed to pursue further reforms in four key areas of public governance, notably:

1. The effectiveness and efficiency of justice institutions;
2. Transparency and accountability;
3. Integrity and anti-corruption frameworks and institutions; and
4. Subnational administrative capacity.

While the fourth area focuses on enhancing subnational administrative capacities in particular, the other three areas also apply at the national and subnational level.

COLOMBIA’S ACCESSION PROCESS TO THE OECD

This Scan Document was prepared within the framework of a project funded by the Swedish International Development Agency (SIDA) entitled: “Fostering Institutional Efficiency and Public-Governance Effectiveness in Colombia as Strategic Enablers to sustain Inclusive Growth and bring Colombia closer to the OECD” (hereafter “the SIDA Project”).

The four-year SIDA Project aims to enhance the strategic agility of the Colombian state in the post-conflict era, especially in regions affected by the conflict. It focuses inter alia on those areas in which Delegates to the OECD Public Governance Committee have identified a need for further reform to align Colombian policies and practice more closely with OECD standards. The project has six technical components (Box 1). In particular, this Scan addresses the project’s third and the fourth components:

- The third technical component aims to extend the benefits of the open government principles of transparency, accountability, integrity and citizen participation to the subnational level to improve public-sector responsiveness to citizens’ needs. Recognising that Colombia has made great strides in open government and open state agendas in recent years, the component focuses on capacity-building workshops with international peer reviewers to strengthen Colombia’s open government process
- The fourth component focuses on improvements in subnational administrative capacity by means of a strengthened Centre of Government (CoG) at department-level. It aims to enable departmental governments to interface more effectively with the national government and municipalities by providing advice and capacity-building support on how to better coordinate and cooperate horizontally and vertically.

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OECD PUBLIC GOVERNANCE SCAN - COLOMBIA
Box 1. The six technical components of the SIDA project

1. Access to Justice as a Human Right dimension
2. Fostering Integrity in Colombia
3. Extending the benefits of the Open Government principles of transparency, accountability and citizen participation to the sub-national level
4. Strengthening regional governments’ Centre of Government (CoG)
5. Supporting Colombia to enhance women’s political participation;
6. Strengthening the governance framework for integrated waste management and transition to a circular economy.
CENTRE OF GOVERNMENT CO-ORDINATION FOR EFFECTIVE AND EFFICIENT STRATEGIC PLANNING AT DEPARTMENT-LEVEL

SETTING THE SCENE: FOSTERING SUBNATIONAL ADMINISTRATIVE CAPACITY IN COLOMBIA

In Colombia, the effective presence of the State and its administrative control over the national territory have over the past fifty-odd years been partly dependent on the extent of rebel and paramilitary groups’ control over portions of the country, notably in remote regions. This has resulted in weak local administrative capacity in some regions of the country. Consequently, one of Colombia’s main governance challenges in pursuing its national development strategy is to strengthen subnational governments’ administrative capacity to design and deliver policies and services that reflect national standards and quality, notably in rural and remote regions, in full coordination with the national government.

ENHANCED ADMINISTRATIVE CAPACITY AS AN ENABLER FOR STRATEGIC PLANNING AND OPEN GOVERNMENT REFORMS

Sound public governance and solid administrative capacity are a prerequisite for the successful implementation of policies in any area.

Sound public governance constitutes a sine qua non condition for pluralist democracies to give effect to the rule of law and respect for human rights. Effective democratic institutions lie at the core of sound public governance. They constitute indispensable means to engage in open, equitable and inclusive decision-making in the public interest and in concert with citizens to enhance wellbeing and prosperity for all.

In its Policy Framework for Sound Public Governance (OECD, forthcoming), the OECD defines sound public governance as “the design, execution and evaluation of formal and informal rules, processes, and interactions between the institutions and actors comprising the State, and between the State and citizens, whether individually or organised into civil-society organisations, businesses or other non-state actors, that frame the exercise in the public interest of public authority and decision-making in a way that enables the proper anticipation and identification of challenges and in response sustains improvements to general prosperity and wellbeing.”

Accordingly, sound public governance is the combination of three interconnected elements:

- Values: key behavioural traits that guide public governance across all of its dimensions in a way that advances and protects the public interest.
- Enablers: an integrated nexus of practice that enables the correct identification of issues and challenges and the design, implementation and evaluation of reforms in response that sustain improvements to outcomes.
- Instruments and tools: a set of policy instruments and management tools for effective policymaking.

The Policy Framework identifies whole-of-government co-ordination as one of the key enablers of sound public governance. The open government principles of transparency, accountability, and integrity and stakeholder participation form part of the values of sound public governance.

As such, whole-of-government co-ordination and open government are key elements of a government’s administrative capacity at any level, and are strongly interlinked. Institutions at the Centre-of-Government that are in charge of co-ordinating, prioritizing and implementing a national or subnational government’s strategic objectives are best able to execute their responsibilities in this area through effective citizen and stakeholder participation at all points in the policy planning and implementation cycle. A solid understanding of stakeholders’ concerns and challenges (whether from the private sector, civil society, academia or from individual citizens) can, for instance, help governments improve development plans to provide meaningful solutions to concrete challenges. Likewise, involving citizens and businesses in strategic planning processes can bring them closer to the reality of the institutions and allows them to understand the strengths of the decision-making process as well as its limits.
Colombia faces challenges relating to subnational administrative capacity

One of Colombia’s main challenges in pursuing its national development strategy relates to the pronounced disparities in terms of fiscal, institutional and management capacity at the subnational level.

While absolute poverty is being reduced in Colombia, the decline in spatial inequality and in relative poverty has been more modest. Both indicators remain high by OECD standards. Territorial disparities are particular high, notably between urban and rural areas (especially those regions not benefiting from natural resources), within urban areas, where the number and size of stressed neighbourhoods resulting from the massive influx of displaced populations is growing, and between border regions most affected by the conflict and the rest of the national territory.

When compared to OECD member countries, Colombia also displays a high level of regional inequality in GDP per capita, calculated among the 32 departments and Bogotá. Regional inequalities are 42 times higher than in Australia and more than five times higher than in the United States or Canada.

As a result, Colombia faces pronounced disparities in terms of fiscal, institutional, administrative and management capacity at the subnational level. Many regions that were affected by the internal armed conflict or that are deprived of extractive resources, exhibit low capacity in terms of subnational fiscal autonomy, co-ordination, staffing, regulatory and audit/control capacity, for example. Persistent disparities in administrative and fiscal capacity across regions further affect the state’s ability to sustain effectively its administrative functions over the entire national territory, and thus deliver basic executive and judicial services equitably to all citizens.

The Government of Colombia (GoC) acknowledges the need to strengthen administrative capabilities at the subnational level and has taken important steps to do so in recent years, notably by:

- Working to strengthen sub-national institutional and technical capacity to design investment projects, since most of the challenges associated with the investment cycle are due to weaknesses in structuring projects, at the planning phase. For example, since 2015, the Government has implemented a strategy to help municipalities acquire technical skills and tools to improve public management performance.
- Developing a more inclusive institutional framework over the recent years aiming at better involving economic and social stakeholders in policy-making, at all levels. The country is increasingly aligned with some of the OECD good practices in that field. Several initiatives that focus on local stakeholders’ dialogue and participation, such as the Regional Commission for Competitiveness, Colombia’s Citizen Watchdogs, or Territorial Planning Councils have been beneficial.

Departmental governments are key actors in strategic planning process in Colombia. In order to achieve regional and national development objectives, subnational Centres of Governments and their administrative capacity process have to be strengthened.

WHAT IS “STRATEGIC PLANNING” AND WHY THE CHOICE OF THIS AREA AS A LENS TO ASSESS CENTRE OF GOVERNMENT CO-ORDINATION AT DEPARTMENTAL LEVEL IN COLOMBIA?

Planning in the public domain is the mechanism through which policies are developed and applied in a way that takes into account civil society’s needs and promotes an effective and efficient use of available resources (Friedman, 1987). For the purpose of this Scan, strategic planning refers to the process of developing, implementing and monitoring & evaluating a strategic vision for any given department in Colombia. The planning process requires extensive co-ordination and leadership capacity across administrative silos, with the other levels of government and with an inclusive mix of external stakeholders in order to give the strategic vision specific shape, to secure its coherence and to make it operational.

As the centre of leadership and co-ordination of the departmental government, the Centre-of-Government (CoG) plays a key role in the strategic planning process of Colombian departments. Reinforcing the capacity of the CoG can be a means to strengthen the entire strategic planning process of a department and thereby producing better outcomes for citizens and businesses.
DEPARTMENTAL GOVERNMENTS ARE KEY ACTORS FOR THE SOCIAL AND ECONOMIC DEVELOPMENT OF COLOMBIA

The key role of departmental governments in strategic planning in Colombia

Colombia is characterized by an ample tradition of subnational planning. Planning exercises are well regulated by law.

Colombia has seen significant normative reform since the early 1990s, mainly through the adoption of the Political Constitution of 1991. The Constitution creates a centralised Presidential system and provides for a decentralised exercise of administrative powers.

The executive branch includes all public authorities at subnational levels (departments, districts and municipalities, “territorial entities”). In accordance with the Constitution, territorial entities have democratic, pluralist and participative autonomy. Article 287 establishes that territorial entities have the right to:
- govern themselves under their own authorities;
- administer their resources;
- establish the necessary taxes for the exercise of their functions and to participate in national revenues.
- Yet, subnational fiscal autonomy is restricted by the national government (OECD, 2014).

The 1991 Constitution also provides the framework for strategic planning, at both the national and the subnational level.
- Article 339 explicitly requires the development and enactment of a National Development Plan (NDP) to guide the president’s term in office with respect to policies and expenditures.
- The same article also requires that territorial entities elaborate and adopt development plans (together with the National Government) with the purpose of ensuring the efficient use of their resources, the development of strategies in the fight against poverty and the adequate execution of the functions assigned to them by the Constitution and the law.
- The Constitution further stipulates that these subnational development plans shall consist of a strategic plan and a plan for short and long-term investments.

Departmental governments have become strong actors in strategic planning. As an interface between the municipal and the national level, departmental governments are the ideal level of government to develop and pursue a strategic vision of development that respects the global vision of the country while taking into account the specifics of the regions they serve.

Today, strategic planning at departmental and municipal level is complemented by a robust normative structure (IDB, 2014):
- The 2011 Organic Law on Territorial Organisation (the “LOOT”) complements the constitutional definition of roles and responsibilities between the different levels of government. The LOOT outlines the legal arrangements and forms of territorial co-operation.
- Agreement 10 issued in 2016 outlines departments’ cornerstone role in strategic territorial planning. The agreement gives departments the role to act as a strategic mediator between the national government and municipalities.
- Law 388 from 1997 establishes that land-use plans (Planes de Ordenamiento Territorial) are a competence of municipalities.
- Law 152 of 1994 establishes citizen’s participation in the making of development plans at a national and at sub-national level.
- Law 152 from 1994 defined as the Organic Law for Development Plans gives subnational governments autonomy for their development but requires them to take into account the provisions of the National Development Plan to guarantee coherence between the national and subnational development objectives.
- Title III of the Department Code (Código del régimen departamental) details the functions and competencies of departments in strategic planning processes.

