

# COVID IN COLOMBIA: A CRISIS OF GOVERNABILITY AND RESPONSE

*COVID en Colombia: una crisis de gobernabilidad y de respuesta*

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## ABSTRACT

The explosive growth of the COVID-19 pandemic in the year 2020 presented a sharp challenge to the institutional and economic capacity of countries around the world. This article examines efforts to confront and cope with the pandemic in a specific case, that of Colombia. It identifies a crisis of governability in the country that has been exacerbated by the pandemic, but which preceded COVID-19 and is likely to outlast it as well. We describe the context in which the pandemic unfolded and the government's response, which has laid bare the fragility of Colombia's socioeconomic and political achievements, evidencing deeper structural problems. The country is subject to a high level of informality in the economy's, a lack of social safety nets for more than half of the population, and the ongoing presence of violence and illegal groups. With the pandemic added to this backdrop, social tensions rose, and blame games and confrontations between national and subnational governments became part of the daily news. Policy measures were undertaken to reduce the number of infections, including extensive lockdowns; while assessments of their effectiveness in meeting their stated objectives vary, there has undeniably been significant regression on economic and social indicators. The dynamics of the 2022 elections will undoubtedly be marked by the consequences of the COVID-19 emergency.

**Keywords:** COVID-19, governability crisis, pandemic, social unrest, state capacity.

## RESUMEN

*El explosivo crecimiento de la pandemia de COVID-19 en el año 2020 presentó un fuerte desafío a la capacidad institucional y económica de los países de todo el mundo. Este artículo examina los esfuerzos para enfrentar y afrontar la pandemia en un caso específico, el de Colombia. El manuscrito identifica una crisis de gobernabilidad en el país que ha sido exacerbada por la pandemia, pero que precedió la crisis del COVID-19 y es probable que también la supere. En el trabajo describimos el contexto en el que se desarrolló la pandemia y la respuesta del gobierno, que ha puesto al descubierto la fragilidad de los logros socioeconómicos y políticos de Colombia, evidenciando problemas estructurales más profundos. El país está sujeto a un alto nivel de informalidad en la economía, la falta de redes de seguridad social para más de la mitad de la población y la presencia constante de violencia y grupos ilegales. Con la pandemia sumada a este telón de fondo, aumentaron las tensiones sociales, y los juegos de culpas y los enfrentamientos entre el gobierno nacional y gobiernos subnacionales pasaron a formar parte de las noticias diarias. Aunque se tomaron medidas de política para reducir el número de infecciones, incluidos cierres extensos; las evaluaciones de su eficacia en el cumplimiento de los objetivos declarados varían, y es innegable que ha habido una regresión significativa en los indicadores económicos y sociales. La dinámica de las elecciones de 2022 sin duda estará marcada por las consecuencias de la emergencia del COVID-19.*

**Palabras clave:** COVID-19, crisis de gobernabilidad, pandemia, tensión social, capacidad estatal.

## I. INTRODUCTION

The advent of the COVID-19 pandemic in 2020 represented one of the most daunting policy challenges in recent history. Against a global backdrop of unpreparedness to face a worldwide pandemic, states' responses present a likely future measure of institutional quality and state capacity. As such, understanding national responses—and their implications for broader efforts to improve governance, state capacity, and service delivery—represents an important challenge for researchers and practitioners alike.

Colombia, like other countries in Latin America, was caught off guard. While the state's capacity to ensure citizens' wellbeing and carry out an adequate provision of services has steadily increased over the years, indicators of service quality remained relatively low and were nowhere near sufficient to deal with the COVID-19 pandemic. As a result, drastic measures were put in place to slow the pace of contagion and forestall a collapse of the country's health system. Lockdown measures were extended across the country, with varied compliance and a range of socioeconomic consequences.

This article describes the context in which the pandemic unfolded and the government's response to the crisis, which revealed the fragility of Colombia's previous socioeconomic and political achievements, evidencing deeper structural problems. As we show, the course of the COVID crisis was shaped by a combination of structural conditions, including inequality, poverty, and entrenched dynamics of violence. It was also conditioned by a crisis of governability for the national government, which predates the pandemic. Against this backdrop of structural fragility—the high level of informality in the economy, and the lack of safety nets for more than half of the population—social tensions rose, and blame games and confrontations between national and subnational entities became part of the daily news. Among the most difficult issues was building capacity to deal with the pandemic and creating programs to support families during the lockdowns and economic recession. While perceptions of the measures' success in reducing infections have varied, economic indicators have undeniably lost ground, regressing to the levels of more than a decade ago in terms of economic growth and social achievements. Uncertainty and more difficult months lie ahead.

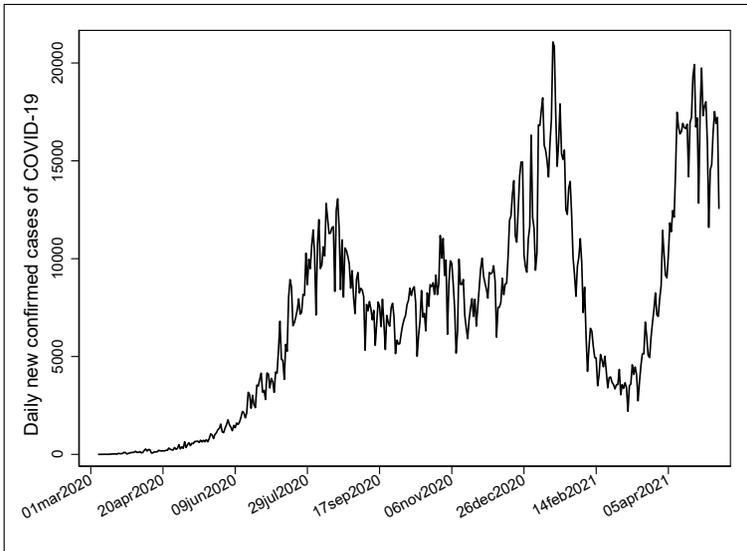
The rest of the manuscript proceeds as follows. The first section of the article presents an overview of the impact of the pandemic on the unsolved structural issues the country has been dealing with over the last decades: inequality, poverty, and violence. Section 2 presents an overview of the governability crisis that preceded the pandemic. This crisis has affected multiple institutions and manifests in a number of ways, including low levels of popularity for the President; challenges in the implementation of Colombia's peace process with guerrilla groups; a small and unstable coalition in Congress that has affected the executive's legislative agenda; and a loss of the legitimacy that has historically

benefitted the country’s military. Section 3 shows how the governability crisis was worsened by the pandemic given the lack of communication between an often-distant president with a tendency to act unilaterally, and a Congress forced into virtual session by the imperatives of the pandemic. It also examines the case of political tensions between the national government and the government of the capital city, Bogotá. The last part describes the ongoing dynamics of preparations for the upcoming 2022 legislative and presidential elections.

**II. STRUCTURAL CONDITIONS: PREDATING THE PANDEMIC, AND WORSENING DURING THE HEALTH CRISIS**

On March 6, 2020, Colombia’s Health Ministry confirmed the first case of COVID-19 in the country. On March 16, with 65 more confirmed cases, the government enacted measures to contain the spread of the virus by closing schools, workspaces, and international borders. While tensions existed between the national and local governments, both local and national leaders justified the decision as necessary to buy time to update health systems and increase the capacity of intensive care units. As shown in Figure 1, the country has experienced three pandemic peaks. After almost four months of strict lockdown, the first peak occurred around mid-July, with more than 13,000 cases per day. The second wave hit by the end of the year, around the Christmas holiday, and reached a new peak in April 2021.

