

COLOMBIA

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I. GENERAL INFORMATION

From its independence at the beginning of the 19th century, the Colombian political regime has been presidential. The president is elected for a period of four years. Traditionally immediate re-election was prohibited, but in 2004 a constitutional reform was approved that authorized a single immediate re-election. At the present time there is a draft bill before the Congress of the Republic arising from popular initiative to call a referendum, which would be conceived to resolve a constitutional reform proposal aimed at allowing a second immediate presidential re-election. The result of the passage of the draft bill – and the resulting referendum – is uncertain however.

Political system

The requirements for a candidate running for president of the republic are minimal: The candidate must be Colombian by birth, have active citizenship and be older than thirty years. The candidate who obtains 50 per cent of the votes cast plus one is elected as the president of the republic. In the event that none of the candidates gains this majority, three weeks later a second round of voting takes place between the two candidates that have the largest number of votes. In this case the candidate who obtains the most votes is elected.

According to the constitution, the president of the republic acts simultaneously as head of state, head of government and the supreme administrative authority. Among the president's functions are to freely appoint and remove ministers and directors of government institutions from office; to oversee international relations and to guard the external security of the republic; to direct public forces and to conduct the armed forces as the supreme commander; to maintain public order and to decree states of emergency in accordance with the constitution and laws; to approve laws and to veto laws as unconstitutional or for being inappropriate; to decree laws; to modify the structure of the national public administration and to determine its offices in accordance with the laws; and to carry out inspection and to supervise education, public services and public savings deposit institutions in accordance with the law.

In the presidential elections of 2002 and 2006, the presidential candidate Álvaro Uribe Vélez, who stood as a candidate of a significant group of citizens called Primero Colombia (Colombia First), won the elections for the presidency on a first ballot.¹

The overwhelming triumph of Álvaro Uribe can be explained by Colombians' weariness with guerrilla violence. Between 1998 and 2002, the government of President Andrés Pastrana conducted a negotiation process with the FARC (Armed Revolutionary Forces of Colombia). This was in response to multiple voices in politics and society recommending the commencement of dialogue in order to achieve peace. The failure of this process and the crimes of the FARC gave impetus to the candidature of Uribe. He advocated the re-establishment of public order and of investors' confidence in his programme of "democratic security". He broke with his original party, the Partido Liberal Colombiano (PLC), which nominated Horacio Serpa, whom Uribe claimed was not sufficiently uncompromising with the guerrilla movements.

Once elected, President Uribe commenced a tenacious military offensive against the guerrillas whom he managed to weaken considerably, forcing them to fall back into the most remote zones of the country. He also achieved the demobilisation of important paramilitary groups. All of this reduced the intensity of the armed conflict faced by the country for decades. With this basis and with a good international economic climate, he likewise achieved significant improvements in the country's economic indices. In 2004 this led to a situation where the different political parties and leaders supporting Uribe were able to convince Congress to modify the constitution to permit his immediate re-election, as he ultimately was in 2006. Now there is the proposal that an immediate second re-election be allowed with the object of ensuring the continuity of the policy of democratic security.

Table 1 | RESULTS OF THE PRESIDENTIAL ELECTIONS 1998, 2002 AND 2006

Candidate	Party/movement/ coalition	2006	2002	1998
Álvaro Uribe Vélez	Primero Colombia	62.35%	53.05%	–
Andrés Pastrana Arango	Coalición Gran Alianza por el Cambio	–	–	33.98% ⁽¹⁾ 49.67% ⁽²⁾
Horacio Serpa Uribe	Partido Liberal Colombiano (PLC)	11.83%	31.80%	34.38% ⁽¹⁾ 45.96% ⁽²⁾
Noemí Sanín Posada	Movimiento Sí Colombia	–	–	26.47% ⁽¹⁾
Carlos Gaviria Díaz	Polo Democrático Alternativo	22.02%	–	–

⁽¹⁾ 1st round.

⁽²⁾ 2nd round.

Source: Data from the National Civil Status Registry (Registraduría Nacional del Estado Civil) and adapted by the author (data available from: www.registraduria.gov.co [last accessed on 02/08/09]).

Constitution The present constitution of Colombia was published in 1991. Chapter 1 of section II is dedicated to fundamental rights. Among the fundamental rights outlined in the constitution are:

- The right to life and to not be subjected to forced disappearance, nor torture, cruel punishment, inhumane or degrading treatment (arts. 11 and 12);
- The right to equal treatment and, in the case of people traditionally marginalized, the right to enjoy the special protection of the state (art. 13);
- The right of recognition of juridical personality (art. 14);
- The right to personal privacy, honour and good name (arts. 15 and 21);
- The right to freedom of personal development (art. 16);
- The prohibition of slavery, servitude and trafficking of persons (art. 17);
- The freedom of conscience and religion (arts. 18 and 19);
- The freedom of expression and information (art. 20);
- The right to present petitions to the public authorities and to obtain a reply (art. 23);
- The freedom of movement (art. 24);
- The right to work and the freedom of choice of profession or work (arts. 25 and 26);
- The freedom of education (art. 27);
- The right to personal liberty, to *habeas corpus* and the right to due process of law and administration (arts. 28–35);
- The right to asylum (art. 36);
- The right to meetings, association and participation in the formation and exercise of political power (arts. 37–40).

Through its authority, the Constitutional Court has established the existence of fundamental rights not contemplated in the aforementioned chapter 1 of section II, such as the rights of children, the right to minimum living conditions and the right to health. It is precisely the constitutional justice, led by the Constitutional Court – to whom it falls to take cognizance of and to decide on cases for the protection or support of fundamental rights based on the so-called “*tutela*” (protection) action created by the constitution of 1991 – that persons can demand the protection of their fundamental rights through the courts. Even though many deficiencies still exist, in this sense it can be stated that since the passing of this constitution, important progress has been made in the country with regard to the protection of personal rights.

The constitution deals directly with the regulation of parties and political movements (arts. 107–112). It establishes that all citizens have the right to found, organize and develop political parties and movements and the freedom to join or to retire therefrom; that political parties and movements must be democratically organized and that its juridical personality shall be recognized or revoked by the National Electoral Council; that the statutes of the parties must regulate their internal organization; and that members of the Congress of the Republic must act in party blocs. The constitution also sets out rules on the system of financing of parties, political movements and electoral campaigns, as well as on the use of communication media utilizing the electromagnetic spectrum and on the rights of the opposition.

Colombia has a longstanding electoral tradition and of the submission of military forces to civil governments. The deeply rooted establishment of the two parties that completely dominated Colombian political life up until a few years ago, the Partido Conservador Colombiano (PCC) and the Partido Liberal Colombiano (PLC), decidedly contributed to this. In fact, in the nearly 200 years of political history in the country there have been few governments that have not originated from elections, and those that have existed have been of a very short duration. At the same time, the Congress of the Republic has been almost permanently in operation and the country is credited with the reputation of having an important degree of judicial independence and freedom of the press (Deas 2005; Posada Carbo 2005; Cepeda 2005; Melo 2005; Jaramillo 2007).