Planning tools at subnational level

Departmental governments in Colombia have to develop different layers of planning, often with different time horizons.
- The most important planning tool at subnational level in Colombia is the Departmental Development Plan (DDP). The DDP is the blueprint for the Governor’s term in office. It is designed for the length of the term of the governor. In most cases, DDPs are developed through an inclusive process that is led by the Planning Secretariat and that involves a wide variety of stakeholders. Municipalities develop Municipal Development Plans.
- The Land-Use Plans (Planes de Ordenamiento Departamental and Planes de Ordenamiento Territorial) aim to address the physical and geographic development of municipalities, including the environmental effects of land utilization and its impact on the community. According to Law 388 of 1997, Land-Use Plans should take into account the territorial development plans.
- The Development Programs with a Territorial Approach (PDETs) are a more recent layer of planning. The PDETs were created by Decree 893 of 2017 within the framework of the Peace Agreement between FARC and the national
government. They aim to implement the dispositions of the peace agreement related to rural development. The decree establishes 16 territorial where PDETs are supposed to be designed. Those territorial areas do not correspond to the established municipalities or departments. The PDETs will be developed only once, with a planning horizon of 10 years. The PDETs are to be integrated into the National Development Plan (NDP) for 2019-2023.

**Existing vertical and horizontal co-ordination mechanisms to support strategic planning**

The Colombian Government has created several tools to strengthen vertical coordination between the national government and subnational governments and between different subnational governments.

Existing initiatives include:
- **Contratos Plans** (soon to be renamed “Pactos Territoriales”) are an instrument of territorial-development planning using a voluntary agreement between different levels of government to carry out initiatives that contribute to the objectives of the National Development Plan. The Contratos Plans have proven to be an essential tool to strengthen local development and decentralisation. The OECD Public Governance Review of Colombia for instance found that this instrument has allowed for the articulation of a shared vision for a region’s development between national and subnational actors. In order not to replace or compete with other instruments for prioritization and investment management, the Contratos Plan focus on social and economic investments and on institution building for subnational governments. Plans are aimed at sectors in which royalties investments are currently concentrated and where quality needs to be improved.
- **Contratos Plan para la Paz** (so-called Contratos Paz) were created to streamline the implementation of the Peace Agreement and to support the post conflict process in conflict-affected departments such as Nariño and Cauca.
- **Agreements for Prosperity** (Acuerdos para la Prosperidad, APP) are coordination mechanisms that derive from the Communal Councils. The focus of APPs is citizen participation to promote transparency and efficiency in policy-making and implementation. APPs support regional development by promoting dialogue among key stakeholders on a specific policy issue that is central to the development strategy of a given territory.
- **OCADs** (Órganos Colegiados de Administración y Decisión) are administrative instances that were created as part of the General System of Royalty Payments (SGR). They allow for the co-ordination of investment decisions of departments and municipalities through public sector management bodies. These collegiate bodies are responsible for assessing, evaluating, prioritizing and approving investment projects submitted by subnational governments and ethnic groups. According to the Constitution, royalty payments belong to departments and municipalities. Yet, the SGR, through the OCAD framework, put in place a system in which subnational entities have to obtain approval from these bodies to invest the additional revenue received through royalties. If the OCADs reject a project, subnational entities do not lose the royalty funds, which accumulate in their budgets until the department or municipality is able to design an investment project approved by an OCAD (OECD, 2014).
- **The Integral Performance Index (IPI)** is a composite index that measures subnational governments’ capacity against indicators for efficiency, efficacy, and compliance in the execution of their policy and programming responsibilities.
- **Territorial partnerships among subnational entities** is encourage through different tools including Associations of Municipalities and Departments, Metropolitan Areas, Administrative and Planning Provinces (two or more municipalities within a single department), Administrative and Planning Regions (between two or more departments), regional pacts or alliances, among other.

**BETTER CENTRE OF GOVERNMENT CO-ORDINATION FOR MORE EFFECTIVE AND EFFICIENT STRATEGIC PLANNING IN COLOMBIA**

What is the Centre-of-Government and what are its main roles in OECD countries?

While its composition varies from one country to another, the Centre-of-Government is the centre of leadership and co-ordination of the government.

The OECD defines the Centre of Government as the body or group of bodies that provides direct support and advice to the head of government and the Council of Ministers (OECD, 2015). The structure of the Centre of Government across OECD member countries varies significantly, depending on the historical and cultural context and a country’s constitutional framework.
- At the national level, the CoG is generally composed of a variety of ministries, including but not limited to:
  - the Presidency/Prime Minister’s Office;
  - the Ministry of Finance;
  - the Ministry of Foreign Affairs and,
  - in some cases, the Ministry of Interior, Ministry of Planning etc.
Together, these entities act as a centre of leadership and co-ordination of the government. They are critical for:

- **Setting a strategic vision:** The CoG serves the head of government and political leadership to support the pursuit of the political vision as expressed by the winning candidate/party/coalition of parties in an election.
- **Whole-of-government co-ordination and policy coherence:** The CoG needs to make the strategic vision operational and to co-ordinate a coherent whole-of-government response to the policy challenges facing the country, including its coherence with the strategic initiatives of the other levels of government in the country.
- **Strategic planning for the whole-of-government:** The CoG usually operationalises the commonly agreed strategic vision through strategic planning processes. Once plans are defined, the CoG needs to ensure that they are linked to the budgeting process.
- **Monitoring (and evaluation) of the implementation of government priorities:** The CoG monitors strategic policy setting and implementation.
- **Communicating government messages to the public and the public administration:** The CoG needs to communicate the strategic vision and its implementation to a wide range of stakeholders.
- **Managing transition planning and the preparation of strategic advice for an incoming government after an election,** notably by coordinating input from across the government for this purpose.

**Box 2. OECD's work on Centre of Government**

The OECD animates the Network of Senior Officials from Centre of Government. This policy network created in the 1980s and holds annual events since the 1990s. It is one of the highest-policy level networks in the organisation having as members heads of centre-of-government offices (Prime Minister’s office, Ministry of Finance, etc). Annual meetings are hosted by members of the network. These meetings aim at improving the work carried by the Centre-of-Government in OECD member countries by looking into centre-of-government procedures and mandates, analysing broad governance issues and their incidence in the Centre-of-Government work (ie. digitalisation).

Within that framework, two successive on the organisations and the functions of the Centre-of-Government have been circulated to members of the network (in 2014 and 2017 respectively. The results of the survey have been analysed and codified in two reports: Centre Stage 1 and Centre Stage 2. The latest report compares results from both survey to get a sense of the evolution of the institutional architecture, functions and practices of offices at the Centre of Government.

**Sources:**
OECD (2018), Organisation and Functions at the Centre of Government: Centre Stage II, OECD Publishing Paris
OECD (2015), Centre Stage: Driving better policies from the Centre of Government, OECD Publishing Paris

**What are the peculiarities of the Centre-of-Government at subnational level?**

In the past, the concept of Centre-of-Government was mainly applied to national governments. However, with deepening decentralisation and increased levels of responsibility for subnational governments in many countries, there is increasing awareness about the importance of subnational Centres-of-Government.

OECD countries are very diverse in terms of administrative competences at the subnational level and there can be no unique definition of a subnational CoG. However, recognizing the importance of leadership, communication and effective and efficient co-ordination, more subnational governments across the OECD have started adopting the concept of CoG to their specific context.

The key functions of CoG institutions at subnational level depend to a large extent on the scope of their responsibilities and their competencies. While the concept of a subnational Centre-of-Government is of course particularly relevant for federal countries (because of the significant independence of their subnational governments), CoGs also exist in unitary countries, such as Colombia.

In unitary countries, the CoG serves the head of the intermediary or regional level of government to take decisions, ensure co-ordination among different line ministries/secretariats and it follows-up of policy implementation.
At the national level, the Presidency of the Republic, the National Planning Department (Departamento Nacional de Planeación, DNP), the Ministry of Finance and the Administrative Department responsible for the civil service (DAFP) are the government’s key Centre of Government institutions (see OECD, 2013).

Co-ordination takes place in Councils (such as the Council of Ministers and the Council on Fiscal Policy) which are in charge of co-ordinating horizontal multi-sector policy development and implementation across government. The most important Council of this type is the National Council for Economic and Social Policy (Consejo Nacional de Política Económica y Social, CONPES). The CONPES is the highest national planning authority in the country and serves as the advisory body to the government regarding public policies in all matters. The OECD Public Governance Review of Colombia includes a detailed assessment of the Colombian CoG and provides recommendations on how to strengthen it.

## Figure 1. Number of subnational governments in OECD countries

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OECD definition of the Centre-of-Government at departmental level in Colombia

A well-functioning departmental Centre-of-Government can be an important tool to help them address policy challenges, respond to citizens’ demands and make growth more inclusive.

Over the course of this project, the OECD elaborated a definition of the Centre-of-Government at the Colombian departmental level. Accordingly, the departmental CoG refers to the group of units that support the Governor in designing, implementing, and monitoring and evaluating his/her policy agenda.

The departmental Centre of the Government in Colombia is generally composed of a variety of secretariats / units, including but not limited to the General Secretariat, the Planning Secretariat and the Finance Secretariat and (where existing) the Secretariat in charge of economic and social development.

Together, these entities act as the centre of leadership and co-ordination of the departmental government. They work in close collaboration to:
- Provide direct support to the head of the departmental government (the Governor in the case of Colombia) and manage the agenda of the Government Council (Consejo de Gobierno);
- Lead the development, implementation, monitoring and evaluation of regional strategies and policy initiatives (including the Departmental Development Plan);
- Co-ordinate regional strategies and policy initiatives with other Secretariats and decentralized entities of the departmental Government;
- Co-ordinate the strategies and political initiatives of the Government with local / municipal authorities as well as to provide technical assistance to their municipalities;
- Co-ordinate the uniform application throughout the government of administrative regulations / norms related to the functioning of the public administration (public governance reform; management of human resources, procurement, integrity, transparency, etc.);
- Direct the discussion of strategic policies and coordinate strategies and political initiatives with the national government (including the National Development Plan).
- Manage the budget and allocate funding.

Key CoG-functions for strategic planning exercises at departmental level in Colombia

The Departmental Development Plan is the most important policy document of a departmental government. It projects a vision for departmental development and provides the roadmap for the 4-year term of the governor. The policy cycle from development to monitoring and evaluation surrounding the DDP is complex. In order for the DDP to be successfully implemented, departments need to have a strong Centre-of-Government that is able to co-ordinate, lead and monitor and evaluate throughout the policy cycle.

The key functions of the Centre-of-Government in the Departmental Development Plan are:
1. Co-ordination and harmonisation of the DDP with other planning frameworks of the department
2. Co-ordination within the departmental government
3. Vertical co-ordination with the national government
4. Vertical co-ordinating with municipalities
5. Horizontal co-ordination between departments
6. Monitoring and evaluating the implementation of plans
7. Link plans to the budget framework

The following sections will analyse each of these elements taking the CoG’s role in the DDP-process as a benchmark.

CENTRE-OF-GOVERNMENT COORDINATION IN STRATEGIC PLANNING IN ACTION: THE DEPARTMENTAL DEVELOPMENT PLAN

Co-ordination and harmonisation of the DDP with other planning frameworks of the department: the importance of institutional leadership

In order to be successfully implemented, subnational planning processes requires co-ordination across different planning frameworks and with the national and departmental fiscal framework.
All seven departmental governments that answered the OECD Survey have a four-year Departmental Development Plan, as mandated by the Constitution and by law. Survey results confirm the importance of the Departmental Development Plans (DDPs) for public policy-making at departmental level. The governments of Cundinamarca, Nariño, Norte de Santander and Risaralda reported that all their public policies were linked to their Development Plans, while Cauca, Arauca and Bogotá reported to link at least 75% of their policies to these multi-annual plans.

