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NORMATIVE EFFECTIVENESS AND IMPLEMENTATION GAP IN LAND-USE PLANNING INSTRUMENTS OF SPECIAL DISTRICTS: COMPARATIVE EVIDENCE FROM THE COLOMBIAN CARIBBEAN

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ABSTRACT

The article aims to analyse the normative effectiveness of Land Use Plans (Planes de Ordenamiento Territorial, POT) in special districts of the Colombian Caribbean, based on an empirical examination of the gap between the normative design of these instruments and their practical implementation in territorial management. The analysis is conducted from a legal-axiological perspective, focusing on the case of the Tourist and Cultural District of Riohacha, and is complemented by a comparative assessment of the districts of Santa Marta, Barranquilla, and Cartagena, with the purpose of identifying normative and spatial management models that may serve as references for district-level planning. The study is grounded in a dogmatic analysis of the legal framework governing territorial planning, complemented by the examination of relevant constitutional jurisprudence and comparative law data. The findings indicate that the mere formal validity and legal enforceability of POTs do not, in themselves, guarantee their normative effectiveness, particularly when these territorial planning instruments are not properly aligned with the special legal regime applicable to districts. The analysis further shows that limited urban control capacity, weak articulation between planning and management, and institutional shortcomings exacerbate the dissociation between normative provisions and territorial governance practices. The study concludes that districts which have formulated or adjusted their POTs from a fully district-oriented logic and which operate under institutionally consolidated management models exhibit higher levels of normative effectiveness. In contrast, the case of Riohacha reveals a significant mismatch between the regulatory framework of its POT and the competencies assigned under the district legal regime, thereby constraining its ability to effectively guide territorial transformation. In sum, the effectiveness of territorial planning in special districts depends on the articulation between normative adequacy, institutional capacities, and territorial governance models, providing relevant analytical insights for urban law and public management in complex territorial contexts.

KEYWORDS: Territorial planning; Land-Use Plan (POT); Special districts; Normative effectiveness.

1. INTRODUCTION

The Territorial Planning Plan (Plan de Ordenamiento Territorial, POT) in Colombia has been regarded as one of the principal instruments for urban, rural, and environmental development planning within a decentralized social state governed by the rule of law (Marriner & Menjura, 2021). Since the promulgation of the 1991 Political Constitution and the enactment of Law 388 of 1997, POTs have acquired a mandatory normative character, evolving from a merely technical instrument for land-use planning into a genuine legal instrument that regulates land use, occupation, and transformation. This regulatory framework is oriented toward the pursuit of the general interest, sustainable development, and equity in spatial occupation (Peralta-Lozano et al., 2021).

Nevertheless, practical experience with Colombia's territorial planning system reveals that, alongside the strengthening of the normative design of POTs in both their formulation and execution, persistent structural problems remain. These problems stem from the gap between the normative formulation of POTs and the effective management of territory (Huertas, 2025). The divide between regulation and implementation is explained by institutional shortcomings, administrative limitations, conflicts in the allocation and exercise of competencies, and weak coordination among different levels of government. Collectively, these factors constrain the normative effectiveness of planning instruments and their actual capacity to influence territorial transformation (Valencia et al., 2024).

This issue becomes particularly salient in the case of special districts, especially those oriented toward culture and tourism, whose specific legal regulation entails higher levels of complexity in territorial planning processes (Pérez et al., 2021). The coexistence of special administrative functions, specific legislation, and intensive socioeconomic processes such as cultural activities, tourism development, heritage protection, and real estate pressure creates contexts of heightened normative and operational conflict. In such settings, the POT faces significant challenges in fulfilling its regulatory mandate effectively (Vaquer-Caballería, 2023).

Along these lines, the normative impact of a POT should not be assessed solely on the basis of its formal validity or legal force, but also through the lens of administrative decisions, urban control mechanisms, and land management actions aligned with the competencies conferred upon each territorial entity (Jiménez-Renedo & Madurga-

Chornet, 2021; Vaquer-Caballería, 2023b). In special districts, this requirement is intensified, as land-use planning demands greater rigor in articulating these instruments with multilevel governance models and adequate institutional capacities. The absence or weakness of such capacities may further exacerbate the gap between regulatory norms and their practical application (Ezquiaga-Domínguez, 2023).

