



ETHNIC MINORITIES AND HUMAN RIGHTS VIOLATIONS THE AFRO-COLOMBIAN CASE¹

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Abstract

Racial discrimination, poverty and social exclusion are structural problems that have affected the Colombian ethnic minorities for decades. Among these minority groups, Afro-Colombians experience the highest level of poverty, which is demonstrated by their limited access to education, health, employment, and other social programs and services. In fact, most regions with Afro-Colombian presence endure the worst socio-economic indicators, and the main victims of the internal armed conflict are the Afro-Colombian communities. Human rights violations against Afro-Colombians have been committed by both state and non-state actors. These violations are prohibited by the new Colombian Constitution (approved in 1991) and human rights treaties ratified by the Colombian state. However, their effects on Afro-Colombians have not been extensively explored. This paper analyzes in depth the domestic human rights framework that seeks the protection of Afro-Colombians as an ethnic minority. Also, it studies in detail the consequences of racist practices towards the Afro-Colombian communities and the challenges of their struggle for human rights in the frame of the internal armed conflict. The text represents one of the few works of its kind that explains the main aspects of the complex human rights situation of Afro-Colombians throughout the nation's recent history.

Keywords: Afro-Colombians, minorities, rights and discrimination.

Resumen

La discriminación racial, la pobreza y la exclusión social son problemas estructurales que han afectado a las minorías étnicas colombianas por décadas. De los grupos minoritarios del país, los(as) afrocolombianos(as) experimentan el más alto nivel de pobreza, hecho que se demuestra en su limitado acceso a las políticas de educación, salud, empleo y demás servicios públicos y programas sociales. De hecho, las regiones con fuerte presencia afrocolombiana presentan los peores indicadores socio-económicos y la mayor parte de las víctimas (directas) del conflicto armado interno que afecta a la nación son las comunidades afrocolombianas. Las violaciones de derechos humanos

1 Note: This research paper is based on previous works that I have written as an Afro-Colombian activist and academic.

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contra los(as) afrocolombianos(as) han sido cometidas tanto por instituciones del Estado como por actores no-estatales. Dichas violaciones son prohibidas por la Constitución Nacional y por los tratados de derechos humanos ratificados por el Estado colombiano. Sin embargo, los efectos de las mismas siguen sin ser analizados a profundidad. En este texto se estudia en detalle las normas de derechos humanos que buscan proteger a la población afrocolombiana como grupo étnico minoritario. También se estudian las principales consecuencias de las prácticas racistas contra las comunidades afrocolombianas y los retos de éstas en el marco del conflicto armado interno. El artículo se convierte en una de las pocas investigaciones que explica la compleja situación de derechos humanos de las comunidades afrocolombianas en la historia reciente del país.

Palabras clave: Afrocolombianos(as), minorías, derechos y discriminación.

Introduction

In the 1810s the political situation of most Spanish colonies in what we today call Latin America changed. Creole elites wanted to gain political power and have control over the economic resources. The Spanish Crown refused to make substantial changes in its colonial system, which had been used to rule the region for more than three hundred years. These elites decided to declare independence from Spain and fight for freedom. However, their intimidating actions neither included the abolition of slavery nor promoted equality to benefit former slaves and their descendants. In fact, once independence was declared most Afro-descendants kept suffering the negative consequences of the denigrating discourses and racial divisions created by the Spaniards and supported by the elites. This situation was evident in Colombia, where racist practices persisted throughout the nineteenth and twentieth centuries despite the creation of equity laws and the State's ratification of most human rights treaties.

There is no doubt that economic, social and political benefits for the nation that would accrue from the implementation of

public and private strategies to eliminate such practices are far from insignificant. Nonetheless, little has been done to address them, as the lack of texts analyzing their noxious impact on Afro-Colombians shows. The purpose of this study is two fold: (1) to analyze the human rights framework that protects Afro-Colombians as a minority, and (2) to study the consequences of racist practices on them, as well as the main challenges of their struggle for human rights in the frame of the armed conflict that affects the nation.

The text is divided into six parts: First, an introduction, in which a general overview of the Afro-Colombian contemporary history is presented; second, prior relevant research on the topic is outlined; third, an analytical framework on the concepts and definitions regarding the Afro-Colombian communities and their identity is underlined; fourth, the human rights laws that protect Afro-Colombians as an ethnic minority group are studied; fifth, the impact of racist practices and the armed conflict on the Afro-Colombian communities is explained; and sixth, a conclusion, in which the limitations to effectively implement minority rights in the country and the main

challenges of Afro-Colombians as an ethnic group are underscored.

The paper also describes the ineffectiveness of some international human rights treaties ratified by the Colombian state as regards the rights of Afro-Colombians. Although all human rights treaties have similar importance, the paper underlines only those covenants and conventions, considering the (domestic) laws by which they were added to the Constitution, related to the Afro-Colombian population as an ethnic minority group.

It should be underscored that it took almost two hundred years of republican history before Afro-Colombian contributions to the country were recognized. It was only in 1991 that the Colombian Congress recognized, through the new Political Constitution, and for the first time in history, that Colombia was a multi-ethnic and pluricultural nation. Congress that year also approved Article 55, an affirmative-action law for Afro-Colombians. That Article was ruled through Law 70 of 1993, known as the '*Law of the Afro-Colombian Communities*.' This Law promotes the respect for economic, social and cultural rights of the Afro-Colombian people as an ethnic group. Law 70, as well as other laws, establishes a strong human rights framework that not only "prohibits" racist practices against Afro-Colombians but also "guarantees" their access to health, education, land, employment and all kinds of social programs. Nevertheless, the Afro-Colombian reality reflects an opposite situation in which racial exclusion persists as a definitive factor of national life.

It is important to emphasize that manifestations of the exclusion of Afro-Colombians, who comprise some 30% of the total population, that is, more than twelve million people, can be identified in their lack of access to key decision-making institutions. Their exclusion is also notorious in their lack of access to labor markets and basic living conditions, such as shelter, safe drinking water, and suitable sanitary conditions (Cimarrón, 2004). The extremely disadvantageous human rights situation of Afro-Colombians, which has been worsened as a result of the conflict actions, indicates that racist practices are its main causes. These practices are related to the (prior) research texts and analytical framework presented below.