Figure 1. Total Confirmed daily cases of COVID-19 in Colombia



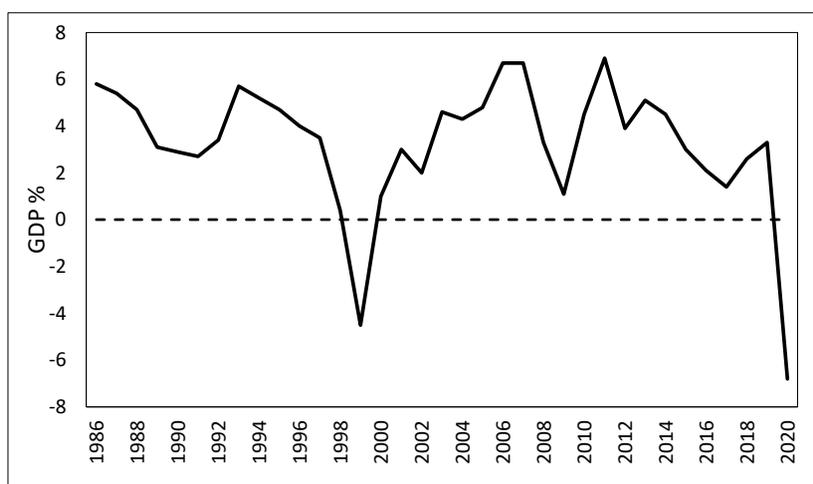
Source: Prepared by authors using data from ourworldindata.org

COVID-19 cases were the primary cause of death in Colombia in 2020, with over 50,000 fatalities by the end of the calendar year. All departments reported cases, although 292 municipalities were free of COVID-19 (26%), and 373 (33.2%) have experienced limited transmission (De la Hoz-Restrepo et al. 2020). Nonetheless, restrictions and lockdowns have remained in place for all municipalities. More than half of the fatalities have occurred in the major cities of Bogota, Cali, Medellin, Barranquilla, and Cartagena (51.4%). Bogota, the capital city, was the hardest hit, with more than 30.2% of the cases (INS 2020). Men represented 50.36% of diagnosed cases and 64.19% of deaths (INS 2020).

### The Economic Crisis Hits

Aside from the health risks, COVID-19 has had a significant socioeconomic impact in Latin America, a region that was already facing structural difficulties and growing social discontent (OECD 2020). With strict lockdowns in place, Colombia experienced its most severe economic recession in a century. Negative consequences in socioeconomic conditions were observed in the short term. As shown in Figure 2, in 2020, the country had a negative annual growth rate of -6.8%, representing the most significant drop in GDP since 1985 and an even greater contraction than the one in 1999, which is considered one of the most acute economic crises in recent history. The most vulnerable were the worst hit by the crisis (DANE - National Department of Statistics- 2021a) reported that while at the beginning of 2020, 7.11 million households had three daily meals, in 2021, only 5.4 million had three daily meals.

Figure 2. Annual GDP Growth (%) in Colombia, 1985-2020

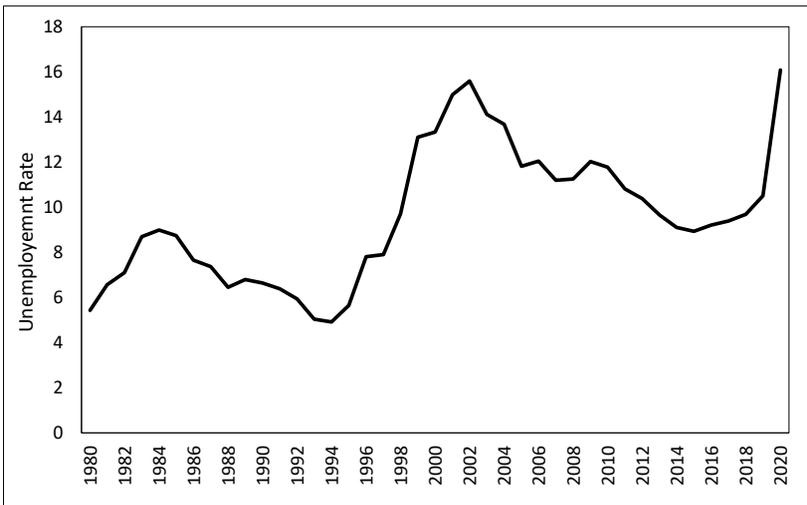


Source: Prepared by authors using data from DANE

The economic activities hit the hardest were wholesale and retail trade; repair of motor vehicles and motorcycles; transportation and storage; accommodation and food services (which decreased by 34.3% and contributed -6.6 percentage points to the annual variation); manufacturing industries (which decreased by 25.4% and contributed -3.1 percentage points to the yearly variation); and construction (which decreased by 31.7% and contributed -2.1 percentage points to the annual variation) (DANE 2020).

The second major effect, as shown in Figure 3, was observed in the labor market. More than 1.5 million Colombians lost their jobs, representing a 5.5 percentage points increase in unemployment in just one year (from 10.5% to 16%). Additionally, the gender gap in the unemployment rate widened, going from 4.8 percentage points in January to 8.9 percentage points in November 2020. Due to schools closures, occupation rates also fell, as mothers had to stay at home taking care of the household. The impact on businesses was harsh. At the end of 2020, 509,370 micro-enterprises had permanently closed, with an annual variation of -8.7 percent (DANE 2021b). As a result, reports showed an increase in informal employment between 2019 and 2020 of 1.5 percentage points.

Figure 3. Unemployment Rate in Colombia, 1980-2020



Source: Prepared by authors using data from DANE

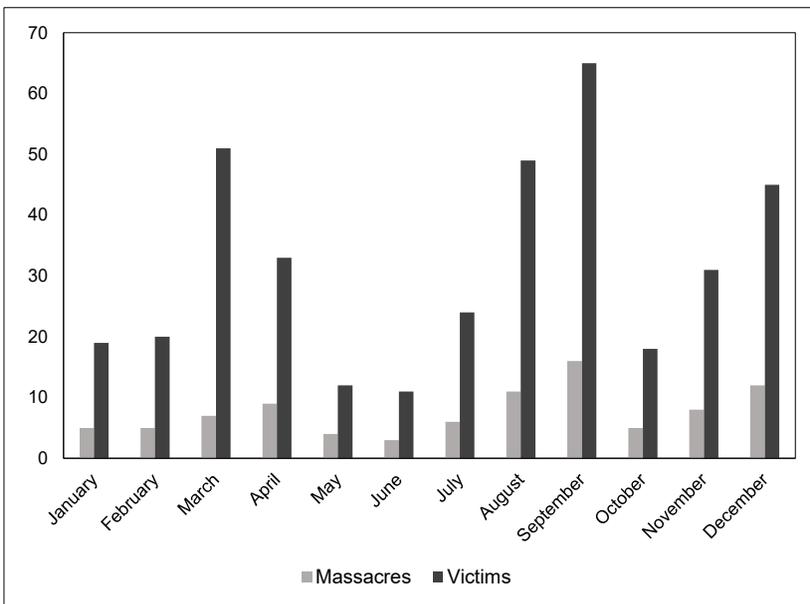
As opportunities to work from home, access to remote education, and the benefits of safety networks are unevenly distributed across the population, the pandemic also exacerbated pre-existing high levels of inequality, putting additional pressure on a government that already faced growing social discontent, like other countries in the region (Benítez et al. 2020). DANE (2021c) shows that the “middle class” fell from 30% to 25%. At the same time, poor households increased from 35.7% of all households to 42.5%, and the income of the poorest colombians (the

20 percent of the population with the lowest income) fell by almost 25%. More than 3 million people experienced impoverishment in their socio-economic condition. The crisis generated significant social tension and debate over which public policies would best protect the health and wellbeing of citizens. In Colombia, the pandemic was an opportunity to prioritize the health system’s emergency response. However, as circumstances unfolded, private and public institutions had a hard time meeting the demands of this test. Meanwhile, economic distress, unemployment, widening poverty, and greater inequality contributed to intense social conflict and polarization.

### The Persistence of Violence and Human Security Issues

Parallel to the pandemic crisis, as seen in Figure 4, the government has had to deal with the persistence of violence and human security problems across the national territory. Despite a significant drop in the homicide rate in the last two decades, difficulties in consolidating human security persisted as illegal groups sought to control drug traffic routes to increase their market size, and social leaders and citizens were targeted or caught up in the crossfire. While the economy stumbled and citizens struggled to safeguard their health and their way of living, illegal groups took advantage to attack people who were perceived as too outspoken in opposition to these groups, or simply those who were vocal about the situation.