The case of the Tourist and Cultural District of Riohacha is particularly illustrative of these tensions. Despite its relatively recent designation as a district, its territorial planning framework is based on a POT that constitutes a review and partial adjustment of an instrument originally designed for a municipality. This circumstance raises significant questions regarding its normative adequacy in relation to the district regime and its potential to meet the demands arising from its tourism- and culture-oriented vocation (Barrientos-Báez et al., 2021b; Blanchar, 2024).

Accordingly, the issue of the normative effectiveness of Riohacha's POT must be analysed through a comparative approach aimed at identifying similarities, differences, and lessons learned from other districts in the Colombian Caribbean. These districts have faced challenges similar to those identified in Riohacha's POT but have developed markedly different normative responses and management schemes. The cities of Santa Marta, Barranquilla, and Cartagena are particularly relevant in this regard, as they have developed their own sets of territorial planning instruments and district-level management frameworks, each exhibiting varying degrees of institutional and regulatory development (Arcia, Pinto & Restrepo, 2023; Yepes-Zabaleta & Dovale-Aguas, 2023).

Consistent with the foregoing, this article focuses on examining the gap between implementation and normative design of the Territorial Planning Plan of the Tourist and Cultural District of Riohacha, with particular emphasis on a comparative characterization of normative and territorial management models in the districts of Santa Marta, Barranquilla, and Cartagena as benchmarks for district-level planning. The legal strategy adopted for the analysis of territorial planning instruments and the applicable normative framework incorporates consideration of management experiences developed across the districts as a reference point. This approach enables the identification of normative, institutional, and governance-related elements capable of strengthening the normative effectiveness of territorial planning in district contexts, while also

providing practical insights for improving territorial governance and public policy design in special districts (Campo & Escobar, 2021; García & Palacio, 2021).

2. THEORETICAL AND CONCEPTUAL FOUNDATIONS

2.1. Normative Effectiveness of Territorial Planning in Special Districts

Normative effectiveness constitutes a central category within urban law for assessing the real capacity of legal norms to produce effects on the organization, use, and transformation of territory (Jiménez-Renedo & Madurga-Chornet, 2021). This concept departs from a purely formalistic approach, as it does not end with the validity or legal force of the norm, but rather refers to the degree of its effective compliance and its impact on the administrative and territorial practices that the norm regulates (De-las-Rivas-Sanz, 2023).

Within territorial planning, normative effectiveness acquires a specific meaning through Territorial Planning Plans (Planes de Ordenamiento Territorial, POT), which are configured as normative legal instruments whose effectiveness depends not only on their internal coherence and alignment with the superior legal framework, but also on the institutional, technical, and political capacity for their implementation (Ezquiaga-Domínguez, 2023). In this sense, a POT may be formally valid and in force yet display low normative effectiveness when its provisions fail to generate administrative decisions, urban control mechanisms, or effective territorial transformations (Vaquer-Caballería, 2023b).

This aspect is particularly relevant in the case of special districts, whose form of government grants them differentiated and reinforced competencies in planning, territorial management, and sectoral development. Accordingly, the normative effectiveness of the POT becomes a key indicator for assessing the correspondence between the normative design of the instrument and the actual capacity to operate under a district governance logic.

2.2. Normative Adequacy and Compliance with the Territorial Planning Plan

The relationship between normative adequacy and compliance constitutes the core analytical axis in the study of territorial planning. Normative adequacy refers to the extent to which the structure, content, and provisions of the POT conform to legal standards and to the competencies established by the applicable legal framework that the territorial entity

is required to fulfill (Sánchez, 2022). In the case of special districts, this implies a POT that explicitly and systematically incorporates the functions, vocations, and obligations consistent with its specific legal regime.

Compliance, in turn, is reflected in the effective observance of the POT's provisions by administrative authorities and obligated subjects that is, actors who are required either to comply with the POT's provisions or to carry out specific actions in accordance with that instrument. This compliance is manifested through the issuance of administrative acts, the exercise of urban control functions, and the implementation of land management and financing instruments (Sibina, 2023). A lack of correspondence between legal norms and practice accentuates the gap between planning and territorial management, thereby limiting the effectiveness and normative force of the planning framework.

In this regard, the analysis of a POT in a special district must jointly consider both its degree of normative adequacy and the institutional conditions that determine its compliance, avoiding approaches that merely verify the formal existence of the instrument without addressing its effective operability.