Previous Research on Afro-Colombians

Texts from non-governmental organizations and international institutions such as the Inter-American Development Bank, the United Nations Development Program (UNDP), the UN Economic Commission on Latin America and the Caribbean and the UN Office of the High Commissioner for Human Rights (UNOHCHR) have given accurate portrayals of the Afro-Colombian human rights situation but they have not analyzed in depth the causes of the marginalization of the Afro-Colombian people. Most academics have also failed by ignoring the importance of studies that would help explain the human rights abuses of which Afro-Colombians are permanent victims. In any case, Mosquera (2000), Reales (2005) and Urrea (2004) have provided well-documented works on the Afro-Colombian contemporary history and racist practices against

ethnic minorities in the country. Their works serve as crucial references for this paper since they describe specific cases of racist practices against Afro-Colombians in the frame of the internal armed conflict.

Other relevant documents describe the human rights treaties that the Colombian state has ratified to protect Afro-Colombians. Bello (2002), González (2004), Hopenhayn (2001), Oakley (2001), and Sojo (2001) present a general balance of these treaties, although they do not explore how effective they have been in practice. The domestic human rights framework that protects the Afro-Colombian population as a minority is based on constitutional rights and laws created to support ethnic groups in the country. This national framework provides key definitions that improve the theoretical approach of the paper. Institutional reports from the Afro-Colombian Movement Cimarrón (2004), the Afro-Colombian Plan of Development (1999), and the United Nations Mission to Colombia (2002) are also critical sources for the study of Afro-Colombians and the impact of the armed conflict on them.

In terms of the information that shows differences between Afro-Colombians and the rest of the population, the paper takes into account documents from Diène (2004), Bryan and Sánchez (2003), and Zoninsein (2001). These authors have emphasized that racist practices exist in the country, based on statistical comparisons between the Afro-Colombian people's living conditions and the situation of "Whites" and "Mestizos" (light-skinned mixed people). Their texts, however, have not explained in detail the roots of Afro-Colombians' exclusion.

In Colombian literature, the lack of studies about measuring the tendency to reject Afro-Colombians, racial prejudices or other institutional discrimination practices is evident. As a matter of fact, there are few reports or empirical studies (Reales 2005) that analyze the suggested relationship between racist practices and social problems of Afro-Colombians as an ethnic group. Corinne Lennox (2006), nonetheless, presents an outstanding article that helps explain the disadvantageous human rights situation of Afro-descendants in Latin America. Although Lennox's work is not specifically focused on Afro-Colombians, her text is a critical source for their study as an ethnic minority group.

Racism and Afro-Colombians as an Ethnic Minority: Analytical Framework

The following framework provides intellectual justification for the suggested linkage between systematic racist practices at all levels and the Afro-Colombians' socio-economic problems, which are worsened by the impact of the internal armed conflict. This (analytical) framework is based on four relevant terms: racism, racial discrimination, ethnic minorities, and Afro-Colombians. To improve the explanation of the above linkage, the so-called 'cycle of racial discrimination' in Colombia will be used as a theoretical reference.

The cycle's theory suggests that in the country a repetitive process has historically existed by which 'Whites' and 'Mestizos' have discriminated against Afro-Colombians and indigenous groups, as a result of racist

ideas that are permanently multiplied by light-skinned families, public and private institutions, the education system and the mass media. This cycle shows that racist practices not only limit the access of the vast majority of Afro-Colombians to important social services and decision-making positions but also make worsen their human rights situation.

Although the cycle has not been statistically demonstrated, Mosquera (2000) suggests that it produces self-esteem problems among Afro-Colombians and reduces their chances to succeed socio-economically, academically and politically. The cycle's theory also highlights that when Afro-Colombians try to improve their living conditions by getting better jobs, they are victims of racial-discrimination practices and other serious human rights violations. This situation reproduces Afro-Colombians' exclusion and marginalization, making the cycle start over and grow stronger.

The relevant theoretical concepts used in the paper are briefly explained as follows: Racism is the arbitrary naturalization of physical and cultural differences that leads people to degrade certain groups through social processes (Urrea, 2004). It is important to point out that in Colombia the racist ideology came from the colonial *époque* and persisted throughout the nation's republican history, in spite of the abolition of slavery and the creation of equity laws. In the early 1920s, in fact, both the Congress and the president of Colombia approved a racist law that encouraged the immigration to the country of white (European) people in order to improve the so-called "ethnic

conditions of the Colombian nation."² Racist ideas remain as a complex psychological problem that affects not only ethnic minorities in the country but also Colombian society as a whole.

Another concept that is extensively used in the text is racial discrimination, which is defined (according to the International Convention on the Elimination of All Forms of Racial Discrimination), as any distinction, exclusion or preference based on race, color, descent, or ethnic origin, which has the purpose or effect of nullifying or impairing the recognition or exercise, on an equal footing, of human rights and fundamental freedoms in the economic, cultural, social, political or any other field of public life (Article 1. International Convention on the Elimination of All Forms of Racial Discrimination). Racial-discrimination practices are considered (constitutionally speaking) "grave" crimes in Colombia. However, the systematic violation of economic, social and cultural rights of the Afro-Colombian population - by both state and non-state actors - and the lack of political will to make effective the rights of the people, clearly indicate the persistence of such denigrating practices throughout the country.

Based on the international protection regime for minorities and indigenous peoples, the Afro-Colombian population can be accurately classified as an ethnic

2 The Law 114 of 1922 (on immigration) clearly established that "the Executive Power will encourage the immigration of those individuals that do not represent a concern for the social order because of their racial conditions, in order to promote the empowerment of the ethnic conditions of the nation". See Reales, 2001.

minority. But who is a minority and who is indigenous? Do most Afro-Colombians see themselves as an ethnic minority? There is no universally accepted definition of “minority” or “indigenous peoples” either in law or in practice (Lennox, 2006). The United Nations has intended to be a leader in opening discussion on these particular issues, with the UN Sub-Commission on the Promotion and Protection of Human Rights (notably previously called the UN Sub-Commission on the Prevention of Discrimination and the Protection of Minorities) appointing independent experts since the late 1960s to offer suggestions.

Francesco Capotorti proposed a definition of ‘minorities’ and José Martínez an early definition of indigenous peoples. Capotorti (1991) recommended that for the purposes of the application of the International Covenant on Civil and Political Rights (ICCPR),³ the concept minority may be taken to refer to a group numerically smaller to the rest of the population of the State, whose members, being nationals of the State, possess ethnic, religious or linguistic characteristics differing from those of the rest of the population.