Survey on Centre of Government-led strategic planning and Open Government
Most departments visited have created ambitious plans that – in all cases – are linked “strongly” or “very strongly” to the National Development Plan and that include all their strategic priorities. However, evidence suggests that plans sometimes tend to be over-ambitious and that effective implementation can be limited. Interviews held during the missions also pointed to a lack of connectedness between planning tools. In particular, the DDPs do not appear to be connected to other plans such as Development Programs with a Territorial Approach (PDETs) and Land-Use Plans. Co-ordination is complicated by the fact that all of them have different planning timings and implementation timeframes. For instance, while the Departmental Development Plans have a 4-year horizon, the Land Use Plans are implemented for a 12-year period and the PDETs for 10 years.

Strong institutional leadership is key to ensure the link between different planning frameworks. In their responses to the OECD Survey, all territorial entities stated that their Secretariats of Planning play a key role in vertical and horizontal co-ordination and in monitoring and evaluating the implementation of public policies. In particular, the Secretariats of Planning are in charge of overseeing, co-ordinating and leading the design, implementation and monitoring and evaluation of the Departmental Development Plans. Evidence suggests that the Planning Secretariats in Colombia are among the most powerful units of the departmental governments. In most departments, these Secretariats for instance have above-average human and financial resources.

**Horizontal co-ordination within the departmental government:**

In their responses to the OECD Survey, most departmental governments and Bogota’s City Hall indicated that the General-Secretariat and the Secretariats of Finance and Planning form part of their CoG. Additionally, involvement of the chief executive office (the Governor and in the case of Bogotá, the Mayor) is also a common characteristic. The departments of Arauca and Nariño define their Centre-of-Government as their Government Councils (Consejos de Gobierno). These Councils are decision-making mechanisms usually composed of all Secretaries of the department. They meet periodically to decide on common policy priorities.

In their responses to the OECD Survey, all departments reported to have challenges relating to horizontal co-ordination.
between their different secretariats and/or units. Most of the challenges have to do with lack of financial resources to co-ordinate in an ideal manner or with different priorities and expectations among the different secretariats.

The results of the fact-finding mission also revealed that there seems to be a certain lack of knowledge regarding the usefulness of the concept of Centre of Government for departmental governments. During discussions, most departments were not able to define the respective key roles and functions of their CoG-actors and the relationship they have between each other.

In most cases, there are no institutionalized mechanisms that allow CoG actors to co-ordinate and lead policy agendas. For instance, meetings between the Planning and Finance Secretariats are frequent in all departments. However, they tend to occur on an ad hoc basis according to pressing needs. Whole-of-government co-ordination tends to occur through the Government Council. It tends to be short-term and political in nature and tends to not to focus on the longer-term imperatives required to ensure strategic policy coherence over time.

Co-ordination with the national government:
A need for further support

The alignment of national and departmental development agendas requires extensive co-ordination between different levels of government.

All departmental governments (except for Risaralda) reported to be co-ordinated with the national Ministry of Finance and with the National Planning Department (DNP) in issues related to capital expenditure and operational budgeting. All subnational governments also receive support from the national government in the different phases of their DDPs, mostly through the provision of guides (like the DNP’s KITerritorial and SINERGIA territorial).

Departmental governments stated that challenges regarding coordination with the national government have to do with different contexts in the territory, with different priorities, with lack of leadership from the national government and with unclear instructions:

- Bogotá and Norte de Santander reported further challenges such as different planning timing, delayed help from the national government and lack of knowledge of the specificities of the respective territory from the national government.
- Cundinamarca and Cauca stated that support from the national government could be improved by articulating the planning timing and by considering, a permanent and continuous support mechanism.
- Bogotá reported that support from the national government could be improved in the design of the development plan, especially in the monitoring phase.

**Figure 4. Challenges relating to horizontal coordination inside departmental governments**

<table>
<thead>
<tr>
<th>Challenge</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lack of financial resources</td>
<td>66%</td>
</tr>
<tr>
<td>Resistance of secretariats</td>
<td>50%</td>
</tr>
<tr>
<td>Different priorities</td>
<td>33%</td>
</tr>
<tr>
<td>Unreal expectations</td>
<td>33%</td>
</tr>
<tr>
<td>Co-ordination with national government</td>
<td>0%</td>
</tr>
</tbody>
</table>

Source: OECD (2017) Survey on Centre of Government-led Strategic Planning and Open Government

**Figure 5. Ways in which support is given by the national government to departmental governments regarding their development plans.**

<table>
<thead>
<tr>
<th>Support Area</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Training</td>
<td>83%</td>
</tr>
<tr>
<td>Project Financing</td>
<td>50%</td>
</tr>
<tr>
<td>Planning and evaluation of the DDP</td>
<td>33%</td>
</tr>
<tr>
<td>Monitoring and evaluation of the DDP</td>
<td>0%</td>
</tr>
<tr>
<td>Guides</td>
<td>83%</td>
</tr>
</tbody>
</table>

Source: OECD (2017) Survey on Centre of Government-led Strategic Planning and Open Government
Vertical co-ordination with municipalities

The effective implementation of a whole-of-government development strategy requires that municipalities are fully involved and contribute to it.

All Departments report to have fiscal co-ordination mechanisms with municipalities in place and all support municipal governments in case they need it. While most departmental governments indicated that municipal development plans are linked to their DDPs (Cundinamarca and Risaralda reported a very strong link and Arauca and Cauca reported a strong link), municipal budgets are only linked to the DDPs of Norte de Santander and Cauca.

While they note that co-ordination has improved, all departmental governments also face challenges regarding vertical coordination with municipalities. Most of these challenges have to do with lack of capacity at the municipal level and with the lack of incentives to coordinate (which may be partly driven by disagreements of a political nature).

Horizontal co-ordination between departments

Integrated subnational development requires that different departments co-ordinate their Development Plans with each other.

For the time being, subnational governments have too little incentives, capacities and tools to co-ordinate among themselves. Advances can be cited in the constitution of associative schemes in four regions of the country through the RAPs (Pacific, Central, Caribbean and coffee axis) which are building a reference framework in regional planning, establishing guidelines to articulate the efforts of territorial entities. Nevertheless, these associative schemes do not currently have economic incentives or direct participation in the nation’s different sources of financing.

The government of Cauca carries follow up missions twice a year in every Municipality of the Department to monitor the fulfilment of goals set in the local development plans vis-à-vis the Departamental Development Plan. Subsequently, a Technical Committee alerts on the noncompliance of key development goals.

Monitoring and evaluation of the Departmental Development Plan: The need to move towards performance indicators

Monitoring and evaluation should be a key element of the policy cycle surrounding the Departmental Development Plan in order to ensure continuous learning and improvements.

The use of monitoring and evaluation of government-wide policies and sectoral policies is a common practice in OECD and non-OECD countries. Monitoring consists in collecting information during the implementation phase of a policy to assess whether that policy is on track to achieve expected results or outcomes (OECD 2018). Performance monitoring can also include an outcome assessment to evidence whether the policy produces results that are in line with broader strategic policy goals (such as improving public health). The data gathered is not used for analytical purposes but rather to inform the government on progress achieved in the implementation of strategic goals.
In contrast, policy evaluation refers to an objective and in-depth analysis on “future, ongoing, completed policy initiatives” (OECD 2018). Policy evaluation looks at the effects of a policy, to understand the causes that lead to the results and fulfilment of strategic goals. It further assess the impact and the sustainability of a policy. As such, policy evaluation is useful to understand the reasons for policy success or failure; it identifies challenges and barriers to improve future policy-making.

Both monitoring and evaluation practices guarantee sound public governance and nurture a culture of public accountability when M&E information on policy implementation is shared with citizens, stakeholders, and other branches of power (OECD 2016). Furthermore, monitoring and evaluation information can influence the policy-decision making process.

In particular, the use of performance information can significantly improve the planning process, when performance indicators are linked to strategic objectives formulated in national or department-level development plans. In their responses to the OECD Survey, all departmental governments stated to have a specific system to monitor the implementation of their DDPs in place. In all departments, the Planning Secretariats are in charge of monitoring the implementation of public policies.

All departments and Bogotá’s City Hall monitor the implementation of their Departmental Development Plans through monitoring tools that include standardized control sheets or more advanced systems like online platforms or software:

- **Risaralda** reports to follow up every two months in the Council of Government in order to receive sectorial input before the Planning Secretariat consolidates a final report.
- **Norte de Santander** uses control formats, which are filled in by every secretary and unit of the department (taking into account the executed budget, the number of beneficiaries etc.). The control formats are subsequently grouped by the Secretary of Planning.
- **Cundinamarca** does the monitoring of its plan through a technological platform (SAP), while the government of
- **Nariño** has an online platform to consolidate information on execution of the plan. Every secretary and unit of the department reports periodically.
- **Bogota** uses a technological tool called SEGPLAN to monitor the implementation of the development plan. Through the tool, the Mayor’s office reports developments.

While all departmental governments report that the information generated through their monitoring system is used to report achievements of policy objectives stated in Departmental Development Plans, improve planning, only three (Norte de Santander, Cundinamarca and Risaralda) report that it is used to improve public policies and for the making of future development plans.

Most departments monitor outputs (i.e. was the planned bridge built) but there is still limited monitoring of outcomes (i.e. did the building of the bridge result in greater economic growth in the given area). Even more importantly, evaluation capacity is still mostly absent in most departments.

In interviews conducted during the OECD missions, departments acknowledged the need to strengthen the indicators they are using in their DDPs. To that effect, cross-silo coordination as well as co-ordination with the DNP, relevant national line ministries and DANE (National Statistics Department) on indicator work is essential. The National Planning Department is currently carrying-out a results’ evaluation of all department-level projects financed by the SGR (General Royalties System). The DNP has created an index (Índice de Gestión de Proyectos de Regalías) that measures...
performance-management of projects financed by the SGR as well as the effective and efficient in implementation of these projects. At a national-level, following the 1991 constitution that establishes the obligation to monitor and evaluate, the DNP has created a monitoring and evaluation system for key national policies and programmes called SINERGIA (OECD 2013). Departments could use this monitoring and evaluation systems as a model to develop or improve evaluation systems for their own plans.

Over the past years, the National Planning Department (DNP) has focused on improving subnational institutional capacity to formulate development plans and to follow-up on development goals through monitoring tools. For instance the DNP has created an online guide “KITerritorial” to assist department through the design, implementation and monitoring and evaluation of their Developmental Development Plans. The DNP’s national monitoring and evaluation system SINERGIA has a specific evaluation tool to produce information on objectives formulated in the National development plan that have a territorial impact (SINERGIA Territorial). The information and data collected with SINERGIA Territorial is used to inform departments. Furthermore, this system provides some monitoring guiding principles to help Departments monitor their planning instruments, and in particular, their department development plans (Colombia, Department of National Planning, 2018).

To develop evaluation systems in all departments, DNP could provide further guidance and expertise to train staff from departments and municipalities to get the right skills. Moreover the DNP could assist the department improve evaluation systems in addition to monitoring instruments for department development plans.

In addition, consolidating an area within the Secretariat of Planning that is dedicated to monitoring and evaluation and strategic foresight could contribute to anticipate future needs. Strategic foresight could allow departments to get a broader picture of key challenges. Foresight should not be considered as an end in itself but rather a supporting and complementary process to policy making. In particular, foresight can help setting medium to long term priorities and to determine future capacity building needs.

Linking Budgeting and Planning

During the budgetary cycle, performance information can be used measure public spending efficiency, by assessing policy results of a budget programme or line. In fact, the use of performance-information during the budget process, commonly known as performance-based budgeting follows a “value for money” logic, measuring results obtained for a specific amount

Box 4. What is a policy evaluation system? The OECD’s governance perspective on policy evaluation

A sound policy evaluation system implies that policy evaluation is part of the policy cycle; that policy evaluation is carried out rigorously and systematically; that its results are used by decision-makers; and that information is readily available to the public (see Lazaro, 2015).