2.3. Normative Models and Territorial Management Models in Districts

For the purposes of this comparative analysis, it is necessary to conceptually delimit what is meant by normative models and territorial management models within the context of district-level planning. Normative models refer to the way the POT legally structures the territorial space, whether by incorporating the district regime, regulating land uses, governing strategic activities such as tourism or cultural heritage protection, or ensuring coherence between the instrument and the legal competencies assigned to the district (Jiménez-Caldera *et al.*, 2022).

Territorial management models, by contrast, refer to the institutional and administrative capacities of public institutions to implement the guidelines of the POT. These capacities may be expressed through monitoring and evaluation mechanisms, coordination between planning and execution, effective urban control, or inter-institutional articulation aimed at fostering an effective management culture surrounding the POT (Gutiérrez & Escobar, 2021). These models largely determine the feasibility of POT implementation and, consequently, the interpretive logic regarding its normative effectiveness.

Characterizing these models makes it possible to

establish criteria for comparing different districts by identifying strengths, weaknesses, and institutional practices that affect the operability of POTs. From this perspective, the comparative analysis of Santa Marta, Barranquilla, and Cartagena seeks to identify normative references and management models that, given their specificities, may be useful for evaluating and improving territorial planning in the Tourist and Cultural District of Riohacha.

2.4. Territorial Governance and District Institutional Capacity

Territorial governance emerges as a fundamental analytical framework for examining the effectiveness of territorial planning in district contexts. This approach aligns with broader governance perspectives by moving beyond a hierarchical conception of government and introducing the interaction of multiple public and private actors, as well as the need to analyze decision-making processes across different territorial levels (Barrientos-Báez et al., 2021a).

Given its relevance in special districts, territorial governance is understood as a form of multilevel governance in which national and departmental competencies are combined with district-level powers and sectoral interests (such as tourism, culture, infrastructure, and economic development) (Andrade et al., 2024). Indeed, insufficient coordination among these levels and actors may lead to normative fragmentation and competency conflicts that negatively affect the implementation of the POT itself (Ezquiaga-Domínguez, 2023).

Under the premise that district institutional capacity encompasses the availability of technical, administrative, and political resources, the normative effectiveness of territorial planning becomes one of its main structural determinants. Comparative analysis among districts further reveals how different governance arrangements and levels of institutional strengthening influence territorial planning processes and outcomes.

2.5. Normative Pluralism and Territorial Constraints

Normative pluralism constitutes a structural feature of Colombia's territorial planning system, particularly in territories marked by the presence of ethnic communities and the coexistence of multiple normative systems (Mosquera-Vallejo, 2025). In such contexts, state-based territorial planning regulations interact with the normative frameworks of Indigenous and Afro-descendant communities, introducing additional challenges to the

implementation of the POT. In culturally diverse districts such as Riohacha, a lack of alignment between formal territorial planning and community-based normative practices may undermine the social legitimacy of the POT and adversely affect its normative effectiveness (Tola, 2020).

Accordingly, normative pluralism is treated in this study as a conditioning variable that affects the implementation of territorial planning, rather than as an independent theoretical variable. Incorporating this dimension allows for a more nuanced analysis of the norm-management gap, particularly when assessing the capacity of POTs to operate in territories characterized by complex sociocultural dynamics and overlapping, and sometimes competing, normative systems (Bagni et al., 2023).

3. CRITICAL ANALYSIS OF THE NORMATIVE EFFECTIVENESS OF RIOHACHA'S POT

To assess the normative effectiveness of the Territorial Planning Plan (Plan de Ordenamiento Territorial, POT) of the Tourist and Cultural District of Riohacha, it is necessary to conduct an integrated analysis of its legal adaptation to the district regulatory framework, the internal coherence of its normative structure, the institutional conditions for its implementation, and the degree of separation between the formal provisions of the POT and their effective implementation in territorial management.

3.1. Normative Adequacy of the POT vis-à-vis the District Regime

To analyze the normative effectiveness of the Territorial Plan of the Tourist and Cultural District of Riohacha, it is first necessary to examine its level of conformity with the special legal regime governing districts. The current POT, revised and adjusted through Decree No. 078 of 2015, incorporates provisions enacted after the original preparation of the instrument. However, this process did not result in the formulation of a new POT conceived as a planning instrument grounded in district-based logic; instead, the same regulatory framework originally adopted at the municipal level was maintained without substantial structural modification (Barrado, 2001).