Martínez (1986) defines indigenous peoples as those which, having a clear historical continuity with pre-invasion societies that developed in their territories, consider themselves distinct from other sectors of the societies now prevailing in those

territories, or parts of them. They are determined to preserve their territories in accordance with their own cultural patterns and values (Martínez, 1986). Lennox, (2006) assures that neither definition has proved satisfactory to all stakeholders. For example, many experts feel that the application of minority rights should not be limited to citizens, as Capotorti argues. Other authors are concerned that in linking the concept of indigenous communities and peoples to a connection with pre-invasion and pre-colonial societies, Martínez is reflecting a notorious bias towards the historical experiences of colonialism in the Americas.

The international minority rights framework is embodied in three key texts: Article 27 of the ICCPR, Article 30 of the Convention on the Rights of the Child (CRC) and the UN Declaration on the Rights of Persons Belonging to National, Ethnic, Religious and Linguistic Minorities (UNDM). The ICCPR has been ratified by more than 150 states and the CRC by almost 200⁴; while the UNDM is a non-legally binding soft law text, it was unanimously adopted by the UN General Assembly in 1992.

Article 27 of the ICCPR (and Article 30 of the CRC⁵) entitles persons belonging to minorities to practice their culture, language or religion, including in community with the other members of their group.

3 This Covenant holds (Article 27) that “In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to practice their own religion, or to use their own language.”

4 Accurate as of May 2007. Note: These human rights treaties have been ratified by the Colombian state.

5 Article 30 states: “In States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with the other members of his or her group, to enjoy his or her own culture, or to use his or her own language.”

The UNDM draws on Article 27 and other human rights laws and recognizes that minorities have the right: to exist; to non-discrimination; to participate in decision-making that affects minorities or the regions in which they live; to participate effectively in political, economic, social and cultural life; to education that reflects their identity; to maintain their own associations and peaceful contacts across borders with other members of their group; and to participate in progress and development in their country.

While it is accepted that indigenous peoples can use the minority protection regime, other minorities like Afro-Colombian communities are limited to minority rights protection. Consequently, self-identification as either a minority or indigenous is very important. Being a 'minority' or 'indigenous' means being able to make certain rights claims upon states. It is for this reason that states frequently have tried to avoid recognition of groups as 'minorities' or 'indigenous peoples' (Lennox, 2006).

It should be emphasized that Article 27 of the ICCPR applies only to those States in which persons belonging to ethnic, religious and linguistic minorities exist (emphasis added). In order to address this issue, the Human Rights Committee (HRC), which is the UN Treaty Body with responsibility for reviewing the implementation of the ICCPR, argues that the existence of minorities in a given State does not depend upon a decision by that State but must be established by objective criteria.⁶ Similarly, the "well-known" International Labour

Organization (ILO) Convention 169 recognizes that self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of the Convention apply. The principle of self-identification has now become a normative principle for both the minority rights and indigenous rights regimes.⁷

Some ethnic groups have found it easier than others to make these self-identification proclamations. The concepts of 'indigenous peoples' and 'minorities' are not as universal as they appear, each rooted in a particular time and space: 'indigenous peoples' emerging from a social movement dominated by actors in the Americas since the 1970s; and 'minorities' from the experiences of bilateral and multilateral treaties in Europe since the 17th century (See Lennox, 2006)). It should not be surprising if the terms do not fit as well in other socio-political spaces. Where the concepts 'minority' or 'indigenous peoples' do not have common currency in national or regional discourses, ethnic groups seeking to utilize these terms for the purpose of accessing international protection standards may find it awkward or difficult to do so.

The existing categories may also seem unsatisfactory in their meaning. For example, the meaning of the term 'minority' can have negative connotations, depending on etymology and/or socio-political usage (Lennox, 2006). Other groups may feel they simply are 'peoples' without wanting also to be considered 'indigenous', a concept that may also be perceived as denoting

6 Human Rights Committee, *General Comment on The Rights of Minorities*. New York: United Nations, 1994.

7 This is recognized also in the inverse (in that all individuals have the right to not identify as a minority).

communities that are culturally backward and undeveloped. These concepts are not power-neutral: to be an 'ethnic minority' or 'indigenous people' in the meaning of the term in international human rights law is to be a distinct and implicitly less powerful section of the population of a state requiring some special protection. This idea may not sit well with community leaders who seek to empower their fellow members, as happens with some Afro-Colombian activists (Reales, 2005).

The success in pushing the normative interpretation of the right to self-determination is indicative of the potency of the agency of minorities and indigenous peoples themselves. Their actions are reshaping interpretations of the concepts of 'minority' and 'indigenous peoples' and are changing the landscape of regional human rights protection regimes. They have been aided in part by international and regional human rights mechanisms and actors that have contributed by opening space (sometimes in the face of state opposition) for a discourse to emerge around these "new" identities and rights.

It is important to underscore that in Colombia, as in most Latin American countries, the term 'minority' has been deemed inappropriate or negative. For instance, the use of the concept to denote numerical smallness may seem "illogical" given that Afro-Colombians are such a large population in the country, totaling more than 12 million people (out of some 40 million Colombians). The notion of being a numerical 'minority' is certainly debatable when describing such magnitude of people.

Some Afro-Colombians feel a negative connotation to the concept 'minorities' in the sense that is seen as less empowering, implying weaknesses on the part of so-named groups. In Spanish-speaking countries like Colombia, '*minorías*' ('minorities') is often perceived as a term that "minimizes" the socio-economic, cultural and political problems of marginalized groups. Hearing comments like "Afro-Colombians may have many problems, but they are just a minority, and what the country needs is to solve the problems of the entire population" is a common occurrence in Colombia.

Although the language of 'communities' or 'people' clearly resonates most for Afro-Colombian activists and best represents the sense of solidarity they seek to create,⁸ Afro-Colombian human rights advocates are currently promoting the strengthening of an Afro-Colombian consciousness as an ethnic minority group. This consciousness is related not only to the benefits that some Afro-Colombian leaders and activists see in the use of the domestic human rights framework but also to the Afro-Colombian identity-building process.⁹

In short, much of the advocacy of Afro-Colombian activists is now focused on taking advantage of the existence of a domestic human rights framework to reflect their particular interests as an ethnic minority. They continue to strive to shape the discourse on their rights while using their identity as a political tool. Nevertheless, Afro-Colombians recognize that there is still much work to be done in terms of self-identification

8 Juan Mosquera, Director of the National Movement Cimarrón. Interview with the author, Bogotá, June 2005.

9 This process is extensively explained in the following pages.

throughout Colombia, since the pull factor for many Afro-Colombian persons to self-identify as “Whites” or “Mestizos” remains. This historical factor obviously comes from the racist elites’ idea of promoting the “whitening” of the entire population as strategy to improve the so-called ethnic conditions of the nation. This is perhaps the main reason why creating a strong socio-political incentive to “belong” to the Afro-Colombian ethnic group continues to be one of toughest challenge for Afro-Colombian leaders.