*State
of democracy*

Despite this, political activity in the country has been marked by violence. During the 19th century and until the middle of the 20th century, the PCC and the PLC were the principal protagonists of various civil wars.² Beginning in the 1960s, distinct guerrilla groups of a Marxist orientation arose, two of which continue to be active and have a presence in different zones of the country. Thereafter, in the 1980s different groups on the extreme-right appeared – known as “the paramilitary” – in order to fight the guerrillas and who on occasions relied on the collaboration or the consent of the armed forces. This generated a situation of acute violence in the country, aggravated even further by the activities of narcotrafficking groups and their alliances with illegal armed groups. For this reason, in the last few decades Colombia has been confronted by a critical situation with regard to the subject of human rights and international humanitarian law, characterized by the forced displacement of millions of persons, the forced disappearance and assassination of thousands of Colombians, the persecution and murder of leftist and social leaders, the dispossession of millions of hectares belonging to peasants, the proliferation of anti-personnel mines, extrajudicial executions and the recruitment of children and other acts prohibited by international law.

The armed conflict has imposed important limitations on political activity and competitiveness, as guerrillas and paramilitary forces alike have interfered in electoral processes, committed assassinations, kidnapped or threatened political leaders and pressurized elected citizens and authorities. Furthermore, these groups have also been involved in political activity, as demonstrated by the so-called “parapolitics” penal process with which numerous politicians have been associated on account of their links to the paramilitary groups (Romero 2007). A criminal process has also been put in motion to investigate the possible links of members of Congress to the FARC, although this has yet to show results.

The Colombian political system itself has been severely questioned for its marked inequalities in the distribution of wealth and the conflicts that this generates. For this reason Colombia's democracy has been categorized in various ways as an "electoral democracy", "oligarchic", "of grandees" or "restricted" (Helfrich-Bernal 2002).

Finally, it is important to mention that traditionally the electoral process in Colombia has been affected by a high level of voter absenteeism. On numerous occasions the need for establishing compulsory voting has been proposed, but up to now all these proposals have failed. Laws 403 of 1997 and 815 of 2003 endeavoured to stimulate the participation of the electorate by assigning distinct material benefits to voters. These efforts notwithstanding, the application of different electoral stimuli has not brought about significant changes in the field of electoral participation.

Over the course of various decades, Colombian democratic and constitutional institutions have found themselves under the threat of guerrilla, paramilitary and narcotrafficking organizations. These have generated acute crises of violence at different times. At the present time the armed conflict is fundamentally concentrated in far-off locations of the country. From the national perspective this signifies that it has had a reduction in intensity. However, a great preoccupation exists around the infiltration of illegal groups in the nation's institutions. In short, the penal process of "parapolitics" has permitted the establishment of a high degree of penetration of the paramilitary groups in political institutions at all territorial levels, such as their alliances with many members of the political class. For this reason, a lot of uneasiness exists about the real possibilities of eliminating the paramilitary influence in politics and the sanctioning and removal of all of its collaborators.

On the other hand, many analysts at the present time have stated their disagreement with the proposal to reform the constitution to permit the immediate new re-election of President Uribe in 2010.³ Their position is based on two reasons. The first is that it would be the second time that the constitution had been amended for the exclusive purpose of enabling the existing president to remain in power. With this, analysts state, constitutional norms would be trivialized, being modified to the tune of political opportunity. In addition, they state that the new constitutional reform proposal generates uncertainty in regard to the rules that govern the democratic struggle for political power and with which the credibility of the democratic process is maintained.

The second reason for disagreement refers to the fact that in the constitution of 1991 the system of checks and balances was designed based on the prohibition of presidential re-election. Important powers of intervention have been granted to the president of the republic with regard to the appointment of the directors of entities of control and independent organs of the state and in the different judicial authorities. The point of departure of these powers is based on the fact that the possible influence of the president on these organisms and authorities was naturally limited by the asymmetry between the president's time in office and that of other officials, be it due to differences in the amount of time or in the moment at which individuals take up their positions. For this reason it has been stressed that the immediate re-election in 2006 has led to a weakening of the balance of powers in favour of the president, something which will be even greater if the re-election of the president is authorized in 2010.

Elsewhere, in the last few years there have been continuous confrontations between the president of the republic and the Supreme Court of Justice around the penal procedure of "parapolitics", confrontations which have principally affected the political parties that support the president of the republic and the criminal investigation of the actions surrounding the parliamentary approval of the first immediate re-election in 2004. These conflicts have generated protests in regard to respect for the independence of the judiciary. Relations between the Supreme Court and the president have become even more strained following the recent scandal around the interception of phone conversations and the pursuit of judges of the Supreme Court, journalists and leaders of the opposition – including high state officials – by security organisms of the state. Investigations are still in progress as to who is responsible for these actions.

Article 1 of the constitution defines Colombia as a unitary state, though decentralized and constituted of autonomous territorial entities. *Separation of powers*

The national executive power is vested in the president of the republic, who acts simultaneously as the head of state, head of government and supreme administrative authority. At the regional level, the power of the executive is vested in departmental governors and at the municipal level in the mayors of municipalities. Governors and mayors are elected by popular vote and are not eligible for re-election for the period immediately following their term.

Legislative power is composed of two chambers: the Senate of the Republic (Senado de la República de Colombia) and the Chamber of Representatives (Cámara de Representantes de Colombia). Judicial power is constituted by four high courts: the Supreme Court of Justice; the Council of State; the Supreme Judiciary Council and the Constitutional Court, which is responsible for guarding "the integrity and supremacy of the constitution" (art. 241).

Among the functions of the Constitutional Court as set out in article 241 are:

- To decide on the constitutionality of constitutional reforms presented solely on account of procedural defects in their formulation or on account of ignorance of the essence of the constitution;
- To decide, before public pronouncement, on the constitutionality of the convocation of a referendum or a constituent assembly, solely in respect of procedural defects in its formulation;
- To decide on the constitutionality of the laws and decrees issued by the executive based on the powers granted by Congress, as much as for their material content as for defects in the processes of their formulation;
- To decide on the constitutionality of the decrees that the national government issues based on states of emergency (the powers of the Constitutional Court also extend to the decrees that declare a state of emergency);
- To decide on the constitutionality of the drafts of "Leyes Estatuarias" – the laws which regulate fundamental rights and political participation – as much as for their internal content as for defects in the processes of their formulation;
- To decide on draft bills that have been objected to for being unconstitutional by the president of the republic, as much for their material content as for defects of procedure in their formulation;
- To decide on the constitutionality of international treaties and of the laws which approve them;
- To revise on a discretionary basis the judgments issued by judges in *tutela* actions.

It is important to mention that claims of unconstitutionality can be submitted by any citizen. This explains the high number of cases of unconstitutionality that the Constitutional Court decides on each year.

The Constitutional Court consists of nine judges. All are nominated by the Senate for a term of eight years from the three lists of three candidates submitted by the president of the republic, the Supreme Court of Justice and the Council of State. Up to now the Constitutional Court has shown a high level of independence in regard to the rest of state powers. Additionally, the important role played by the Constitutional Court in the protection and extension of fundamental personal rights by way of the revision of *tutela* judgments is widely acknowledged.