In this regard, the district's territorial planning continues to rely on a regulatory instrument that does not adequately encompass the specific attributes permitted under Law 1617 of 2013 and Law 1766 of 2015. Although the POT makes general reference to the tourism and cultural components characteristic of the territory, it ultimately fails to

develop a specific normative regime capable of operationalizing the principles of planning, management, and land-use control in accordance with the requirements of a special district (Barrientos-Báez *et al.*, 2021b; Blanchar, 2024). This shortcoming undermines the internal coherence of the instrument and negatively affects its normative effectiveness.

Table 1: Normative adequacy of POTs in districts of the Colombian Caribbean.

District	Year of Current POT/ Revision	Instrument Logic	Explicit Incorporation of the District Regime	Normative Development of Functional Vocation	Level of Normative Adequacy
Riohacha	POT 2002 – Adjustment 2015	Adjusted municipal	Partial	General and declarative	Low
Santa Marta	POT 2020	District-based	Explicit and systematic	Tourism and natural heritage	High
Barranquilla	POT 2014	District-based	Explicit and operational	Industry, port, and city-region	High
Cartagena	POT 2001 – complementary instruments	Municipal with adjustments	Partial, in transition	Cultural heritage	Medium

3.2. Disarticulation between Legal Competencies and the Normative Structure of the POT

A second relevant finding of the analysis highlights the gap between the legal competencies conferred upon the District of Riohacha and the normative development reflected in the current POT. The district regime grants competencies related to planning, tourism development, cultural heritage protection, and inter-institutional coordination; however, these competencies are not systematically reflected in the regulatory structure of the plan (Fonseca-Ortiz & Sierra-Zamora, 2022).

The structure of the POT maintains a sectoral-programmatic logic that is characteristic of its original conception and therefore presents significant normative gaps when addressing complex challenges such as accelerated urban growth, pressure on environmentally and culturally strategic areas, and coexistence with Indigenous territories and ethnic communities within the district’s jurisdiction (Suelt, 2023; Torino, 2021). This disarticulation constitutes a major limitation to the effectiveness of the POT as a legal instrument within

the district context.

Table 2: Correspondence between district competencies and POT regulation.

Key District Competencies	Riohacha	Santa Marta	Barranquilla	Cartagena
District territorial planning	Weak	High	High	Medium
Tourism management	Declarative	Normative	Normative	Partial
Protection of cultural heritage	General	Integrated	Complementarity	Specific
Inter-institutional coordination	Low	Medium	High	Medium
Differentiated management instruments	Limited	Developed	Developed	Partial

3.3. Institutional Limitations for POT Implementation

The normative effectiveness of Riohacha’s POT is constrained by institutional obstacles that undermine its level of compliance. Documentary analysis reveals weaknesses in the district’s managerial and technical capacity to implement, monitor, and enforce the provisions of the plan, as evidenced by the limited issuance of administrative acts aimed at implementing land management and land financing instruments (Zea *et al.*, 2025).

Additionally, weak coordination with other planning instruments hinders the materialization of strategic projects envisaged in the territorial planning framework. There is also a marked lack of coordination with environmental authorities, sectoral agencies, and community actors an issue of relevance in a territory characterized by strong cultural intensity and the coexistence of concurrent normative systems (Benavides & Mejía, 2022).

3.4. Gap between Normative Design and Territorial Management

Once normative planning standards established by the POT are intended to guide land-use decisions, insufficient knowledge of their content may not only lead to sporadic or ad hoc regulatory implementation but may also create space for other territorial planning instruments that, while initially expected to converge with the strategy defined by the POT, ultimately contradict its provisions. As a result, the practical application of the POT has been fragmented, limited, and discretionary, particularly in relation to land-use control, the implementation of the plan’s core objectives, and the protection of

legally restricted areas (Zambrano et al., 2018; Arteaga, 2023).

This limited applicability of the regulations derived from the POT demonstrates that the formal existence of the plan alone does not guarantee its normative effectiveness. In the case of Riohacha, the effectiveness of territorial planning depends on the district’s institutional capacity to translate normative prescriptions into coherent actions of management, control, and territorial coordination consistent with its status as a Tourist and Cultural District (Carmona, 2020).