Who are the Afro-Colombians?

The experiences of Afro-descendants across Colombia are complex and diverse, even when most of them have historically remained (equally) ignored by the Colombian state. The Afro-Colombian population ranges from a large numerical “majority” in coastal regions or other territories they have settled in since escaping slavery, to a small numerical minority in other zones. There are variations in tradition (and even in language) and they descend from different tribal groups across Africa (Minority Rights Group International, 1995). Some Afro-Colombian leaders think, however, that they have been (and are being) successful in forging a common identity under the rubric of all being Afro-descendants, bearing the same negative legacy of slavery and racism that their ancestors began fighting centuries ago.

It should be underlined how important self-identification can be for Afro-Colombians as an ethnic (minority) group. As suggested above, being a minority (constitutionally) means being able to make certain rights claims upon the State. In other words,

defining the Afro-Colombian population is undoubtedly relevant at both human rights and political levels.

According to the Afro-Colombian Plan of Development (1999), which was one of the first “ethnic development” official texts in the country, the term *Afro-Colombian population* refers not only to the people physically identified as ‘black’, but also to those persons whose African background is evident as regards to their cultural expressions. This official text states that the concepts *ethnic* and *cultural* may be utilized interchangeably when defining the Afro-Colombian population and other minority groups. The same document establishes that both the phenotype and cultural characteristics should always be taken into account when locating, counting and evaluating the Afro-Colombian population as an ethnic group.

According to the State, the percentage of Afro-Colombians has changed in the last fifteen years. In the 1993 Census, Afro-Colombians comprised the 1.6% of the population. In 1999, the State said they were the 30% of the population, and after the 2005 Census, the State pointed out that they comprised 10% of the total population. These figures have varied due to the lack of self-identification that has affected Colombian society for decades. Most Afro-Colombians defend that they comprise at least 30% of Colombians (more than 12 million people).

In order to “make it easier” to identify Afro-Colombians based on their appearance, Mosquera (2000) suggests dividing them into three groups: Afro-Creoles, Afro-Mestizos and Afro-Indigenous. Afro-Creoles are those

who keep a similar phenotype as of black Africans. These Afro-Colombians were (are) called 'Negroes' by most "Whites" and "Mestizos" in the country. Most Afro-Creoles live in the coastal regions as well as in highly populated cities.

Afro-Mestizos are 'mixed people' of (white) European and (black) African origin. In the colonial époque they were called 'mulattos', an offensive term that is still used by some Colombians. Most Afro-Mestizos live in the Caribbean region, even though many of them are settled in populated cities too. Afro-Indigenous are those who have African and Indigenous background. They live in the valleys of the Caribbean region. It should be noted, however, that most of these people neither identify themselves as Afro-Colombian nor as indigenous, due to internalized racism practices that affect Colombian society.

Two Afro-Creole communities are always subject of special attention when defining Afro-Colombians as an ethnic group: the *Raizales* and the *Palenqueros*. As the Colombian Ministry of Interior (1998) underscores, the Afro-Colombian *Raizales* (in San Andrés Island) are a "unique" ethnic community in the country. The *Raizales* speak both *bandé* (a language of African origin) and English, and have religious traditions that are not practiced anywhere else in the country. Despite the state recognition of the *Raizales*, their people are permanent victims of racist practices that have produced internalized racism problems among them. Some *Raizales* do not even speak Spanish, but they still hear from intellectuals that their (nation's) mother land is Spain, which tends to negatively affect their heritage as an ethnic community (Mitchell, 2002).

The heritage and history of the *Palenqueros* has also been ignored, even when the UN Educational, Scientific and Cultural Organization (UNESCO) declared this Afro-Colombian community as a patrimony of humanity. The *Palenqueros* live in *Palenque de San Basilio*, a small town founded by escaped slaves four centuries ago, which is well-known for being the first free town in the Americas. Central for this community is the language of *Palenquero*, the only Creole language in the Americas comprising a Spanish basis with some characteristics of Bantu languages (De Friedemann, 1993). The *Palenqueros*' language constitutes a vital factor reinforcing ethnic and socio-political cohesion among community members.

The *Palenqueros* are not only threatened by the market transformation, which shrinks local production modes, but also because the Colombian internal armed conflict is affecting their surroundings. Outside their small town, the *Palenqueros* are commonly subjected to racial discrimination and ethnic stereotyping leading to a denial of their cultural values. As UNESCO (2005) underlines, the increasing influence of commercial media and unsuited basic education and high school curricula are rapidly eroding the community's heritage, which leads to cultural homogenization.

In summary, Afro-Colombians are a "diverse" ethnic minority group. Their ancestors were (black) African slaves from several ethnic groups in Africa, who were brutally brought to the country against their will. As a direct result of racial discrimination and other serious human rights violations against them, many Afro-Colombians were

(are) affected by self-esteem problems and internalized racism. It should be underlined that both domestic and international human rights laws clearly establish that “Afro-Colombian” individuals have the right to not identify as an ethnic minority. Some Afro-Colombians have done that. Denying the African or Indigenous ethnic background is a common occurrence in certain places of the country. As a matter of fact, some Afro-Colombians feel that they are more likely to succeed socio-economically and politically when denying their ethnic origin. This is why it has been hard to empower Afro-Colombians based on their identity. Despite these historical obstacles, an Afro-Colombian identity-building process is growing stronger throughout the country, as argued below.

What is the Afro-Colombian Identity?

Individuals and groups create identities to live with their “own” personality. People, in fact, may have the opportunity to know and interact with other identities (Ramos, 2003). This is why there is an enormous diversity of identities, and it is not surprising to find cases of multiple identities at both personal and social levels. The multiple identities phenomenon is a common occurrence in many nations throughout the world. Jean-François Bayart (1996) also suggests that there are no ‘natural’ identities. He emphasizes that all identities, including the ethnic ones, are created and subjected to permanent transformation.

The Afro-Colombian case is a good example of the above approach to the study of identities. The Afro-Colombian identity is

essentially a response to the negative legacy of slavery and racism that Afro-Colombians’ ancestors faced. As evidenced above, the diversity among the Afro-Colombian communities is obvious. Nevertheless, their history of exclusion and marginalization has been notoriously similar. This history is directly related to racist practices and other human rights violations against them and constitutes the basis of their claims as an ethnic group.