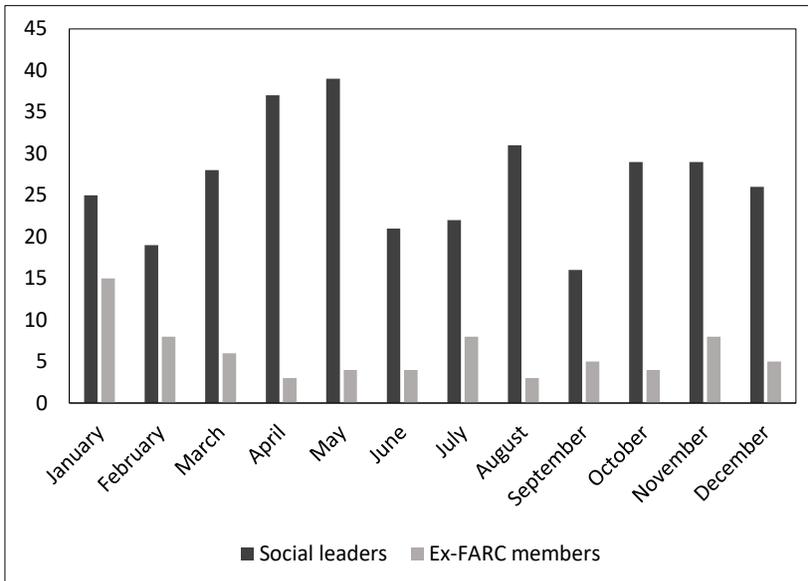
Figure 4. Total Monthly Number of Homicides and Massacres in 2020



Source: Indepaz (2020)

According to the Ministry of Defense and the Office of the High Commissioner for Human Rights (OHCHR) in Colombia, between January and December of 2020, 91 massacres occurred, an increase of 30% (El País 2020), and more than 370 victims were violently murdered across the territory in 2020 (see Figure 4). The departments with a high presence of drug traffic organizations were the most affected by this phenomenon: Antioquia (23% of all victims), Cauca (15%), Nariño (10%), and Norte de Santander (7%). Social leaders and ex-FARC members were systematically targeted across the territory. As shown in Figure 5, between January and December of 2020, more than 300 social leaders and around 70 ex-FARC members were murdered. Peasant, indigenous, and community leaders (Juntas de Acción Comunal) are the principal victims. The majority of victims are located in Cauca, Nariño, Putumayo and Antioquia.

Figure 5. Total Monthly Number of Social Leaders and Ex-FARC Members Assassinated in 2020



Source: Indepaz (2020)

Disputes between illegal armed actors have also had significant humanitarian impact. In the first 100 days of the Duque administration, internal displacement increased by 21% (Indepaz 2020). Among the narco-paramilitary groups that in 2019 gained more ground in terms of territory and dominance over illegal economies were the Pachencas, Los Caparros, and the EPL. Table 1 shows that Antioquia, Córdoba, Chocó, and Nariño were the departments with the highest percentage of municipalities under high intensity of conflict. Guaviare, Huila, Meta, Santander, and Vichada registered the lowest intensity.

Table 1. Municipalities Affected by Narco-paramilitary Groups (2008-2019), classified by INDEPAZ

Department	# Total municipalities	Low intensity	Medium intensity	High intensity	Sum and % municipalities affected		% of mun. with high intensity
Amazonas	2	1	0	0	1	50%	0%
Antioquia	125	34	32	51	117	94%	41%
Arauca	7	4	3	0	7	100%	0%
Atlántico	23	12	3	5	20	87%	22%
Bolívar	45	14	12	14	40	89%	31%
Boyacá	123	11	0	1	12	10%	1%
Caldas	27	13	6	5	24	85%	19%
Caquetá	16	14	2	0	16	100%	0%
Casanare	19	6	7	2	15	79%	11%
Cauca	42	16	6	13	35	83%	31%
Cesar	25	2	8	15	25	1%	60%
Córdoba	30	3	4	23	30	100%	77%
Chocó	30	2	7	21	30	100%	70%
Cundinamarca	116	21	3	1	25	22%	1%
Distrito	1	0	0	1	1	100%	100%
Guainía	1	0	0	1	1	1%	100%
Guaviare	4	1	0	3	4	100%	75%
Huila	37	13	0	1	14	38%	3%
La Guajira	15	5	2	5	12	80%	33%
Magdalena	29	9	6	8	23	79%	28%
Meta	29	6	4	15	25	86%	52%
Nariño	64	15	10	14	39	61%	22%
Norte de Santander	40	15	2	12	29	73%	30%
Putumayo	13	4	1	5	10	77%	38%
Quindío	12	5	3	3	11	92%	25%
Risaralda	14	5	4	3	12	86%	21%
San Andrés y Providencia	1	0	0	1	1	100%	100%
Santander	87	12	4	5	21	24%	6%
Sucre	26	6	10	10	26	100%	38%
Tolima	47	25	2	0	27	57%	0%
Valle	42	7	19	11	37	88%	26%
Vaupés	3	1	0	0	1	33%	0%
Vichada	4	1	0	3	4	100%	75%
Totals, average %	1099	283	160	252	695	72%	34%

High intensity: municipalities that registered narco-paramilitary group activity in 2018 and 2019; and during 2008-2019 have had activity from seven to eleven consecutive years.

Medium intensity: municipalities that registered narco-paramilitary group activity in 2018 and 2019; and during 2008-2019 have had activity from between 4 and 6 consecutive years. Low intensity: municipalities that registered narco-paramilitary groups activity in 2018 and 2019; and during 2008-2019 have had activity from between 1 and 3 consecutive years.

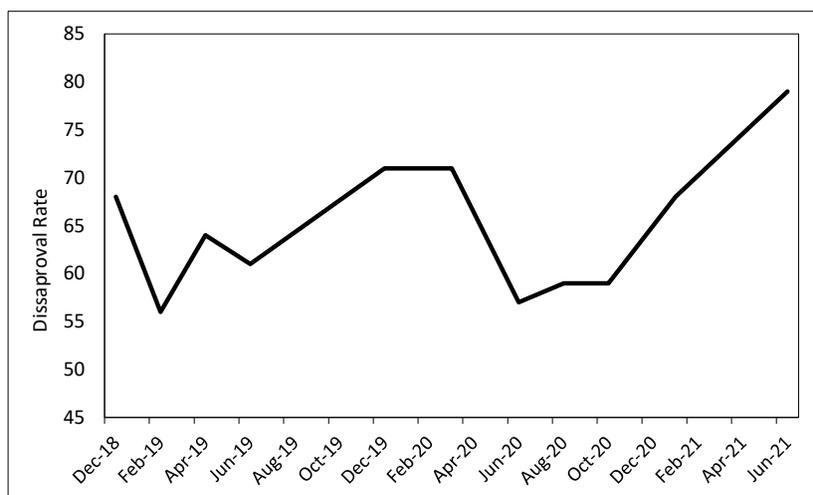
Source: Indepaz (2020)

While the government's response was to increase the presence of the military in regions such as Catatumbo, Cauca, and Nariño, the most affected by the armed groups, results were scant and did not change citizen perceptions of insecurity. Dissident guerrillas and paramilitary groups continue to contend among themselves for control of drug trafficking routes and other illegal businesses. The systemic and structural problem of violence remains entrenched in Colombia, presenting a challenge for the current government as well as for future ones. The persistence of this dynamic confirms that the signature and implementation of the peace agreement with the Revolutionary Armed Forces of Colombia (FARC)—a deal to demobilize, disarm and reintegrate fighters from the country's longest-lasting guerrilla group—was just the starting point of a complex, uneven, and long road to achieving social peace in the country.