The Congress of the Republic is composed of two legislative chambers: the Senate of the Republic and the Chamber of Representatives. The two chambers carry out similar functions. They are distinguished fundamentally by their powers to elect certain officials and by their powers to initiate debates in respect of particular draft laws and in the role that they play in accusations against high state officials. *National assembly*

Among the principal powers of Congress, outlined in article 150 of the constitution, are: to draft laws and the interpretation and reform thereof; to approve the national development and public investment plan; to define the structure of the national public administration and to create, abolish or fuse ministries and other public entities of national order; to issue regulations that the national government must adhere to in the exercise of its powers of inspection and vigilance; to grant government authorizations in order to conclude contracts, negotiate credits and to alienate national assets; to grant extraordinary powers to the president of the republic for a period of up to six months in order to issue regulations with the force of law but which cannot be used in order to decree codes, statutory laws, organic laws or taxation laws; to establish national incomes and to determine the costs of administration; to establish taxes; to approve or reject international treaties; to grant general amnesties or pardons for political crimes for reasons of public benefit and with a majority of two-thirds of the votes of each of the legislative chambers; and to issue laws of economic intervention, those relating to the Bank of the Republic (Banco de la República) and regarding the exercise of public functions and the provision of public services. Finally, each of the legislative chambers can cite ministers and, with the constitutional reform of 2007, approve a motion of censure against them which would imply the withdrawal-from-office of the minister concerned.

The Senate has 102 members of which 100 are elected in a national constituency and 2 in a special national indigenous constituency. The members of the Chamber of Representatives are elected in territorial constituencies, special constituencies and in an international constituency. Each department and the city of Bogotá constitute a territorial constituency. Each territorial constituency has two representatives in the Chamber of Representatives and, in accordance with a constitutional reform approved in 2005, one more for each 365,000 inhabitants, or fraction greater than 182,500 that exceeds the first 365,000. At present the Chamber of Representatives has 161 representatives for the territorial constituencies.

Furthermore, the constitution establishes that there is a special national constituency in which up to four representatives can be elected to ensure the participation of ethnic groups and political minorities in the Chamber of Representatives. Law No. 649 of 2001 provides that in those constituencies two representatives from black communities, one from indigenous communities and one from political minorities will be elected.⁴ There is also a special constituency for Colombians who reside abroad to enable them to elect a representative to the Chamber of Representatives.

The constitution provides that the parties and political movements present single candidates and a single list for each constituency. Each party decides if their list shall be a closed list or be with a preferential vote. For the assignment of parliamentary seats, a derivation of the d'Hondt system of proportional representation is used.

There are different electoral thresholds for the election of representative assemblies. In the case of the Senate, an electoral barrier of 2 per cent of the votes cast at national level exists. For the Chamber of Representatives, the barrier ascends to 50 per cent of the electoral quotient, which is obtained by dividing the total number of valid votes by the number of parliamentary seats to be assigned for this chamber. Finally, in the cases of the constituencies where two representatives are elected, the parliamentary seats are assigned according to the Hare system and the electoral barrier that applies ascends to 30 per cent of the quotient.

From 2002, the Congress of the Republic has been dominated by a coalition of parties that support President Uribe. Following his move from the Partido Liberal Colombiano, in 2002 and 2006 President Uribe stood for election as an independent candidate in the name of a significant group of citizens called Primero Colombia, and with the support the conservative Partido Conservador Colombiano along with other parties and political movements. In 2005 a large group of members of Congress, the majority of whom came from the Partido Liberal Colombiano, created the Partido de la U (the "U" party) as the party of the president. The Partido Liberal Colombiano, the Polo Democrático Alternativo, the indigenous parties and Afro-Colombians currently find themselves in opposition.

With the constitution of 1991, Congress endeavoured to recover its role within the political system. This aspiration notwithstanding however, in practice it remains very submissive to the executive power. Additionally, citizens continue to express little confidence in parliament.⁵ This situation has become worse with the so-called “parapolitics” penal process. As of February 2009, 87 of the 268 elected members of Congress for the period between 2006 and 2010 had been linked to the process: 44 of them find themselves under investigation; 13 are on trial; 9 have been sentenced and 11 cases have been filed.⁶

**Table 2 | DISTRIBUTION OF PARLIAMENTARY SEATS
IN THE SENATE OF THE REPUBLIC ⁽¹⁾**

Party/movement ⁽²⁾	Latest election (2006)	Present status	Prior to latest election (2002)
Partido Social de Unidad Nacional (Partido de la U)	20	PP	–
Partido Liberal Colombiano (PLC)	18	O	29
Partido Conservador Colombiano (PCC)	18	P/supp.	13
Partido Cambio Radical (CR)	15	P/supp.	2
Partido Polo Democrático Alternativo (PDA)	10	O	–
Partido Convergencia Ciudadana	7	P/supp.	1
Movimiento Alas Equipo Colombia	5	P/supp.	–
Partido Colombia Democrática	3	P/supp.	–
Movimiento Colombia Viva	2	P/supp.	1
Others	4		56 (for 38 parties and coalitions) ⁽³⁾

⁽¹⁾ Number of seats out of a total of 102 seats.

⁽²⁾ Parties or movements with juridical personality after the 2006 elections.

⁽³⁾ A good portion of the additional parties that obtained parliamentary seats in 2002 belong to the liberal or conservative families.

Abbreviations: PP = party of the president | P/supp. = party that support the president
O = party is in opposition.

Source: Data taken from the National Registry of Civil Status (available at:
www.registraduria.gov.co [last accessed on 02/08/09]) and adapted by the author.

Table 3 | DISTRIBUTION OF PARLIAMENTARY SEATS IN THE CHAMBER OF REPRESENTATIVES ⁽¹⁾

Party/movement ⁽²⁾	Latest election (2006)	Present status	Prior to latest election (2002)
Partido Liberal Colombiano (PLC)	35	O	55
Partido Social de Unidad Nacional (Partido de la U)	30	PP	–
Partido Conservador Colombiano (PCC)	29	P/supp.	21
Partido Cambio Radical (CR)	20	P/supp.	7
Partido Polo Democrático Alternativo (PDA)	8	O	–
Movimiento Alas Equipo Colombia	8	P/supp.	–
Partido Convergencia Ciudadana	8	P/supp.	2
Movimiento Apertura Liberal	5	P/supp.	5
Partido Colombia Democrática	2	P/supp.	–
Movimiento Nacional Afrocolombiano (AFRO)	1	O	–
Movimiento Alianza Social Afrocolombiana (ASA)	1	O	–
Others	19 ⁽³⁾		76 ⁽⁴⁾ ⁽⁵⁾

⁽¹⁾ Number of seats out of a total of 166 seats.

⁽²⁾ Parties or movements with juridical personality after the 2006 elections.

⁽³⁾ For 12 parties/movements/coalitions.

⁽⁴⁾ For 36 parties/movements/coalitions.

⁽⁵⁾ A good portion of the additional parties that obtained parliamentary seats in 2002 belong to the liberal or conservative families.

Abbreviations: PP = party of the president | P/supp. = party that support the president

O = party is in opposition.

Source: Data taken from the National Registry of Civil Status (available at: www.registraduria.gov.co [last accessed on 02/08/09]) and adapted by the author.