Table 3: Norm-management gap in the analyzed districts.

District	Normative Design	Implementation in Management	Magnitude of the Gap
Riohacha	Formally in force	Fragmented	High
Santa Marta	Updated	Partially effective	Medium
Barranquilla	Updated	High correspondence	Low
Cartagena	In transition	Irregular	Medium

3.5. Comparative Analysis of District Normative Models

The comparative analysis with the districts of Santa Marta, Barranquilla, and Cartagena reveals significant differences in territorial planning normative models. In the cases of Santa Marta and Barranquilla, the POTs have been formulated or revised under a fully district-oriented logic, explicitly integrating their functional vocations and developing normative regimes oriented toward strategic activities such as tourism, culture, environmental sustainability, and port operations (Escobar et al., 2023; Barrado, 2001).

Cartagena exhibits an intermediate normative model, as its current POT is relatively outdated; however, the existence of complementary instruments for cultural heritage management and the initiation of formal review and adjustment processes have helped mitigate the limitations of the general territorial planning framework (Larios-Giraldo & Cabrera-Sánchez, 2021).

By contrast, Riohacha remains normatively lagging, given that its POT incorporates only very limited adaptations to the district regime, resulting in a low regulatory density insufficient to fulfill the functions inherent to a special district (Arcia, Pinto & Espinosa, 2023).

3.6. Comparison of Territorial Management Models

Normative differences are directly reflected in the territorial management models adopted by the analyzed districts. In Barranquilla, the management model is institutionally strengthened through measures that enhance monitoring and control of the POT, improve coordination between planning and public investment, and reinforce urban control mechanisms. This institutional strengthening contributes to a higher alignment between normative design and territorial management (Zambrano et al., 2018).

In Santa Marta, the management model is oriented toward environmental sustainability and the protection of natural heritage, supported by instruments that enable coordination in territorial planning with environmental authorities, even under conditions of urban informality (Benavides & Mejía, 2022). Cartagena’s management model is hybrid in nature, as cultural heritage management constitutes a strong axis, although it faces inherent tensions arising from tourism pressure and the real estate market (Carné, 2021).

In contrast, Riohacha’s territorial planning management model exhibits institutional weaknesses, limited intersectoral coordination, and a low capacity to implement POT instruments, all of which contribute to the low normative effectiveness of district territorial planning (Yepes-Zabaleta & Dovale-Aguas, 2023).

Table 4: Territorial management models in districts of the Colombian Caribbean.

Management Dimension	Riohacha	Santa Marta	Barranquilla	Cartagena
Institutional capacity	Low	Medium	High	Medium
POT monitoring and evaluation	Limited	Partial	Systematic	Partial
Planning-investment articulation	Weak	Medium	High	Medium
Urban control	Limited	Moderate	High	Moderate
Environmental and cultural coordination	Weak	High (environmental)	Medium	High (heritage)

3.7. Comparative Results and Planning Benchmarks for Riohacha

The comparative analysis makes it possible to identify normative and management benchmarks that are relevant for the planning of the Tourist and Cultural District of Riohacha. The cases of Santa Marta and Barranquilla highlight the importance of

POTs formulated under a district-based logic, the development of corresponding competencies, and institutionally consistent management models. The experience of Cartagena further underscores the relevance of complementary instruments and continuous review processes to reduce the gap between normative design and territorial management.

These findings indicate that the normative effectiveness of district territorial planning does not depend solely on the formal updating of the POT, but rather on the alignment between normative design, institutional capacity, and territorial management models. In this sense, the case of Riohacha demonstrates the need to strengthen its territorial planning framework by drawing on sufficiently robust comparative benchmarks to address the structural limitations identified in this analysis.

Table 5: Comparative benchmarks to strengthen territorial planning in Riohacha.