The influence of the African-American identity discourse on Afro-Colombian leaders and organizations has been evident. The Afro-Colombian identity-building process was (is) fed by both this discourse and other ethnic minorities’ struggles at local, national, regional and international levels. Behind the Afro-Colombian identity discourse is a political strategy that looks for the end of racist practices and other human rights violations against people of African descent. This particular strategy is fed by collective memories that make it easier to promote and reinforce the social cohesion among the Afro-Colombian communities. Gonzalo Sánchez (1999) suggests that collective memories have been learned and transmitted through different cultural and socio-political mechanisms that inevitably influence Afro-Colombians’ aspirations and claims.

Collective memories include several historical facts that have characterized the Afro-Colombian struggle for human rights. It should be emphasized that these memories also serve as key references for the Afro-Colombian identity-building process. This process should not and cannot be classified ‘only’ as a political issue or ‘just’ as a matter

of cultural references. As Ramos (2003) points out, a one-dimensional approach to the study of identities of diverse communities, as occurs in the Afro-Colombian case, may be problematic.

To sum up, the Afro-Colombian ethnic identity, which is undoubtedly under both construction and transformation, can be defined as the self-awareness that many (not all) Afro-Colombians have in terms of their belonging to the diverse (people of African descent) group. This self-awareness is linked to different historical events and collective memories that make it possible to classify them as a 'Colombian' ethnic minority. It is important to say that it is correct to utilize the concept *Afro-Colombian ethnic identity*, while understanding not only the political strategy that exists behind it but also the goals of such a "recent" term. Among these goals, the effective implementation of human rights laws remains as a priority.

Afro-Colombians and the Domestic Human Rights Framework

Colombia is widely known for being the Latin American state that has ratified most international human rights treaties. Domestic laws have incorporated provisions of these human rights treaties. Those laws protect the Afro-Colombian population as an ethnic (minority) group. Although all human rights treaties have similar relevance, Afro-Colombians have based their struggle on eight of them, given their communities' interests and claims. These international human rights treaties and the

domestic laws¹⁰ which the State adopted are analyzed below:

First, and foremost, the Colombian State adopted the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), in October 1981, through Law 22 of 1981. Afro-Colombians still see this treaty (and Law 22) as their most important human rights instrument. It should be noted that both the ICERD and Law 22 emphasize that racist ideologies are dangerous for society, defend the ethnic (minority) groups and condemn racist practices against them. Nevertheless, the Colombian state continues to reject the legal role of the Committee for the Elimination of Racial Discrimination to examine communications from persons who have been victims of racial discrimination, in accordance with Article 14 of the ICERD. Article 14 states that those governments that have ratified the ICERD must assume their responsibility of rectifying the violations of the Convention. In light of this, Afro-Colombian human rights activists ask the following question: If there is no problem of racist practices in Colombia, as argued by the state, what is the fear of the government about recognizing the statement made in Article 14? To date, there has been no answer to this "controversial" question.

Second, the State adopted the International Labour Organization (ILO) Convention 169 Concerning Indigenous and Tribal Peoples, in August 1992, through Law 21 of 1991. It should be pointed out

¹⁰ For information on these human rights treaties and laws, see *Compilación de Instrumentos Internacionales*. Bogotá: United Nations, 2002.

that Afro-Colombians can utilize the ILO Convention 169 as a human rights instrument, since a big part of their coastal communities may fall in the 'indigenous and tribal peoples' category. Even though they cannot, strictly speaking, be considered 'original' inhabitants of "Colombian" territory, they have undoubtedly retained strong evidence of their African heritage in terms of ethnic characteristics, which can lead the State (based on Law 21 of 1991) to legally recognize them as 'indigenous or tribal peoples'. Some Afro-Colombian human rights advocates are currently working on this specific legal 'recognition' issue.

Third, the Colombian state adopted the International Covenant on Economic, Social and Cultural Rights (ICESCR), in March 1976, through Law 74 of 1968. Both the ICESCR and Law 74 promote assistance for marginalized communities like the Afro-Colombian ones. Also, Law 74 promotes the creation of other laws to defend these communities, for example, Law 70 of 1993 (Law of the Afro-Colombian Communities) and its regulatory decrees.¹¹

Fourth, the State adopted the International Covenant on Civil and Political Rights (ICCPR), in March 1976, through Law 74 of 1968 too. It should be noted that both the ICCPR and Law 74 establish that ethnic minorities (i.e., the Afro-Colombian communities) shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.

Fifth, the Colombian state adopted the

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), in February 1982, through Law 51 of 1981. This Law is extremely important for Afro-Colombian women, who are permanent victims of both racial and gender discrimination throughout Colombia. The "double discrimination" problem has significantly worsened their dramatic living conditions. This is the main reason why Afro-Colombian women are, in fact, the poorest persons in the country (Reales, 2005).

Sixth, the State adopted the Convention on the Rights of the Child (CRC), in January 1991, through Law 12 of 1991. The CRC is very important for Afro-Colombians as an ethnic (minority) group, given that their children's rights have been violated for decades. Although both the CRC and Law 12 promote the full enjoyment of minority rights, such as being able to practice one's own traditions, cultural expressions and languages, little has been done by the Colombian state to make effective these rights.

Seventh, the State adopted the American Convention on Human Rights (ACHR), in July 1978, through Law 16 of 1972. The ACHR is the most important regional human rights instrument that Afro-Colombians can use to support their struggle. Both the ACHR and Law 16 not only protect the economic, social and cultural rights of the ethnic minorities but also prohibit all forms of racial discrimination or racism against ethnic groups and individuals. This prohibition includes the total elimination of racist expressions and offensive stereotypes in the media and school books. However,

¹¹ Law 70 of 1993 and its regulatory decrees are extensively studied in the following pages.

those expressions and stereotypes are still common in Colombia, as evidenced in the following pages.

Eighth, the state adopted the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, known as Protocol of San Salvador, in November 1999, through Law 319 of 1996. Both the Protocol and Law 319 are useful human rights “tools” that have helped support the Afro-Colombians’ struggle for the respect of the economic, social and cultural rights in the country.

It should be underscored that the (new) Colombian Political Constitution establishes (in its Article 93) that international human rights treaties prevail at the national level. Article 93 emphasizes, in fact, that the rights protected by the Political Constitution must always be interpreted and fulfilled in accordance with the international human rights treaties adopted by the Colombian state. That is why many Afro-Colombian human rights advocates see in the international human rights laws a valuable and powerful instrument for their struggle.

