BRI MONITOR

PARTNER PERSPECTIVES: REGULATORY GAPS & RISKS IN COLOMBIA

BRI Monitor is a joint transparency and accountability initiative tracking China's Belt and Road Initiative, exposing the true terms and full costs to countries and communities. It includes independent think tanks and civil society organizations across the Asia-Pacific, Central Asia, and Africa. BRI Monitor and the Center for International Private Enterprise created a methodology to assess information disclosure and identify governance standards or gaps that make investments constructive or corrosive.

CHINESE ENGAGEMENT WITH COLOMBIAN LAWMAKERS

In Colombia, a lack of lobbying regulations obscures details on the financing of lawmakers' international travel and the extent of foreign influence on policymakers. This has become an issue of particular concern when it comes to China's growing number of investments in the country—an issue that CIPE partner Colombia Risk Analysis (CRA) examined in its recent report *Understanding China's Tech Footprint in Colombia*. Foreign companies, including those from China, actively lobby Colombian public officials, potentially creating an uncompetitive environment for other international investors that abide by stringent transparency requirements. In the absence of stringent regulations in Colombia, foreign investors' activities are governed by laws in their home country, such as the U.S. Foreign Corrupt Practices Act, which can vary widely from country to country.

Colombia's growing exposure to China is underscored by increasingly common exchanges between Colombian and Chinese policymakers, such as the installation of a Colombia-China Parliamentary Friendship Group in December 2023; a January 2024 meeting between China's top legislator, Zhao Leji, and the presidents of the Colombian Chamber of Representatives and Senate; and the announcement of a strategic partnership and twelve new cooperation agreements during Colombian President Gustavo Petro's visit to Beijing in October 2023. As these ties deepen, the frequency of Colombian lawmakers visiting China is likely to increase.

A week-long trip to China in August 2023 by a delegation of seven Colombian lawmakers from different political parties at the invitation of the Colombian-Chinese Chamber of Investment and Commerce (CCCHIC) highlights concerns about potential foreign influence. During the trip, which received scant media coverage, the members of the Congress of Colombia met with Chinese officials and representatives of China's private sector, including Huawei and BYD, the world's largest electric vehicle manufacturer. Upon their return, most of the delegates posted positive remarks about China on social media. For example, one of the lawmakers, Catherine Juvinao, criticized President Petro's effort to persuade the Chinese government to renegotiate the design of a segment of Bogotá's China-built metro. Despite CRA's repeated requests to multiple members of the delegation and the CCCHIC for details regarding the trip, it was not until eight months after CRA's initial inquiry, in March 2024, that Juvinao's office sent a reply confirming that funding came from the CCCHIC and the Chinese government. Juvinao's reply remains to the authors' knowledge the only written confirmation detailing the trip's funding.

Colombia's experience offers significant lessons for understanding Chinese influence in Latin America. China's active engagement with Colombian officials aims to bolster China's public image, advance its economic and political interests, and facilitate strong relationships between legislators from both countries. In the absence of media coverage and transparent governance practices, China's outreach to Colombian decisionmakers contributes to a perception of unfair competition and economic and political manipulation. Examining Chinese influence in Peru and Chile reveals that Colombia's case mirrors a broader regional dynamic.

LESSONS FROM CHINA'S INTERESTS IN PERU AND CHILE

Peru and Chile are among the few Latin American countries to have made a significant effort to regulate lobbying. Peru's law regulating lobbying dates to 2003, while Chile implemented strict regulations in 2014 that follow the Organisation for Economic Co-operation and Development (OECD) *Principles for Transparency and Integrity in Lobbying*. While the regulations have not entirely prevented foreign influence from exploiting loopholes, they introduce much needed transparency to lobbying and draw attention to instances of excessive foreign influence that potentially break the law. Peruvian media questioned the legality and motives of six legislators who took a 12-day journey to China. It was funded by two private Mexican companies, according to one of the lawmakers. This potential violation of Peru's parliamentary ethics code prompted media outlets to raise concerns about the delegation's alleged acceptance of donations that could favor foreign private interests.

In Chile, where China reportedly lobbies more intensely than any other country, media have reported extensively on the Chinese embassy's aggressive tactics to influence Chilean lawmakers. In November 2018, *La Tercera*, a major Chilean newspaper, documented the Chinese ambassador's efforts to dissolve a friendship group, a platform for dialogue between Chilean and Taiwanese lawmakers; to favor Chinese company Tianqi's bid to purchase shares of Chilean lithium mining company SQM; and to defeat a resolution in Chile's Chamber of Deputies calling on the Chilean president to condemn human rights violations in China. The widespread reports of foreign lobbying activity in Peru and Chile raise important questions about countries like Colombia, where the lack of a robust transparency framework means foreign influence often goes unreported.

KEY TAKEAWAYS & RECOMMENDATIONS

Although a 2009 political reform amended Article 144 of the Colombian Constitution to mandate that Congress regulate lobbying, Colombia has yet to enact robust and specific legislation in this area. Barriers to reform include lawmakers' reluctance to regulate their own activities, and public concern that formalizing lobbying regulations would normalize the practice. However, clear regulations could mitigate risks associated with officials' international travel, increase transparency, and safeguard against potential foreign influence.

Colombia should establish lobbying regulations guided by the OECD's 2010 *Principles for Transparency and Integrity in Lobbying* and its 2021 follow-up *Lobbying in the 21st Century*. Implementing these recommendations involves defining lobbying activities and actors, adapting international standards to local contexts, ensuring fair access for the public and private sectors in policymaking, setting clear standards of conduct for public officials and lobbyists, and maintaining ongoing scrutiny of the decision-making process. This approach prioritizes transparency, integrity, and accountability in lobbying. The OECD's tools and reports also recognize the influence of digital technologies, social media—including their use by new actors like foreign governments—and channels of influence that old legislation did not cover. Colombia should draft lobbying regulations aligned with OECD findings, defining the executive and judicial branches as lobbying targets alongside the legislative branch.

Colombia should also overhaul its Public Registry of Lobbyists, which has seen limited effectiveness since its 2011 inception. This registry stems from an internal resolution of Colombia's Chamber of Representatives rather than law, was never adopted in the Senate, and is outdated, underused, and essentially defunct. It should be replaced with an easily accessible public database modeled after Chile, where public officials must disclose their meetings with interest groups and register their travels, including funding details. However, such a platform would not be sufficient. Colombia and other Latin American countries would benefit from a registry similar to the United States' Foreign Agents Registration Act to ensure that the operations of foreign agents representing governments, political parties, corporations, and other foreign organizations are open and transparent.

Whether or not legislative reform is enacted, Colombian media should follow the example set by their Chilean and Peruvian counterparts by documenting and reporting on the foreign influence that lawmakers are exposed to at home and on international trips. The risks associated with this influence are too high to ignore. Without action, Colombia's regulatory gaps will continue to erode democratic standards and trust in public servants.

The author of this issue brief, Colombia Risk Analysis, is a Bogota-based political-risk consultancy that helps private sector clients understand the country's political and business environment.