

Lobbying and Corruption in the Colombian Congress: A Preliminary Exploration*

Carlo Nasi

Received: December 3rd, 2025 | Accepted: March 4th, 2026 | Modified: March 23rd, 2026
<https://doi.org/10.7440/res96.2026.04>

Abstract | This article examines how lobbying and corruption operate within the Colombian Congress. It analyzes how powerful actors—particularly in the executive branch and business sector—have sought to shape congressional decisions to their advantage, and the implications for democratic governance. The study draws on a review of scholarly literature, official documents, legislation, and press coverage, as well as twenty-seven semi-structured interviews with individuals directly involved in lobbying activities, including congresspersons, former congresspersons and lobbyists representing business and private associations. The article analyzes both the differences and similarities between lobbying and corruption, revealing how these practices operate within Congress. It also examines the institutional conditions that have fostered corruption within this governmental body and assesses the risk of state capture. The findings suggest that the Colombian Congress is highly vulnerable to capture by powerful interest groups, although there is not yet sufficient evidence to conclude that it consistently serves specific economic and political actors. While institutional reforms are needed to reduce this vulnerability, designing and implementing them presents significant political challenges. This study contributes to the literature by addressing a gap in research on lobbying and corruption in Colombia. Although prior work has examined the business sector, few studies have focused on how its organizations engage in lobbying and corruption practices, or on the consequences for democracy. Likewise, the relationship between the executive and legislative branches has rarely been analyzed through the lens of lobbying. More broadly, while the state capture has been studied in some developing contexts, the Colombian case remains underexplored and constrained by limited empirical evidence.

Keywords | Colombia; Congress; corruption; democracy; lobbying; state capture

Cabildeo y corrupción en el Congreso colombiano: una exploración preliminar

Resumen | En este artículo se examina cómo operan el cabildeo y la corrupción en el Congreso colombiano. Se analiza cómo actores poderosos —en particular, de la rama ejecutiva y del sector empresarial— han intentado influir en las decisiones del Congreso en beneficio propio, así como las implicaciones que ello ha tenido para la gobernanza democrática. El estudio se basa en una revisión de la literatura académica, documentos oficiales, legislación y artículos de prensa, así como en veintisiete

* This research was supported by a grant from the School of Social Sciences at Universidad de los Andes, Colombia. I thank Eduardo Piñeros for his assistance with fieldwork and Valentina Jiménez for transcribing several interviews. I am also grateful to the MPs, lobbyists, and representatives of business associations who shared their insights into how lobbying operates in Colombia. All interviewees were provided with and signed an informed consent form. AI was used solely for proofreading purposes in the preparation of this article.

entrevistas semiestructuradas con personas directamente involucradas en actividades de cabildeo, entre ellas congresistas, excongresistas y lobistas que representan a asociaciones empresariales y privadas. En el artículo se estudian las diferencias y similitudes entre el cabildeo y la corrupción, y se muestra cómo estas prácticas operan en el Congreso. Asimismo, se indagan las condiciones institucionales que han favorecido la corrupción en este órgano gubernamental y se evalúa el riesgo de captura del Estado. Los resultados sugieren que el Congreso colombiano es altamente vulnerable a la captura por parte de grupos de interés poderosos, aunque aún no hay pruebas suficientes para concluir que sirva sistemáticamente a los intereses de actores económicos y políticos específicos. Si bien se requieren reformas institucionales para reducir esta vulnerabilidad, su formulación e implementación plantean desafíos políticos significativos. Este artículo contribuye a la literatura académica al abordar un vacío en la investigación sobre el cabildeo y la corrupción en Colombia. Aunque trabajos previos han examinado el sector empresarial, pocos se han centrado en cómo sus organizaciones participan en prácticas de cabildeo y de corrupción, ni en las consecuencias de estas para la democracia. Del mismo modo, la relación entre las ramas ejecutiva y legislativa rara vez se ha analizado desde la perspectiva del cabildeo. En términos más generales, si bien la captura del Estado se ha estudiado en algunos contextos de países en vías de desarrollo, el caso colombiano sigue sin ser lo suficientemente explorado y se ve limitado por la escasez de evidencia empírica.

Palabras clave | cabildeo; captura del Estado; Colombia; Congreso; corrupción; democracia

Lobby e corrupção no Congresso colombiano: uma exploração preliminar

Resumo | Este artigo examina como o *lobby* e a corrupção atuam no Congresso colombiano. Analisa-se como atores poderosos — especialmente no poder executivo e no setor empresarial — tentaram influenciar decisões do Congresso para benefício próprio, bem como as implicações que isso teve para a governança democrática. O estudo baseia-se em uma revisão da literatura acadêmica, documentos oficiais, legislação e artigos de imprensa, bem como em 27 entrevistas semiestructuradas com pessoas diretamente envolvidas em atividades lobistas, incluindo congressistas, ex-congressistas e lobistas que representam associações empresariais e privadas. O artigo estuda as diferenças e semelhanças entre *lobby* e corrupção, e mostra como essas práticas operam no Congresso. Da mesma forma, as condições institucionais que favoreceram a corrupção nesse órgão governamental são investigadas e o risco de captura do Estado é avaliado. Os resultados sugerem que o Congresso colombiano é altamente vulnerável à captura por grupos de interesse poderosos, embora ainda não haja evidências suficientes para concluir que ele serve sistematicamente aos interesses de atores econômicos e políticos específicos. Ainda que reformas institucionais sejam necessárias para reduzir essa vulnerabilidade, sua formulação e implementação apresentam desafios políticos significativos. Este artigo contribui para a literatura acadêmica ao abordar uma lacuna na pesquisa sobre *lobby* e corrupção na Colômbia. Embora trabalhos anteriores tenham examinado o setor empresarial, poucos se concentraram em como suas organizações se envolvem em práticas de *lobby* e corrupção ou nas consequências dessas práticas para a democracia. Igualmente, a relação entre os poderes executivo e legislativo raramente foi analisada sob a perspectiva do *lobby*. De forma mais geral, embora a captura do Estado tenha sido estudada em alguns contextos de países em desenvolvimento, o caso colombiano permanece pouco explorado e limitado pela escassez de evidências empíricas.

Palavras-chave | *lobby*; captura do Estado; Colômbia; Congresso; corrupção; democracia

Introduction

Colombia has a long democratic tradition. Even if during the past five decades the country has endured high levels of political violence¹, Colombia has held uninterrupted elections since 1958, which have generally been regarded as free and fair².

At the same time, a range of institutional shortcomings undermines the quality of democracy. One of the most prominent is the dysfunction of Congress, widely perceived as an institution plagued by corruption³. The Colombian Congress does not adequately represent broad constituencies (Higuera 2018; Poveda 2014; Ungar 2011; Vanegas 2018), and recurring corruption scandals involving members of parliament (MPs) suggest that they are prone to give particularistic benefits in exchange for bribes⁴. To what extent is the Colombian Congress vulnerable to capture by powerful interest groups? What strategies do influential actors use to shape the congressional agenda to their advantage? And to what extent are certain lobbying practices part of the problem?

This text examines key dimensions of lobbying and corruption in the Colombian Congress, a topic that has received limited scholarly attention⁵. It also engages with the literature on state capture by exploring the conditions under which powerful actors have sought to make Congress serve their particular interests. The paper sheds light on common lobbying practices and provides insight into the institutional conditions that enable corruption.

More specifically, this paper examines the interconnections between lobbying and corruption and argues that both pose risks of state capture. It identifies the actors involved in lobbying (and, at times, bribing) MPs, as well as the strategies they commonly use. The findings indicate that the Colombian Congress is highly vulnerable to state capture due to a range of institutional weaknesses. Although some reforms—such as regulating lobbying—could help reduce these vulnerabilities, they face significant political obstacles.

In Colombia, lobbying and bribery of MPs are not limited to the private sector. The executive branch, in its effort to secure governability, has also resorted to these practices. This dynamic is partly rooted in the country's presidentialist system and in the use of *cupos indicativos*, which has introduced a transactional logic into relations between the executive and the legislative branches. Although such transactional logic has enhanced governability, it has also been detrimental for the functioning of Congress.