### **III. THE GOVERNABILITY CRISIS THAT PRECEDED COVID**

The Duque administration has been hobbled by significant governability problems since the start of the presidential period. These have included a 2018 anti-corruption popular consultation spearheaded by the opposition party Alianza Verde, the October 2019 subnational elections in which the governing party lost ground, and intense social mobilizations in November 2019. Cumulatively, these issues have made it hard for the president to enact his legislative agenda. While the drivers of waves of protest have been diverse and even contradictory, given the broad range of groups supporting the protests (Botero and Otero 2019), some analysts have suggested that political polarization, frustration with the slow implementation of the peace agreement, and sentiments of urban dissatisfaction have played a significant role. Former presidential candidate and senator Gustavo Petro, a seasoned politician, had capitalized on each of the government's weaknesses. As shown in Figure 6, by the beginning of 2020, Duque's popularity was at its lowest ebb, with 70.81% disapproval.

Figure 6. Presidential Disapproval Rate (December 2018 – June 2021)



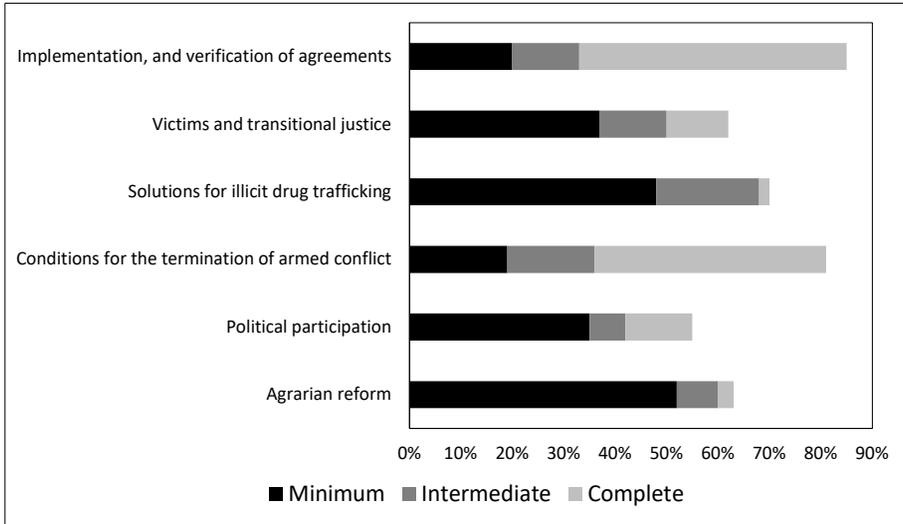
Source: Pulso País (2021)

### Challenges Implementing the Peace Process with the FARC

After the peace process agreement approval in 2016, expectations of stability and peace were widespread. Nonetheless, the difficulty of the challenges ahead of the signature and implementation of the Peace Agreement with FARC were significant (see Rettberg 2020). Surveys showed that more than 75% of respondents disapproved of how the armed conflict was being handled (Pulso País 2021), making the implementation of the peace accords a source of polarization among the public and political elites (Matanock and García-Sánchez 2017; Muñoz and Pachón 2020).

While highly regarded for its innovative multi-dimensional approach, the peace process undertaken at the end of the administration of Juan Manuel Santos's government, had deficient levels of program implementation. As shown in Figure 7, in August 2018, at least 80% of the measures had not been implemented. Only policies and programs related to “*the end of conflict*” and “*mechanisms of *refrendación y verificación**” had advanced significantly—with an execution close to 50% (Kroc Institute for International Peace Studies 2020).

Figure 7. Status of Implementation by Chapter of the Final Agreement (April 2019)

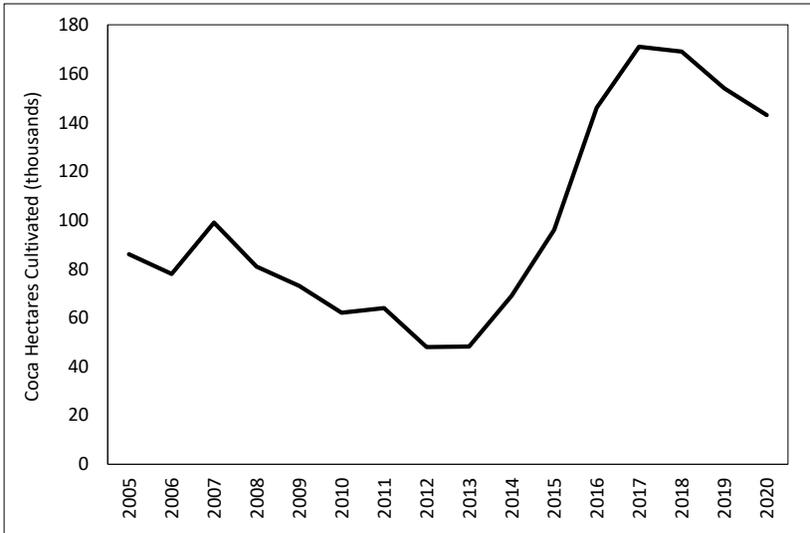


Source: Kroc Institute for International Peace Studies (2020)

Drug trafficking has not stopped as a consequence of the peace agreement and demobilization of FARC. Coca production has increased since 2013 at an average yearly rate of 45%. In 2017, the hectares with coca production reached 171,000 hectares (Figure 8), with 64% of the increase explained by Antioquia, Putumayo, Norte de Santander, and Cauca (UNODC 2017). Containing the illicit drug trade was part of Duque’s campaign promises and became a priority in his government.<sup>1</sup> Although a large proportion of FARC disarmed and transformed into a legal political force, the economic conditions that allowed illicit drug markets did not change. As recent research has suggested, the intersection between structural conditions such as poverty, insecurity, and social exclusion has negatively impacted Colombia’s consolidation of sustainable peace (Gordon, Duque, and Dolan-Evans 2020).

<sup>1</sup> Pressured by the US government to resume aerial spraying of crops with glyphosate and limited by a ruling by the Constitutional Court in 2015 banning aerial spraying, the government resorted to more manual eradication.

Figure 8. Coca Production in Colombia (2005-2020)



Source: US Department of State/UNODC

Consequently, expectations that the signature of the Peace Agreement with the largest guerrilla group in the territory would bring about the end of bloodshed and violent actions were partially unmet, as the reorganization of illegal armies and guerrillas in areas previously controlled by FARC became another source of conflict (Indepaz 2020). Social leaders, human rights activists in the territories, and former FARC members have been targeted by paramilitary and illegal groups that seek to assert control over drug trafficking routes (International Crisis Group 2017). More than 6,000 FARC members have returned to illegality, and other prominent national leaders such as Iván Márquez, Jesús Santrich, El Paisa, and Romaña have publicly announced their re-armament (CNN 2019). Thus, the slow implementation of the peace accords inherited from the previous government, the reluctance of the current government to make it a priority, and the pressing consequences of rising coca production added to Duque's governability problems.

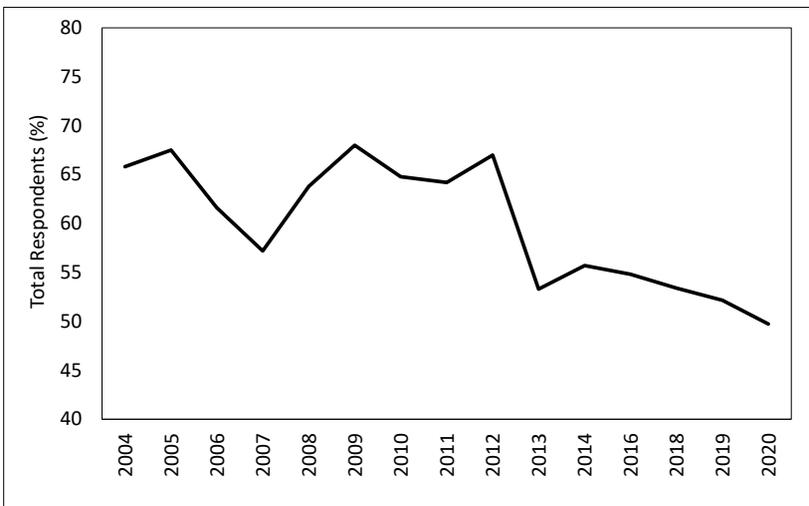
### Crisis of Confidence for the Military

In November 2019, a no-confidence motion was introduced in Congress against the Minister of Defense, Guillermo Botero, following a bombing carried out by the Army against an alleged group of FARC dissidents in August 2019, in the rural area of San Vicente del Caguán. The scandal revolved around the death of underage combatants, which the government had not previously reported, but which was uncovered by the media. While parties in the government's coalition blamed the tragedy on underage recruiting by armed groups, opposition

parties claimed that the killing of minors represented evidence of systematic abuse by the armed forces. Given the pressure, shortly after, the Defense Minister resigned.