II. PARTIES AND THE PARTY SYSTEM

II.1 Party System

Legal regulation Section IV of the constitution deals with the regulation of the forms of democratic participation and political parties. Article 107 of the constitution guarantees all citizens “the right to found, organize and develop parties and political movements and the liberty to affiliation and withdrawal therefrom”. At the same time it prohibits a citizen belonging simultaneously to more than one party or political movement with a juridical personality.

The recognition of a juridical personality gives parties, political movements and significant groups of citizens a series of benefits, such as state financing for their routine functioning and for electoral campaigns, space in the media and the registration of electoral candidates without needing to satisfy the requirements faced by candidates without a juridical personality.

The creation and functioning of parties and political movements is regulated under Law 130 of 1994, the terms of which establish the basic statute of parties and other regulations regarding their financing and those of electoral campaigns.

In compliance with the provisions of the constitutional reform of 2003 and under the terms of Law No. 974 of 2005 – the law on parliamentary bench groups – the actions of members of political parties and political movements elected to representative assemblies are regulated. Through this law it was established that the members of each parliamentary group will act in a coordinated manner and employ democratic mechanisms to establish the position of the group in the decisions that are taken in representative assemblies. Furthermore, in the statutes of each of the parties, special rules will be established regarding the functioning of parliamentary groups and of the mechanisms used to coordinate the decisions and sanctions that will be imposed on the members that do not subject themselves to the directives stipulated by the group or who abstain repeatedly from attending their sessions. The law foresaw that the parliamentary group could also allow its members the freedom to vote according to their own judgment when dealing with matters of conscience, political convenience, legislative procedures or regional controversies. This freedom notwithstanding, the Constitutional Court restricted the rules of exceptions by stipulating that the possibility of the group allowing its members voting freedom would only be applied to the cases which dealt with matters of conscience.

Article 108 of the constitution, reformed in 2003, provides that the juridical personality of political parties and movements and of significant groups of citizens is recognized when they obtain not less than 2 per cent of the valid votes cast in the national territory for election to the Chamber of Representatives or to the Senate of the Republic. The regulation also stipulates that a juridical personality is lost when a political organization does not obtain the minimum percentage votes required. This regulation notwithstanding, the article states that in the case of parties and movements that put themselves forward within constituencies for minorities it is sufficient to have obtained representation in Congress in order to obtain and keep their juridical personality.

The same article of the constitution stipulates that just as political parties and movements with a recognized juridical personality can submit candidates for election so too can social movements and significant groups of citizens. The candidates of parties and political movements that have the endorsement of the legal representative of the political party or movement need not comply with any additional requirements. Conversely, candidates of social movements and significant groups of citizens without these endorsements have to put their names to a number of signatures determined according to the election and have to provide an insurance policy to guarantee the sincerity of their candidacy. The policy is called upon if the list which they represent does not obtain the minimum number of votes required in order to reimburse the expenses of the campaign.

In order to be able to participate in the process of obtaining parliamentary seats, the lists of candidates must exceed the electoral thresholds indicated above underpinning the electoral system of the Congress of the Republic.

Article 109 of the constitution – also reformed in 2003 – provides that the state will collaborate in the funding of parties and political movements with juridical personality in the manner as determined by law. The financing operates not only for the routine functioning of the parties but also for political campaigns. Law 130 of 1994 stipulated that a fund would be established in order to finance the operations of parties and political movements. The money of the fund is distributed as follows (art. 12): 10 per cent of the total of the fund equally between all parties and political movements to be for unrestricted use and investment in the parties' and political movements' own activities; 50 per cent in proportion to the number of parliamentary seats obtained by parties and political movements in the last elections for the Congress of the Republic or for departmental assemblies, as the case may be, which will also be for unrestricted use and investment of the

Party financing

political organizations in their own activities; 30 per cent according to regulations issued by the National Electoral Council, which has to consult the number of votes obtained in the previous elections for the Chamber of Representatives and that will be destined for activities relating to the compliance of the goals and objectives of the parties.⁷

State funding for the functioning of political parties and movements with juridical personality was substantially increased in the constitutional reform of 2003, with an increase of a minimum of 2.7 times the contribution of the year 2003 outlined.

On the other hand, the general rule is that the state contributes to the funding of the electoral campaigns conducted by political parties and movements with juridical personality and significant groups of citizens through a system of reimbursement for votes cast. Presidential candidates who obtain more than 5 per cent of the valid votes cast in an election have the right to reimbursement for expenses, as do the lists of assembly representatives that receive at least a third of the votes cast for the list that have reached the last parliamentary seat contested.

However, it is important to clarify that in the constitutional reform of 2004 – which approved the immediate re-election of a president – it was established that the funding of presidential campaigns will be predominantly by the state and that Congress would pass a law in order to guarantee electoral equality between the candidates. Based hereon, Law 996 of 2005 was issued, in which it is provided that only 20 per cent of the expenses of presidential campaigns can be financed with contributions from individuals and that candidates who comply with the specified requirements will receive advance campaign funding (approximately 40 per cent of the maximum amount of the expenses authorized by the National Electoral Council for the first and second ballots). Additionally, the law outlines a series of rules on the management of presidential campaign funds, the control thereof and sanctioning for non-compliance of the rules on campaign funding.

The state also contributes to the activities of parties and political movements through awarding advertising and institutional space on radio and television for the publicising of their ideas. The publicity spaces for parties and political movements with juridical personality are distributed as follows: 40 per cent of the total of the spaces apportioned equally between all the political parties and movements with juridical personality and the remaining 60 per cent according to the representation that they have in the Chamber of Representatives.

Conversely, in the constitutional reform of 2004 and in Law 996 of 2005 it was established that in presidential campaigns “the right of equal access to media communications that use the electromagnetic spectrum must be guaranteed”, and the aforementioned law established that during the campaign all candidates have the right to contract space with private radio and television stations and to an equal number of presentations on state-run radio and television.

In the constitutional reform of 2003 public funding of the campaigns of political parties and movements with juridical personality was also increased considerably, as it was established that it will be at least three times the contribution of the period 1999–2002.

It is important to add that the constitution also provides that in the consultations with the public that the parties and political movements hold, they have the right to receive the same state funding and the same publicity facilities that they rely on in ordinary elections by way of reimbursements of expenses for votes cast.

Furthermore, private contributions to parties, political movements and important groups of citizens and political campaigns are also allowed. Six months before each election, the National Electoral Council determines the maximum sum of money that each candidate may spend based on private resources (whether they be his or her own, of his or her family or forthcoming from private contributions). Exceeding the maximum limit on expenses based on private contributions leads to the loss of the investiture or appointment.

Parties, political movements and significant groups of citizens must submit public reports to the National Electoral Council on their annual incomes and expenditures, the destination given to the public funds received and the income and expenditure incurred during campaigns. This obligation also falls on the independent candidates with reference to their campaigns (Jaramillo 2005).

At the present time there are 16 parties and political movements that have juridical personality, since they comply with the requirements referred to previously. Eleven of the parties and political movements obtained their juridical personality in ordinary constituencies and the other five based on special conditions required for minority constituencies. The parties and political movements that obtained their juridical personality based on ordinary requirements are:

Relevant parties

- Partido Liberal Colombiano (PLC);
- Partido Conservador Colombiano (PCC);
- Partido Social de Unidad Nacional ("Partido de la U");
- Partido Cambio Radical (CR);
- Partido Polo Democrático Alternativo (PDA);
- Movimiento Alas Equipo Colombia;
- Movimiento Independiente de Renovación Absoluta (MIRA);
- Movimiento Apertura Liberal;
- Partido Convergencia Ciudadana;
- Partido Colombia Democrática;
- Movimiento Colombia Viva.

