A new Government to *Vivir sabroso* or *Live joyfully* in Colombia

The election of Gustavo Petro and Francia Márquez marks a milestone in Colombian history. The sudden entry of these new players on the political scene symbolizes a profound change in the ruling elite. However, it has been a long road, fraught with adversity, violence and the rampant increase in poverty, which now affects over half of the population. Ivan Duque’s government, wracked with corruption, coupled with violence against social leaders and repression of the popular protest, were the key factors that led to an unprecedented popular mobilization that secured the triumph of the Historical Pact coalition in the second round of elections.

**By Diana Alexandra Mendoza - September 1st 2022**

In the afternoon of June 19, 2022, a seismic movement took place in Colombia: after 200 years of republican history a popular government was elected, headed by Gustavo Petro and Francia Márquez. In the eyes of many observers, the fundamental impulse of this event was simmering during the entirety of Iván Duque’s government.

Accustomed to total control of the State, elites, both the old ones and the new ones born to the rhythm of drug trafficking and paramilitarism, did not imagine that Duque’s lack of self-restraint in terms of corruption and deepening poverty and violence would end up sealing the unprecedented triumph of the Historical Pact coalition, which was personified in a former M-19 guerrilla as president and a black woman and fierce defender of the victims of the conflict and the environment as vice-president.
The elections, however, did not take place in a climate of peaceful democratic deliberation. The factors that undoubtedly contributed to the outcome was the brutal repression of the massive protests that took place throughout the country between 2020 and 2021, as well as the violence during the Duque era that claimed lives of 550 leaders and human rights defenders (191 Indigenous among them), and another 330 signatories of the Peace Accord. This blatant violence, the fall of more than 51.5% of the population (25.7 million people) into poverty, aberrant acts of corruption, nepotism and concentration of power, and the well-founded allegations of electoral fraud, all were the engine that drove an unprecedented popular mobilization that resulted in the triumph of the Historical Pact in the presidential runoff.

**Decisive participation**

The decision of the Afro-descendant, Raizal, Palenquero and Indigenous Peoples to join the Historical Pact gained strength throughout the campaign. Although initially some organizations, such as the Black Communities Process (PCN) and Soy Porque Somos movements of which Francia Márquez was a member, had to overcome disagreements, they finally adhered to the Pact, which was decisive for its triumph.

For their part, the Indigenous political parties AICO and MAIS, and national and regional organizations, such as CRIC, ONIC, AISO, OPIAC, CRIDEC, among others, joined the Historical Pact, leaving their mark until election day itself when the communities arrived at the voting sites after epic journeys in canoes, ramshackle vehicles, or after long days on trails and roads from the most remote regions.

The ethnic contribution to the programmatic approach and to the very nature of the Historical Pact turned out to be not only the powerful refutation of the multiple forms of violence, discrimination and exclusion, as well as that of the extractivist and patriarchal neoliberal development project prevailing until today in Colombia, but also the renewed
message of what it should mean to govern a pluralist country of immense human and environmental diversity, guaranteeing the effective realization of the Social Rule of Law.

The ethnic perspective introduced to the electoral process new symbols and meanings coming from apparently distant worlds, such as Andean "Indianness", Amazonian plumages, and the African world of the Ubuntu. The manifestos that Francia Márquez positioned in the public opinion sparked debates on racism, feminism, inequality and environment which were previously ignored by the media and the public influenced by the dominant authoritarian ideologies. "From resistance to power, until dignity becomes a habit", "Let's live joyfully" (vivir sabroso) and "I am because we are", were phrases that took over the public square, media and social networks.

**Challenges facing ethnic peoples and communities**

One of the transcendental decisions of the new government is to allocate tangible spaces in the spheres of political power and public administration for Indigenous Peoples and communities. It is not a matter of maintaining a marginal representation in State bodies, as had been the case, for example, with the special constituency seats provided by the Constitution for ethnic groups in the Congress of the Republic. This time, people from Indigenous, Afro-descendant and Raizal communities and organizational processes will be a structural part of the executive and legislative branches, working with sectors related to their interests.

This new prerogative in the leadership of the country will surely pose new challenges to the organizations that supported the candidacies of the Historical Pact, and they will have to respond to the permanent call of their own communities to maintain coherence and comply with the commitments acquired. Thus, it is likely that in this new national scenario, ethnic organizations will also undergo internal processes of transformation and strengthening.