-
- 1 Colombia has experienced chronic insurgency since the mid-1960s, impairing the protection of citizens' civil and political rights. The government has been unable to either defeat or negotiate definitive peace settlements with various guerrilla organizations. Some rebel groups demobilized after signing peace accords in the early 1990s, in 2011 right-wing paramilitary groups also laid down their weapons, and so did the FARC guerrilla after signing a peace agreement in 2016. However, splinter factions of the FARC as well as other rebel groups such as the ELN continue to destabilize the country. Drug cartels also generated a great deal of violence especially in the 1980s and 1990s. For an overview of the armed conflict and various peace agreements see, Nasi (2018), Nasi and Rettberg (2019), Restrepo and Bagley (2011).
 - 2 Freedom House rated Colombia as "free" between 1972 and 1987 but downgraded the country to "partly free" between 1988 and 2021 due to the intensity of the armed conflict. In 2022, following the signing of a peace agreement with the FARC-EP guerrilla, the country regained the "free" status (Freedom House n. d.)
 - 3 A 2023 survey by Latinobarómetro revealed that over 80% of respondents had little or no confidence in Congress, which may be largely due to corruption scandals of MPs (Latinobarómetro 2023).
 - 4 Since 1991, MPs can lose their Congressional seats if they are convicted of corruption or of having ties with criminal groups. Between 2010 and 2023 18 MPs lost their seats (Duque Daza 2024).
 - 5 Scholarly texts on the Colombian business sector mention but do not analyze in depth its lobbying practices (Castañeda 2017; Junguito Bonnet 2019; Schneider 2004 and 2008). There are a few dissertations on specific instances of lobbying (Angulo 2015; Rodríguez Leiva 2010), and several newspaper articles on this topic, but it remains an underexplored issue.

In addition, this research reveals how certain prominent economic actors use a combination of both licit and illicit strategies as part of an effort to exert influence over MPs and other state institutions. A firm, for example, may act individually, through one or more business associations, and/or as part of a business group⁶. Depending on the context, it may rely on persuasion, bribery, or a combination of both.

This paper reveals that private-sector lobbying is highly professionalized and often effective. At the same time, some organizations and individual firms resort to bribing MPs, taking advantage of existing corruption networks within the Colombian Congress. Corruption is facilitated by institutional vulnerabilities related to the funding of political parties and public tenders.

While some scholars conceptualize state capture as an undesirable consequence of large-scale corruption, this paper argues that lobbying by powerful actors can also lead to forms of state capture. The evidence presented here does not allow for a definitive conclusion as to whether the Colombian Congress has been captured by private or other interests. Nor does it provide sufficient grounds to claim that Congress consistently favors particular economic sectors, although anecdotal evidence points in that direction. The aim here is more limited: to shed light on the actors that lobby and bribe MPs, the strategies they use, and the factors behind their relative success. The paper also examines the institutional conditions that help sustain corruption within Congress.

The analysis draws on a range of testimonies that offer insights into key and often contentious issues. Part of the evidence derives from twenty-seven semi-structured, in-depth interviews⁷ with individuals who are, or have been, directly involved in lobbying activities in Congress⁸.

In the case of current and former MPs, I sought to interview politicians from different parties and congressional committees to explore whether their partisan identities and areas of expertise influenced their perspectives on, and experiences of, lobbying and corruption. While I was able to interview MPs from various parties across the political spectrum, including the Liberal Party, the Conservative Party, Cambio Radical, Centro Democrático, the Alianza Verde Party and the Nuevo Liberalismo Party, my attempts to interview MPs from the leftist Pacto Histórico coalition, whom I expected to be the most critical of lobbying and corruption, were unsuccessful.

Regarding business associations and groups, I aimed to gather testimonies from the most relevant ones—according to the scholarly literature—and was only partly successful. I interviewed several current and former lobbyists from a range of business associations, but I was unable to secure interviews with lobbyists from Colombia's powerful business groups. I also interviewed several members of lobbying agencies that provide services to private clients, primarily in the business sector.

6 Whereas business associations aggregate companies with common interests of different economic sectors, business groups can be defined as “diversified collections of firms subject to centralized ownership and financial coordination” (Schneider 2008, 393).

7 I first created a database of MPs, business associations, private lobbying agencies and business groups. I then called these organizations and managed to arrange a few interviews. However, I realised that getting access to these individuals (especially MPs and leaders of business associations and groups) would be quite difficult, so I resorted to snowball sampling. One of my research assistants had previously worked in the Colombian Congress, which proved helpful, as were the previous contacts of several of my colleagues at Universidad de los Andes. Due to the exploratory nature of this study, I decided that my sample might include anyone from these organizations involved in lobbying activities.

8 Including former and current MPs, members of UTLs (*Unidades de Trabajo Legislativo*, the supporting teams of MPs), directors or members of lobbying agencies, members of various business associations, and functionaries of a multinational mining firm.

Given the diversity of interviewees, I developed three tailored questionnaires with specific questions for current and former MPs, members of business associations, and lobbyists from private agencies. The questionnaires addressed themes relevant to understanding the dynamics of lobbying and corruption in Congress. They were designed to capture information on lobbying activities, including the actors involved, their strategies and political connections, their rates of success and failure, and the factors that explain these outcomes. I also sought to understand what respondents knew about corrupt practices.

The paper is organized into four sections. The first reviews the literature on state capture and its relevance to the Colombia case. The second examines the relationship between lobbying and corruption and their implications for democracy. The third characterizes lobbying in Colombia as a widespread yet opaque and largely unregulated activity. The fourth analyzes how lobbying by both the executive branch and the private sector operates within Congress and how it intersects with corrupt practices. The paper concludes with a discussion of these dynamics and the challenges involved in implementing reforms.

State Capture and its Applicability to Colombia

The concept of state capture was initially advanced by the World Bank and developed by Hellman and colleagues in their analysis of post-communist transitions in the former Soviet Union and some of its Eastern Europe allies (Hellman *et al.* 2000). Subsequent scholarship has applied the concept to similar dynamics in other contexts (Croucamp 2019). State capture is commonly defined as “a type of systematic corruption whereby narrow interest groups take control of the institutions and processes through which public policy is made, directing public policy away from the public interest” (Dávid-Barrett 2023, 225).

State capture is a form of grand corruption that reshapes the laws and institutions governing entire societies, and thus has far greater consequences than one-off corrupt transactions. It may occur in the formulation of law and policies, in the implementation of policy, and/or in the disabling of accountability institutions (Dávid-Barrett 2023). Given the wide variety of institutions and scenarios in which it may occur, identifying and measuring it is particularly challenging.

Dávid-Barrett (2023) mentions that a number of scholars opted for identifying the beneficiaries of particular policies and argued that the advantages accruing to specific groups were a consequence of capture. However, this approach overlooks the fact that public policies almost always produce winners and losers, and that these policies often have unintended consequences that benefit certain groups. As stated by Dávid-Barrett (2023), in order to identify state-capture it is important to bring evidence of intent and mechanisms through which groups exert influence. It also involves demonstrating that favorable policy outcomes are a direct result of that influence on policy design and implementation.

Fiebelkorn (2019) proposes a more concrete approach. He identifies different mechanisms of state capture by business actors⁹ and outlines methodologies to gather evidence on their political connections (i.e., net-map tool, surveys, semi-structured interviews), capture mechanisms (i.e., voting patterns on legislation, regulatory frameworks, expert interviews, procurement data), and comparative advantages between politically connected and non-connected firms. While these strategies offer useful analytical tools, the literature on state capture remains in its early stages.

9 Including preferential access to debt financing, restrictions of firm entry, allocation of public contracts, preferential access to public assets, and privileges in taxation and in subsidies.

One problematic aspect of state capture is distinguishing between instances of strong political influence by pressure groups and cases of state capture proper. Some pressure groups may exert considerable influence over policy-making without reaching the threshold of controlling state institutions. Because political influence operates along a continuum, the literature has yet to clearly define the boundary between “intense pressure” and “capture.” Furthermore, many forms of political influence by pressure groups are legitimate in democratic systems (see the next section), which calls for caution when denouncing cases of state capture.

In the Colombia case, a seminal study by Garay *et al.* (2008) addressed state capture. However, the authors focused primarily on theoretical debates, offering only limited empirical evidence. Their analysis relies largely on a few historical examples in which powerful drug traffickers, right-wing paramilitary groups, and some business actors influenced—and in some cases partially controlled—state institutions.