The movements that obtained juridical personality based on the special requirements needed for the minority constituencies are:

- Movimiento Autoridades Indígenas de Colombia (AICO);
- Movimiento Alianza Social Indígena (ASI);
- Movimiento Nacional Afrocolombiano (AFRO);
- Movimiento Alianza Social Afrocolombiana (ASA);
- Partido Opción Centro.

The five relevant parties are: Partido Liberal Colombiano (PLC); Partido Conservador Colombiano (PCC); Partido Cambio Radical (CR); Partido Social de Unidad Nacional ("Partido de la U"); and Partido Polo Democrático Alternativo (PDA). The remaining parties do not have sufficient members in Congress (as is the case with the indigenous parties and Afro-Colombians of MIRA and Alas Equipo Colombia) or tend to disappear because of the complete or general involvement of their members of Congress in the criminal process of "parapolitics" (as happens with Colombia Democrática, Colombia Viva, Apertura Liberal and Convergencia Ciudadana).

Until the constitution of 1991, the Colombian party system was considered as an almost pure bipartisan system. The splitting of the liberal and conservative parties and the laxity of the regulations of the 1991 constitution for the creation of political parties resulted in a proliferation of new parties and political movements with juridical personality. By way of example, for the year 2002, 75 parties with juridical personality existed. With the start of the application of the rules introduced by the constitutional reform of 2003, an important reduction in the number of parties has been observed. Thus, before the parliamentary elections of 2006, the first following the reform, 59 parties and political movements with juridical personality existed. After the elections the number was reduced to 16. Eleven of the parties maintained their personality since they exceeded the 2 per cent of the valid votes cast in the national territory for the Senate of the Republic or the Chamber of Representatives; three retained their status because they obtained parliamentary seats in some of the constituencies of minorities and two others achieved seats for the first time because they also obtained a parliamentary seat in one of the constituencies for minorities.

Party families This meant that in the 2006 elections 45 parties lost their juridical personality, 16 because they did not put up candidates for the elections to Congress and 29 because they did not obtain the 2 per cent of the valid votes cast in the national territory for the election to the Senate of the Republic or the Chamber of Representatives, or did not obtain any parliamentary seat in Congress, in the case of the minority constituencies.

Table 4 | IDEOLOGICAL COMPOSITION OF THE PARTY SYSTEM

	Name and founding year	Present situation	Situation prior to present
Conservative	Partido Conservador Colombiano (PCC), 1849	P/supp.	P/supp.
	Partido Cambio Radical (CR), 1998 ⁽¹⁾	P/supp.	P/supp.
	Partido Social de Unidad Nacional ("Partido de la U"), 2005 ⁽¹⁾	PP	PP
Social-democratic	Partido Liberal Colombiano (PLC), 1848	O	O
	Partido Polo Democrático Alternativo (PDA), 2005	O	O

⁽¹⁾ These two parties are constituted by members of Congress who fundamentally originate from the Partido Liberal Colombiano. They are classified as conservatives inasmuch as their make-up and growth centres on the support of President Uribe, whose government has been considered as conservative. The selfsame Partido Conservador Colombiano refrained from putting up a presidential candidate in 2002 and 2006 in order to support Uribe, since the party considered that it was he who best represented the programme of the party.

Abbreviations: PP = party of the president | P/supp. = party that support the president
O = party is in opposition.

Origins of parties After their independence from Spain in the early 18th century, with very few exceptions the new Latin American states committed themselves to republican and liberal principles. Differences soon arose however regarding which colonial institutions should be abolished or reformed and how quickly the change should be made, as well as around the extension of the powers of the president of the republic and the extent of the rights of the citizens, the relationship between the capital and the provinces and of the role of the Catholic church in society and in politics. From these confrontations a division between conservatives and liberals would arise that was to characterize Latin American politics until the beginning of the 20th century (Romero 2001; Gargarella 2005; Manigat 1969).

Such a division was certainly a feature of Colombia history. However, unlike the majority of the countries of the region, where liberal and conservative parties saw their prominence decline in the face of other emergent political movements, the Partido Conservador Colombiano and the Partido Liberal Colombiano completely dominated the political scene until very few years ago. Thus during the whole of the 20th century the various attempts at consolidation of third parties failed.

The deeply rooted establishment of the Catholic church in Colombian society contributed to the predominance of this party system. It acted as the ally of the Partido Conservador Colombiano until the 1960s. It was also of importance that the Partido Liberal Colombiano was in opposition between 1886 and 1930, a situation that forced it to renew its doctrine and to incorporate principles of socialist thought. This allowed the party to attract social sectors that in other circumstances would have supported populist parties or those further to the left. In general, the two parties have demonstrated their capacity to adapt to changing conditions and to update their concepts and ideological proposals.

The creation of political parties in the last few years has distinct reasons. On the one hand, the party system still finds itself in a process of reconfiguration after the end of liberal-conservative bipartisanship. Even before the constitution of 1991, the two traditional parties had shown a great split. With the 1991 constitution establishing lax rules around the creation of political parties, breakaway factions of the two traditional parties became new parties, albeit ones which continue to consider themselves a part of the liberal or conservative families.

With the constitutional reform of 2003, an attempt was made to reduce the number of parties by using methods such as electoral barriers. This forced many parties to regroup themselves with a view to the parliamentary elections of 2006. By way of example, different groups on the left joined the Polo Democrático Alternativo (PDA). Almost all the parties in the conservative family also returned to the Partido Conservador Colombiano. Something different happened with the Partido Liberal Colombiano however. As President Uribe was a dissident of the party and had counted on their opposition, many leading figures in the liberal establishment, being aware of the political prestige of the president, created the Uribista party – the “Partido de la U” – or joined the party Cambio Radical, which was led by a liberal who supported President Uribe. For this reason, the Partido Liberal Colombiano – which over the previous decades had clearly been in the majority – reappeared but weakened subsequent to the regrouping arising from the constitutional reform of 2003.

In the last few months, President Uribe has announced his decision to strive for the unification of Uribism into one party, with the object of counting on one complete movement to propel his political programme. This decision will not affect the Polo Democrático Alternativo nor the Partido Conservador Colombiano, but leaves question marks about what will happen with the Partido de la U, with Cambio Radical and with the Partido Liberal Colombiano.

Elsewhere, with the 1991 constitution the electoral and party rules have assured a space for the appearance of ethnic parties and political movements representing indigenous peoples and Afro-Colombians. In the same manner and arising from the constitution, distinct political movements of a religious nature have also sprung up that have obtained political representation in the Congress of the Republic.

What has been observed over the last years allows the conclusion to be drawn that at the present time the principal role that parties play is to serve as vehicles for political leaders to accede to and preserve their offices of representation and of government. Prior to the 2003 political reform an explosion of political parties had occurred, but following the reform politicians regrouped and joined other parties for the purpose of being able to overcome the obstacles to their re-election that the constitutional amendment introduced. In this party regrouping, it can be observed that in many cases politicians opted for their new parties more for the electoral possibilities that they afforded than the programmes they put forward.