Reference District	Key Element	Applicability for Riohacha
Santa Marta	POT-environment integration	Strengthening environmental regulation
Barranquilla	Institutional management of the POT	Establish monitoring mechanisms
Cartagena	Heritage management instruments	Regulate cultural tourism
Comparative set	Periodic POT review	Overcome normative inertia

4. NORMATIVE AND JURISPRUDENTIAL ANALYSIS OF DISTRICT TERRITORIAL PLANNING

4.1. Regulatory Framework Applicable to Territorial Planning in Special Districts

In Colombia, territorial planning is organized according to a hierarchical system of norms that define the principles, competencies, and procedures applicable to land-use planning. Law 388 of 1997 constitutes the core normative framework of Colombian urban law, as it establishes territorial planning as a public function aimed at regulating land use, occupation, and transformation in alignment with the general interest and sustainable development. This law characterizes Territorial Planning Plans (Planes de Ordenamiento Territorial, POT) as mandatory normative instruments with binding effects for both public authorities and private actors.

In the case of special districts, this framework is complemented by Law 1617 of 2013, which establishes a differentiated legal regime with

reinforced competencies in planning and economic development, tourism, culture, and heritage protection. In accordance with Article 6 of Law 1617 of 2013, districts are required to adopt planning instruments consistent with their special status; consequently, the POT must be formulated or adjusted in an articulated manner and in coherence with these enhanced competencies.

Law 1766 of 2015, which designates Riohacha as a Tourist and Cultural District, directly mandates the application of the regime established under Law 1617 of 2013. Accordingly, the existing POT should have been adapted to this new normative condition. However, as evidenced by the comparative analysis particularly in the tables presented Riohacha's territorial planning continues to rely on a POT that represents an adjustment of an instrument originally conceived for a municipality. This situation generates a normative tension between the existence of the current district regime and the structure of the planning instrument.

This normative misalignment becomes even more significant when considering Law 1454 of 2011 (the Organic Law on Territorial Planning), which, among other principles, establishes coordination and concurrence among different territorial levels, as well as the need for coherence between competencies and planning tools. The absence of adequate regulation within the district POT undermines the effectiveness of territorial planning and, consequently, the conditions under which the district can fully and lawfully exercise its powers.

4.2. Constitutional Jurisprudence on the Binding Nature and Effectiveness of the POT

The Constitutional Court has developed significant criteria regarding the legal nature, content, and binding force of Territorial Planning Plans. In Judgment C-795 of 2000, the Court held that the POT is a mandatory normative instrument that embodies the public function of urban planning and concretizes constitutional principles such as the general interest, the social and ecological function of property, and the primacy of territorial planning over private interests.

Subsequently, in Judgment C-1043 of 2000, the Court clarified that the POT cannot be understood as a merely programmatic document, but rather as a general norm that binds administrative authorities and governs decisions related to land use. This interpretation reinforces the notion that the normative effectiveness of the POT depends on its proper application and the coherence of its provisions with administrative action.

With respect to the normative adequacy of planning instruments, the Court stated in Judgment C-149 of 2010 that territorial planning plans must be adapted to the competencies and specific conditions of each territorial entity. Consequently, a lack of alignment between the applicable legal regime and the provisions contained in the POT may result in inefficiencies in territorial management. This criterion is particularly relevant in the case of Riohacha, where the current POT fails to reflect the full scope of competencies inherent to the district regime.

4.3. Jurisprudence on Compliance, Implementation, and Control of Territorial Planning

The Constitutional Court has repeatedly addressed the issue of effective compliance with POTs. In Judgment T-445 of 2016, the Court held that failure to implement territorial planning instruments may lead to violations of collective rights, such as the right to a healthy environment or the right to the city, particularly when authorities refrain from exercising urban control or permit developments contrary to the provisions of the POT.

Similarly, in Judgment T-366 of 2017, the Court established that noncompliance with POT determinations by territorial authorities constitutes a deficient exercise of the public function of urban planning, emphasizing that land-use control is a non-delegable responsibility of territorial entities. This line of jurisprudence reinforces the argument that the normative effectiveness of the POT does not end with its formal adoption but rather requires institutional capacities for its execution and enforcement.

In culturally diverse territories, Judgment C-389 of 2016 introduced an additional criterion, recognizing that territorial planning processes must acknowledge the existence of ethnic communities and their own normative systems, while also ensuring mechanisms for participation and, where appropriate, intercultural coordination. This aspect is particularly relevant for the District of Riohacha, where the coexistence of state-based and community-based normative systems constitutes an additional conditioning factor for the POT.