The (new) Political Constitution also recognized that Colombia was (is) a multi-ethnic nation and included Article 55, an affirmative-action law for Afro-Colombians. This Article was ruled through Law 70 of 1993, known as Law of the Afro-Colombian Communities. In August 1993, this Law became the most important statute ever approved to benefit the Afro-Colombian communities as an ethnic (minority) group. Law 70 encourages the state to create

and implement human rights programs that exalt the Afro-Colombian heritage.

Law 70 is essentially a human rights statute. According to most researchers, Law 70 has brought several benefits for Afro-Colombians.¹² The most important benefit of Law 70 was (is) perhaps the official recognition of the right to own collective lands in the coastal areas of the Pacific region. Nonetheless, this benefit remains a controversial aspect of Law 70 because it did not include the so-called Afro-Colombian ancestral territories in the Caribbean region and San Andrés Island.

The promotion and protection of the Afro-Colombian identity and heritage is another benefit of Law 70. Even though there is still much to be done regarding this aspect, Law 70 gives to the Afro-Colombian communities sufficient (legal) tools to promote and exalt their diverse values, traditions and cultural expressions as an ethnic (minority) group. Also, Law 70 “guarantees” the protection of natural reservations areas where Afro-Colombians historically settled.

Law 70 of 1993 established the possibility of creating another affirmative-action law to promote the participation of Afro-Colombians in national politics as an ethnic group. After several years of human rights claims and political struggles, this possibility became a (legal) reality in 2000, when Law 649 of 2000 was approved. Law 649 established that the Afro-Colombian communities would always elect two Afro-Colombian congressmen for the House of

¹² For information on Law 70, see *Las comunidades negras. Nuevos espacios para la democracia participativa*. Bogotá: Ministerio del Interior, 1998.

Representatives (during the country's four year Congressional elections).

All Colombian citizens are qualified to vote for the candidates who want to occupy these two "ethnic" obligatory Congressional seats. Although the main objective of those two mandated Congressional seats was (is) to strengthen the political representation of the Afro-Colombian communities and their struggle for political and constitutional rights, the fact of having only two congressmen (out of three hundred and sixty seven parliamentarians) has not yielded any significant effect on the communities. In fact, this 'electoral benefit' has apparently had a negative impact on the so-called Afro-Colombian process of autonomous (ethnic) organization and has produced divisions among Afro-Colombian leaders and human rights activists. In any case, these "ethnic" seats are still seen as a political tool that may be utilized to empower the Afro-Colombian struggle for human rights in the future.

In order to improve Law 70, Afro-Colombian advocates promoted the approval of the following six regulatory decrees: (1) Decree 2249 of 1995, by which the State created the so-called *Academic Commission for the Afro-Colombian Communities*. This Commission has the responsibility of promoting the inclusion of Afro-Colombian studies in the curricula for basic, primary and secondary education, in collaboration with different state institutions and Afro-Colombian (non-governmental) organizations; (2) Decree 1627 of 1996, by which the state created the *Special Fund for Students Belonging to the Afro-Colombian Communities*. This Fund functions as a

loan program that supports the access of Afro-Colombians to the higher education system; (3) Decree 1122 of 1998, by which the State demands the integration of the *Afro-Colombian Studies Program* at all levels. This national Program seeks to exalt the Afro-Colombian history and heritage as a patrimony of all Colombians; (4) Decree 1745 of 1995, by which the Colombian state formally recognized the right of Afro-Colombians to collective lands (only in the Pacific region); (5) Decree 2314 of 1994, by which the state created the *National Commission Formulating the Afro-Colombian Development Plan*. This Plan was created to help improve the living conditions of the Afro-Colombian communities as an ethnic group; and (6) Decree 2248 of 1995, by which the state established the requirements for Afro-Colombian organizations to be legally recognized before government institutions.

It should be added that two more national laws benefit Afro-Colombians as an ethnic group. Soon after the approval of Law 70 of 1993, the Colombian state approved Law 115 of 1994, well-known as *National Law of Education*. This statute is relevant for Afro-Colombians since it promotes the creation of ethnic education programs and Afro-Colombian socio-cultural projects. The other statute that is key for Afro-Colombians is Law 725 of 2001, which is the most recently-approved law defending the Afro-Colombian contribution to the nation. In fact, Law 725 established the 21st of May as the *Day of Afro-Colombian Heritage*.¹³

13 On May 21 1851, the Colombian state approved the abolition of slavery.

The extensive human rights framework presented above protects Afro-Colombians as an ethnic group. Despite the existence of this framework promoting tolerance and respect for ethnic minorities, racial discrimination has persisted throughout Colombia for the last sixteen years. This is why there is still a full agenda to be pursued in studying the impact of racist practices and other human rights violations on the Afro-Colombian communities. As Pollis (2000) would say, examinations of the impact of living in an individually-based society and the linkage of minorities to the dominant culture are vital. This paper contributes to the existing literature on this topic since it explains in detail both the human rights situation of Afro-Colombians and the main challenges of their struggle for human rights (in the frame of the internal armed conflict), as evidenced below.

Racist Practices and the Afro-Colombian Communities

The last part of this paper presents a general examination of the violations of human rights suffered by the Afro-Colombian communities as an ethnic group over the last sixteen years. The result of this examination is the product of testimonies from Afro-Colombians, as well as official reports regarding human rights in the country. The examination also includes the significant impact of the internal armed conflict on “Afro-Colombian” regions and how this impact has dramatically increased the poverty level of the Afro-Colombian population.

The national socio-economic panorama reflects that most Afro-Colombians are

poor and that little has been done by the last four administrations (since 1991 to date) to address this issue. Moreover, as per the Afro-Colombian Plan of Development (1999), the illiteracy rates are higher among Afro-Colombian communities than among “Whites” and “Mestizos”, and the access to the higher education system is more limited for Afro-Colombian students, due to a lack of economic resources and racist practices. As a matter of fact, the possibility of finishing higher-education studies is minimal for the vast majority of Afro-Colombians and the quality of their schools is significantly lower than the national average (Cimarrón, 2004).