*General
significance
of parties*

It is important to note that the constitutional reform of 2003 established that parties could decide whether their list for each election would be submitted to preferential voting, and in such a case that the order of the list be modified exclusively in accordance with the preferences expressed by the voters. In practice the mechanism of the preferential vote is used by almost all parties, resulting in each candidate organizing his or her own electoral campaign (financing, publicity, proposals, mobilizing of the electorate, etc.). In this way inter-party rivalry has intensified and the strengthening of political parties has been impeded.

As with everything, some parties also act as mechanisms for the grouping of interests and integration of voters, such as what happens with the indigenous parties and – at least to some extent – with the Polo Democrático Alternativo.

*Voter-party
relations*

People in Colombia cast their votes for different reasons. In many cases a vote originates from a clientele-style relationship. However, it is also true that it is frequently in response to ideological conceptions or to ethnic or religious considerations, as is the case with parties which represent

such interests. In addition, it is important to highlight that in the big cities the independent vote has acquired much importance.

Relations between parties and their voters have become less stable over time. During the long period of predominance of the liberal and conservative parties, the parties relied on the loyalty of their followers. This situation notwithstanding, the relationship between parties and citizens began to weaken from the time of the so-called Frente Nacional (National Front). In this political pact the two parties decided that over a period of 16 years (from 1958 until 1974) they would alternate in the presidency and that, independent of the results of the elections, all the parliamentary seats in the representative assemblies and state offices would be shared equally in relation to their election results (it was not established for presidential or congressional elections).⁸ This led to formulas of co-government and to the blurring of ideological differences between the parties.⁹

The ties between citizens and the traditional parties are more stable in small municipalities, while in the large cities the independent vote has increased as in general citizens feel less attached to a specific political party. In a survey on political culture conducted by the government Institute for Statistics (Departamento Administrativo Nacional de Estadística – DANE) in 2008, 68.40 per cent of the persons surveyed stated that they did not have any special preference of political party, while 31.50 per cent stated that they had. At the same time, 90.94 per cent stated that they had never become members of a party or of a political movement, while 9.06 per cent affirmed that they had at some stage. Additionally, 63.93 per cent stated that they did not have political preferences, while 10.89 per cent confirmed that they were rightist, 8.18 per cent centrists and 4.72 per cent leftists, 3.14 per cent centre-right, 3.06 per cent centre-left and 6.08 per cent stated not to know or did not reply to the question.

The estrangement from the parties is also manifest in the low degree of confidence they instil in citizens. In the same survey it was stated that 28.58 per cent do not have any confidence in the parties, 35.09 per cent little confidence, 26.24 per cent some confidence and only 7.24 per cent a lot of confidence (DANE 2008).

II.2 Individual Parties

Party membership Some parties, such as the Partido Liberal Colombiano and the Partido Conservador Colombiano, issue membership cards and supply figures of members of the political organization. However, parties and political movements do not have trustworthy nor updated censuses of activists available that allow comparisons between them to be made or to evaluate changes over time within a particular party.

Other parties consider that the people who participate in their meetings are activists. The statutes of the Partido Conservador Colombiano even state that party activists are those who vote in their meetings – open or closed.¹⁰ In an open meeting of the Polo Democrático Alternativo in 2008, it required a party membership enrolment form to be filled in before voting. However, what is certain is that parties' meetings are normally open to all citizens who wish to participate and that voting in a meeting does not guarantee any commitment on the part of said citizens to the party.

Equally, it is important to take note of the phenomenon of the turncoat factor that has characterized the last few years in which a political leader changes party together with his followers – as demonstrated in the voting – which also puts the credibility of the party censuses under question.

All relevant parties are pluralist and catch-all parties. Nonetheless, it can be stated that the Polo Democrático Alternativo has greater acceptance within the trade unions and social movements, the Partido Conservador Colombiano attracts many traditional Catholics, the Partido de la U commands voters among the members of churches distinct from the Catholic church and the

indigenous parties rely on an important vote in the regions where these communities are found, along with a significant level of urban voting (Peñaranda 2002).

All the political parties and movements have statutes. This is one of the conditions stipulated by law for them to be accorded their juridical personality by the National Electoral Council. The law does not contain any requirement regarding the manner as to how the statutes that are submitted have to be approved in order to obtain an initial juridical personality, but they do have to be agreed to by the group heading up the party. Additionally, the reforms of the statutes have to be approved by the party organs. In the cases of the Partido Liberal Colombiano, Polo Democrático Alternativo and the Partido de la U, they have to be approved by the national congresses of the party. The statutory reforms of the Partido Conservador Colombiano are approved by the regional directors and the parliamentary group and that of Cambio Radical by the central committee of the party. The statutes of the parties are to be found on their websites, making them available to every party member and society at large. Nevertheless, the inactive nature of the institutional life of the parties leads one to conclude that the statutes are not known by the majority of its activists however.

Party organization

It is important to mention in regard to party statutes that various studies report that there have been incidents of parties disavowing their statutes with regard to their internal organization and to the selection of leaders and candidates. Therefore, this is a factor that has to be taken into account in evaluating how individual parties work in practice. Additionally, this point raises questions about the weaknesses in the existing juridical mechanisms around making party rules enforceable (Giraldo 2007; Roll 2003).

Given their historic in the country, the liberal and conservative parties are organized at all territorial levels of the political division of the country. Despite the fact that the rest of the relevant parties were created but a few years ago, they also count on departmental and municipal organizations in a good part of the country. The local organizations of the parties are active principally during election campaigns; in between campaigns they maintain a relatively low level of activity.

All the statutes of the relevant parties, with the exception of Cambio Radical, establish secretariats within the internal party structure which is put in charge of representing and promoting the participation of women, youth, workers and minorities. In the case of the liberal and the conservative parties as well as Polo Democrático Alternativo it can be stated that the various secretariats are active and participate in programme debates as well as in the formulation of policy. This participation notwithstanding, decisions rest fundamentally with the members of Congress and the recognized leaders of the parties.

In these parties quotas have been established for the participation of women and youth in executive positions. For instance, the statutes of the Partido Liberal Colombiano establish that the composition of all the organs of the party must reflect the following proportions: 50 per cent for political leaders; 30 per cent for trade union organizations, pensioners, peasants, ethnic minorities, youth, leaders of social organizations and of the base of the party; and 20 per cent for the remaining sectors of society. In addition, the statutes prescribe that women must represent 30 per cent of all the members of the organs of the party.

For its part, the statutes of the Partido Conservador Colombiano establish that not only the national directorate but also the departmental, district, municipal and local leadership is made up of 11 members, at least 3 of whom must be youths and two women.

The statute of the Polo Democrático Alternativo stipulates that in all elements of the party 30 per cent of the representatives must come from the women's sector, 20 per cent from the youth and 10 per cent distributed in equal parts between Afro-descendants, the indigenous population and transgender persons.

Finally, the statutes of the Partido de la U also provide that the leadership of the party must be made up of 11 members, one representing women and the others the social organizations of the party.