Declining in support for the military forces adds to Colombia’s problem of governability. Figure 9 shows that in 2020, trust in the military reached its lowest point (49.74%) in the last 15 years. Successive scandals, allegations of corruption at the top, extrajudicial executions, and, more recently, the recognition of 70 investigations into the military for sexual abuse of minors have taken a toll on an institution headed by the president, as commander-in-chief of the military forces (El País 2020).

Figure 9. Trust in the Military Forces, 2004-2020<sup>2</sup>



Source: Prepared by authors based on data from LAPOP Americas Barometer survey

### Governing Alone: A Hard Road

Since the beginning of his presidency, Duque’s governability in Congress has been far from ideal. In Colombia, presidents usually consolidate broad super majority coalitions as the Constitution embeds a great number of public policies, and constitutional amendments are required to enact policy changes. This was the case for all presidents after the 1991 Constitution. Despite this fact, President Duque resisted the idea of building and consolidating a grand coalition—a strategy used by all his predecessors to consolidate governability. In sharp contrast to his predecessor, Santos, who built the *Coalición de Unidad Na-*

<sup>2</sup> The percentage shown is the proportion of respondents who trust (5-7) in a scale from 1 (not at all) to 7 (trust a lot).

*cional* at the beginning of his first term and thus could count on more than 80% of the House of Representatives and close to 75% of the Senate seats (see Table 2), Duque's initial coalition barely surpassed the majority of the members of both houses. As shown in Table 2, his coalition upon entering office resembled a "lame duck" coalition more than, a typical first-year coalition. As a consequence, in Duque's first two years executive activity in the law-making process reached its lowest level in two decades.

During the second year of Duque's term, talks initiated with the Cambio Radical party added to the government's coalition in late November an additional member which was meant to ease the passage of a fiscal reform and others pending which had not moved through the legislative procedure. As observed in Table 2, this meant going from 48 and 51% of the House and Senate, to 66 and 61%. However, as documented in the literature of executive-legislative relations in multiparty presidential systems in Latin America, the stability of these coalitions is very uncertain, because legislators often join out of personal or partisan interests instead of programmatic policy preferences (Martínez-Galardo and Schleiter 2015).

Table 2. Executive Governing Coalition, 2010-2021

Presidential Term	Years		House	%	Senate	%	Parties in the Governing Coalition
President Juan Manuel Santos, 2010 - 2018	2010 - 2014	Governing coalition	138	84.15	70	68.63	Conservative Party, De la U Party, Liberal Party and Cambio Radical Party
		Members outside the governing coalition	28	17.07	32	31.37	
	2014 - 2017	Governing coalition	98	59.76	52	50.98	De la U Party, Liberal Party, Cambio Radical Party and Opción Ciudadana .
		Members outside the governing coalition	68	41.46	50	49.02	
	2017 - 2018	Governing coalition	82	50	43	42.16	De la U Party, Liberal Party and Opción Ciudadana .
		Members outside the governing coalition	84	51.22	59	57.84	

Presidential Term	Years		House	%	Senate	%	Parties in the Governing Coalition
President Ivan Duque, 2018 – 2020	2018 – 2019	Governing coalition	83	48	51	47	C e n t r o Democrático, Conservative Party, MIRA Party, De la U Party, Colombia Justas Libres
		Members outside the governing coalition (independents, opposition)	89	52	57	53	
	Nov 2019 – 2020	Governing coalition	113	66	66	61	C e n t r o Democrático, Conservative Party, MIRA Party, Colombia Justas Libres, De la U Party. Cambio Radical Party
		Members outside the governing coalition (independents, opposition)	59	34	42	39	

Source: Prepared by the authors

Following the well-documented strategy of using cabinet appointments to secure legislative coalitions in Latin America (Alemán and Tsebelis 2011; Chasquetti et al. 2013; Inácio and Llanos 2015), Duque shuffled his cabinet to seal the deal and further consolidate his relationship with the parties in his coalition. As shown in Table 3, 44.4% of the cabinet was replaced. Former legislator Angel Custodio Cabrera, from the *Partido de la U*, joined as Labor Minister (see Table 3). Other cabinet changes resulted in the appointment of deputy ministers close to Cambio Radical. This strategy is consistent with recent research showing how minority presidents or weak legislative coalitions have been more likely to engage in collaborative portfolio allocation strategies (Mejía-Guinand and Botero 2017).

Table 3. Cabinet Reshuffles, 2018 -2020

Ministry	Minister till Dec 2020	Date started	Changed	Former Minister
Ministry of Finance	Alberto Carrasquilla (Centro Democrático)	8/7/2018	0	
Ministry of Commerce	José Manuel Restrepo (close to Centro Democrático)	8/7/2018	0	
Ministry of Education	María Victoria Angulo (close to the Conservative Party)	8/7/2018	0	
Ministry of Transport	Ángela María Orozco (Partido Conservador)	8/7/2018	0	
Ministry of Housing	Jonathan Malagón (technocrat)	8/7/2018	0	
Ministry of Culture	Carmen Inés Vásquez (technocrat)	8/7/2018	0	

Ministry	Minister till Dec 2020	Date started	Changed	Former Minister
Ministry of Sports	Ernesto Lucena Barrero (personal friend)	9/16/2019	0	New
Ministry of Defense	Carlos Holmes Trujillo (RIP) (Centro Democrático)	11/12/2019	0	
Ministry of Foreign Affairs	Claudia Blum Capurro (Centro Democrático)	11/26/2019	0	
Ministry of Mines and Energy	Diego Mesa Puyo (Former deputy minister)	1/7/2020	1	Maria Fernanda Suarez
Ministry of Science	Mabel Gisela Torres	1/10/2020	0	New
Ministry of Agriculture	Rodolfo Enrique Zea (close to Partido Conservador)	2/24/2020	1	Andrés Valencia Pinzón
Ministry of Labor	Ángel Custodio Cabrera (Partido de la U)	2/27/2020	1	Alicia Arango
Ministry of Health	Fernando Ruiz Gómez (close to Cambio Radical, former deputy minister)	3/3/2020	1	Juan Pablo Uribe
Ministry of ICT	Karen Abudinen (Cambio Radical)	5/4/2020	1	Sylvia Constain
Ministry of Environment	Carlos Eduardo Correa (Close to the Partido Conservador)	10/3/2020	1	Ricardo Lozano Picon
Ministry of Justice	Wilson Ruiz Orejuela (Partido Conservador)	10/5/2020	1	Margarita Cabello Blanco
Ministry of Interior	Alicia Arango	14/02/2020	1	Nancy P. Gutiérrez
Ministry of Interior	Daniel Palacios Martínez (Centro Democrático, former deputy minister)	12/22/2020	1	Alicia Arango
			44.4%	

