Patricia Tobón Yagarí: “Indigenous Participation is a clear signal from the government to all of Colombia”

Patricia Tobón Yagarí has been Director of the Victims Unit since August 2022. This is a body that seeks to provide comprehensive assistance and reparations to the victims of Colombia's internal armed conflict. A leader of the Embera Chambí people, she is a lawyer from the University of Antioquia, a specialist in constitutional law and an advisor to various Indigenous and Afro-descendant organizations. She was the youngest member of the Truth Commission that emerged from the Peace Agreement between the Colombian State and the Revolutionary Armed Forces of Colombia (FARC).

Indigenous Debates: What has the position of Gustavo Petro's government been in relation to Colombia's Indigenous movement?

Patricia Tobón Yagarí: This is the first time that Indigenous Peoples have been included in the government. The President appointed Arhuaco leader Leonor Zalabata as Ambassador to the United Nations; Giovani Yule, a Nasa from Cauca, as Director of the Land Restitution Unit; and me, someone who comes from the heart of the Indigenous movement and the Peace Process, as Director of the Victims Unit. Indigenous Peoples played an important role in the Truth Commission and are now doing so in this government. Our participation is a clear signal from the government to the entire country.

ID: What sort of condition was the Victims Unit in when you took over?

PTY: Well, firstly, there was a huge backlog of debts to our victims, the result of a lack of political will. We have 9,300,000 recorded victims of the armed conflict, 91 percent of whom suffered forced displacement. The majority, some 6,000,000 people, are also living in poverty. And, really, the efforts so far have not been enough. The previous administration only compensated 13% of the victims. The Victims Unit has achieved very
few of its goals and this government will need to significantly reduce the backlog by working together with the institutions and the victims. We are now discussing how to expand and speed up reparations but it is also a matter of resources.

**ID: What are the main problems in the Victims Unit?**

**PTY:** The Victims Unit has been noted for its poor resource management, clientelism and denial of rights. So the first thing we did was to establish a transparency process, by submitting the irregularities to the Public Prosecutor’s Office. The Unit has a huge operational burden so we cut back the structure in Bogotá in order to be able to expand our work in the territories. And, for the first time, we have taken on Indigenous and Afro-descendant employees.

**ID: What are its finances like?**

**PTY:** Victims policy has always been underfunded. But we are working to reverse this situation because it is absolutely necessary to have the resources to be able to provide reparation to victims. Generally, however, compensation is not a lasting solution that will lift these people out of poverty. This is why we also want them to have access to education, to housing, to an income. And we have the full support of President Petro in this.

**ID: Are you going to make changes to the legal framework?**

**PTY:** We are proposing a reform of Law No. 1448 on Victims and Land Restitution in order to ensure the participation of victims of the armed conflict and improve the response they receive. A second objective is to expand their access to rights and to coordinate the victims' policy with the Comprehensive System for Peace. We want to achieve in four years what has not been done in the last ten.

**ID: What sort of situation are the Indigenous victims in?**

**PTY:** We are lagging behind, particularly with regard to the ethnic communities. There are 970 communities asking to return to their lands, and 245 of these are ethnic groups. One of the most serious cases is that of the Embera people, who have had to resort to
begging, often on the streets of cities such as Bogotá. And the Nukak people in Guaviare region, who are suffering from the most abject poverty, with many young girls forced into prostitution. These communities are not being served by the land restitution programmes in any kind of lasting or sustainable way. We have to establish dialogue with the communities and find out why they are unable to return. Such collective reparations should be a priority in the National Development Plan. But we also need to help those who do not return to their territories and who need help rebuilding their lives elsewhere.

ID: How are you going to involve the victims in this process?

PTY: For us, dialogue with all victims is fundamental: Indigenous, Afro-descendant, peasant or gypsy. We have 38 direct dialogue meetings with the victims planned in order to hear their voices. They must play a dignified role and be recognized because society has become used to seeing them only as beggars. With the communities’ participation, we want to demonstrate that any government can achieve its goals when the people are involved. We want to improve the participation of all victims in our institutional transformation and in improving the country’s policies. We will promote a programme that dignifies their voices for peace.

ID: How does the government’s peace policy link in with victim care?

PTY: We still have a lot of work to do. The victims policy we have dates back to before the 2016 Peace Agreement. But the two are interconnected. We must ensure that victims take priority among the country’s vulnerable people as a whole. Point 5 of the Peace Agreement addresses victims’ rights: the implementation of the Comprehensive System of Truth, Justice, Reparation and Non-Repetition. We also have to coordinate with the Justice and Peace chapter of the process with the paramilitaries, and with the current discussions in the context of the Total Peace being pursued by this government.

ID: What is your analysis of the peace talks with the different armed groups?

PTY: There has been progress in negotiations with the National Liberation Army (ELN) but the civilian population is still suffering. We continue to receive reports of homicides,
threats, child recruitment, forced displacement and landmines. We want the victims to be heard by the ELN and the Colombian State. We want to analyse their proposals on truth, reparation and non-repetition. It is not an easy process, as these are painful stories. But this government is ready to advance peace negotiations on all fronts. It’s not going to be easy but there is hope. The whole world hopes that this conflict will never again be repeated. Peace is in the interests of everyone but particularly of the victims, who have been the most affected.

**ID:** What hope do you have for a true reconciliation in Colombia?

**PTY:** The recent rescue of the children in the Guaviare jungle was a highly significant event. To think that the Army and the Indigenous leaders, sectors that have been in conflict, worked together to rescue these children! It was very moving to see the joint work done between the military and Indigenous people in such a divided country. The whole country was watching the rescue in the vast Colombian Amazon. It was an operation that involved 115 men from the Army’s special forces and 93 Indigenous authorities. This sent out a very powerful message from a highly fractured country as regards our Indigenous wisdom and courage, and the Indigenous people as a source of reconciliation.