Societal entrenchment In the past, the liberal and conservative parties as well as the communist party promoted the creation of trade union organizations according to their own ideas. In the same manner, until the middle of the 20th century, the Catholic church exercised a decisive influence on the Partido Conservador Colombiano. Today's Colombia has seen the trade union sphere change completely however, while the Catholic church has withdrawn itself from party politics altogether.

Currently all parties are engaged with establishing contacts with trade unions, churches, economic groups and social movements.

Internal decision-making Except for the statutes of the Cambio Radical party – which do not regulate the congress of the party – the statutes of the relevant parties provide that the highest body for taking decisions is the national congress of the party. In practice however, decision-making power is concentrated in the parliamentary councils, since they are those that can count on the votes of the political organization. Decision-making must be in accord with the members of the party leadership, as these figures in their turn command ample political support, such as with the leader of the Partido Liberal Colombiano, Cesar Gaviria, the ex-president of the republic, and in the case of the Polo Democrático Alternativo, whose presidential candidate Carlos Gaviria obtained the highest number of votes in the history of the left in Colombia.

The statutes of the Partido Liberal Colombiano, the Partido Conservador Colombiano and Polo Democrático Alternativo provide that the decision around the choice of candidates for the state presidency shall be taken by public consultations. The first two parties stipulate that the consultations shall be internal, while the third does not specify whether it shall be internal or open. However, in practice the consultations for the choice of the presidential candidate have been open. For its part, the statutes of the Partido de la U stipulate that its national congress shall establish how the presidential candidate is to be selected and provides that processes such as public consultation, internal or open, popularity surveys, or any other objective mechanism that contributes to the transparency of the process, can be used. To conclude, the statutes of the party Cambio Radical do not refer to this theme.

Conversely, in the Partido Liberal Colombiano the lists of candidates for the Congress of the Republic are approved by the national leadership of the party. In the Partido Conservador Colombiano, the rule is that candidates of the representative assemblies are determined by means of an internal consultation. However, the statutes provide an exception when there are fewer candidates than positions provided for or when the register of activists is less than 5 per cent of the voters in the respective jurisdiction. In these cases, the list for the Senate of the Republic is prepared by the national leadership of the party, while at the same time the leadership of the departments provide the lists for the Chamber of Representatives. For its part, the statutes of the Partido de la U provide that the national leadership shall draw up the lists for the Senate and shall approve the lists for the Chamber of Representatives, who must provide the leadership of the departments. The statutes of the Polo Democrático Alternativo provide that its national congress establishes the criteria and procedures for the participation of the lists for Congress, even though it explains that the choice shall be made by internal or open consultation. The statutes of Cambio Radical do not refer to this point.

Despite what has been stated above, it is important to note that until now the lists for the Senate of the Republic have been drawn up by the national leadership of the parties. They in turn delegate the drawing-up of the lists for the Chamber of Representatives to the leadership of the departments. Finally, neither the constitution nor the laws nor the statutes of the parties establish quotas of candidates for the lists to the representative assemblies.

Both the liberal party and the conservative party were traditionally elite-based parties according to the classification of Duverger (1976). Additionally, the juridical norms did not require the democratization of parties: The constitution of 1886 did not regulate political parties and the first law relating to parties in the country, Law 58 of 1985, did not include rules on their internal organization. For this reason the subject of internal democracy did not have much relevance until a few years ago.

Article 108 of the constitution of 1991 contains various references to parties, stating that “in no case could the law stipulate requirements in relation to the internal organization of the parties and political movements”. However, the constitutional reform of 2003 stipulated that “the political parties and movements shall be democratically organized”. In this respect it added that “for the taking of decisions or in the choice of its candidates they could hold internal or public consultations in accordance with the provisions of their statutes”. It is worth clarifying that Law 616 of 2000 stipulates that the consultations of the different parties are to be held on the same day, that the results thereof are obligatory for the parties and the movements that promote them and, additionally, that pre-candidates who have been declared losers in a consultation cannot put forward their names for the elections that gave rise to the consultation.

With the exception of the liberal party statutes that were issued in 2002, after an extensive process of internal consultation, the statutes that regulate the operations of all other relevant parties were approved or reformed after the constitutional reform of 2003. Thus the statutes of these parties establish that their internal organization is democratic, in harmony with the constitutional reform of 2003.

At the present time the Partido Liberal Colombiano, the Partido Conservador Colombiano and the Polo Democrático Alternativo have internal mechanisms for taking democratic decisions. As an example, in 2008 the leadership of the PCP and PDA respectively were elected by way of internal consultations, which in practice constitute open consultations. For this reason it can be affirmed that these three parties are taking important steps to become parties with an internal democratic organization.

The names of the traditional parties – the liberal and the conservative – reflect the ideological and political division that was characteristic of the 19th century in all of the Spanish-speaking Americas. The two parties have maintained their names throughout their history. In the 1980s, the conservative party changed its name to the Partido Social Conservador (Social Conservative Party) but a few years later it decided to revert to its original name.

*Stability
of party ideology/
programmes*

The other relevant parties are of very recent creation and for this reason it is not surprising that they have maintained their names and abbreviations. In the Partido de la U the abbreviation was first thought of and thereafter became the name of the organization, since what it endeavoured to do was to demonstrate the closeness of the party to President Uribe. The name of Polo Democrático Alternativo reflects the fact that the party was born from the union of two political organizations, the Polo Democrático Independiente and the Alternativa Democrática. The name “Polo” is meant to signify that the party brings together distinct political movements of the political left.

The programmes of the parties are approved by their national conventions, except for Cambio Radical where they are approved by the party’s central committee. However, given that the campaigns for government office and representation are so personalized, the programmes of the parties do not play an important role in electoral campaigns. Political mobilization depends in reality on the political capacity of the different leaders.

Traditionally the media was affiliated to the liberal or conservative parties – and their distinct currents – and acted as their spokesperson. Such was the case with the country’s newspapers for example. Likewise, until the introduction of private television channels in 1998, television news was distributed among the principal leaders of the two parties (Jaramillo/Franco 1999).

Communication

The gradual autonomy of the media has lessened the capacity of parties to communicate with activists and voters on the terms they once enjoyed. For this reason parties now see themselves forced to approach the media in order to diffuse their proposals and activities, meaning that the principal mission of parties' press offices is not to facilitate the communication of the party with its activists, but rather to provide information to the media. At present, the parties communicate with their voters through their internet pages, bulletins and meetings.

In the presidential campaigns it is customary that each party contracts the services of a publicity agency. The changes experienced in the way of conducting electoral campaigns – the so-called Americanization of the campaigns – has had the effect that the major part of the expenses is directed towards radio and television publicity.

There are numerous difficulties with regard to communication between parties and voters. For one, the citizenry does not have confidence in the parties and does not have much interest in knowing about them. For their part, the information supplied by the parties on their internet pages is not sufficiently attractive. Finally, in Colombia internet coverage is still to a large extent inadequate.

III. GENERAL ASSESSMENT

The party system in Colombia is in a transitional stage at present. The conservative and liberal parties created in the mid-19th century largely dominated Colombian politics up until a few years ago. However, the shared governments of the Frente Nacional period led to a dilution of the differences between the parties, resulting in the loss of their political identity. In addition, both parties alienated themselves from the citizenry and were taken up by the practices of clientelism and factionalism.