In terms of public health services, official sources confirm that there is an enormous difference between these services in the “Afro-Colombian” areas and the rest of the country. The access to such services is more restricted for Afro-Colombians, who usually have to face other problems such as a deplorable quality treatment and uncomfortable health centers. This situation has been confirmed by the Afro-Colombian communities throughout the country, clearly indicating that the socio-economic differences increase, when considering the ethnic background of its population. Most social inequalities in Colombia are caused not only by the illiteracy or ‘weak’ education status of the nation’s ethnic minorities but mainly because of the racial discrimination of which they are victims. This is why it is not surprising to see that inequalities decrease only slightly, when comparing Afro-Colombians and Mestizos with the same education level (Reales, 2005).

The ethnic background plays a determining role in terms of the access to the qualified labor market. It is very rare to see Afro-Colombians occupying public or private decision-making positions. Afro-Colombians even experience racist practices when applying for menial jobs that require no special skills or abilities (Bryan and Sánchez, 2003). Racism and racial discrimination against Afro-Colombians have persisted in spite of the domestic human rights framework protecting them as an ethnic minority. The undeniable racist environment has produced an extremely noxious economic impact on Colombian society at large, stunting social development for the nation and resulting in evident losses of economic productivity in the country, as numerous documents and reports from international financial institutions and social development experts indicate.¹⁴

It should be pointed out that for the last sixteen years both the state and the society have kept the same historical, racist idea of “white” and “mestiza” supremacy at both public and private levels. Afro-Colombian professionals are excluded from important positions. For instance, there are no Afro-Colombian persons occupying positions in the Executive Power; there are no Afro-Colombian justices in the highest courts of the republic; there are no Afro-Colombian ministers or vice-ministers; there are no Afro-Colombian ambassadors; and there are no Afro-Colombian generals or admirals in the Armed Forces.

¹⁴ For a discussion on the negative impact of racist practices on economic development and social progress in Latin America and the Caribbean, see Bello (2002), González (2004), Hopenhayn (2001), Oakley (2001), Sojo (2001), and Zoninsein (2001).

It is very important to underscore that racial discrimination is also seen at the private level, where Afro-Colombians are “invisible” (Cimarrón, 2004). Afro-Colombian persons are largely excluded from the loans market and scholarships to pursue advanced studies. Some private universities have sufficient financial resources to create affirmative-action programs and/or promote the education of Afro-Colombians, but these academic institutions are not interested in doing so, as they neither see racism as a structural problem nor as a grave human rights violation.

Despite the existence of anti-racist (human rights) laws, Colombian new generations continue being ‘educated’ under the influence of an education system that reproduces racial stereotypes and constantly discriminates against Afro-Colombians, thus teaching students of racist practices towards others. There have been many cases of Afro-Colombian children that have been victims of racial discrimination in their schools. Their own classmates insult them by using racist expressions, which frequently produces self-esteem problems.¹⁵

The racist ideology affecting the nation is also fostered by many Colombian families. What makes the Afro-Colombian case more complex is precisely the fact that most people do not see racism as a human rights issue. This is why racist stereotypes have been perpetuated, reinforcing Afro-Colombians’ social exclusion and lack of empowerment at all levels.

¹⁵ Betsy Romaña. Founder and Former Director of the Afro-Colombian Women’s National Network. Interview with the author, Medellín, March 2007.

It should be added that the media has probably been the main reproducer of racism and racial discrimination in Colombia. This has happened since the nineteenth century, when the press wrote numerous racist texts on African slaves and their descendants.¹⁶ Today, most national newspapers and television channels utilize discriminatory and offensive words to describe the Afro-Colombian communities, reproducing racist practices through language at all levels. Many people (including some Afro-Colombians) tend to repeat racist expressions used in TV commercials, soap-operas and press texts, without considering them, at all, deplorable. In short, the Colombian media have promoted the use of a racist language against Afro-Colombians, and there is no evidence indicating that they will end such use, which represents a permanent violation of both international and domestic human rights laws.

Armed Conflict and the Afro-Colombian Communities

Although the internal armed conflict in Colombia started in the 1950s, right after the assassination of Jorge Gaitán, a leftist political leader who was running for the presidency, the feelings of resentment and hatred that have fed it began at least two centuries ago. Some historians have underscored that these feelings are the consequence of the institutionalized violence and repression that characterized the country in the nineteenth century (Utria, 1999).

16 For a discussion on these racist articles, see Reales, 2001.

During the first half of the twentieth century, the Colombian elites systematically excluded peasants, Afro-Colombians and indigenous persons from the key decision-making spaces in the country, and political repression was a common occurrence. Gaitán then rose as the most charismatic leftist leader ever seen in the nation. He fought the regime for a decade. When the elites realized that Gaitán's growing power could overthrow the dominant regime, they assassinated him. Violent popular reactions to his assassination were seen throughout Colombia. A young Cuban student named Fidel Castro actively participated in this 'one-day war' against the regime, while participating in a meeting in Bogotá. Although it was just an anecdote for him, Castro later recognized that the spectacle created by those violent events exercised a great influence on his political behavior (Balfour 1995). A few years later, Castro overthrew the Cuban regime and became the main supporter of the Colombian insurgency at the international level.

The guerrilla groups were created in the late 1950s during the aftermath of the period known as 'La Violencia'. The Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN) became the most powerful guerrillas in the country. They grew stronger in rural areas where the Colombian state had limited presence or no presence at all. This is why both groups have socio-political and economic control over many peasants and towns in Colombia.

The groups also attacked possessions that belonged to rich farmers and landowners, while conducting kidnappings and extortion

activities. In the 1980s, these guerrilla groups were strengthened when they joined the drug trafficking business. Today, the guerrilla groups are both producers of coca and traffickers, as their commanders have stated to the media (Arce and Reales, 2006). For this reason, the Colombian insurgency is known as a 'narco-guerrilla'. Even though the drug industry did not create the guerrillas in Colombia, the drug trafficking business not only has strengthened these illegal armed groups but also seems to perpetuate their existence.

A response to the guerrillas' strengthening was the creation of paramilitary groups in the 1980s. These 'extreme right-wing' illegal groups, which violently defend their interests, grew stronger in the last decades with support of local politicians, landowners, and corrupt members of the Armed Forces. Most of these groups joined efforts to become the strongest illegal network ever seen in Colombia. In the 1990s they named themselves the United Self-Defense Forces of Colombia (AUC).

The AUC also got involved in drug trafficking activities, which made them powerful as well. From 1982 to date, both guerrillas and paramilitaries have been the main (non-state) violators of human rights in Colombia. This fact helps explain the significant relationship between political violence and drug trafficking (Arce and Reales, 2006) and why Colombia still has one of the highest political homicide rates in the world.