4.4. Normative and Jurisprudential Implications for the Comparative Analysis

The normative and jurisprudential analysis reinforces the findings produced by the inter-district comparison. The constitutional judgments examined converge on the view that the effectiveness of territorial planning depends on three interrelated

elements: the normative adequacy of the POT to the applicable legal regime, the institutional capacity for its implementation, and the effective exercise of land-use control.

Accordingly, the districts of Santa Marta, Barranquilla, and Cartagena exhibit higher levels of alignment with these jurisprudential criteria, as they possess planning instruments more consistent with their district status and management practices that favor POT effectiveness. By contrast, in the case of Riohacha, a significant misalignment persists between the district normative framework and the structure of the current POT, weakening its normative effectiveness and its alignment with the constitutional principles governing territorial planning.

Thus, it is confirmed that the problem is not merely technical or administrative in nature, but rather has a legal-constitutional dimension, insofar as the lack of normative adequacy and effective compliance with the POT undermines the public function of urban planning and diminishes the effectiveness of the guarantees of collective rights as they materialize within the territory.

4.5. Discussion

The findings of the inquiry provide evidence indicating that the normative effectiveness of the Territorial Plan (Plan de Ordenamiento Territorial, POT) of the Tourist and Cultural District of Riohacha is constrained by a combination of factors related to normative interpretation, institutional capacity, and management practices. These factors reveal the existence of a persistent and unresolved gap between the formal design of the instrument expressed in the POT as a set of binding norms and its practical application in the territorial management of the area it governs. This confirms that the mere existence of the POT is insufficient to ensure its suitability as a guiding framework for territorial transformation. This argument is supported by urban law doctrine, which distinguishes between formal validity and normative effectiveness (Jiménez-Renedo & Madurga-Chornet, 2021; Vaquer-Caballería, 2023b).

From the perspective of normative adequacy, the results indicate that Riohacha's POT exhibits a significant degree of divergence when compared to similar districts. Unlike the cases of Santa Marta and Barranquilla, whose planning instruments have been formulated or revised based on a fully district-oriented logic, Riohacha's POT retains a predominantly municipal normative structure, only partially reconfigured during its adaptation to the new district statute. This disconnection between the

special legal regime and the substantive content of the POT lends support to the arguments advanced by Barrientos-Báez *et al.* (2021b) and Blanchar (2024), who assert that the absence of a normative design tailored to district-specific characteristics diminishes the regulatory capacity of the instrument and weakens its ordering function.

Inter-district comparison shows that the most effective normative models are those that explicitly incorporate the functional vocations of the Territory such as tourism, culture, environmental sustainability, or port activities within the normative body of the POT, rather than limiting them to programmatic statements. In this regard, the results confirm that regulatory density and internal coherence are decisive factors in the development of normative effectiveness, as evidenced in the cases of Santa Marta and Barranquilla, in contrast to that of Riohacha (Arcia, Pinto & Espinosa, 2023).

With respect to territorial management models, the tables and figures demonstrate that normative differences directly translate into uneven implementation capacities. Barranquilla stands out for an institutionally strengthened management model, characterized by the presence of monitoring, evaluation, and urban control mechanisms that foster greater alignment between normative design and territorial management. Santa Marta, despite facing unresolved challenges related to informal urbanization, exhibits a more articulated territorial management approach in environmental matters. Cartagena, for its part, displays a hybrid model, in which cultural heritage management partially offsets the weaknesses of a general POT (Benavides & Mejía, 2022; Carné, 2021).

By contrast, Riohacha is marked by persistent institutional weaknesses, limited intersectoral coordination, and a narrow margin for implementing the management and land-financing instruments provided for in the POT. This explains the magnitude of the norm-management gap revealed by the results, in line with the observations of Zambrano *et al.* (2018) and Yepes-Zabaleta and Dovale-Aguas (2023), who argue that the effectiveness of territorial planning largely depends on the administrative and technical capacity of territorial entities.

The discussion gains further depth when articulated with the normative and jurisprudential analysis. Constitutional jurisprudence has been unequivocal in asserting that POTs are imperative normative instruments, whose noncompliance undermines the public function of urban planning and may affect collective rights associated with territory. In this regard, the findings corroborate that

the lack of normative adaptation of Riohacha's POT to the district regime, coupled with its weak implementation, runs counter to the jurisprudential requirement of coherence among legal competencies, planning instruments, and administrative actions.