A more recent contribution by Vargas *et al.* (2023) examines several cases of alleged state capture. While their findings are valuable, the study is authored by environmental activists, which shapes its scope. It focuses primarily on how certain extractive industries have bypassed environmental regulations or manipulated prior consultation processes with local communities to facilitate resource exploitation, with harmful consequences for both local populations and the environment.

In sum, much remains to be explored regarding the capture of state institutions in Colombia. This article focuses specifically on the Colombian Congress. As noted earlier, this is an exploratory paper and does not provide sufficient evidence to conclude that Congress has actually been captured by powerful interest groups. Nevertheless, by identifying institutional vulnerabilities, the transactional dynamics between the executive and legislative branches, the highly professionalized and effective lobbying of the private sector, and the existence of corruption networks involving MPs, the analysis highlights conditions that make Congress susceptible to capture. In doing so, it opens space for further debate on the extent to which lobbying and corruption may be driving such dynamics.

An important caveat is that the following sections deliberately exclude the role of illegal armed actors—particularly drug traffickers and right-wing paramilitary groups—in attempts to capture the Colombian Congress¹⁰. On the one hand, this issue has already been examined in the scholarly literature (Garay *et al.* 2008; Restrepo and Bagley 2011). On the other, the political influence of these actors has declined over time and is no longer comparable to what was observed in the 1980s and 1990s¹¹. The focus here is instead on how legal actors interact with MPs—how they lobby and, at times, resort to bribery—a far less visible and less studied dimension of political influence.

Before turning to the Colombian case, it is important to examine the relationship between lobbying and corruption, and their implications for democracy. If lobbying and corruption are the means thorough which powerful actors seek to influence—or even control—state institutions, are they equivalent in terms of their practices and their harmful effects on democratic governance?

¹⁰ As stated by Garay *et al.* 2008, illegal actors might try to capture the state, but so do legal ones.

¹¹ While Colombia still produces and exports substantial amounts of cocaine, drug traffickers no longer have the same political influence on Congress as the powerful Medellín and Cali cartels did. Those cartels were dismantled in the early and mid 1990s with the killing of Pablo Escobar. Right-wing paramilitary groups that once boasted that they had influenced the election of nearly thirty MPs disarmed with the peace negotiations of 2006, but some splinter factions remain (Krakowski 2015; Restrepo and Bagley 2011).

Lobbying, Corruption, and Democracy

Lobbying has been broadly defined as “any legal attempt by an organization to affect a government decision” (Nownes 2017, 5; see also Chari *et al.* 2019, 4). It is predominantly used by influential interest groups to advance their agendas and can take a variety of forms, including meetings with government officials, the presentation of reports and persuasive arguments to decision makers, campaign donations, and efforts to connect citizens with politicians (Nownes 2017; Chari *et al.* 2019). Lobbying may occur through formal channels—such as presenting position papers in congressional hearings—or through more informal means, including direct communication with politicians via email or other private interactions.

In principle, lobbying is a legitimate activity, and, arguably, a necessary component of a well-functioning democracy. In fact, if one expects “representation” and “representative democracy” to become meaningful terms, citizens should be allowed to express their voice and engage in collective action to influence political decisions between elections (Figueiredo and Kelleher Richter 2014; Chari *et al.* 2019).

There are practical reasons for this. To begin with, during electoral contests politicians make all sorts of promises to different sectors of society, many of which go unfulfilled once they take office. Although incumbents are expected to represent the nation as a whole, they must aggregate so many different preferences at once, that it is inevitable that their decisions end up favoring some groups and neglecting others. In this context, a more representative democracy depends on the ability of those who feel overlooked to organize, form interest groups, and influence decision-makers between elections. In addition, some analysts argue that lobbying can improve the quality of decision-making. In fact,

lobbyists are the experts who provide information to legislators and help guide their decision-making process. Their expertise might be particularly valuable when one considers that neither the legislators nor the interest groups which hire lobbyists may have the technical background or the time to delve into the detailed implications of all the pieces of legislation that are under consideration. (Bertrand *et al.* 2014, 3886)

In this context, lobbying can be regarded as a legitimate activity aimed at enhancing the responsiveness of democracy: it contributes to better policymaking and improves the quality of policies. A key limitation, however, is that not all sectors of society are equally able to organize or form interest groups, and those that do vary significantly in their capacity to influence government. As stated by Beetham,

the problem of representative democracy is not so much that it restricts political activity to the vote, as that the opportunity for a more extensive involvement, and the degree of influence with government which it carries, are dependent upon a variety of resources—of time, of money, of learned capacity—that are distributed unevenly between different sections of the population. (1993, 64)

This asymmetry increases the risk of state capture by powerful sectors. Moreover, governments are not neutral arbiters that adjudicate according to objective or fair criteria when subject to competing pressures from business associations, labor unions, religious organizations, social movements, and other actors. They pursue their own interests and agendas, operate with varying degrees of relative autonomy *vis-à-vis* different social groups, and may ultimately favor some over others for political reasons (Held 1987; Skocpol 1979).

The political orientation of governments also matters. Right-leaning governments tend to be more responsive to business interests, while left-leaning ones are often more attentive to labor unions and grassroots organizations. Despite these asymmetries, lobbying can still be considered a legitimate democratic activity, grounded in the rights to organize and to voice interests. It may strengthen democracy provided that—and this is a crucial caveat—a level playing field exists.

As for corruption, it is commonly defined as “the abuse of entrusted power for private gain” (Transparency International n.d.). It encompasses a wide range of practices—including bribery, kickbacks, clientelism, and nepotism—and unlike lobbying, is normatively indefensible.

In principle, the analytical distinction between lobbying and corruption is straightforward. First, lobbying is a legitimate activity, whereas corruption is a criminal one. Second, lobbying is typically oriented toward advancing the interests of broader constituencies, while corruption benefits individuals or small groups. Third, lobbying involves the provision of information and arguments to influence decisions, whereas corruption entails offering bribes or other illicit benefits in exchange for favors (Campos and Giovannoni 2007; Harstad and Svensson 2011; Nownes 2017).

Other studies suggest that lobbying and corruption operate through different channels. While lobbying seeks to change existing rules and policies, corruption—particularly bribery, which is common in many developing contexts—aims to circumvent or distort those rules (Harstad and Svensson 2011). From this perspective, lobbying is primarily directed at rule-makers (i.e., MPs), while corruption often targets rule-enforcers, such as bureaucracies and state agencies responsible for implementing policies (Giovannoni 2011; Harstad and Svensson 2011).

One could also argue that lobbying is more costly and time-consuming than bribing state officials, but ultimately more effective and longer-lasting in its impact. When lobbyists succeed in changing a law, their clients benefit for as long as the new regulation remains in place. Conversely, a firm that bribes a bureaucrat does not alter the status quo and must continue paying to secure favorable treatment. As explained by Harstad and Svensson, “bureaucrats can seldom commit to not asking for bribes in the future, because corrupt deals are not enforceable in court and because firms deal with different officials over time” (2011, 46).

However, both practices share important similarities, as they can be understood as “ways of obtaining help from the public sector in exchange of some favor” (Campos and Giovannoni 2007, 1)¹². Furthermore, certain lobbying practices—such as campaign contributions, which are legal in many countries, can be difficult to distinguish from corruption, as they may create conflicts of interest when politicians are elected with the support of private funding (Giovannoni 2011; Nownes 2017).

There is an ongoing debate over whether lobbying acts as a substitute for, or as a complement to, corruption (Campos and Giovannoni 2007; Nownes 2017). A common finding is that lobbying tends to be more prevalent in wealthier countries, whereas corruption is more widespread in poorer ones. Scholars also broadly agree that corruption—rather than lobbying—undermines democracy and economic development (Harstad and Svensson 2011; Nownes 2017).

12 Such favors differ. While in cases of corruption they refer to bribes offered to politicians, in cases of lobbying they refer to arguments and figures that also benefit politicians, allowing them to improve their policy-making decisions and also enhance their prestige in Congressional debates.

In sum, despite their differences, lobbying and corruption can be seen as functionally equivalent in certain respects. Although only lobbying carries a democratic justification, both practices can contribute to state capture by powerful sectors. How do these dynamics play out in practice in a middle-income democracy such as Colombia?