The OECD’s ongoing work on “the governance of policy evaluation” focuses on the institutionalisation of policy evaluation, along with measures in place to promote quality and use of policy evaluations. More specifically, internationally comparative data are analysed to assess the existence and nature of:

- An institutional framework for policy evaluation that provides (a) the legal basis to undertake policy evaluations; (b) macro-level guidance on when and how to carry out policy evaluations; and (c) clearly mandated institutional actors with allocated resources to oversee or carry out policy evaluations.
- A policy evaluation culture, including - among others - the promotion of the quality and use of policy evaluations across government, through a skilled public service and appropriate stakeholder engagement mechanisms.

of public resources allocated (OECD 2014). The degree, to which performance-information influences the budgetary process, varies amongst countries. The OECD (2014) distinguishes three different ways in which performance information is used throughout the budgetary cycle: “presentation performance budgeting” when performance information is presented in budget documents, “performance-informed budgeting” when performance-information is considered in the decision-making process and “direct performance-budgeting” when resources are allocated based on performance results.

The OECD encourages performance-based budgeting as a means to improve policy evaluation and public accountability. In fact, in the OECD recommendation on Budgetary Governance (2015) gathers ten sound principles of budgetary governance including one principle on the use of performance budgeting (see Box 5). Going a step further, the Recommendation’s second principle invites governments to link performance-budget results to strategic objectives formulated (see Box 5).

**Successful implementation of the DDP requires that it is fully linked to the departmental budget.**

In Colombia, performance-based budgeting at a national level is advanced. Indeed, the policy monitoring and evaluation system SINERGIA measures performance of national policies and the national development plan and performance information is in turn used to inform the budget cycle.

At the subnational-level, all departments that were surveyed reported that the departmental budget and the DDP were aligned.

All departments also report that they evaluate the implementation of their development plans taking into account the allocation of resources according to the priorities established in the plans. In interviews some departments better performance assessment capacity but evaluation systems can still be improved in all departments.

**Box 5. The OECD’s Budgeting Principles**

The OECD Recommendation on Budgetary Governance formulated by the OECD Council on Budgetary Governance highlights ten principles of sound budgetary governance based on an overview of good practices carried in OECD countries. The ten principles aim at guiding policy makers in the “design, implementation and improvement of budget systems” and to guarantee the efficient use of public resources.

The ten budget principles include:
- Budget management within fiscal objectives
- Budget alignment with mid-term strategic priorities
- Capital budgeting framework designed to meet national development needs
- Budget transparency, openness and accessibility
- Participative, inclusive and realistic debate on budget choices
- Accurate and reliable account of public finances
- Budget execution planned, monitored and evaluated
- Budget Performance, evaluation and value for money assessment
- Fiscal risks identification
- Promotion of integrity in budget forecast, fiscal plans and budgetary implement through rigorous quality assurance

The second principle recommends aligning budget with mid-term strategic priorities of government. According to this principle, governments should structure their budget in a way that links to strategic goals, and development plans that articulate strategic objectives should take into account available public resources. To put in place this recommendation, governments are using mid-term expenditure frameworks, which are mid-term budget ceilings linked to policy objectives.

THE WAY FORWARD

Colombia has made important progress in strengthening the normative framework for strategic planning at subnational level. In practice, however, there are still a number of challenges regarding the co-ordination of strategic planning processes that the country needs to address.

Main findings

– Colombia’s departments have taken significant steps to improve their governance practices and to strengthen their administrative capacity for strategic planning, including by improving their information systems, by fostering citizen participation in their planning processes and by linking development plans to a monitoring strategy. The national government is offering different tools to build capacity in departmental governments, including seminars, toolboxes etc. These tools have proven to be useful and departments are eager to receive additional support from the national government.

– The Departmental Development Plan (DDP) is the most important policy document of the departmental governments. While all departments link their DDPs to the National Development Plan, different planning timeframes complicate co-ordination. Moreover, there is little co-ordination between DDPs and other planning frameworks at the departmental level, such as Land-Use-Plans.

– Most departments have limited institutional mechanisms to facilitate coordination within the Centre-of-Government. For example, meetings between the Secretariats of Planning and Finance are often held on an ad hoc basis to answer to pressing needs. Moreover, the Government Councils which are composed of the Governor and the different secretaries are supposed to play an important role in whole-of-government co-ordination, but they rarely focus on strategic coherence over time.

– In most departmental government, the Secretariat of Planning fulfills an important number of CoG-functions for strategic planning processes (e.g. vertical and horizontal co-ordination, monitoring & evaluation). All departments have a strong Secretariat of Planning.

– Most departments are actively reaching out to their municipal governments in order to involve them in their policy agenda and to co-ordinate their DDPs with municipal authorities. However, municipalities often seem to lack capacities and human and financial resources which can hinder effective and efficient vertical co-ordination.

– All departments have developed monitoring tools for their Development Plans and most of them link their plans with their budgets. However, monitoring systems tend to measure outputs rather than the achievement of strategic development outcomes. In addition, evaluation systems are still underdeveloped in most departments.

– Some departmental governments have started making use of strategic foresight practices in their planning processes. However, for the time being, the potential of foresight remains underused as it rarely informs policy-making.

Proposals for action

For the national government

– Make sure that the National Development Plan as the country’s most important policy document reflects specific territorial development objectives and that it is tailored to departmental needs and priorities.

– Improve the co-ordination between the central, departmental and municipal levels of government on strategic planning including by creating additional fora for exchange and policy dialogue.

– Provide additional capacity-building and knowledge-sharing support to the planning process of departmental governments, including in the area of monitoring and evaluation.
  - Consider assisting department develop their own monitoring and evaluation systems that would be congruent with SINERGIA.
  - Consider improving SINERGIA Territorial’s guiding framework for department-level monitoring in order to help gobernaciones improve their evaluation tools as well.

– Create an inter-ministerial unit in the national government that is in charge of co-ordinating and evaluating the achievement of strategic objectives articulated in development plans.

For departmental governments

– Implement the concept of Centre-of-Government in order to ensure effective and efficient co-ordination and leadership in planning processes.

– Ensure that departmental policy objectives are in line with and contribute to national and municipal policy priorities.
Reinforce the working relationship between the departments’ Secretariats of Planning and Finance to better align the budgeting framework with the strategic development objectives of the Departmental Development Plan.

- Link budget spending to the achievements of strategic outcomes outlined in the DDPs.
- Improve dialogue and exchange of good practices amongst departments and create a community that gathers key stakeholders engaged in territorial development to share good practices and experiences.
- Reinforce and improve the strategic monitoring and evaluation systems in order to not only keep track of the effective implementation of policies but to also see whether the policy (and its associated budgetary expenditures) is helping achieve a strategic development outcome.
  - Ensure that existing monitoring systems track the implementation of all departmental plans (DDPs, Land-Use Plans etc.) against commonly defined objectives.
  - Ensure that evaluation systems are established (or strengthened depending on the department) for an in-depth systematic analysis of policy results.
  - Make sure that information gathered through M&E is used to improve existing department policies for a more efficient achievement of strategic objectives stated in the DDPs. M&E information should also inform the formulation of new DDPs and enable the measurement of how spending advances strategic development objectives in DDPs.
- Create incentives for collaboration and communication between secretariats within the departmental government and their staff in order to increase the flow of information between different areas of work.

FUTURE READING


OECD (2018b) OECD Survey on Policy Evaluation, non-published;

Lafuente Mariano (2018), ¿Qué impacto tienen las unidades de cumplimiento? Evaluando innovaciones en los gobiernos (IDB Technical note; 1431)


OECD (forthcoming) Policy Evaluation Report
OPEN GOVERNMENT AT THE SUBNATIONAL LEVEL IN COLOMBIA

CONTEXTUALISING THE OECD - COLOMBIA COOPERATION ON OPEN GOVERNMENT

The OECD has a long-standing history of working on open government with Colombia.

Colombia has been an important partner in OECD work on open government for many years.
– In 2013, the OECD published the Public Governance Review of Colombia: implementing good governance with a dedicated section on ICTs and e-government.
– In 2013/2014, the OECD conducted a regional stocktaking exercise of open government strategies and practices in eleven Latin American and Caribbean (LAC) countries, including an in-depth case study of Colombia. Its main findings are reflected in the OECD Report: Open Government in Latin America, allowing countries from the region to compare and benchmark their open government agenda against good international standards and good practices.
– Resulting from the report, the OECD Network on Open and Innovative Government in Latin America and the Caribbean was launched in October 2015 in the framework of the Open Government Partnership Global Summit held in Mexico City. The Network is a platform to provide the LAC region with the opportunity to engage in policy dialogue, knowledge transfer, and exchange of good practices with OECD countries in the areas of good governance, open government, public sector innovation, digital government and open data. In November 2018, Colombia took over the co-chairmanship of the Network. The government has proposed to host the Network’s 2019 meeting in Cali.
– The OECD Secretariat has established an Expert Group on Open Government to respond to countries’ request for better data collection on open government reforms. The Group is comprised of nearly 20 OECD members and partner countries, including Colombia.
– Through the Expert Group, Colombia contributed significantly to the drafting of the OECD Recommendation of the Council on Open Government that was adopted on 14 December 2017 and to which Colombia adhered. Alike for all OECD countries, the Secretariat of the OECD will monitor the implementation of the Recommendation in Colombia every three years. The Scan document will make extensive reference to the provisions of the OECD Recommendation.

COUNTRIES’ MOVE TOWARDS AN OPEN STATE: A FOCUS ON THE SUBNATIONAL DIMENSION OF OPEN GOVERNMENT

For many years, the global open government movement has focused mainly on open government reforms developed and implemented by the central government. Together with other Latin American countries such as Costa Rica and Argentina, Colombia is pioneering the move from the concept of open government toward that of open state.

Countries acknowledge that open government initiatives should not be seen as an endeavour that the central government pursues in isolation. Citizens expect the same level of transparency, accountability and integrity from all branches of the state and from all levels of government (OECD, forthcoming). At the request of the GoC, the analysis in this Scan document will thus focus on the subnational dimension of open government in Colombia, including the co-ordination of reform efforts across levels of government.

The OECD defines an open state as “when the executive, legislature, judiciary, independent public institutions, and all levels of government - recognising their respective roles, prerogatives, and overall independence according to their existing legal and institutional frameworks - collaborate, exploit synergies, and share good practices and lessons learned among themselves and with other stakeholders to promote transparency, integrity, accountability, and stakeholder participation, in support of democracy and inclusive growth” (OECD, 2017).
In January 2017, Colombia attracted the attention from the global open government community by signing the Declaration for an Open State (Declaración por un Estado Abierto). The then President of the Republic signed the Declaration together with representatives from 14 public institutions. Former President Santos pinpointed the aim of the Declaration as “it is about having an open judicial branch, an open congress, open control bodies, open territorial entities, and not just an open Executive” (Presidency of Colombia, 2017).

The Government of Colombia acknowledges that in order to implement its Open State Declaration, it has to effectively engage subnational actors in the open government agenda and has taken a number of important steps:

- Colombia’s third biannual Open Government Partnership (OGP) Action Plan Colombia- hacia un Estado Abierto 2017-2019 is characterised by innovative commitments that include other branches of power as well as the subnational level.
- The National Development Plan as well as some Departmental Development Plans make explicit reference to open government reforms as catalyst to meet the administrations’ policy objectives.
- Various departments are already actively involved in the promotion of an Open State. For example, the departments of Nariño and Antioquia have a long tradition of implementing open government initiatives.