With the constitution of 1991, an attempt was made to open a political space for new parties and political movements as a way in which to put an end to the political violence that had lashed the country for so many decades. Initially that hope appeared to be in vain however, as the attempt was not successful in fostering new parties with wide public acceptance.

At the same time, the conservative and liberal parties entered into an acute process of fragmentation. In this way, many of their leaders created their own parties or political movements which viewed themselves as part of the conservative or liberal families. The extreme fragmentation of the traditional parties meant that they ceased to comply with their functions of participation and mobilization of the citizenry and in their formulation of programmes or political proposals. It also gave rise to the omission of the task of selecting and presenting their candidates before the electorate. From this it can be affirmed that the parties limited themselves to participating in elections and serving as vehicles for acceding to public office. Therefore, from 1995 projects were begun to promote the law reform of political parties, with the object of strengthening them. These efforts culminated in the approval of the constitutional reform of 2003.

The constitutional reform of 2003 compelled the parties to present candidates and single lists for the elections. It also introduced measures to limit the number of parties and to oblige parties to be democratically organized internally. These measures have changed the internal life of the parties and in fact have given a boost to a process of reorganization which is well-known in the liberal and conservative parties and in the Polo Democrático Alternativo. It is still premature to give a pronouncement on the results of this process.

At the present time, Colombia has a multiparty system, albeit one at a transitional stage. President Uribe has proposed the formation of a grand party to take over his political philosophy. If this proposal crystallizes, the Partido de la U and Cambio Radical would essentially disappear and it is possible that the Partido Liberal Colombiano would be greatly weakened. At any rate, the result of the president's initiative will be closely bound up with the referendum result around a potential second immediate re-election. Furthermore, it is appropriate to ask what would happen with this

grand Uribista party – and the system of parties in general – after President Uribe leaves power. The question is whether the party will preserve its strength or if its members will return to their traditional parties, especially the Partido Liberal Colombiano.

It remains to be seen whether the Polo Democrático Alternativo can consolidate itself as a large party on the left. For this it must overcome the traditional tendency of leftist movements toward fragmentation and also demonstrate that all its factions are united around the rejection of violence as an instrument of political action.

Finally, it is noteworthy that in the last few years different political leaders have emerged who are independent of the established parties. Some of them have performed well in polls. Therefore, the results that they obtain in the presidential and parliamentary elections of 2010, and similarly their decisions around whether to join the established parties or to push for their own political movements, will be a major factor in the reconfiguration of the party system.

The institutionalization of party democracy – and the consolidation of constitutional democracy – is fundamentally obstructed by two factors. The infiltration of illegal groups such as narcotraffickers and the paramilitary in political institutions and within parties is one factor, and the other concerns the support for the use of violence as a political instrument that is still held by different political leaders, on both the left and on the right. Both factors paralyze the mobilization of the citizenry and impede the generation of the conditions necessary to guarantee free and vibrant political debate.

Equally, different phenomena act against the strengthening of the parties. First there is the mechanism of the preferential vote adopted in the constitutional reform of 2003, a mechanism that impedes the cohesion of parties by boosting individual political agendas. Second there is the lack of a clear political identity that allows party leaders and their followers to move from one party to another and which impedes the creation of a culture of party discipline. And third there is the fact that it has been understood that the democratization of the parties consists of asking the opinion of citizens about different themes by way of open consultations, or internal ones which function as open ones. This practice frustrates the prospects for generating debate within parties and renders the development of policies around developing committed activists and compiling reliable registers of activists useless.

- 1] *In Colombia the parties and political movements do not count on a monopoly for proposing candidates for the elections. Independent candidates can also stand for election. In such a case the candidates must be supported by a certain number of citizens' signatures, according to the type of election. The candidacy of Uribe was put forward by means of the collection of citizens' signatures, a group designated collectively as a "significant group of citizens".*
- 2] *This did not however completely impede co-government between the two parties, as in the case of the Frente Nacional (National Front), a political pact whereby it was agreed to distribute all the offices of the state equally between the two parties between 1958 and 1974 and with which it was hoped to put an end to the epoch called "the Violence".*
- 3] *See for example the different newspaper columns of the journalists Eduardo Posada Carbó, Oscar Collazos, Carlos Caballero Argáez and Daniel Samper Pizano in the daily El Tiempo, and of Mauricio García, Rodrigo Uprimny, Elisabeth Ungar, César Rodríguez and Francisco Gutiérrez, in the newspaper El Espectador. See also edition 1410 (9 May 2009) of the magazine "Semana", titled "No to the re-election", in which the comments of different national leaders appear on the subject of a new re-election.*
- 4] *Article 4 of Law 649 establishes three requisites in order that a political organization be considered a political minority: that it has put up candidates for the Chamber of Representatives for at least 30 per cent of the territorial constituencies; that it has not obtained any parliamentary seat in Congress; and that the department or the territorial constituency where the most votes have been obtained does not represent more than 70 per cent of its total votes in the country. The parliamentary seat for political minorities is awarded to the political organization that satisfies these three requirements and which obtains the majority of votes collected in the whole country.*
- 5] *The survey carried out by the government institute of statistics (DANE) in 2008 showed that Congress of the Republic is one of the institutions that inspires the least confidence in Colombians (19.46 per cent of those surveyed expressed no confidence in it, 32.88 per cent little confidence, 28.74 per cent some confidence and 10.73 per cent a lot of confidence). Available at: http://www.dane.gov.co/files/investigaciones/ecpolitica/informe_ECP_08.pdf (last accessed on 02/08/09).*

- 6] See in this respect CNAI 2009 (available at: www.nuevoarcoiris.org.co/sac/files/oaca/analisis/radiografia_parapolitica_legislativa_febrero_2009.pdf [last accessed on 02/08/09]).
- 7] The article establishes that 10 per cent of the remaining fund be allotted to women's and youth organizations, trade unions, and ethnic minorities and the physically handicapped within the parties. However, the Constitutional Court declared the application of this percentage to be unconstitutional in that the legal decision about the utilization thereof constitutes interference in the internal life of the parties – which was prohibited constitutionally at that moment – and could convert itself into a source of assistance to specific sectors of the population, which was constitutionally prohibited. As a consequence of that decision, the National Electoral Council does not distribute this 10 per cent of the fund.
- 8] Parity in the justice was maintained until the issuing of the 1991 constitution. Additionally, the constitutional reform of 1968 provided that the equal distribution of administrative offices between the two parties would continue until 1978 and starting from this date the party that did not hold the presidency would obtain an "adequate and just share" in the administrative offices. This rule also was in force until 1991.
- 9] The pact of the National Front led Sartori (1994) to question whether the Colombian party system should be classified as a two-party system, and even to ask the question if it could be stated that the country had a system of parties. The evaluation of Loewenstein (1959) was more positive, who assured that the coalition government in a bipartisan system created by the National Front (Frente Nacional) constituted an interesting experiment of constitutional regulation of party dynamics.
- 10] Open consultations are those in which all citizens can participate, independently of their political affiliation. In the case of closed or internal consultations, only the party activists can participate.

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