Lobbying and Lobbyists in Colombia

While lobbying is a legal activity in Colombia, it is often associated with corrupt practices aimed at securing private benefits. Lobbyists themselves tend to avoid the term. Law firms that engage in lobbying, for instance, typically present it as part of a broader portfolio of legal services and rarely—if ever—use the term in their corporate communications. Similarly, business associations frame their role as representing sectoral interests and maintaining regular interaction with state institutions, rather than as lobbying. As one former lobbyist from a leading business association explained, “we don’t call it lobbying, but representation of the business association before Congress, because the term [lobbying] generates resistance” (interview, Bogotá, November 19, 2022).

Lobbying in Colombia generates considerable suspicion, in part because it remains a murky, unregulated activity. There are no legal requirements for lobbying firms to register with the state, disclose their clients, or make public the interests they represent. As a result, a high degree of secrecy surrounds these practices, likely driven by concerns that greater transparency could lead to tighter regulation or even allegations of corruption.

To date, more than twenty attempts to pass legislation establishing a registry of lobbying activities and enhancing transparency and accountability have failed (González Penagos 2021). Congress has never mustered a majority to approve such measures, which may reflect both a lack of consensus over the scope and design of regulation and the influence of powerful actors who benefit from keeping lobbying opaque¹³.

At the same time, the argument that lobbying can improve decision-making finds partial support in the Colombian context. Many MPs lack detailed knowledge of the sectors they seek to regulate and often fail to anticipate the externalities of their decisions. Their support teams also frequently lack the technical expertise required to prevent significant policy errors¹⁴. A former MP noted that Congress has at times adopted decisions that harm economic development and welfare, partly because many legislators lack formal training in economics and do not fully understand how the economy functions (interview, Bogotá, December 7, 2022). Similarly, a former lobbyist from a business association explained that MPs often propose laws and regulations based on casual conversations with constituents, but many of these initiatives lack careful analysis and prove unviable (interview, Bogotá, November 19, 2022).

This should not be taken to suggest that MPs ought to be replaced by technocrats, nor that technical decisions are devoid of political implications. However, when legislators lack the expertise needed to make informed decisions in technically complex areas,

13 Only a few countries have enacted laws that regulate lobbying: Chary *et al.* (2019) list 47 countries with such laws, most of them of the OECD. Of Latin America, only Argentina, Chile, and México are included in that list, but Brazil and Peru were also in the process of promulgating a law.

14 In 1991, a National Constituent Assembly created the Units of Legislative Work (*Unidades de Trabajo Legislativo*, or UTLs), which were meant to provide technical support to MPs. Each MP was allowed to hire a number of staffers that were expected to provide technical expertise to the decision-making process on several issues. However, as a recent study of UTLs revealed, the hiring process seldom included meritocracy: MPs tend to hire trusted acquaintances, relatives, or people with political connections, regardless of their professional qualifications (Molano 2023).

lobbyists can, at times, contribute to better policy outcomes. Even if experts are not immune to bias or error, and lobbying remains a political activity driven by particular interests, it may still improve the quality of decision-making¹⁵.

What is the relationship between lobbying and corruption in the Colombian Congress? What can be inferred from testimonies about the dynamics and interactions between lobbyists and MPs?

Lobbying and Corruption in the Colombian Congress

Lobbying is pervasive in the Colombian Congress. A wide range of actors deploy different strategies to persuade MPs to pass, amend, or block legislative proposals. These actors include state institutions—particularly the executive branch—national firms, business associations, business groups, multinational corporations, and a variety of civil society organizations¹⁶. Lobbying is not confined to powerful economic actors: some NGOs, unions, and other social organizations have increasingly resorted to lobbying in the Colombian Congress. That said, the business sector clearly prevails in terms of wielding significant influence. The following sections examine standard lobbying practices by both the executive branch and the private sector, as well as the conditions under which these actors resort to corrupt practices.

The Executive Branch: Lobbying and Fostering Corruption in Congress?

Studies of Colombia's presidentialism and executive-legislative relations have seldom (if ever) referred to intra-state lobbying. Even though various scholars have identified a transactional logic between the executive branch and Congress (Duque Daza 2023; Milanese 2012; Parra 2010)¹⁷, they do not explicitly frame it in terms of lobbying. By contrast, several MPs referred to lobbying by the executive branch as a central mechanism for securing congressional support. As one former MP put it, "the strongest lobbyist is the government. [And I refer to] this one and all of them [...]. With different styles, they all resort to pragmatism, otherwise, they get nothing out of Congress" (interview, Bogotá, July 12, 2022).

A former MP estimated that roughly 95% of laws passed by Congress originate in the executive branch. He described a transactional logic operating in Congress, whereby the executive secures the votes it needs by offering jobs and investments in the territories where MPs have their constituencies (interview, Bogotá, October 14, 2021). Another former MP echoed this view, noting that when the government seeks to block or push

15 Perhaps one of the best illustrations of this is found in Weyland's study of social policies under the populist governments of presidents Hugo Chavez in Venezuela and Alberto Fujimori in Peru (Weyland 2013). The author characterized such policies as haphazard, politicized, mistargeted and unsustainable. Even though populist leaders presented themselves as "saviors of the poor," they attained meager results in improving the conditions of underprivileged sectors in comparison with other reformist/leftist (and non-populist) governments, such as the ones of Brazil (with Lula da Silva) and Chile (with Ricardo Lagos). Poorly designed social policies, implemented by parallel (instead of regular) bureaucracies, in which the paramount consideration was their political payoff spelled disaster in Venezuela and Peru (Weyland 2013). Dargent (2015) also carried out a study on the role of technocrats in Colombia and Peru and concluded that, in general, they have helped to amend costly mistakes made by politicians whose decisions privileged the distribution of patronage over technical criteria.

16 The Colombian business sector comprises around six million registered companies, but less than 1% corresponds to large firms (with more than 200 workers). Large companies presumably are the most effective at lobbying. There are hundreds of business associations, the most prominent include ANDI (industrial sector), Fenalco (commerce), Asobancaria (banks), Asocaña (sugar), SAC (agriculture), Fedegan (livestock), Camacol (construction), Cotelco (hotels), and ACM (mining). There are also various powerful business groups, the most renowned being Ardila Lülle, Santo Domingo, Grupo Aval, and Grupo Empresarial Antioqueño.

17 In which the executive offers cabinet posts to some MPs, jobs to their relatives and acquaintances, and even bribes in exchange for legislative support.

through an initiative in Congress, it is very difficult to resist. In his account, the executive can effectively “produce majorities” in Congress by offering bureaucratic quotas to MPs and channeling local investments (interview, Bogotá, September 15, 2021).

How does this happen? Despite the fact that the Colombian Congress is nearly powerless in terms of deciding on the allocation of public funds, two mechanisms have historically allowed MPs to influence a portion of public spending. The first was *auxilios parlamentarios*, established under the 1886 Constitution and later abolished by the 1991 constitutional reform due to its association with corruption. This was followed by a revised mechanism, *cupos indicativos*, introduced in 2000 (Rodríguez and Maldonado 2020).

The *cupos indicativos* allow MPs to direct a portion of public funds toward projects considered to be of “general interest” in the regions where their constituencies are located. In principle, this is not inherently problematic: MPs are expected to understand local needs, and effective representation depends on responsiveness to these constituencies.

However, there are strings attached to the *cupos*. The executive branch exercises significant discretion in determining the allocation of these funds to specific MPs and regions, using them to secure congressional support for its legislative agenda. The process typically begins with negotiations between ministerial liaisons (*enlaces*) and individual MPs. During these exchanges, ministers propose regional investment projects conditional on MPs’ backing of specific initiatives. Once an agreement is reached, the MPs instruct their local political allies (some mayors and governors) to submit infrastructure projects to the central government. Ministerial liaisons then facilitate their approval and the allocation of funds (Rodríguez and Maldonado 2020). In this way, governability is strengthened, albeit through patronage.

Beyond normalizing patronage by the executive branch, these exchanges have broader detrimental consequences for democracy. Because MPs decide which mayors and municipalities receive investment projects, *cupos indicativos* can be used to subordinate local authorities. In practice, if a mayor wants to benefit from an investment in his municipality, she/he must support a specific MP. These projects also serve electoral purposes, as MPs and their local allies use them to bolster re-election prospects (they serve as propaganda)¹⁸. At the same time, contracts for implementation are frequently awarded to private actors in exchange for bribes (Rodríguez and Maldonado 2020), further entrenching corrupt practices.