Box 1. From Open Government to an Open State in Colombia

In the framework of the OECD Open Government Review of Costa Rica, the OECD first introduced the concept of Open State. Ever since its introduction, the concept was adopted and recognised not only by a number of countries, but also by civil society organisations (CSOs), international organisations such as the Economic Commission for Latin America and the Caribbean (CEPAL) and academic researchers.

The OECD defines an Open State as follows: “when the executive, legislature, judiciary, independent public institutions, and all levels of government - recognising their respective roles, prerogatives, and overall independence according to their existing legal and institutional frameworks - collaborate, exploit synergies, and share good practices and lessons learned among themselves and with other stakeholders to promote transparency, integrity, accountability, and stakeholder participation, in support of democracy and inclusive growth”.


Figure 1. The prevailing distrust by citizens in Colombia (%)

For the groups or institutions in this list, how much confidence do you have in each? % responding little or no trust

<table>
<thead>
<tr>
<th>Group</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Congress</td>
<td>69%</td>
<td>74%</td>
<td>77%</td>
</tr>
<tr>
<td>Government</td>
<td>74%</td>
<td>73%</td>
<td>75%</td>
</tr>
<tr>
<td>Judicial Branch</td>
<td>74%</td>
<td>75%</td>
<td>83%</td>
</tr>
</tbody>
</table>

While important progress has been made, certain challenges remain for the open government principles of transparency, accountability, integrity, and stakeholder participation to be implemented across all departments. According to the responses to the OECD Survey, departments for instance face challenges relating to limited financial and human resources for Open Government and the lack of trust from the citizens in the institutions.

According to Latinobarómetro data, Colombians find it hard to regain trust in the state and its institutions. Around two-thirds (68%) of the citizens polled noted to have either little or no confidence in the state. In particular, the number for distrust in the judicial branch (77%) and Congress (82%) underline the necessity for Colombia to step up its efforts to regain citizens’ confidence. 61% of OECD countries report fostering trust among their main goals when initiating reform on openness and engagement of citizens (OECD, 2017).

OPEN GOVERNMENT AS A CATALYST FOR INCLUSIVE GROWTH AND DEMOCRACY: THE IMPORTANCE OF INCLUDING OPEN GOVERNMENT IN STRATEGIC POLICY DOCUMENTS

Regardless of the level of government, the presence of a definition of open government is key to ensure a coherent and streamlined approach to the promotion of open government principles.

The OECD Recommendation defines Open Government as “a culture of governance that promotes the principles of transparency, integrity, accountability and stakeholders’ participation in support of democracy and inclusive growth” (OECD, 2017). OECD Reviews have shown that a definition which is widely accepted and co-created with all stakeholders at all levels of the state provides the foundation for the effective and efficient implementation of a country’s open government agenda. Governments at all levels of government can elaborate their own definition, adopt definitions from external sources (e.g. the OECD) or adapt one to their specific cultural, historical, institutional, social and political context. The national Government of Colombia has adopted the following definition of open government:

Open Government is a way to govern, which promotes the harmonious and collaborative work between citizens and the State, at its various levels, and the main objectives of which are:
- Increase the availability of information on the activities of the national government, local governments and the State in general.
- Promote greater access and use by citizens to public information.
- Encourage and value the participation of all people, equally and without discrimination, in the decision-making and formulation of policies.
- Increase the capacity of governments to meet their objectives.
- Increase transparency in the processes of formulating policies and decision-making, through citizen participation.
- Create cooperation mechanisms that facilitate greater collaboration between governments and civil society organizations and companies.
- Design, promote and achieve the highest standards of professional integrity on the part of all governments, public servants of the national government, local governments and other branches of public power.
- Design and execute policies, practices and appropriate mechanisms to prevent, detect and punish corruption.
- Enact and apply rules that protect those who report cases of corruption.
- Facilitate and promote the use of new technologies by public servants and citizens, as an instrument to facilitate access to information and accountability (OECD, 2016).

This definition contains a strong focus on the objectives that open government reforms aim to achieve as well as the open government principle of stakeholder participation. In the framework of developing the new CONPES document on Open State, the Transparency Secretariat intends to introduce a new definition of Open Government. In addition to the central government, three Departments that responded to the OECD Survey have created their own definitions of Open Government (Figure 2).
Department of Nariño:

An open government is one that maintains a continuous horizontal conversation with citizens, which makes decisions based on the needs and preferences raised by it, which accounts for everything that decides and does and facilitates the collaboration of citizens and workers in the development of the services it provides.

Department of Norte de Santander

It represents the position of an open administration committed to dialogue and the collaborative construction of regional development, based on administrative transparency, the principles of good governance and current regulations.

Source: OECD (2017), Survey on Centre of Government-led strategic planning and Open Government
COLOMBIA’S NEW NATIONAL DEVELOPMENT PLAN AND ITS CHAPTER ON MOVING TOWARDS AN OPEN STATE

Policy documents are necessary for the successful implementation of an open government agenda because they set objectives and provide the basis for successful monitoring and evaluation.

For the first time, Colombia’s National Development Plan (NDP) for 2018-2022 will contain an independent chapter on open state. Herein, the administration of President Duque commits to advancing the open government principles of transparency, integrity, accountability and stakeholder participation during its terms of office. As called for by the OECD Recommendation, the NDP underlines the importance and benefits that open government reforms can have as enablers and catalysts of wider policy objectives such as inclusive growth and supporting democracy.

In a second noteworthy initiative, as the first country worldwide, Colombia is elaborating an Open State Policy that will include all branches of power. Starting in July 2019, the Secretariat of Transparency will lead the design process of an Open State CONPES document. Building on the Declaration for an Open State, the CONPES will provide an umbrella to the great variety of open government initiatives that are currently being implemented by the different branches of power and levels of government. As aforementioned, the Open State Policy will moreover contain a new definition of open government that will help to ensure that all stakeholders involved in open government reforms share a common understanding.

The design process of the CONPES document on Open State provides a great opportunity to align the open government agendas at central and subnational level. To this end, the Secretary of Transparency could ensure a close cooperation with the departments and selected municipalities in the design phase of the CONPES document. Prior to starting the drafting of the document, the Transparency Secretariat could engage the subnational governments to learn about their priorities. Maintaining the cooperation with the subnational governments during the implementation phase of the CONPES document will also be vital.

LINKING OPEN GOVERNMENT INITIATIVES TO THE WIDER POLICY FRAMEWORK

Open government initiatives have to be fully linked to wider policy objectives of a country in order to be implemented successfully. An Open Government Strategy can provide the missing link between high-level objectives and scattered initiatives.

Box 3. Distinguishing principles, a strategy and the initiatives of open government

Open government principles: Transparency, integrity, accountability and stakeholder participation.

Open government strategy/Open government policy: A document that defines the open government agenda of the central government and/or of any of its sub-national levels, as well as that of a single public institution or thematic area, and that includes key open government initiatives, together with short, medium and long-term goals and indicators.

*Some countries may refer to “policy” rather than “strategy”. To guarantee readability, this document will mainly refer to the term “strategy”.

Open government initiatives: Actions undertaken by the government, or by a single public institution, to achieve specific objectives in the area of open government, ranging from the drafting of laws to the implementation of specific activities such as online consultations.


The drafting of new Department Development Plans (DDPs) following the October 2019 elections will provide a new opportunity to identify and include initiatives related to transparency, accountability, integrity, and stakeholder participation in the new drafts of the Plans.
The Network of Governance, Democracy and Territorial Development Initiatives (RED RINDE), Colombia’s national chapter of Transparency International, and the Anticorruption and Transparency Project of the European Union for Colombia (ACTUE) conducted an extensive study on open government initiatives included in Departmental Development Plans. The study found 76 initiatives related to open government in the plans and on the websites of the Departments (RED RINDE et al, forthcoming). Out of these 76 initiatives, only 17 were evaluated as “viable” with respect to the availability of budgets and offices in charge (among other reasons) by the authors of the study. The study points out that one of the origins of the limited budget availability for open government is the limited political will to foster open government in some of the departments analysed (ACTUE Colombia, 2018). Findings from among others OECD fact-finding missions underline these arguments of the Report.

In an ideal case, open government reforms are implemented through a whole-of-government approach to achieve the highest possible impact, regardless of the level of government (OECD, 2016). As advocated for by provision 1 of the OECD Recommendation, a comprehensive open government strategy that outlines the aims to be achieved in the medium and long term can provide a clear orientation to all levels of government and the entire public administration. Such a strategy is fundamental to measure the performance of initiatives taken by the government and should be co-created based on a thorough analysis of the current and future challenges and opportunities how open government can help to mitigate and meet them respectively.

According to the OECD Survey, five of the seven responding Departments and the Mayor Office of Bogota have elaborated their own open government strategy. The majority of these strategies are, however, a collection of initiatives. Departments could contemplate to go one-step further and develop independent departmental Open Government Strategies that operationalises the department’s definition of open government (if available) and link initiatives to departmental and national policy priorities.

Such an independent Departmental Open Government Strategy would provide a clear direction for the implementation of open government initiatives to the entire public sector of the department. Hereby, the close alignment with the Departments’ Development Plans is of major importance. Moving towards a stand-alone open government strategy may be particularly appealing for front-runners and pioneering departments. One Department that has developed such strategic document through the support from USAID is Nariño (Box 4).

Box 4. GANA Nariño: Colombia’s first Policy on Open Government

As one of the first subnational governments worldwide, the Department of Nariño has developed an Open Government Policy. Propelled by the high-level commitment, the elaboration of the policy was included in Colombia’s 3rd OGP Action Plan. The first initiative towards the development of an open government policy for the Government of Nariño was to determine the conceptual and contextual referents in open government at international, national and local levels that would serve as a basis for such policy. After examining the context of Open Government, the lines of work to be followed were verified, taking into account the characteristics and needs of the Nariño territory and population. Four main actors (citizens, academia, government and the private sector) were identified, who helped to determine the challenges that must be taken into account by the Departmental public policy of Open Government. In December 2018, the policy on Open Government was eventually passed.

The Department of Nariño has moreover established four guideline validation workshops (talleres de validación de lineamientos), which enable to confirm the challenges set with the actors mentioned above, locate specific lines of work and begin to create feasible solutions on the basis of open government reforms. On 9 April 2018, Nariño’s efforts were recognised by the Open Government Partnership which selected the Department as one five subnational governments to join its local program. Camilo Romero Galeano, Governor of the Department of Nariño, noted “To have been selected encourages us to continue with the commitment we made in 2016: to become the first Departmental open government in Colombia. This experience has allowed us to confirm that, starting from a political will, an exercise of governance where citizens really feel part of innovative exercises that seek to rescue trust in public institutions, is possible”.

While an analysis of the impact of Nariño’s Open Government Policy would be premature due to its recent introduction in December 2018, the department could reach out to its peers in other departments of Colombia to share lessons learned. In this context, it is important to acknowledge the importance of the financial and technical contribution of USAID to the development of the Department of Nariño’s Open Government Strategy. In the medium and long term it will be important to build independent implementation capacity in the department.