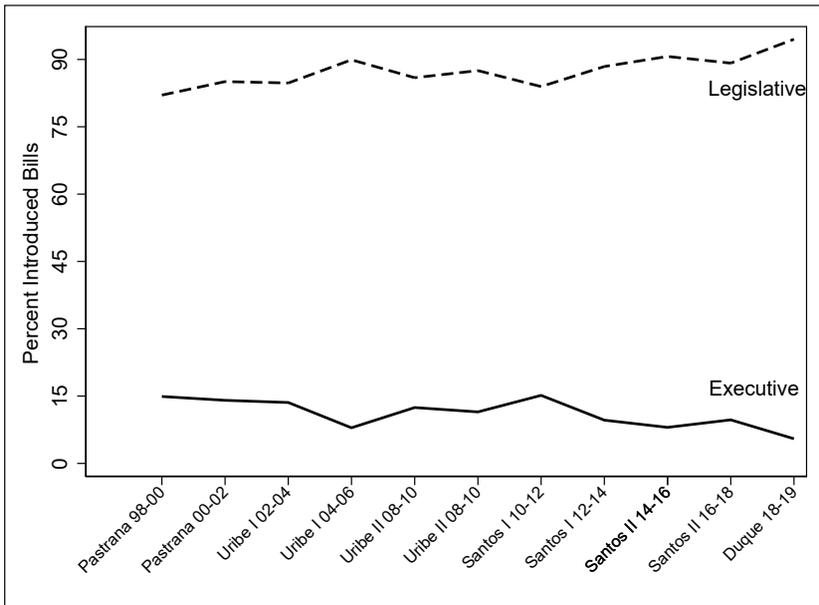
Source: Prepared by authors

Nonetheless, critics claimed that Duque's cabinet reshuffling was a lost opportunity to bring new political leaders to increase the Government's popularity: other high profile cabinet changes were done by moving government team members from one ministry to another. This was the case for Carlos Holmes Trujillo, who in late November 2019 changed cabinet position from the Ministry of Foreign Affairs to the Ministry of Defense, or Alicia Arango, who switched from the Ministry of Labor to the Ministry of Interior (La Silla Vacía 2021). There was also some controversy around the appointment of the General Attorney, Francisco Barbosa, a close friend of Duque's, and the Inspector General's Office (Procuraduría General), after appointing Margarita Cabello, the former Minister of Justice (La Silla Vacía 2020a).

Despite these efforts to improve Duque's governability, conflicts within his party and among parties within the coalition soon made it difficult for the pres-

ident to navigate the crisis. As shown in Figure 10, the executive (1998-2018), on average, introduced 12.8% of the bills during the first legislature. Duque only presented 5.45% of the legislation debated between September 2018 and December 2019. This, in turn, meant an increase in the percentage of the bills introduced by legislators. In the past, the legislative activity initiated by parliamentarians was on average 87%, while the percentage increased to 94.55 of the bills in this period.

Figure 10. Introduced Bills, by Branch (1998-2019)



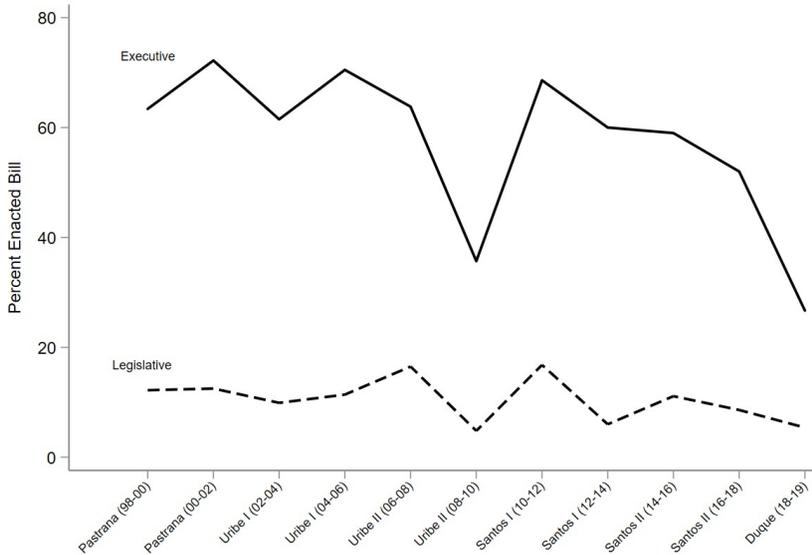
Source: Prepared by authors based on data from Congreso Visible

A very slow legislative agenda contrasted significantly with previous presidential periods. Previous research on Colombia has found that presidents are the major source of national legislation and the main agenda setters (Carroll and Pachón 2016); however, this trend was reversed during Duque’s first two years in power.

Presidents Pastrana, Uribe, and Santos succeeded in passing 57 percent of executive bills, on average in their first two years in government, while Duque only saw approved 27 percent of the bills he sent to Congress (see Figure 11). Without a defined policy and reform agenda and a weak legislative coalition, legislators in turn focused on their own bills. Between September 2018 and December 2019 legislators enacted, on average, 5 percent of the bills they introduced. These dynamics show the president’s struggle to align several institutional and partisan vetoes and deal with a highly

fragmented congressional coalition. While these numbers and trends are not fixed and may change, they reflect a governability dilemma that precedes the COVID-19 crisis.

Figure 11. Enacted Bills, by Branch (1998-2019)



Source: Prepared by authors using data from Congreso Visible for the period 1998-2018. Calculations for Duque term were based on information from the DAPRE (Departamento Administrativo De La Presidencia De La República).

In the press, reports showed how members of the president’s coalition complained about the lack of communication and aid in constituency work. Nonetheless, their discontent was partially moderated by former president Alvaro Uribe, who, as a senator and leader of the party, forced members of *Centro Democrático* to push forward the government’s agenda. This situation, however, changed drastically after a Supreme Court decision allowed for an indictment against Uribe. On August 12<sup>th</sup> 2020, the Supreme Court of Justice commanded his house arrest to prevent his interference with an ongoing investigation for procedural fraud and bribery. Claiming politicization of the Courts and a strong bias against him, Uribe resigned his seat (to give up his privileges as a member of the legislature to be accused by the Prosecutor’s Office), shifting the political equilibrium in the legislature.

Thus, from the beginning, the scenario for the current government was complicated. The enforcement of the Statute of the Opposition, the presence of the FARC in Congress, and a forceful opposition, joined with the increase in vio-

lence and social unrest, marked the underlying problems facing the government. These challenges became even more evident once the pandemic hit.

#### IV. COVID-19 ARRIVES: A GOVERNABILITY CRISIS LAID BARE

The increasing prominence of COVID-19 in the news cycle in February of 2020 generated high uncertainty about the proper steps for local and national governments in the region. Although immediate actions aimed to protect public health, these measures' unintended consequences generated an unprecedented economic and social crisis. In this section we discuss the governability conditions during this time and the actions taken by the Ivan Duque's government to deal with the crisis, and the difficulties experienced in the interaction with different institutions.

##### Government as Main Legislator: Virtual Congress and Decree Activity

The quarantine coincided with the beginning of the legislative session. Strict lockdown measures in the capital impeded the legislature from commencing their new session, igniting a procedural debate regarding the legality of virtual sessions and the logistics of adapting the outdated rules of Congress (enacted in 1992, these have never been updated structurally).

Given the imminency of the epidemic, on March 17<sup>th</sup> 2020, President Ivan Duque declared a state of emergency for 30 days to implement immediate measures to slow the spread of the virus and better equip the health system and the economy to face the challenge ahead.<sup>3</sup> Among the regulations decreed by the Government, Duque established the legality of all virtual decision-making in the Government, the judiciary, and the legislature, facilitating a consensus on the need to resume sessions. While the House of Representatives moved faster to adapt to the new circumstances, the Senate took more than a month to start its sessions.

As shown in Table 4, during the first state of emergency, the president issued 73 legislative decrees to create new assistance programs, establish new regulations, and develop protocols for all economic sectors. On May 6 2020, the state of emergency was extended till June 5 2020, as new data on economic growth and unemployment revealed the need for more significant public expenditure to aid the most vulnerable, the productive sectors, and other measures to respond to the health crisis, compounded with the social and economic stress.<sup>4</sup>

<sup>3</sup> See: Decree 417, 2020. In <https://dapre.presidencia.gov.co/normativa/normativa/DECRETO%20417%20DEL%2017%20DE%20MARZO%20DE%202020.pdf>

<sup>4</sup> See: Decree 637, 2020. In <https://dapre.presidencia.gov.co/normativa/normativa/DECRETO%20637%20DEL%206%20DE%20MAYO%20DE%202020.pdf>

Table 4. Executive Decrees Issued under the State of Emergency 2020

First State of Emergency	(March 17- April 16)	73
Second State of Emergency	(May 6- June 5)	42
Total		115

Source: Elaborated by the authors

Most of the decrees provided subsidies to the population already targeted by existing social programs, such as *Familias en Acción*, *Jovenes en Acción*, and *Colombia Mayor*. The Government created the Solidary Income Subsidy (Ingreso Solidario) for all other vulnerable populations not covered by previous assistance programs. The Government also established the Emergency Mitigation Fund (FOME) with resources close to 25 billion pesos (2.4% of GDP). Other decrees created tax exemptions for firms. Thus, in general the executive decrees to respond to the pandemic were mostly related with economic and financial aid, support to the health system, and flexibilization of the labor market.<sup>5</sup>

Given these circumstances, 2020 meant an extraordinary departure from the previous executive's legislative activity reported in previous years. As shown in recent literature on presidential use of decree powers in Latin America, the president's choice of legislative instrument depends on the actors' evaluation of the policy at stake, the allocation of decision rules, and politicians' institutional commitment (Palanza 2019). Thus, given the economic and health crisis, it is not surprising that other institutional actors like the Courts and Congress decided to delegate to the executive policymaking by decree. The state of emergency allowed the executive to have a pertinent reaction and avoid the legislature dealing with the crisis. Paradoxically, the pandemic gave the president the opportunity to govern despite his weak relationship with the Congress and Courts. In 2020, the executive kept introducing legislative bills, and enacted some important non-COVID related bills like modifications to the electoral code, the budget of the housing law, and the royalty budget from natural resources (Congreso Visible 2021).