Colombia’s presidentialist system has helped sustain this dynamic. MPs serve fixed four-year terms, and if the majority chooses not to support the government’s policies, the executive cannot dissolve Congress and call for new elections. Its options are therefore limited to either persuading MPs on ideological grounds or—if that proves unsuccessful—resorting to *cupos indicativos* to advance its legislative agenda (Uprinmy quoted in Leyva-Botero *et al.* 2021, 147).

The fragmentation of the Colombian party system further reinforces this exchange of favors. As one former MP explained, in Colombia, the parties that supported any government seldom counted with more than 20 to 30% of votes in Congress. To secure a majority, all governments had to gain support from about one third of the Congress’ MPs, whom he described as “pragmatic.” These legislators play a decisive role in passing government initiatives, as they could be “persuaded” to support the executive’s agenda (interview with a former MP, Bogotá, December 7, 2022).

18 This is not inconsequential. When a politician can claim credit for material accomplishments, i.e., building a bridge or creating a hospital in regions where infrastructure is lacking, this gives them an important edge in the electoral competition.

To further complicate matters, the *Ley de Bancadas*, a law compelling MPs of a given party to vote uniformly on some topics, includes too many exceptions. In practice, MPs retain significant autonomy, allowing them to negotiate individually with the executive. Before turning to the implications of these dynamics, the next section examines lobbying by the private sector.

Private-Sector Lobbying: A Balancing Act Between Law-Abiding Arguments and Corruption?

The Colombian private sector is highly organized, and, as a rule, business associations have in-house lobbying capabilities (Junguito Bonnet 2019; Schneider 2004). At times, however, private firms also outsource these activities, hiring law firms, lobbying organizations, or well-connected individuals—such as former MPs or bureaucrats—for specific purposes.

Private-sector lobbying is highly professionalized and involves extensive networking. Lobbyists representing business associations maintain regular contact with politicians, providing them with updates on various economic sectors and supplying information, data, and policy proposals. Representatives from major business associations reported meeting with the president on average three times a year, and more frequently with ministers and vice-ministers. As one lobbyist of a business association explained, “we try to bring government officials to almost all of our board meetings. We have monthly board meetings [...] and we always try to bring a government official to discuss current issues” (interview, Bogotá, March 15, 2023).

Business associations maintain permanent contact not only with executive-branch officials but also with members of Congress. This helps to bolster the status of MPs by enabling them to participate in political debates from an informed perspective. Moreover, by maintaining such continuous, fluid conversations with politicians, business associations facilitate lobbying at a later date because MPs become more receptive to the proposals set forth by trusted acquaintances.

Beyond networking, lobbyists tend to follow well-defined routines. Much of their work involves monitoring legislative activities in Congress and analyzing regulations and decrees issued by the executive branch. As one lobbyist explained, “about 80% of this business consists of helping our clients understand what happens in Congress with regard to a given topic [...]. Then I write a report [...] and we see if there is an opportunity or a threat” (interview with the director of a lobbying agency, Bogotá, August 11, 2021).

Monitoring developments in Congress and the executive branch allows lobbyists to provide early warnings to their clients. When potential opportunities or threats are identified, a second stage begins, involving lobbying activities in a proper sense.

One lobbyist from a business association estimated that she monitored over two hundred legislative proposals per year to identify provisions that could negatively affect her business sector, but noted that actual lobbying was carried out in only about twenty-five cases (interview, Bogotá, October 13, 2021). Another lobbyist reported tracking roughly one hundred bills in during the latest year, identifying fifty-nine as posing potential risk. Of these, only twenty-three were deemed sufficiently significant to warrant intervention (interview, Bogotá, March 15, 2023). These figures suggest that effective lobbying is both costly and time-consuming, making it inaccessible to many social sectors.

Some testimonies portray private-sector lobbying as more principled and ethical than that of the executive branch. One former MP stated that neither private-sector actors nor civil society organizations crossed ethical or legal boundaries when engaging with him during his time in Congress. He reported never being offered any benefits—such as travel tickets, jobs, or money—and described interaction with the business sector and Congress as “transparent.” By contrast, he characterized relations between the executive and Congress as corrupt, noting that “the government follows a transactional logic [dealing with MPs] in terms of [offering them] bureaucracy and investments [in exchange for support]” (interview, Bogotá, September 15, 2021).

A representative of a prominent business association similarly stated that her organization has a strict policy of not offering gifts to MPs (interview, Bogotá, October 13, 2021). Another emphasized that her association relies exclusively on coherent, law-abiding arguments when engaging with legislators (interview, Bogotá, November 19, 2022). At the same time, two other members of another prominent business association reported that it was MPs from various political parties who would often request financial contributions during meetings. In their account, those most likely to engage in such practices were low-profile MPs with limited public visibility (interview, Bogotá, January 18, 2023).

Colombia’s progress in enforcing anti-corruption laws appears to have had a deterrent effect on unlawful behavior. As one lobbyist of a business organization noted, “in this job, you have to be very careful and protect yourself [...]. Colombia has made great strides in terms of transparency” (interview, Bogotá, November 19, 2022). Similarly, a former MP observed that legislators are wary of being prosecuted or removed from office for engaging in illegal conduct (interview, Bogotá, July 12, 2022).

It may be the case that lobbyists are aware of the “moral standing” of different MPs and selectively offer perks only to those who are deemed corrupt. In fact, offering benefits to the “wrong” (i.e., incorruptible) politician carries the risk of backfiring. As one former MP known for her integrity put it, “they [the lobbyists] would not even think of offering me anything, because they would crash against a brick wall; [they knew that] I would have publicly denounced them immediately” (interview, Bogotá, September 30, 2021).

However, other testimonies point to the widespread presence of private-sector corruption in Congress. One lobbyist noted that MPs “very often” receive gifts from various interested parties, including law firms, business associations, and lobbying agencies. He also referred to cases in which certain sectors resorted to death threats to influence legislative decisions (interview, Bogotá, August 11, 2021). A former MP similarly argued that the private sector is most frequently involved in corrupt practices, specifically mentioning some of Colombia’s main economic groups as well as a multinational corporation (interview, Bogotá, November 4, 2021).

Another lobbyist described corruption in Congress as a “widely disseminated, established, and entrenched practice.” He referred to a lobbyist working for one of the country’s major economic groups who allegedly bribed MPs over many years, adding that for such groups and large multinational corporations (MNCs), these payments amounted to “small cash” relative to the substantial benefits obtained. He further asserted that major engineering firms bidding for public works contracts routinely bribed state officials to secure tenders, suggesting that the Odebrecht scandal represented only the tip of the iceberg (interview with a lobbyist of a law firm, Bogotá, February 17, 2023).

An interviewee stated that some MPs are willing to vote for or against specific legislative proposals—or even particular provisions—in exchange for financial compensation. He explained that corrupt lobbyists identify both the MPs who engage in such practices and the “rates” associated with their votes. As a rough estimate, he suggested that at least 50%

of MPs had, at some point, received payments from interested parties in exchange for their support (interview with a UTL member, Bogotá, August 18, 2021). Taken together, these testimonies provide insight into the actors involved in lobbying and corruption in Congress, as well as the practices through which influence is exercised. What broader inferences can be drawn from this evidence?

Evidence of State Capture Through Lobbying and Corruption

Have lobbying and corruption in Congress led to state capture by powerful groups? While it is difficult to draw firm conclusions, the available evidence points to the existence of significant institutional vulnerabilities.

Beginning with intra-state lobbying, there is little information on how different governments have used *cupos indicativos*. This lack of transparency prevents us from studying the corrupting influence of the executive branch over time. There is no comprehensive database tracking the allocation of *cupos indicativos* to MPs, nor is there publicly available information on instances in which the executive branch resolved legislative impasses in Congress by distributing them. As a result, it is challenging to determine how often the purchase of legislative support has enabled the executive to pass specific laws across different periods.

Some analysts may reject the use of the term “state capture” in this context, arguing that it is ill-suited to situations in which one branch of government seeks to control another. Indeed, can such dynamics be meaningfully described as a form of “self-capture”?