SUB-NATIONAL GOVERNMENTS’ INCLUSION IN COLOMBIA’S 3RD OPEN GOVERNMENT PARTNERSHIP ACTION PLAN

Colombia’s third Open Government Partnership (OGP) National Action Plan includes a strong focus on the department level. Colombia joined the OGP in 2011. In 2017, the government presented its third biannual OGP Action Plan, entitled “Colombia - hacia un Estado Abierto 2017-2019”. The Plan contains 26 commitments. These commitments are divided according to the different branches of power and levels of government. Colombia’s third Plan contains seven commitments that focus specifically on the subnational governments. Noteworthy are, among others:

- Commitment 20: Design and implement the policy on Open Government at the Department level (as done by the Department of Nariño)
- Commitment 23: Promote and strengthen the processes of accountability in the 20 towns of the Capital District.

The inclusion of a number of commitments from departments in the OGP Action Plan is a good practice that could be continued. Departments could consider going beyond the commitment that they are currently implementing in the framework of the OGP process, which tends to adopt a short-term delivery focus through its biennial implementation limit. Developing initiatives independently from the OGP Action Plan would allow the departments to adopt a medium- to long-term vision for open government.

COLOMBIA’S ROBUST LEGAL FRAMEWORK FOR OPEN GOVERNMENT AS A BACKBONE FOR SOUND REFORMS

The successful implementation of open government reforms at the national and sub-national level requires a robust legal framework. A solid legal foundation offers certainty for policy makers and all stakeholders involved in open government reforms.

The OECD Recommendation underlines the importance of a sound legal and regulatory framework in order for open government reforms to thrive at all levels of government. Today, Colombia’s legal framework provides a strong basis for policy makers to develop and implement the national- and sub-national open government agendas, as summarised in Figure 3. Open government principles and practices are rooted in the Constitution of Colombia of 1991, which establishes Colombia as a “participatory state” (Article 1) and includes provisions on access to information (Articles 74 and 112). In line with practice of OECD countries in this area, Colombia passed a Statutory Law on Transparency and Access to Public Information (Law 1712) in 2014 as well as an Anti-Corruption Statute (Law 1474) in 2011. Colombia also passed a Statutory Law on Citizen Participation (Law 1757) in 2015, which the OECD Report on Open Government: The Global Context and the Way Forward recognized as a good practice (Box 5)
Transparency and Integrity Pacts
The Transparency Secretariat has initiated noteworthy initiatives to collaborate with the departments of Colombia. To date, 9 of the 32 Departments have signed Transparency and Integrity Pacts (Pactos de Transparencia e Integridad) in addition to the capital district Bogotá that had signed the pact on 22 August 2017.

Iberoamerican Charter on Open Government
Colombia is among the signatory states of the Charter in the framework of the XVII Iberamerican Ministrial Conference on Public Administration and Reform of the State.

Constitution:
Open government principles and practices are rooted in the Constitution of Colombia of 1991, which establishes Colombia as a "participatory state" (Article 1) and includes provisions on access to information (Articles 74 and 112).

Statutory Law on Transparency and Access to Public Information:
In line with practice of OECD countries in this area, Colombia passed a Statutory Law on Transparency and Access to Public Information (Law 1712) in 2014.

Decree 103 and 1081 of 2015
The decree regulates partially the Law 1712 of 2014 and adds additional dispositions.

Guides and tools for the implementation of the Law on Transparency
easy-to-use and understand guides developed by the Transparency Secretariat

Statutory Law on Citizen Participation
Colombia also passed a Statutory Law on Citizen Participation (Law 1757) in 2015 which the OECD Report on Open Government: The global Context and the Way Forward recognized as a good practice.

Law 1864 of 2017 which modifies Law 599 of 2000 and amended other provisions in order to protect the mechanisms of democratic participation
The law specifies among others illegal activities in the electoral system such as the financial limitations to political campaigns.

Anti-Corruption Statue (Law 1474) in 2011.
The law redefines the legal framework to tackle corruption and aims to enhance approaches to prevent, investigate and punish corruption and strengthen the effectiveness of public control. The law created the National Citizen Commission on the Fight Against Corruption, Citizen Commission for the Moralization and the regional Moralization Commissions.

Comprehensive Policy on Anticorruption (Conpes 167 of 2013)
The Conpes laid down the National Strategy of the Comprehensive Policy on Anticorruption

Conpes 3654 of 2010 on Accountability
The Conpes presents the Accountability policy to the citizens of the executive branch

Decree 4637 of 2011 and Decree 672 of 2017
The decrees extended the regulations of the Transparency Secretariat

Decree 4637 of 2011
The Decree created the Transparency Secretariat

Resolution 3654 of 2015 of the Ministry for Telecommunication
The Resolution regulates aspects related to the Law on Transparency and Access to Information

United Nations Convention Against Corruption, 2005
Implemented by Colombia Law 970 in 2005

Inter-American Convention Against Corruption (OAS), 1997
Implemented by Colombia with Law 412 of 1997

Figure 3. Selection of key strategic documents and regulations on Open Government
Iberoamerican Charter on Open Government

Colombia is among the signatories of the 2016 Iberoamerican Charter on Open Government. The Charter refers to the ambition to move towards an open state and underlines the crucial role of subnational governments in this endeavour:

“Therefore, it is aimed that the principles and mechanisms expressed in this Charter have a preferred and priority application at this level of government, not just being considered in national plans and strategies, but promoting own actions and legal frameworks that allow the development and consolidation of this model of governance at the local level, and which in turn seek to reduce marginalization, inequalities and allow the proper articulation of the territory, where issues such as the defence and management of natural resources, sustainable development and the preservation of the environment, will play a key role in this agenda” (CLAD 2016).

Box 5. The Colombian law for the promotion and protection of the right to democratic participation

The objective of Law 1757 from 2015 is to promote, protect and ensure the different modalities and mechanisms of the citizens’ right to participate in the political, administrative, economic, social and cultural spheres in Colombia. Article 2 stipulates that any development plan must include specific measures aimed at promoting participation of all people in decisions that affect them and support the different forms of organisation of society. Similarly, the management plans of public institutions should make explicit the way in which they will facilitate and promote the participation of citizens in their areas of responsibility.

The law also created the National Council for Citizen Participation, which will advise the national government in the definition, development, design, monitoring and evaluation of public policy on citizen participation in Colombia. The council’s composition reflects the importance of the subnational level, which is represented by various stakeholders: the Minister of the Interior and the National Planning Department from the National Government; an elected governor from the Federation of Departments (states or provinces); an elected mayor from the Municipal Federation; members of victims’ associations; a representative of the National Council of Associations or Territorial Councils for Planning; community confederation; the Colombian University Association; the Colombian Confederation of Civil Society Organisations; citizen oversight associations; trade associations; trade unions; peasant associations; ethnic groups; women’s organisations; the National Youth Council; college students; disability organisations; local administrative bodies. The heterogeneous composition of the council ensures that several groups of society are represented in the council and guarantees that all voices are heard.


KEY INSTITUTIONS THAT LEAD AND CO-ORDINATE THE IMPLEMENTATION OF OPEN GOVERNMENT STRATEGIES AND INITIATIVES IN COLOMBIA

Due to the transversal nature of open government reforms and due to the need to involve different stakeholders, countries have to create appropriate institutional arrangements and coordination mechanisms (OECD, forthcoming).

In line with OECD experience, an adequate institutional framework for open government can facilitate the effective and efficient horizontal co-ordination of open government strategies and initiatives and can ensure that implementation efforts “are aligned with and contribute to all relevant socio-economic objectives”, as stipulated by the OECD Recommendation (OECD, 2017).

Colombia’s open government agenda is led and co-ordinated by the Secretariat of Transparency (Secretaría de Transparencia, ST) of the Presidency of the Republic. The Transparency Secretariat has been the driver behind the elaboration of the three Open Government Partnership (OGP) Action Plans that were elaborated since Colombia joined the OGP in 2011.

The ST was established in the office of the Presidency by law 1474 and extended its mandate through Decree 4637 on 9 December 2011 and subsequently through Decree 672 of 2017. The Secretariat reports to the Administrative Department of the Presidency of the Republic (Departamento Administrativo de la Presidencia de la República, DAPRE). Its functions include
advising and assisting the President in the formulation, design and implementation of policies related to open government principles and to design, co-ordinate and implement guidelines, mechanisms and prevention tools for institutional strengthening, citizen participation, social control, accountability and access to information. The Transparency Secretariat is mandated to promote open government among different entities in the different branches and supervisory bodies, at national and sub-national level.

One of the sub-policy groups of the Transparency Secretariat is the Policy Group on Transparency, Access to Information and Fight against Corruption (Grupo de Política de Transparencia, Acceso a la Información y Lucha contra la Corrupción, GTALCC). It is closely working together with the National and Regional Moralisation Commissions.

Due to the Secretariat of Transparency’s legal foundation in the form of a Decree (4637 of 2011) the office remains, however, vulnerable to shifting policy and political priorities. As discussed in more detail in the OECD Report: Open Government in Latin America as well as the OECD Integrity Review of Colombia- Investing in Integrity for Peace and Prosperity, the Transparency Secretariat would benefit from a firm institutionalisation, as well as additional human and financial resources dedicated to Open Government.

The Administrative Department of the Public Service (Departamento Administrativo de la Función Pública, DAFP) is a key actor in the design and implementation of open government reforms. Open Government in the DAFP is perceived as enabler for good governance. Tasks of the DAFP include matters of civil service and human resources management, public management and evaluation, internal control and risk management, as well as organisational development.

The National Planning Department’s (DNP) as well as the Ministry of Information and Communication Technology have important supporting roles. The former’s role is to promote policies and mechanisms that strengthen the participation of civil society in territorial management, fostering accountability and social control. The Ministry of Information and Communication Technology provides technical assistance to departments and raises awareness about the benefits of digital and open government among citizens.

The National Moralisation Commission (Comisión Nacional de Moralización, CNM) is a high-level mechanism to co-ordinate strategies to strengthen the open government principle of integrity. The CNM is a multiparte body composed of 13 high-level members, among others the President of the Republic; the Inspector General (Procuraduría General de la Nación) and the Prosecutor General (Fiscalía General de la Nación). The CNM main tasks include ensuring information sharing among its members and creating indicators to examine transparency in the public administration.

The Regional Moralisation Commissions (Comisiones Regionales de Moralización (CRM) are co-ordination bodies comprised of the regional representatives of - among others - the Inspector General (Procuraduría General de la Nación); the Prosecutor General (Fiscalía General de la Nación) and the Comptroller General (Contraloría General de la República) with the possibility to invite other stakeholders (e.g. the National Ombudsman (Defensoría del Pueblo), if considered necessary. The CRMs’ mandate includes the investigation, prevention and co-ordinating of corruption cases in the regions.

The newly founded Open State Committee (Comité de Estado Abierto de la Alianza para Gobierno Abierto en Colombia) is a body that facilitates co-ordination between the government and civil society in the implementation of the OGP Action Plan. The Committee is composed of four representatives from civil society organisations (Corporación Somos Más, Datasketch, Fundación Corona, and SeamOS). Representatives from the government include the DAFP, the Ministry for Telecommunications, the Ministry of Environment and Sustainable Development, the Ministry of Finance and Public Credit and the City of Cali (AGA Colombia, 2018). The Transparency Secretariat constitutes the technical secretary of this Committee.
TRANSLATING THE KEY PRIORITIES INTO TANGIBLE RESULTS FOR CITIZENS - THE IMPORTANCE OF IMPLEMENTATION

VERTICAL COORDINATION BETWEEN THE CENTRAL GOVERNMENT AND DEPARTMENTS

Open Government initiatives can only thrive and contribute to wider policy objectives if they are effectively co-ordinated across levels of government.