As the government declined in its popularity and continued to act unilaterally via decrees, however, other party leaders within the coalition started defecting from the ranks. Rodrigo Lara, from the Cambio Radical party, resigned from the party in opposition to the Electoral Code approved by Congress in October of 2021. Senators Armando Benedetti and Roy Barreras, principal leaders from the U Party, members of the Government's coalition were expelled for their systematic party indiscipline as they behaved more and more as the opposition.

<sup>5</sup> Two dates in particular marked the course of the country: April 15 and June 4, when 28% of the executive decrees to respond to the pandemic were issued.

As with all states of emergency, the legislature has the right to revise all legislative decrees and amend them if considered necessary. Legislative decrees issued in states of emergency are also sent automatically to the Constitutional Court, which has a mandate to undertake constitutionality review. While the Court has an automatic review, revision of decrees by the legislature is an option, which may occur exceptionally if legislators disagree on the content (Senado de la República 2020). Congreso Visible (2020) reported more than 100 hearings during the session between April and June 2020 regarding the measures taken by the Government. Nonetheless, their role was secondary as virtual sessions diminished their impact in the public debate and media coverage.

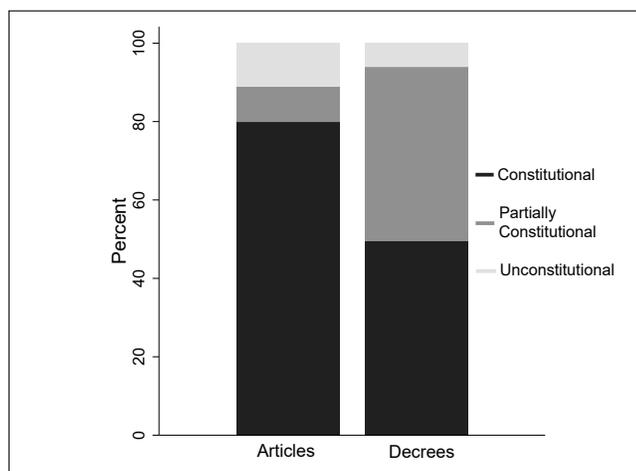
### **The Role of the Constitutional Court: Exercising Control in Times of Crisis**

Constitutional review in Colombia is frequent. Given its workload, the Court may take months in its review process, generating legal uncertainty, delaying government decision-making and policy execution. The pandemic crisis was no exception, and given the extraordinary number of decrees issued, the Court commenced its review and was able to assess the constitutionality of the legislative decrees issued only in late October.<sup>6</sup>

Figure 12 shows the 115 decrees, and 885 articles reviewed by the Constitutional Court under the emergency states the executive issued between March 17<sup>th</sup>, 2020, and June 5<sup>th</sup> 2020. As can be seen, the Court ruled constitutional almost 50 percent of the decrees and 80 percent of the articles. Only 6% of the decrees and 11% of the articles were declared unconstitutional. Therefore, it is clear that although the president could not push its agenda through Congress, the balance of its legislative activity to respond to the crisis is overall positive. Only seven of 115 were declared unconstitutional by the Court.

<sup>6</sup> The review of the Constitutional Court is a very significant step in the policy-making process. In the past, the 1886 Constitution allowed the President to issue decrees with no further requirement than the formal declaration of a state of emergency approved by all the cabinet members. However, with the new 1991 Constitution, the Constitutional Court exercises material and temporary control over states of emergency to grant extraordinary powers to the head of state.

Figure 12. Constitutional Revision over Presidential Decrees, 2020



Source: Prepared by authors based on data from La República

Thus, unlike previous scenarios in which the Court's constitutional review counteracted the majoritarian consensus (Cepeda-Espinosa 2005), Duque's government decisions were extensively supported by the Court.

### National-Subnational Coordination: The Case of Bogotá

As in most politically decentralized countries, one of the challenges the government faced was the coordination across national and subnational governments. In light of the challenges posed by the pandemic, most countries in Latin America quickly declared a state of emergency, instituting an initial national quarantine in March which was then extended in most countries until October 2020 (OECD 2020). However, in federal countries, such as Mexico and Brazil, these decisions were taken by state governments and as a result were implemented much later. As a consequence, institutional differences<sup>7</sup> and a lack of policy coherence occurred between the federal and state governments (OECD 2020).

In Colombia, although the disputes between the national and local governments did not result in sharp policy differences, political tensions emerged due to the lack of coordination for quarantine orders between the national government and mayors and governors, which generated confusion among the population (Garcia et al. 2020). While Duque's Government hesitated to adopt drastic curfews, several local and regional governments conducted preventive isolation drills and encouraged teleworking. The most visible tensions occurred

<sup>7</sup> A clear example of these political tensions is when the Minister of Health in Brazil was relieved of his position by the president because of public disagreement on the nature of restriction measures on commercial businesses.

between the President, Iván Duque, and the Mayor of Bogotá, Claudia López at the beginning of the pandemic (Bello-Gomez and Sanabria-Pulido 2021).

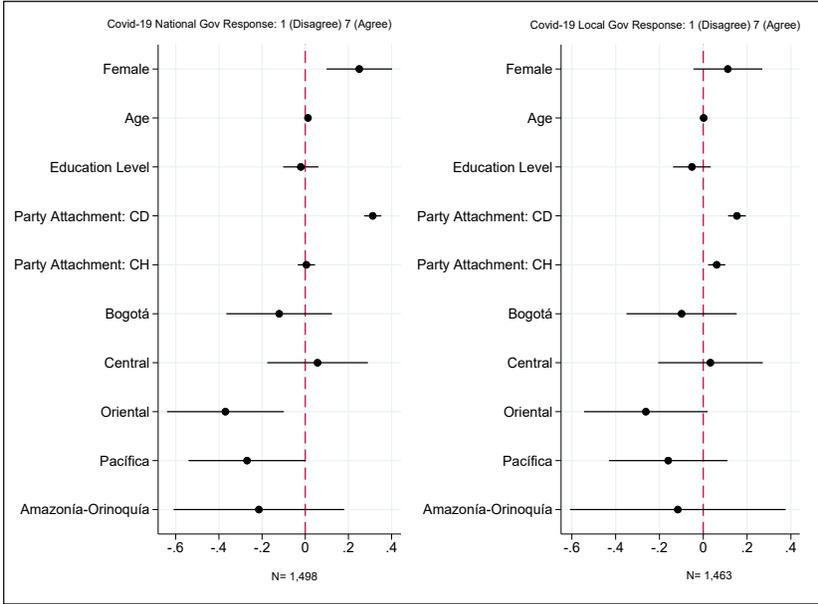
Claudia López, from the Green Party, became one of the most outspoken leaders in the country in favor of strict lockdown measures. Other subnational authorities followed Lopez's demands over immediate national transfers for the poor. Mayor López openly criticized Duque's actions, blaming them for the difficulties experienced in Bogotá. Debates over the closure of the airport and of national roads and highways were among the first disagreements. During the first months, López argued, normality would only come with the vaccine and accused the president of prioritizing the economy over citizens' lives. Every day, the news counted ventilators, UCIs, tests; and with this opportunity, mass media would pick up reactions over social media in this dispute, where Lopez threatened with a strict lockdown (La Silla Vacía 2020b). Thus, while the president did not have solid institutional vetoes, the counterbalance exercised by Bogota to various measures was significant and implied a high cost for the national Government. In 2019, Bogotá represented 25.5% of Colombia's GDP; if the metropolitan area and the surrounding department of Cundinamarca is counted this number increases to 31.5%.