Yet one could argue that the executive’s capture of Congress is a specific instance of state capture. If the executive branch and the private sector rely on similar (and sometimes corrupt) strategies to secure legislative majorities, producing the same outcome of a co-opted Congress, it is not clear why different terms should be used to describe functionally equivalent practices.

I would not overstate the difference in actors’ motivations either. Of course, there are many instances in which the executive branch of government serves the public interest, and it is difficult to argue that the Colombia’s presidents have only aided the interests of a few powerful economic actors. However, to state that only the private sector seeks to capture Congress for private gain, neglects the possibility of there being instances of collusion between the executive branch and the private sector. Depending on the context, powerful pressure groups may choose to lobby Congress directly or to work through a sympathetic executive to advance their preferred agenda. In this sense, both private-sector lobbying and the use of *cupos* by the executive can weaken the system of checks and balances.

Regarding the private sector, there is little information on lobbying efforts by different individuals and groups in Congress over time, as well as on their outcomes. Complicating matters further, this research only includes testimonies of lobbyists from some business associations, lobbying organizations, and of only one international firm. It was not possible to interview the lobbyists of Colombia’s powerful economic groups or of several major MNCs, which constrains the scope of the findings.

With these caveats in mind, one way to offer a tentative assessment of whether lobbying has contributed to state capture is to analyze testimonies regarding its success rates. If lobbyists representing powerful groups report consistently high levels of success, this may indicate that Congress is, to a significant extent, responsive to their preferences.

Most interviewees described lobbying as “successful,” emphasizing that it is a worthwhile activity that often yields favorable outcomes. One former MP stated that business associations have been particularly effective in defending their interests, especially in preventing the government from revoking their privileges (interview, Bogotá, September 30, 2021). Yet another former MP pointed out that legislators remain attentive to public opinion and avoid supporting measures that could alienate their constituencies, suggesting that democratic accountability places some limits on business influence (interview, Bogotá, October 14, 2021).

The rate of success varies considerably, depending on how success is defined and on the cases. Success hinges on the fights that lobbyists pick. Experienced lobbyists recognize that some battles are unwinnable, while others offer a high likelihood of securing favorable outcomes. By filtering out clearly unviable cases, they can increase their apparent success rates by focusing on situations where they are more likely to have an impact. That said, this does not mean that lobbyists only intervene when success is highly probable. Business associations and companies cannot simply abstain from lobbying when government decrees or congressional decisions threaten their interests.

In any case, engaging in lobbying in Congress is one thing, and securing favorable outcomes is another. Lobbyists can rarely guarantee amendments to legislation or the votes needed for success. As one former MP noted, “lobbying helps start a conversation (on some subject in Congress), but it cannot guarantee any results” (interview, Bogotá, September 15, 2021). Given that legislation often emerges from negotiations and compromises among political actors, lobbyists frequently obtain only partial gains rather than their preferred outcomes in full.

Beyond this, several lobbyists mentioned that success is often assessed in terms of outputs rather than outcomes. One lobbyist explained that she could consider her work successful even without achieving a legislative change if she succeeded in building a durable political network for her clients (interview, Bogotá, December 12, 2022). Another emphasized that her organization evaluates success across different components of broader strategies, including networking, building trust with key actors, and bridging positions (interview, Bogotá, September 15, 2021). Similarly, a former lobbyist from another business association reported that his organization’s board assessed performance based on the coherence of the strategy, the quality of the proposals developed, and the extent of engagement with relevant MPs and politicians (interview, Bogotá, November 19, 2022).

While these testimonies shed light on the scope and influence of lobbying, they fall short of demonstrating state capture. Even if the private sector enjoys regular access to MPs, invests substantial resources in lobbying, and exerts significant influence in Congress, this is not sufficient to establish that legislative outcomes have been systematically diverted away from the public interest.

Regarding private-sector corruption in Congress, several testimonies suggest that bribery of MPs by economic groups and some large firms is common, although many cases go undetected. This may help explain the gap between interviewees’ accounts—where bribery is described as a frequent mechanism of influence—and the comparatively small number of MPs who have been prosecuted and convicted of corruption.

To better understand this topic, we must consider the country’s institutional vulnerabilities. Colombia has introduced a range of reforms aimed at preventing and curbing political corruption. Since 1985, several laws have sought to regulate the private financing of politicians and political parties. The 1991 Constitutional Reform and subsequent legislation

expanded public funding for political parties, including subsidies and reimbursements for campaign expenses, access to low-interest loans, and free media time to disseminate their ideas¹⁹.

Public funding for political parties expanded alongside tighter restrictions on private financing. The law sets limits on who can donate and on the size of contributions, and prohibits donors from signing public contracts after elections. The rationale behind these reforms was that increasing reliance on public funding—rather than private contributions from large firms—would help curb corruption. Although private donations were not banned, the reforms were intended to reduce the undue influence of money in politics.

However, the implementation of these regulations has been flawed. In 1985, an electoral authority—the *Consejo Nacional Electoral* (CNE)—was created to oversee and enforce party finance rules. In practice, however, the CNE has proven both politicized and ineffective. Its members are appointed by Congress, and it lacks the technical capacity to adequately monitor and sanction violations. As a result, it has often been described as a “politicized and toothless” institution, lacking the political will, independence, and capacity needed to effectively supervise and control how parties raise and spend money (Castañeda 2018, 13).

Although the CNE sets spending ceilings for electoral campaigns, these limits are often ineffective. Politicians reportedly spend up to four times the legal maximum and underreport their actual expenditures (Castañeda 2018). More broadly, laws mandating the public financing of political campaigns in various Latin American countries have tended to establish a “financial floor” rather than a true cap, as parties and candidates continue to rely on illicit and corrupt funding to outspend their rivals and secure electoral success (Rehren 2009).

Additionally, the Colombian chapter of Transparency International has documented evidence of payoffs to those who finance political parties and campaigns. By cross tabulating the names of donors who contributed money to political candidates in the 2018 national elections and the names of individuals who subsequently signed public contracts, the results are striking. According to Transparencia por Colombia, 29.8% of donors to Senate campaigns and 35.6% of donors to House of Representatives campaigns were later awarded public contracts (Transparencia por Colombia 2022). In other words, over one-third of campaign donors of MPs obtained substantial returns.

Colombia’s limited progress in strengthening transparency and regulation in public procurement helps explain these patterns. Nearly 90% of public contracts are awarded without public bidding, allowing politicians to handpick contractors and reward campaign financiers (Transparencia por Colombia 2022). Even if open tenders were more widely used, significant opportunities for corruption would remain at multiple stages of the contracting process (Boehm and Olaya 2006).

In sum, while testimonies and institutional conditions suggest that the Colombian Congress is highly vulnerable to capture by both the executive branch and the private sector, the available evidence is insufficient to demonstrate that MPs systematically favor particularistic interests. It is also difficult to show that their decisions are driven solely by undue influence from donors, as this would require disentangling the effects of financial incentives from politicians’ prior values and beliefs.

19 For a review, see Castañeda (2018).

Discussion and Conclusions

This article advances various claims. First, despite the absence of formal regulation, lobbying in the Colombian Congress is both professional and institutionalized, involving business associations, economic groups, and other interested parties. Business associations, in particular, possess significant expertise and lobbying capacity, enabling them to persuade MPs through the use of data and technical arguments to favor entire sectors of the economy.

Business associations closely monitor decision-making processes in Congress and often engage in lobbying in public forums. They also maintain frequent private interactions with politicians in private settings, as they invite MPs, ministers and other state officials (including the president) to their regular meetings and annual conventions. These gatherings both inform politicians about developments in different economic sectors and provide a platform to advocate for specific policies.

Although some testimonies suggest that occasional illicit exchanges may occur in those scenarios, they do not appear to be the norm. Business associations are composed of teams of experts commissioned by firms to defend their sectoral interests, and their primary strategy is to persuade MPs through data and reasoned arguments. Business associations represent hundreds (and in some cases even thousands) of companies, making it difficult for them to engage in collective action to endorse corruption—which entails high risks of leaks of information and heavy penalties.