**Unfulfilled agreements**
It is incontrovertible that the new Colombian government is the legacy of serious problems accumulated over decades of exclusion, violence, dispossession and ominous living conditions for the majority of the population, but there are also countless unfulfilled agreements and promises to ethnic peoples and communities in terms of legalization, sanitation and restitution of collective territories; provision of vital services such as drinking water; effective and intercultural models of health and education; management and protection of natural resources; eradication of armed actors in their territories; recognition of their autonomy, environmental jurisdiction and legitimate authorities in their territories; protection of native seeds and their own economic models, among others. The commitments that have been systematically flouted in these areas have led to constant mobilizations, struggles and acts of resistance that have claimed the lives of hundreds of authorities, leaders and defenders of these peoples.

In this sense, the challenge for the new government is not only to guarantee the individual and collective rights that are recognized nationally and internationally, but also to find mechanisms to provide an effective response to this historical debt left by the governments that preceded it, including in judicial and legislative matters.

The debt of the Ethnic Chapter

Another issue left in the balance by President Duque, which must be addressed by the new government, is the implementation of the Ethnic Chapter of the Final Peace Agreement signed with the former FARC guerrilla, because while the overall balance of compliance and investment of resources in the 6 central chapters of the agreement show a major setback and corruption problems, the chapter dedicated to safeguards and direct and differential participation of ethnic peoples and communities severely affected by the Colombian armed conflict has not been developed.

"A special point was established at the beginning of the Ethnic Chapter related to substantial safeguards and guarantees regarding prior consultation, cultural objection, the ethnic
approach to gender, women, family and generation and the non-detrimentalization of ethnic rights. In addition, specific safeguards are foreseen in Integral Rural Reform, Political Participation, End of the Conflict, Solution of the Illicit Drug Problem, Victims of the Conflict and Implementation and Verification of the Peace Agreement" (IANPE, 2021).

In its role as advisory and consultative body, the Special High Level Instance with Ethnic Peoples (IANPE), created to advise and verify progress in the implementation of the Ethnic Chapter, produced a report which revealed that far from meeting the commitments made, there has been an upsurge in extermination, displacement and violence in the collective territories over the last four years of the Duque government and that it was even unable to form and consolidate the institutional framework provided for in this Chapter.

Consultation and Consent for Life

President Duque's government boasted of breaking records in terms of prior consultations: in June 2021, it counted more than 7,000 processes carried out (7,162). However, this enormous proliferation of consultations, without the full right to Free, Prior and Informed Consent, is far from having guaranteed not only participation, but also the integral collective rights of the affected ethnic communities.

In general, the problems that arise in relation to the right to Prior Consultation have to do with the omission of standards during its implementation, to the point that the Consultation became, fundamentally, a procedural requirement that serves to assure companies the development of their works and extractive projects in ethnic territories. Consultations thus carried out have ended up legitimizing the appropriation of natural resources, occupation of collective territories and, in general, interventions of third parties with the consent of the State, generating governance conflicts and undermining the autonomy and self-determination of the peoples.
In recent years, most of the Prior Consultations carried out by the National Prior Consultation Authority of the Ministry of the Interior, at the request and with funding from interested companies, do not withstand legal scrutiny, thus creating a space of insecurity for the communities and the companies themselves because these consultations support important bids, exploration concessions, exploitation, contracts, etc. that could be denounced and suspended by judges or courts.

Another aspect to be addressed by the new government will be the viability of a concerted regulation for Prior Consultation to overcome the gaps and lack of legitimacy in the mechanisms imposed unilaterally by the national government. For years, this issue has been much discussed and has raised the rejection of ethnic organizations and authorities, which makes us foresee that the regulatory frameworks currently applied for the implementation of Prior Consultation will continue to be a source of disagreement among the three sectors involved: communities, companies and the national government. In the context of the new government, it is possible to expect, not the informal collaborations to which the representatives of the State and the companies have become accustomed, but an alliance between the government and the communities that allows for the strengthening of consultation mechanisms and achieving a space for the guarantee of the right to Consent.

With Francia and Petro, ethnic peoples and communities contributed to breaking ideological prisons and made it possible to bring forth a change of hands of hegemonic power, taking a step that transcends the project based on the individual/patriarchal towards the collective/feminine, and a new perspective of democracy, guaranteeing, at last, peace and the rights enshrined 30 years ago in the Political Constitution. However, as of August 7, the date of the change of government, the new team will have an arduous road ahead to rectify the damage inflicted for centuries on the native peoples and communities by their predecessors. For their part, the ethnic organizations have already announced their intention to work to overcome their disagreements and renew their ties in the midst of multiculturalism and the diversity of their histories and territories, emphasizing the
imperative of unity to achieve, from now on, a true "government-to-government" relationship.

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