The Transparency Secretariat has demonstrated great commitment to reaching out to and actively engaging with the subnational levels of government. Six of the seven departments / Mayor Office of Bogota that answered to the OECD Surveys indicated to receive technical assistance from the central government in their open government reforms. The department of Risaralda noted that this assistance is provided through capacity building and exchanges of good practices. The Ministry of Information and Communication Technology assists the departments of Nariño and Norte de Santander through technical assistance. The Department of Arauca noted to receive online capacity building support.

In an endeavour to strengthen the cooperation between the Transparency Secretariat and the departments, representatives of the Secretariat reported that they have embarked on visits to different departments to learn about the respective open government initiatives and exchange ideas with policy makers at subnational level. These visits from the Transparency Secretariat were welcomed and deemed highly useful by departments. Departments expressed the wish to continue the face-to-face dialogue with the central level.

In order to foster a change of paradigm and make open government part of the culture of governance at all levels of government it is equally important that departments actively involve municipalities in their open government agenda. According to the responses to the OECD Survey, most of the seven departments / Mayor Office of Bogota indicated that their municipalities have developed their own open government initiatives.
The Municipality of Santander de Quilichao (Department of Cauca) stands out as a pioneering open municipality. Located in an area which was subject to increased tensions during the armed conflict in Colombia, the municipality has made the open government principles part of its culture of governance. Through an easy to use website, citizens have the possibility to be informed about initiatives in which they can engage with the municipality. The website moreover offers asset declaration forms (Declaraciones Juradas) or possibilities to learn more about Open Government as a culture of governance through videos (including linked TED talks). Additional sources to raise awareness regarding the benefits of Open Government are provided by background documents and reference to a course on Open Government offered by the Technical University of Delft. The website draws citizens’ attention to the Development Plan 2016-2019 “Santander de Quilichao- Compromiso de Todos” in the design process of which citizens actively participated. Many open government initiatives in the municipality were implemented through the technical support of USAID.

**Box 7. Leading by example- The Municipality of Santander de Quilichao**

The Municipality of Santander de Quilichao (Department of Cauca) stands out as a pioneering open municipality. Located in an area which was subject to increased tensions during the armed conflict in Colombia, the municipality has made the open government principles part of its culture of governance. Through an easy to use website, citizens have the possibility to be informed about initiatives in which they can engage with the municipality. The website moreover offers asset declaration forms (Declaraciones Juradas) or possibilities to learn more about Open Government as a culture of governance through videos (including linked TED talks). Additional sources to raise awareness regarding the benefits of Open Government are provided by background documents and reference to a course on Open Government offered by the Technical University of Delft. The website draws citizens’ attention to the Development Plan 2016-2019 “Santander de Quilichao- Compromiso de Todos” in the design process of which citizens actively participated. Many open government initiatives in the municipality were implemented through the technical support of USAID.

Exchanging good practices in open government related networks with a sub-national focus

Horizontal co-ordination of open government initiatives is key to enable peer exchange and learn from good practices that other departments have implemented.

The maturity of open government reforms differs among departments and there is great potential for effective horizontal peer-exchange. Results from the OECD Survey reveal that this possibility is not yet entirely used. Only three of the seven Departments / Mayor Office of Bogota exchange good practices with their peers.

Figure 4. Learning from your peers: exchanging lessons learned/good practices of Open Government with other Departments of Colombia

Initiatives that seek to address the prevailing gaps in maturity of open government in the departments include the Network of Initiatives for Governance, Democracy and Territorial Development (Red de Iniciativas para la Gobernabilidad, la Democracia y el Desarrollo Territorial - RED RINDE) which was founded in 2005. It aims to “promote debates, generate information and research, formulate public policy proposals and make experiences and innovations coming from experiences of territorial administration in Colombia more visible” (Red Rinde, n.d.). In order to make this change happen, the Network focuses on three thematic areas, namely governance, democracy and territorial development. The Network collaborates among others with the national chapter of Transparency International (Transparencia por Colombia) in order to enhance the understanding and initiate debates on among others on public management and citizen participation and better cooperation between the different levels of government (ibid.).

Another initiative is the Network of Open Departments (La Red de Gobernaciones Abiertas). In 2017, RED RINDE and Transparencia por Colombia collaborated with the International and Ibero-American Foundation for Administration and Public Policies (Fundación Internacional y para Iberoamérica de Administración y Políticas Públicas– FIIAPP) to establish the Network to advance open government reforms at the department level. In its first meeting in September 2017, the network jointly assessed 18 initiatives that have been implemented by the departments on topics related to transparency and access to information, accountability, citizen participation and better cooperation between the different levels of government (ibid.).

The Network facilitated the exchange of good practices, including a presentation on Nariño’s Open Government Strategy, GANA Nariño, and a presentation of how the Department of Huila is using open government principles to promote reforms in the area of environment and to reduce social tensions. The attendance of representatives of 25 of the 32 Departments underlines the strong convening power of the Network. During the event, the Deputy
Director of Territorial Strengthening of the Federation of Departments announced, “within the organisation, we will open a permanent work stream on transparency and topics related to Open Government, in order to ensure the sustainability of this initiative” (FIIAPP, 2017).

Colombia could exploit and use the synergies between the RED RINDE and the Federación de Departamentos to the highest degree possible. Such fora provide an excellent opportunity to convene the representatives in charge of open government in the respective departments to exchange good practices. A good practice of peer exchange is the forum Argentina Abierta that bring together stakeholders from the Provinces to discuss lessons learned, successful initiatives and possibilities to cooperate (Box 8). Together with the departments and their networks, the government of Colombia could consider organising similar events to exchange experiences and foster dialogue.

**Box 8. The annual Argentina Abierta conference as a venue for dialogue and exchange of ideas**

Argentina Abierta is an innovative conference that is convened by the national Government Secretariat of Modernization and that aims to foster the exchange of good practices encourage discussion on issues related to transparency, accountability, new technologies, public innovation and open data that. The conference brings together students, journalists, public officials, entrepreneurs and civil society organizations. The Federal Council for Modernization and Innovation in Public Management (COFEMOD) participates actively in the meetings.

Over the years, Argentina Abierta has won national and international recognition as a platform to foster collaboration across branches of power and levels of government and it has allowed the national government to involve new actors in the open government agenda.

1. The first Argentina Abierta conference took place in September 2016 at the Tecnópolis site, located in the province of Buenos Aires. It had more than 1500 attendees. Its focus was on making visible and sharing initiatives on information disclosure, civic technologies, public innovation and experiences focused on building a more open, transparent and collaborative government. More than 100 national and foreign speakers participated in the meeting. There were 26 panels and 6 training workshops open to the public in the DataCamp AR, organized with the Open Knowledge Foundation.

2. The second edition of Argentina Abierta was held in June 2017 and was organized by the Government of the province of Córdoba together with the team of the Undersecretary of Public Innovation and Open Government of the then Ministry of Modernization of the Nation. More than 500 people from all over the country attended the conference. Around 80 national and foreign speakers led the conversations and exhibitions in the City of Arts of the Provincial University of Córdoba.

3. The third edition of Argentina Abierta was held in Mendoza in May 2018. An important number of representatives of the provinces, municipalities, national and international speakers, academia and civil society, attended the conference. The event included a space for Hall Talks and a Lab Space which used the methodology of open innovation laboratories.

Source: OECD (forthcoming), Open Government Review of Argentina

**STAKEHOLDER PARTICIPATION IN STRATEGIC PLANNING – THE NEED FOR A BOTTOM-UP APPROACH**

Engaging stakeholders throughout the policy cycle

In order to ensure that the DDPs reach their full potential and sound implementation, they need to rely on the full acceptance and support from key stakeholders, both within- and outside of government.

Provision 8 of the OECD Recommendation underlines the crucial tasks for governments at all levels to “grant all stakeholders equal and fair opportunities to be informed and consulted and actively engage them in all phases of the policy-cycle and service design and delivery (…)” (OECD, 2017). According to findings from the OECD Survey, all departments include civil

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1 Stakeholders are defined as “any interested and/or affected party, including: individuals, regardless of their age, gender, sexual orientation, religious and political affiliations; and institutions and organisations, whether governmental or non-governmental, from civil society, academia, the media or the private sector” (OECD Recommendation)
society in the initial planning phase of the DDPs: the definition of priorities. Most of them also include civil society in the development of the plan, in the monitoring phase and in the communication of results phase. Yet only three departmental governments (Cundinamarca, Nariño and Norte de Santander) collaborate with stakeholders in the implementation of the Plan and its evaluation (see Figure 5).

All departments (except Arauca) have special mechanisms in place to give feedback on the inputs given by civil society, which is important to close the feedback loop.

According to interviews conducted with relevant stakeholders, including subnational chambers of commerce, CSOs and universities, participation in the policy cycle of the DDPs has improved. Nevertheless, challenges prevail especially regarding the participation by women, minorities and representatives from ethnic groups in decision-making processes. One important step has been the creation of Territorial Planning Councils (Consejos Territoriales de Planeación) that guarantee civil society participation at the department, district and municipal levels. The Councils were created by Article 340 of Colombia’s Constitution to guarantee civil society’s participation during the design process of a policy (building the strategic vision) and during the implementation and the evaluation phases. The National Planning Department assists these Territorial Planning Councils through capacity-building support. Furthermore, the NPD has recently published a guide for civil society and departmental administration on the role of the Territorial Planning Councils.

As recognised in the OECD Recommendation, stakeholders can hold the subnational governments accountable through a variety of mechanisms. All subnational governments (except for Norte de Santander) include civil society in the communication of results-phase. Nariño reports to strengthen accountability through periodical management reports and by constantly reporting results to civil society. Norte de Santander makes periodical reports on results accessible on their website and present annual accountability reports.

In order to ensure that all stakeholders can participate in the various stages of the policy cycle of the DDPs, the National Planning Department and the Territorial Planning Councils could collaborate with the policy-makers or units in charge of Open Government in the departments. The sequencing of stakeholder participation could moreover be aligned with the respective cycles of, for example, the development and roll-out of the DDPs.

**A variety of stakeholders are involved in the policy making processes in the departments of Colombia**

The central government has implemented mechanisms to ensure that a variety of stakeholders is included in open government, which could be replicated by the departments.

A second noteworthy initiative for extensive consultation is the elaboration of Colombia’s third OGP Action Plan in which the central government engaged an important number of citizens through social media channels as well as the public consultation website Urna de Cristal. During the consultation phase of the Action Plan, the government for instance involved civil society organisations from across the country by organizing workshops in seven different departments in Colombia. Such approaches to engage civil society could be replicated by Departments not only during the development of their DDP but also during subsequent stages such as the monitoring and evaluation of the DDPs. While the interviews with stakeholders in Colombia have shown that consultation at the early stages of the design of the DDPs are common practice in various Departments, the active engagement of citizens or NGOs is not yet commonly used for the evaluation whether the Plan fulfilled its objectives.
Box 9. Colombia’s inclusive approach to designing the 3rd OGP Action Plan

Colombia’s third OGP Action Plan (2017-2019) is based on the contributions and recommendations of the Action Plan Monitoring Committee and the Alliance’s Independent Review Mechanism that emphasized the importance of implementing two fundamental changes. Firstly, increase citizen engagement towards new actors from both academia and the private sector; and secondly, consolidate the Open State initiative at the subnational level. The main objective of the Plan is to reinforce democracy, boost citizens’ trust in the State, stimulate inclusive economic development, build sustainable territorial peace and peaceful coexistence, ensure the rights of citizens, and combat corruption. Furthermore, its objective is to expand the benefits of Open Government to the three branches of government (Executive, Legislative and Judicial), the organs of State, the subnational governments, and civil society.