In addition, business associations typically lack discretionary funds that could be used to bribe politicians. Their financial resources largely consist of membership dues, which are allocated to cover the salaries of teams of experts. As one lobbyist of a business association put it, he was the “head of a poor association with rich members,” a position that precluded making financial contributions to politicians (interview, Bogotá, November 29, 2022).

When business associations do engage in questionable practices, they may take different forms. For instance, an association could potentially mislead the government by presenting inaccurate information about an economic sector. Practices such as double bookkeeping could distort the information available to the government and lead to the adoption of policies that generate unjustified rents for that sector.

Available testimonies suggest that the main private-sector actors involved in bribery are either powerful business groups or individual firms, including some MNCs and large national companies. Various testimonies support this claim. These are the same actors who have made substantial financial contributions to political campaigns. In recent years, the CNE has disclosed information on party and campaign donors, indicating that a relatively small number of economic groups and large firms account for a substantial share of their private funding²⁰.

One must underscore that lobbying may go hand in hand with corruption and partly involves the same economic actors. In fact, business groups and some individual firms may initially rely on lobbying—either directly or through business associations—but, if unsuccessful, may resort to bribery to secure favorable outcomes. Companies that engage in illicit practices may act individually or in small groups. As one former MP noted, in some cases like-minded economic groups and large firms pooled resources to bribe politicians (interview, Bogotá, November 4, 2021).

²⁰ News outlets disseminated this information. While such donors donated money to various political parties, they usually excluded leftist parties (León and Galvis 2024; Ortiz and Galvis 2023; Torres 2023). Business organizations were not listed as donors.

Contrary to much of the literature on lobbying and corruption, the Colombian case does not reveal a clear division between lobbying rule makers and bribing rule enforcers. The available evidence suggests that bribing MPs—that is, rule makers—is not uncommon. Some segments of the private sector know how to buy Congressional support for laws that align with their interests and also bribe MPs to forestall the passage of legislation that could potentially harm their companies. Even so, while testimonies point to the prevalence of such practices, further evidence is needed to substantiate the claim that Congress has been captured by private interests.

The executive branch can be partly blamed for fostering corruption in Congress. While the transactional logic of *cupos indicativos* has undoubtedly led to vote-buying and clientelism, some caveats are necessary. In principle, when the executive “buys support” from MPs, it does so to implement its mandate—that is, policies backed by a majority of citizens. The executive branch utilizes clientelism as a strategy to fulfill electoral promises made to broader constituencies. This differs from buying support for narrowly defined private interests, although—as noted earlier—there may be instances in which the executive and private actors collude.

If the resources allocated through *cupos indicativos* represents only a small share of public expenditures, this could be regarded as a form of small-scale corruption that enables governability. Unless institutional reforms are introduced to alter the current dynamics of presidentialism and improve governability, the executive may have few alternatives but to rely on unethical means in pursuing its democratic goals.

A previous section cited a politician who labeled as “pragmatic” those MPs who help the executive secure majorities in Congress. While it is tempting to dismiss this use of “pragmatism” as a misnomer for “corruption”—implying a lack of principles and/or ideology—a more nuanced interpretation may be warranted. If all MPs were strongly ideological and uncompromising, they might behave as political hardliners, refusing the compromises necessary for democratic governance. This, in turn, could lead to persistent deadlock between the executive and Congress, preventing the government from implementing policies and causing significant harm to the country.

In conclusion, while the Colombian Congress appears highly vulnerable to capture by powerful interest groups, further research is needed to determine whether this amounts to a case of state capture. Rather than being wholly corrupt, Congress may be better understood as an institution marked by multiple circuits of corruption, suggesting that perhaps corrupt practices do not always prevail.

Lobbying and corruption in Colombia may not differ substantially from patterns observed in other Latin American and developing countries, but further research is required to substantiate this claim. A related question is whether the democratic crisis in Colombia—and similar contexts—can be addressed through institutional reform. There are no straightforward solutions.

In Colombia, prohibiting *cupos indicativos* would likely reduce the executive’s capacity to influence Congress through patronage, but it could also create significant problems in terms of governability. Eliminating *cupos* would therefore require broader institutional reforms to strengthen coordination between branches of government. What form such reforms should take, however, remains unclear.

Regulating private-sector lobbying is equally important, yet it faces significant obstacles. While it is easy to make a list of desirable reforms—such as establishing clear lobbying regulations, enhancing transparency, strengthening the investigative capacities of anti-corruption agencies and enforcing anti-corruption legislation—implementing such

measures would require significant institutional transformations. While such reforms may be feasible, they would demand substantial political will, determination, and significant financial resources on the part of the government.

References

1. Angulo, Diana. 2015. "El lobby y sus efectos en la reforma tributaria del 2012." M.A. Thesis, Universidad del Rosario, Colombia.
2. Beetham, David. 1993. "Liberal Democracy and the Limits of Democratization." In *Prospects for Democracy*, edited by David Held, 55-73. Stanford: Stanford University Press.
3. Bertrand, Marianne, Matilde Bombardini, and Francesco Trebbi. 2014. "Is It Whom You Know or What You Know? An Empirical Assessment of the Lobbying Process." *American Economic Review* 104 (12): 3885-3920. <https://dx.doi.org/10.1257/aer.104.12.3885>
4. Boehm, Frederic, and Juanita Olaya. 2006. "Corruption in Public Contracting Auctions: The Role of Transparency in Bidding Processes." *Annals of Public and Cooperative Economics* 77 (4): 431-452. <https://doi.org/10.1111/j.1467-8292.2006.00314.x>
5. Campos, Nauro F., and Francesco Giovannoni. 2007. "Lobbying, Corruption and Political Influence." *Public Choice* 131 (1/2): 1-21. <https://doi.org/10.1007/s11127-006-9102-4>
6. Castañeda, Néstor. 2017. "Business Interest Groups and Policymaking in Latin America." In *Handbook of South American Governance*, edited by Pia Riggirozzi and Christopher Wylde, 262-274. London: Routledge. <https://doi.org/10.4324/9781315661162>
7. Castañeda, Néstor. 2018. "Electoral Volatility and Political Finance Regulation in Colombia." *Colombia Internacional* 95: 3-24. <https://doi.org/10.7440/colombiaint95.2018.01>
8. Chari, Raj, John Hogan, Gary Murphy, and Michele Crepaz. 2019. *Regulating Lobbying: A Global Comparison*. Manchester: Manchester University Press.
9. Croucamp, Petrus. 2019. "A Theoretical Exposition of State Capture as a Means of State Formation: The Case of South Africa." *Problems and Perspectives in Management* 17 (4): 289-298. [http://dx.doi.org/10.21511/ppm.17\(4\).2019.24](http://dx.doi.org/10.21511/ppm.17(4).2019.24)
10. Dargent, Eduardo. 2015. *Technocracy and Democracy in Latin America: The Experts Running Government*. Cambridge: New York: Cambridge University Press.
11. Dávid-Barrett, Elizabeth. 2023. "State Capture and Development: A Conceptual Framework." *Journal of International Relations and Development* 26: 224-244. <https://doi.org/10.1057/s41268-023-00290-6>
12. De Figueiredo, John M., and Brian Kelleher Richter. 2014. "Advancing Empirical Research on Lobbying." *Annual Review of Political Science* 17: 163-185. <https://doi.org/10.1146/annurev-polisci-100711-135308>
13. Duque Daza, Javier. 2023. *Presidencialismo de transacción. Las relaciones entre los poderes Ejecutivo y Legislativo en Colombia 1990-2002*. Cali: Programa Editorial Universidad del Valle.
14. Duque Daza, Javier. 2024. "La silla vacía. La pérdida de escaños de los congresistas en Colombia por corrupción y vínculos criminales." *Colombia Internacional* 119: 123-153. <https://doi.org/10.7440/colombiaint119.2024.05>
15. Fiebelkorn, Andreas. 2019. "State Capture Analysis: How to Quantitatively Analyze the Regulatory Abuse by Business-State Relationship." Discussion Paper n.º 2. Washington D.C.: World Bank. <http://hdl.handle.net/10986/33094>
16. Freedom House. n. d. "Colombia". Accessed April 20, 2026. <https://freedomhouse.org/country/colombia>
17. Garay, Luis Jorge, Eduardo Salcedo-Albarán, Isaac de León-Beltrán, and Bernardo Guerrero. 2008. *La captura y reconfiguración cooptada del Estado en Colombia*. Bogotá: Fundación Método; Fundación Avina; Transparencia por Colombia.
18. Giovannoni, Francesco. 2011. "Lobbying versus Corruption." DICE Report. <https://www.econstor.eu/handle/10419/167025>
19. González Penagos, Javier. 2021. "Los cabilderos profesionales existen y sin regulación alguna: Angélica Lozano." *El Espectador*, April 7. <https://www.elespectador.com/politica/los-cabilderos-profesionales-existen-y-sin-regulacion-alguna-angelica-lozano-article/>
20. Harstad, Bård, and Jakob Svensson. 2011. "Bribes, Lobbying and Development." *American Political Science Review* 105 (1): 46-63. <https://doi.org/10.1017/S0003055410000523>
21. Held, David. 1987. *Models of Democracy*. Stanford: Stanford University Press.
22. Hellman, Joel, Geraint Jones, and Daniel Kaufmann. 2000. "Seize the State, Seize the Day: State Capture, Corruption and Influence in Transition." Policy Research Working Paper n.º 2444. Washington D.C.: World Bank. <https://doi.org/10.1596/1813-9450-2444>
23. Higuera, Diego. 2018. "Juicio a la legitimidad del legislador en Colombia." *Verba Iuris* 40: 25-47.
24. Junguito Bonnet, Roberto. 2019. "El papel de los gremios en la economía colombiana." *Desarrollo y Sociedad* 82: 71-100. <https://doi.org/10.13043/dys.82.4>
25. Krakowski, Krzysztof. 2015. "Colombian Paramilitaries Since Demobilization: Between State Crackdown and Increased Violence." *Latin American Politics and Society* 57 (4): 28-50. <https://doi.org/10.1111/j.1548-2456.2015.00287.x>