Other significant confrontations between the President and the Mayor of Bogotá occurred in September, after a citizen's assassination in the hands of the Police, in a situation of clear abuse of force during the strict lockdown. López, blaming Iván Duque and "*el uribismo*", suggested police brutality resulted from direct orders from the President, and demanded the immediate reform of the National Police. Confrontations and protests against the Police resulted in three contentious and violent days of protest, with 12 deaths. Duque refused to initiate a police reform, generating more frustration among López's and opposition supporters (La República 2020).

To what extent did the differential response of national and local governments to the pandemic affected public opinion? Did citizens consider that the measures taken were appropriate to contain COVID-19? As shown in Figure 13, with the entire country sample, there were no significant regional differences for the support taken both by the national and local Governments' actions. However, respondents' opinions revealed substantial partisan differences.<sup>8</sup> Voters with a stronger party attachment to the president's party (*Centro Democrático*) were more likely to evaluate the national government's performance positively. However, when assessing the performance of local governments, these differences disappeared. It became clear that the previous unpopularity of the national government would be persistent, even despite its performance.

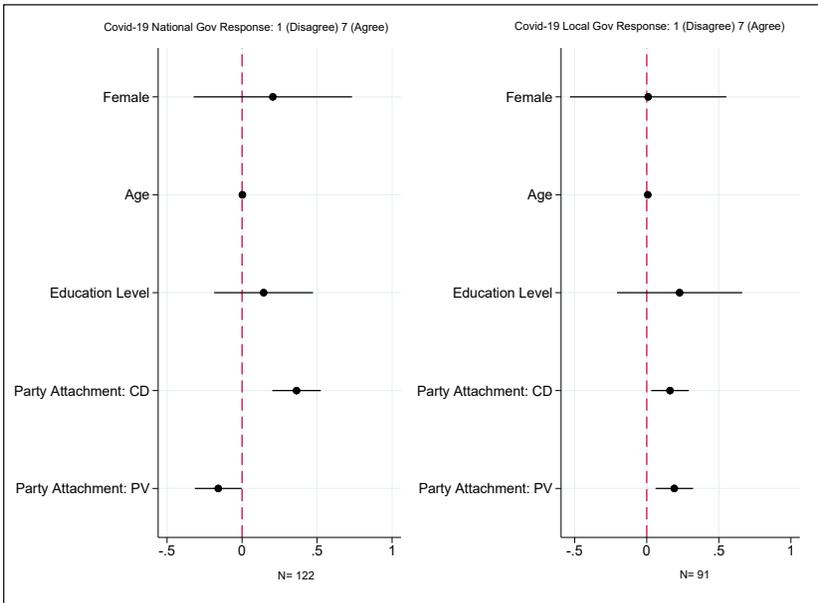
<sup>8</sup> We estimated a linear regression analysis with robust standard errors. Marginal effects were reported with a 95% confidence interval.

Figure 13. Evaluation of National and Local Governments Response to the Crisis due to Covid-19



Source: Prepared by the authors, data from the 2020 LAPOP Americas Barometer survey.

Figure 14. Evaluation of National and Local Governments Response to the Crisis due to Covid-19 in Bogota



Source: Prepared by the authors, data from the 2020 LAPOP Americas Barometer survey

Given the role of López in the confrontations with the national government, Figure 14 plots evaluations of both government levels only in Bogota.<sup>9</sup> The panel on the left shows how the polarization between the two leaders translates into citizens' assessment of the national government's performance. Respondents with a stronger party attachment towards the mayor's party (*Partido Verde*) were more likely to disagree that the national government has taken the appropriate measures to contain the expansion of the COVID-19. Tensions between Duque and Lopez, however, did not affect Lopez's evaluation. On the panel on the right, we observe that voters with stronger party attachments with the president's party were as likely as voters that lean towards Lopez's party to support the actions that the local Government in Bogota has taken to deal with the crisis. While the mayor's popularity was over 70%, the president's remained low.

## V. CONCLUSIONS

Two years into his term, Duque is under pressure on all sides. The president has struggled to enact his policy agenda in the first year of his presidency, and the current health and economic crisis have made it even more difficult. General discontent over corruption, poverty, and inequality served to fuel protests in Colombia in late 2019, and the pandemic only made matters worse in 2020. Despite financial subsidies from the state, Duque's Government will not be able to reverse that in time for the next elections.

Therefore, the dynamics of the 2022 elections will be marked by the disastrous economic and social consequences derived from the Covid-19 emergency. The economy's contraction created the need for a new fiscal reform to stabilize the country's economy, maintain its credit rating, and cover social spending. However, after deadly protests and widespread opposition from lawmakers opposition, the president withdrew the proposed fiscal reform in early May of 2021. Consequently, the biggest challenge for Duque and the next government will be to keep the economy afloat and get ahead of Colombia's recovery. Concurrently, Venezuela's collapse will also continue to present multiple challenges to the Colombian government finances and social stability. In February 2021, Duque's government made a historic decision to grant legal status to 1.7 million Venezuelan migrants (The New York Times 2021). In practice, this new decree will allow immigrants to apply for temporary protected status, making it easier for them to work, seek permanent residency, and access health services. Tax reform is still necessary to ensure fiscal stability and resources.

It is still too early in the electoral calendar to predict the results of the elections in 2022. Nonetheless, a persistent feature of recent past elections is that it is

<sup>9</sup> The sample is representative of Bogota. We estimated a linear regression analysis with robust standard errors. Marginal effects were reported with a 95% confidence interval.

nearly impossible for only one party to win the presidency. Hence, pacts and agreements to form coalitions of different political forces for the presidential and legislative elections in 2022 are the rule. There are at least three clear political blocs.

The so-called *Coalición de la Esperanza* (a center-left coalition) aims to choose a single candidate for the presidential race and, if agreed, also present unified lists to the Senate and House elections. The Alianza Verde Party, former senator Juan Manuel Galán, former minister Juan Fernando Cristo, senator Jorge Enrique Robledo, former vicepresident Humberto de la Calle, and former presidential candidate Sergio Fajardo are all part of the coalition. Senator Gustavo Petro is leading the so-called *Pacto Histórico*. The coalition is made up of *Colombia Humana*, *Unión Patriótica*, *Partido Comunista*, *Polo Democrático*, *MAIS*, *Partido de Trabajo de Colombia*, *Unidad Democrática*, and *Todos Somos Colombia*. However, senators Roy Barreras and Armando Benedetti, ex-members of Partido de la U (a right-leaning party), have also decided to join forces with Petro.

Finally, the political forces that will make up the right-leaning coalition will be led by the *Centro Democrático* Party and the Conservative Party. Although rumors of numerous possible candidates have been shuffled, the right-wing coalition has taken things calmly, knowing that sooner or later they will unite, as happened in 2018 to elect Duque. Moreover, it is expected that former governors Dilian Francisca Toro (*La U* party) and Luis Pérez (Liberal Party), and former mayors Federico Gutiérrez, Enrique Peñalosa and Alex Char will join to this coalition.

Thus, both the legislative elections and the *consultas interpartidarias* (internal party primaries) will yield the first concrete keys to understand better which political forces are viable for the presidential election and how candidates expect to handle the challenges of the ongoing pandemic. Taken together, the events ongoing before the Covid-19 crisis, the government response to the crisis, and the economic and social consequences of the pandemic mean that the next government will not only have to lead Colombia through the recovery from the pandemic but deal with the deeper structural issues of a highly unequal country that is still struggling to implement a peace process.

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