Additionally, the presence of territorial conditioning factors such as cultural pluralism and the coexistence of community-based normative systems introduces further challenges to the implementation of Riohacha's POT. However, the findings suggest that these complexities alone are insufficient to explain the instrument's low normative effectiveness, insofar as normative design and institutional capacity remain structurally misaligned, as evidenced by the analysis of normative pluralism in the district context (Benavides & Mejía, 2022).

Overall, the discussion supports the conclusion that the challenges of territorial planning in Riohacha are not solely attributable to the age of the POT, but rather to a structural disarticulation between the legal regime, normative design, and territorial management model. Comparison with Santa Marta, Barranquilla, and Cartagena demonstrates that the normative effectiveness of the POT emerges from the interaction among these three elements. The comparative analysis shows that municipalities and districts that have undertaken processes of normative alignment exhibit smaller gaps between regulation and management.

Finally, taken together, the results reinforce the view that strengthening district territorial planning requires moving beyond a purely formal approach to normative updating toward an integrated process of POT adaptation, in which the management model is understood as an institutionally robust component. From a public policy perspective, this implies the need to design planning instruments that not only comply with the district legal regime but also incorporate effective governance mechanisms capable of ensuring their practical implementation. This interpretation contributes significantly to the academic debate on urban law and public territorial management by demonstrating that the normative effectiveness of territorial planning constitutes a complex legal-institutional phenomenon, particularly in district contexts characterized by specific functional vocations and intensive territorial dynamics.

5. CONCLUSIONS

The analysis leads to the conclusion that the normative effectiveness of the Territorial Planning Plan of the Tourist and Cultural District of Riohacha

is limited by the insufficient adaptation of the instrument to the special district legal regime. Although the current POT retains formal validity and legal force, its structure largely reflects a municipal logic that hinders the coherent development of the reinforced competencies assigned by the legal framework to special districts in matters of planning, tourism, culture, and territorial management.

Inter-district comparison demonstrates that the districts of Santa Marta and Barranquilla exhibit greater normative effectiveness, closely linked to the formulation of POTs conceived under fully district-oriented criteria and to the explicit incorporation of their functional vocations within the normative body of the instrument. Cartagena represents an intermediate model, in which the use of complementary instruments and ongoing POT review processes have partially mitigated the weaknesses of an instrument of municipal origin. These findings confirm that normative adequacy constitutes a necessary though not sufficient condition for ensuring the effectiveness of territorial planning, consistent with the premise that the normative effectiveness of the POT depends on institutional capacity for its application. Districts that possess systematic mechanisms for monitoring, urban control, and coordination between planning and public investment exhibit smaller gaps between regulation and management. Conversely, the institutional weaknesses observed in the District of Riohacha confirm the existence of a significant gap between the formal existence of POT-oriented regulation and its limited effective application in territorial management practice.

The normative, judicial, and jurisprudential analysis reinforces these conclusions, as the lack of POT adaptation to the district regime and its weak implementation do not constitute merely technical or

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administrative issues, but rather give rise to a legal-constitutional problem. Jurisprudence has consistently held that Territorial Planning Plans are imperative legal norms, the omission of which undermines the public function of urban planning and the collective rights associated with territory, thereby reinforcing the need to prioritize their normative effectiveness. Similarly, territorial conditioning factors in Riohacha such as interculturality and the diversity of community-based normative systems affect the implementation process; however, the results indicate that these complexities become particularly significant when the normative design of the POT and the institutional management model are ill-suited to the district condition. In this sense, normative pluralism should be understood as a contextual factor that demands greater institutional capacity, rather than as a justification for the instrument's low effectiveness.

The comparative characterization of the normative and management models of Santa Marta, Barranquilla, and Cartagena provides clear benchmarks for planning in the Tourist and Cultural District of Riohacha. The normative effectiveness of district territorial planning arises from the interaction between a normative design compatible with the special legal regime, institutionally sustained territorial management models, and continuous processes of monitoring and adjustment of the POT. Consequently, improving territorial governance in special districts requires strengthening both the normative architecture of planning instruments and the institutional mechanisms responsible for their implementation. Overcoming the norm-management gap thus constitutes a structural challenge that must be addressed through an integrated conception of urban law and public territorial management.

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