26. Latinobarómetro. 2023. "Colombia." Accessed July 17, 2024. <https://www.latinobarometro.org/latinobarometro-2023#LAT-2023-selected-country-header>
27. León, Ana, and Manuela Galvis. 2024. "Así donaron las empresas a los partidos políticos en 2023." *La Silla Vacía*, April 19. <https://www.lasillavacia.com/silla-nacional/asi-donaron-las-empresas-a-los-partidos-politicos-en-2023/>
28. Leyva-Botero, Santiago, Claudia Mejía-Betancur, and José Antonio Fortou. 2021. "Más allá del clientelismo y la técnica: la distribución política del presupuesto gubernamental en Colombia." *Revista CS* 35: 125-153. <https://doi.org/10.18046/recs.i35.4745>
29. Milanese, Juan Pablo. 2012. "Dinámicas cambiantes de la relación interinstitucional entre el poder ejecutivo y el legislativo en Colombia." *Desafíos* 24 (1): 231-271. <https://revistas.urosario.edu.co/index.php/desafios/article/view/2100/0>
30. Molano, Paola Fernanda. 2023. "Entre la política y la burocracia: los asesores legislativos en Colombia." M.A. Thesis, Universidad de los Andes, Colombia.
31. Nasi, Carlo, and Angelika Rettberg. 2019. "Colombia's Farewell to Civil War: Reaching Closure in a Divided Society." In *How Negotiations End: Negotiating Behavior in the Endgame*, edited by I. William Zartman, 62-82. Cambridge: Cambridge University Press.
32. Nasi, Carlo. 2018. "The Peace Process with the FARC-EP." In *Truth, Justice and Reconciliation in Colombia: Transitioning from Violence*, edited by Fabio Andrés Díaz, 34-49. New York: Routledge.
33. Nownes, Anthony. 2017. "Lobbying: The Preconditions of an Anti-Corruption Promise." *U4 Issue* 8: 1-28. <http://www.u4.no/publications/lobbying-the-preconditions-of-an-anti-corruption-promise/>
34. Ortiz, Jerson, and Manuela Galvis. 2023. "En 2022 Sarmiento Angulo duplicó sus aportes a partidos tradicionales." *La Silla Vacía*, March 16. <https://www.lasillavacia.com/silla-nacional/en-2022-sarmiento-angulo-duplico-sus-aportes-a-partidos-tradicionales/>
35. Parra, Esther. 2010. "Poderes presidenciales y alianzas políticas en América Latina: el caso colombiano." *Reflexión Política* 12 (24): 100-113. <https://revistas.unab.edu.co/index.php/reflexion/article/view/1275>
36. Poveda, Guillermo. 2014. "Representatividad parlamentaria: ¿congreso en crisis?". *Derecho Público* 32: 4-20.
37. Rehren, Alfredo. 2009. "The Crisis of the Democratic State." In *Corruption & Democracy in Latin America*, edited by Charles Blake and Stephen Morris, 46-59. Pittsburgh: University of Pittsburgh Press.
38. Restrepo, Elvira María, and Bruce Bagley, eds. 2011. *La desmovilización de los paramilitares en Colombia: entre el escepticismo y la esperanza*. Bogotá: Ediciones Uniandes.
39. Rodríguez Leiva, Julián Esteban. 2010. "Gremios empresariales e influencia, tácticas de cabildeo y factores de efectividad a juicio de los directivos gremiales: un estudio de caso de cuatro gremios colombianos." M.A. Thesis, Pontificia Universidad Javeriana, Colombia.
40. Rodríguez, Luis Alfredo, and Néstor Maldonado. 2020. "Las políticas distributivas en Colombia: de los auxilios parlamentarios a las partidas de inversión regional o 'mermelada tóxica.'" *Revista de la Facultad de Derecho y Ciencias Políticas* 50 (32): 1-28. <https://doi.org/10.18566/rfdcp.v50n132.a01>
41. Schneider, Ben Ross. 2004. *Business Politics and the State in Twentieth-Century Latin America*. Cambridge: Cambridge University Press.
42. Schneider, Ben Ross. 2008. "Economic Liberalization and Corporate Governance: The Resilience of Business Groups in Latin America." *Comparative Politics* 40 (4): 379-397. <https://doi.org/10.5129/001041508X12911362383237>
43. Skocpol, Theda. 1979. *States and Social Revolutions*. Cambridge: Cambridge University Press.
44. Torres, Nicolás. 2023. "Los aportes a partidos de los grupos Ardila Lülle y Santo Domingo." *La Silla Vacía*, September 5. <https://www.lasillavacia.com/silla-nacional/los-aportes-a-partidos-de-los-grupos-ardila-lulle-y-santo-domingo/>
45. Transparencia por Colombia. 2022. *Segundo informe elecciones y contratos, 2018-2022*. Bogotá: Transparencia por Colombia. <https://transparenciacolombia.org.co/wp-content/uploads/2024/01/II-Informe-elecciones-y-contratos-3.pdf>
46. Transparency International. n. d. "What is corruption?" *Transparency International*. Accessed April 27, 2026. <https://www.transparency.org/en/what-is-corruption>
47. Ungar, Elisabeth. 2011. "Repensar el Congreso para enfrentar la crisis." In *Partidos y elecciones en Colombia*, edited by Felipe Botero, 357-380. Bogotá: Ediciones Uniandes.
48. Vanegas, Pedro Pablo. 2018. *El sistema electoral en la elección del congreso colombiano: su configuración constitucional*. Bogotá: Publicaciones Universidad Externado de Colombia.
49. Vargas, Fernando, Miguel Ángel Cáceres, Diana Carrillo, Marcela Castellanos, Corporación Geoambiental Terrae, Jeremy León, Marilyn Machado, and Eduardo Quintero. 2023. *Extractivismo y captura del Estado en Colombia: aportes contra la impunidad*. Bogotá: Heinrich Böll Stiftung.
50. Weyland, Kurt. 2013. "Populism and Social Policy in Latin America." In *Latin American Populism in the Twenty-First Century*, edited by Carlos de la Torre and Cynthia Arnson, 117-144. Baltimore; Washington D.C.: Johns Hopkins University Press; Woodrow Wilson Center Press.

Carlo Nasi

Ph.D. in Government and International Studies from the University of Notre Dame, United States. Associate Professor in the Department of Political Science at the Universidad de los Andes, Colombia. He is a member of the research group on armed conflict and peace. <https://orcid.org/0000-0001-5755-1661> | cnasi@uniandes.edu.co