During its implementation, 41 face-to-face and virtual workshops were developed, where nearly 80 representatives from both the national and subnational sectors participated (National Government, civil society, academia and the private sector) in order to provide input for the 26 commitments, in addition to their action and follow-up strategies, which are also part of this Action Plan.


OECD Open Government Reviews have shown that the benefits of stakeholder participation can best be used through a permanent forum through which stakeholders can be engaged in the different stages of the policy cycle. According to results from the OECD Survey, Arauca, the Mayor Office of Bogota, Cundinamarca and Nariño have a structured mechanism to involve civil society in the design and implementation of policies. While in Norte de Santander civil society is involved on an ad hoc basis, Cauca and Risaralda answered that they do not include civil society in these processes (Figure 6). These Departments could learn from the good practices applied by their peers or the central government in order to make the design and implementation of policies more inclusive and tailored to citizens’ needs and ideas.

When assessing which actors are involved in the elaboration and implementation of policies, it becomes obvious that a wide range of actors is actively engaged in open government initiatives at the subnational level. Half of the Departments however responded to not yet include representatives of the media or the private sector in the elaboration and implementation of open government policies and initiatives. Both actors can play a vital role in advancing and advocating an Open State, including as watchdogs and supporters of reforms. An independent assessment of the respective Departments reveals that some of the benefits that the media or the private sector can yield to further advance and promote the subnational open government agenda are left unused.

Colombia’s Departments have implemented a number of good practices to inform and consult citizens such as during the elaboration of the third OGP Action Plan. Nevertheless, the OECD fact-finding missions as well as the Survey detected less frequent cases of full-scale engagement or co-creation. As described in more detail in the OECD Report on Open Government: the global context and the way forward, the OECD has developed a typology of relationships between citizens and government. Accordingly, this relationship varies from the basic provision of information, which is the weakest form of...
participation, to full engagement forms such as co-production, co-delivery and co-evaluation, which involves a balanced share of powers among stakeholders. For each of these modalities of participation, objectives and the impact vary. From information to co-decision, an increasing level of citizen involvement and influence on policymaking can be noted and the influence citizens exert on policy-making rises.

**Figure 7. The imaginary ladder of participation practices: Levels of stakeholder participation**

<table>
<thead>
<tr>
<th>INFORMATION</th>
<th>CONSULTATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Make information and data available to other parties.</td>
<td>Gather comments, perception, information and experience of stakeholders.</td>
</tr>
<tr>
<td>Make targeted audience more knowledgable and sensitive to specific issues.</td>
<td>No obligation to take stakeholders’ view into consideration in final outcome.</td>
</tr>
<tr>
<td>Encourage stakeholders to relate to the issue and take action.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ENGAGEMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide opportunities to take part in the policy processess.</td>
</tr>
<tr>
<td>May entail that participants have an influence over decision making.</td>
</tr>
<tr>
<td>Can include elements of co-decision / co-production; balanced share of power among stakeholders involved.</td>
</tr>
</tbody>
</table>

The benefits of co-production approaches are multifaceted as it can generate creative policy responses, which in turn enable administrations to deliver better public services. In order for co-production and co-decisions to be successful, they require leadership, capacity and incentives such as recognition or awards to ensure that all relevant stakeholders actively support the process and to guarantee value for efforts. Co-production and co-decision have the possibility to transform the relationship between stakeholders and allow each of them a greater degree of control, ownership, and contribution to the alignment of policy or project outcomes with their desires and needs.

An active engagement of stakeholders in strategic planning exercises in Colombia’s Departments is crucial not only in the initial phases of designing a policy or strategic plan. As argued in the OECD Report on *Open Government: The Global Context and the Way Forward* (2016), involving citizens in the ultimate step of policy evaluation of the implementation is crucial, as it offers the stakeholders involved in the process the chance to assess to what extent the process has been successful in achieving its goals; and to determine the underlying reasons for the success/failure. One of such initiatives in which citizens are involved in the monitoring and evaluation of public services in Colombia is the *Cómo Vamos* initiative.

Colombia could consider involving citizens in the evaluation of the key strategic documents such as the DDPs analysed in the first part of the Scan Report. One such example is implemented in Poland in which stakeholders, including from civil society, are involved in the evaluation of the National Reform Programme.
Box 10. How’s Life? The Cómo Vamos Initiative in Colombia

Cómo Vamos is a private nonpartisan initiative that monitors and evaluates the changes in the quality of life of in some of the largest cities in Colombia (with currently 14 participating cities in Colombia). The programme in each participant city has two main outputs: 1) an annual report of indicators; and 2) an annual citizen perception survey. The report of indicators analyses data related to the quality of life in the city (e.g. poverty, education, housing, security, mobility) over time. The citizen perception survey uses indicators also related to the quality of life but is based on the opinion, perception and satisfaction of citizens. The data collection for this survey technique is face-to-face questionnaires in private households and the target groups are statistically representative of each city (gender, age, and socioeconomic levels).

The Cómo Vamos initiative was first created in Bogotá in 1998 by the Chamber of Commerce of Bogotá, the publishing company El Tiempo and the Corona Foundation. It soon expanded to Cartagena and Cali in 2005 and it is now present in 14 cities of Colombia. Each city programme is independent and publishes their respective outputs, however together they formed the ‘Colombian Network of Cities Cómo Vamos’. A report is published every two years with indicators and perception data comparing the quality of life in different cities. The programme has also been replicated to 78 cities in Latin America, such as Lima, Mexico City, Asunción, Montevideo, La Paz, amongst others. Together they formed the “Latin-American Network for Just, Democratic and Sustainable Cities and Territories”.

The initiative is a good example of a bottom-up initiative managed by a nonpartisan group of experts. The independence and the local characteristics of each Cómo Vamos programme give ownership and trust to citizens. Moreover, by generating reliable and comparable information the programme promotes citizen participation and governments that are more transparent. Likewise, the replication to other cities as well as the national and regional networks helps to exchange good practices between citizens and local governments.


Box 11. Evaluating the National Reform Programme in Poland

The Polish Government has invited a wide group of interested parties from the world of economy, science and civil society to participate in works on the development, implementation and monitoring of the annual National Reform Programme (NRP) in order to ensure the widest possible approval for the implementation of the Europe 2020 Strategy. This was done in the framework of the Inter-Ministerial Team for the Europe 2020 Strategy, headed by the Minister of Economy. This consultative and advisory body of the Prime Minister included both representatives of the government bodies and a wide group of organisations of entrepreneurs, trade unions, economic and agricultural chambers, NGOs as well as research and scientific institutions.

The team’s tasks involved consulting the official documents on monitoring and evaluating the NRP implementation and preparing recommendations on improved implementation of Europe 2020. The team also presented relevant problems that, in the stakeholders’ opinion, should be reflected in the NRP updates. The team served also as a forum for discussion on specific priorities and targets for the Europe 2020 Strategy. For example, in 2014 and 2015, the team discussed the EU energy and climate policy, improvement of tax administration for better business environment, realisation of the poverty target adopted in the NRP and recent reforms in the system of vocational education and training. Due to such wide participation structure, the team has become a forum for discussion on key issues related to the implementation of the Europe 2020 Strategy in Poland and contributed to the strengthening of joint responsibility for the implementation of the strategy on a national and local level.

THE WAY FORWARD

The central government and the departments of Colombia have implemented noteworthy open government initiatives, which could be replicated by other departments. The decision by the government to develop a CONPES document on Open State in 2019 has the potential to further align the initiatives by the central government and departments. While some departments demonstrate a mature level of the governance of open government, others still face some challenges that could be addressed through the proposed actions.

Main findings

- Developing a CONPES document on Open State could constitute an important step in further strengthening the cooperation between the central government and the departments, which are key actors in contributing to a successful implementation of the document.
- The development of the Open Government Policy of the department of Nariño is a pioneering step, as only few subnational governments in OECD countries have developed such strategic document on open government. As already done in a number of occasions, the central government and the department use this example to encourage other departments to adopt a more strategic approach to open government.
- To date, only few Department Development Plans contain initiatives related to the open government principles of transparency, accountability, integrity, and stakeholder participation. The elaboration of the new Plans following the 2019 departmental elections provides thus a great opportunity to change this. Ensuring the active engagement of stakeholders in the design of the Plans (and eventually its monitoring and evaluation) will be vital. Better coordination between the DNP and the units and policy-makers in charge of Open Government in the departments could moreover contribute to more ample participation of all stakeholders.

Proposals for Action

A key purpose of the questionnaire and of the fact-finding mission was to fine-tune an agenda for capacity-development/knowledge-sharing workshops that will be delivered over the implementation period of the SIDA project (2019-2020). The following section presents considerations that are based on the findings of the survey and of the fact-finding missions. These proposals for action then lead to suggestions on capacity-building, knowledge-transfer workshop activities for consideration by Colombia’s national and regional stakeholders.

The design process towards a CONPES document on Open State provides an opportunity to align the open government agendas of the central and the subnational levels of government. To this end, the Secretary of Transparency could:

- Ensure a close cooperation with the departments and selected municipalities in the design phase of the CONPES document. Prior to starting the drafting of the document, the Transparency Secretariat could engage with subnational governments to learn about priorities that would need to be included in the document.
- Involve subnational governments in the implementation of the CONPES document.

The implementation of open government initiatives can be a catalyst for democracy and inclusive growth. In order to support these policy goals, departments could:

- Apply open government principles more deliberately to the preparation and implementation of Department Development Plans.
- Include more open government initiatives in the National Development Plans or other strategic documents. The drafting of new DDPs following the October 2019 elections will provide an opportunity to identify and include initiatives related to transparency, accountability, integrity, and stakeholder participation.

Departments could work towards a more strategic approach to Open Government. Especially the Departments with a more mature open government agenda could:

- Develop a stand-alone open government strategy in order to streamline their initiatives and ensure that their reforms to promote openness contribute to their key policy priorities. The strategy should be fully aligned with the DDP.
- Diffuse the lessons learned in the implementation of their open government strategies and initiatives.
Regardless of their level of maturity of open government reforms, departments could:

- Make stronger use of supporting documents such as the guidelines on open government established by the Ministry of Information and Communication Technologies (MINTIC) and the provisions of the Open Government Measurement Index of the Attorney General’s Office.

Departmental leaders in open government reforms could reach out more actively to other Departments to share their lessons learned and good practices and foster peer-to-peer exchange. To this end, the Departments could:

- Harness the potential offered by fora for peer exchange such as the Red de Gobernaciones Abiertas.
- Widely diffuse successful open government initiatives at municipal level (such as in Santander de Quilichao) to provide inspiration to other municipalities that seek to develop a more mature open government agenda.
- Foster peer exchange through in-person meeting through fora that bring together stakeholders from the departments to discuss lessons learned, successful initiatives and possibilities to cooperate.

Successful approaches to engage with civil society at the central level as done for example in the framework of the OGP Action Plan could be replicated at department level. In addition, departments could:

- Ensure active participation of stakeholders throughout the policy cycle, especially with regard to the monitoring and evaluation of the DDPs. While the interviews with stakeholders in Colombia have shown that consultation at the early stages of the design of the DDPs are common practice, the active engagement of stakeholders, including citizens, NGOs and representatives from the private sector and the media, is not yet commonly used for the evaluation phase.
  - Explore opportunities of better cooperation between the DNP and the units and policy-makers in charge of Open Government to ensure the participation of all stakeholders.

Ensuring political support from the highest level for the open government agendas of the departments is vital for the success of open government reforms. Departments could:

- Organise awareness raising activities in collaboration with the central government. Such awareness raising initiatives and the offer for technical support by the central government are an important step to change the culture of governance towards more openness.
FURTHER READING

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