Over the years, the armed conflict between the illegal armed groups has contributed to worsening of the dramatic

socio-economic situation of the Afro-Colombian communities. The selective violence acts against Afro-Colombian human rights activists has increased through homicides and forced displacements. The communities have been threatened by the groups in conflict who see Afro-Colombians as an obstacle since they occupy strategic territories, such as the Pacific coastal areas, which are rich in natural resources and trade activities at both legal and illegal levels. The control of the illegal armed groups over the lands of Afro-Colombians also makes worse the violations of civil and political rights of the communities that are frequently victims of blockages, restrictions to people's mobilizations and access to basic medicines and food.

With more than 3.8 million people forced to flee their towns or provinces due to the armed conflict, political violence and anti-drug fumigation efforts, Colombia undoubtedly has the largest population of internally displaced people (IDPs) in the western hemisphere. According to the Afro-Colombian National Movement Cimarrón (2004), at least 50% of the IDPs are people of African descent. Nearly a third of that number became displaced since president Alvaro Uribe took office in 2002. In early 2004, Colombia's Constitutional Court found that the current state of human rights protection and assistance to IDPs, especially in "Afro-Colombian" areas, presented many problems. Although the current government raised its budget for the displaced after that ruling, more political will is needed to guarantee the rights of the displaced (Washington Office on Latin America, 2007).

Almost two million Afro-Colombians have been victims of the forced displacement, which also means violations of economic, political, social and cultural rights, if considering the “ancestral label” of their lands.¹⁷ The Afro-Colombian communities are also concerned about the way how some insurgents from the FARC have named their combat activities or troops with words related to the Afro-Colombian such as “cimarrones.” This makes even more vulnerable the extremely dangerous work of Afro-Colombian human rights advocates throughout the country.

It should be emphasized that the main victims of the Colombian armed conflict are the Afro-Colombian communities. What is worse, many Afro-Colombian children and teenagers are either forced to join the illegal armed groups’ troops or “voluntarily” join as a strategy to solve their socio-economic problems. There are no statistical studies or reports illustrating this terrible situation, but images from TV news confirm that illegal armed groups have done that with many young Afro-Colombians.

From the beginning of his presidential campaign, Alvaro Uribe emphasized that he would be willing to negotiate peace with the illegal groups in conflict, if, and only if, they agreed to end the so-called “narco-terrorist” actions. Nevertheless, both guerilla groups and paramilitaries, kept feeding the conflict with support of drug traffickers, corrupt politicians, and rich farmers. On May 2, 2002, the massacre of Bojayá, the worst massacre in Colombian history, took place. This massacre was the consequence

of a combat between the FARC and the AUC. One hundred and nineteen civilians, who were hidden in a Roman Catholic Church to avoid the cross-fire, were literally bombed that day. All the victims were Afro-Colombians, including some pregnant women and children (Cimarrón 2004). This massacre was (is) the worst infraction ever to the international humanitarian laws ratified by the Colombian state.¹⁸

In summary, despite the extensive domestic framework that aims to protect human rights of Afro-Colombians as an ethnic minority group, the last four governments have failed to implement the human rights treaties ratified by the Colombian state. These governments have also failed by ignoring the permanent recommendations of the UN Office of the High Commissioner for Human Rights in Bogotá, which has sought to protect Afro-Colombians from violations of human rights, including racist practices at both public and private levels.

The current government, which has declared itself as a protector of the international human rights and international humanitarian law norms ratified by the Colombian state, and which is fully aware of the disadvantageous socio-economic situation of the Afro-Colombian communities as an ethnic minority group, still “dedicates” less than one page to their situation in its Human Rights Annual Reports. These official reports, that usually have more than 180 pages, describe the situation of the Indigenous groups in more depth, while

17 For information on IDPs and “ancestral” lands in Colombia, see Cimarrón (2004) and WOLA (2007).

18 The Colombian state adopted the Geneva Conventions in 1962, through Law 5 of 1960; and their Additional Protocols in 1996, through the Law 171 of 1994. Note: For a discussion on this topic, see Cimarrón, 2004.

ignoring crucial information on the human rights situation of Afro-Colombians.

Finally, the lack of state interest in the Afro-Colombian situation was confirmed by the closing of the so-called 'Office of the Afro-Colombian Communities', the only public office that addressed Afro-Colombian issues. This Office, created in the 1990s after the approval of Law 70, was eliminated to establish the new 'National Direction of Ethnic Groups', which did not demonstrate a strong commitment to Afro-Colombians.

The decision of eliminating the Office of the Afro-Colombian Communities as it was structured, had a negative impact on the Afro-Colombians' process of ethnic organization. As Diène (2004) would note, Afro-Colombians need to have an institution that addresses their issues, while promoting the creation of effective tools to eliminate racism in the country.¹⁹

Conclusion

Although there is an extensive domestic human rights framework that protects Afro-Colombians as an ethnic group, this historically-marginalized population apparently requires the creation of specific and effective laws that help recognize (and punish) the existing racist practices when they occur.

As most Afro-Colombian human rights activists and leaders declare (Reales, 2005),

19 As a result of both national and international pressures, the Afro-Colombian Communities Office was created again during President Uribe's second term, but it has not brought any empowerment to Afro-Colombians yet.

these laws should start with the approval of a special statute against racial discrimination and racism, which promotes the creation and empowerment of a national commission or program on the elimination of all forms of racial discrimination in the country, that interacts with both public and private organizations.

That commission would encourage the government to accept the competence of the Committee for the Elimination of Racial Discrimination to examine communications from people that have been victims of racist practices and abuses, in accordance with Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination.

As a result of the above practices, many Afro-Colombians do not identify themselves as such. This is one of the main reasons why Afro-Colombian community leaders and human rights activists are still working on the construction of an ethnic identity discourse that helps them unite their human rights and political efforts as a group. However, these efforts are not enough.

As Reales (2005) points out, Afro-Colombians need the government to implement a political and intellectual strategy to end racial discrimination against them, in order to help promote their political and social empowerment, and effectively protect the ethnic diversity proclaimed in the National Constitution.

In order to overcome racist practices and other human rights violations affecting Afro-Colombians in the frame of the internal armed conflict, both Afro-Colombian

human rights activists and government officials should demand that all the actors involved in the armed conflict stop targeting the Afro-Colombian communities. Otherwise, and despite the human rights laws studied in this paper, Afro-Colombians will continue to be in serious danger of disappearing as an ethnic minority group.

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